

U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

Documents and other information submitted for these applications are available for review by any party who submits a written request to the U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Rm 700, Arlington, Virginia 22203. Phone (703) 358-2104 or Fax (703) 358-2281.

Dated: July 2, 1999.

**Pamela Hall,**

*Acting Chief, Branch of Permits, Office of Management Authority.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### **Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); Eleventh Regular Meeting; Proposed Resolutions and Agenda Items Being Considered; Species Being Considered for Amendments to the CITES Appendices; Public Meeting; Observer Information**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice.

**SUMMARY:** 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 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 eleventh regular meeting of the Conference of the Parties to CITES (COP11) will be held at the United Nations Environment Programme (UNEP) Headquarters in Nairobi, Kenya, April 10-20, 2000.

With this notice we:

(1) List potential proposed resolutions and agenda items that the United States is considering submitting for consideration at COP11;

(2) List potential proposed amendments to the CITES Appendices (species proposals) that the United States is considering submitting for consideration at COP11;

(3) Invite your comments and information on these potential proposals;

(4) Announce a public meeting to discuss these potential proposals; and  
(5) Provide information on how non-governmental organizations based in the United States can attend COP11 as observers.

**DATES:** The public meeting will be held on July 28, 1999, at 1:30 P.M. We will consider written information and comments you submit concerning potential species proposals, proposed resolutions, and agenda items that the United States is considering submitting for consideration at COP11, and other items relating to COP11, if we receive them by September 7, 1999.

**ADDRESSES:** The public meeting will be held in the Large Buffet Room of 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 Office of Management Authority or the Office of Scientific Authority (see **FOR FURTHER INFORMATION CONTACT**, below). Please note that the 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. Persons planning to attend the meeting who require interpretation for the hearing impaired should notify the Office of Management Authority or the Office of Scientific Authority as soon as possible.

Comments pertaining to proposed resolutions and agenda items should be sent to the Office of Management Authority; U.S. Fish and Wildlife Service; 4401 North Fairfax Drive; Room 700; Arlington, VA 22203, or via E-mail at: r9oma\_cites@fws.gov. Comments pertaining to species proposals should be sent to the Office of Scientific Authority; U.S. Fish and Wildlife Service; 4401 North Fairfax Drive; Room 750; Arlington, VA 22203, or via E-mail at: r9osa@fws.gov. 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 Office of Management Authority or the Office of Scientific Authority.

**FOR FURTHER INFORMATION CONTACT:** Office of Management Authority, Branch of CITES Operations, phone 703/358-2095, fax 703/358-2298, E-mail: r9oma\_cites@fws.gov; or Office of Scientific Authority, phone 703/358-1708, fax 703/358-2276, E-mail: r9osa@fws.gov.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249, 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, copies of which are available from the Office of Management Authority or the Office of Scientific Authority at the above addresses, from our World Wide Web site <http://www.fws.gov/r9dia/applinks.html>, or from the official CITES Secretariat Web site at <http://www.wcmc.org.uk/CITES/english>. Currently, 145 countries, including the United States, are Parties to CITES. CITES calls for biennial meetings of the Conference of the Parties, which review its implementation, make provisions enabling the CITES Secretariat in Switzerland to carry out its functions, consider amendments to the list of species in Appendices I and II, consider reports presented by the Secretariat, and make recommendations for the improved effectiveness of CITES. Any country that is a Party to CITES may propose amendments to Appendices I and II, resolutions, and agenda items for consideration by the other Parties. Only Party countries may submit species proposals, resolutions, and agenda items for consideration at the meeting of the Conference of the Parties. Accredited non-governmental organizations may participate in the meeting as approved observers, and may speak during sessions, but may not vote.

This is our fourth in a series of **Federal Register** notices that, together with announced public meetings, provide you with an opportunity to participate in the development of the United States' negotiating positions for the eleventh regular meeting of the Conference of the Parties to CITES (COP11). We published our first such **Federal Register** notice on January 30, 1998 (63 FR 4613), and with it we requested information and recommendations on potential species amendments for the United States to consider submitting for discussion at COP11. Information on that **Federal Register** notice, and on species amendment proposals, is available from the Office of Scientific Authority at the above address. We published our second such **Federal Register** notice on September 4, 1998 (63 FR 47316), and with it we requested information and recommendations on potential resolutions and agenda items for the United States to consider submitting for discussion at COP11. You may obtain information on that **Federal Register**

notice, and on proposed resolutions and agenda items, from the Office of Management Authority at the above address. We published our third such **Federal Register** notice on February 26, 1999 (64 FR 9523), and with it we announced the time and place of COP11, announced the times and places for the next meetings of the CITES Animals and Plants Committees, and announced a public meeting to discuss issues that will be raised at the Animals and Plants Committee meetings. You may locate our regulations governing this public process in 50 CFR §§ 23.31–23.39.

### **I. Recommendations for Resolutions and Agenda Items for the United States to Consider Submitting at COP11**

In our **Federal Register** notice published on September 4, 1998 (63 FR 47316), we requested information and recommendations on potential resolutions and agenda items for the United States to consider submitting for discussion at COP11. We received recommendations for resolutions and agenda items from the following organizations or individuals: Animals of Montana, Inc.; Center for International Environmental Law; Earthtrust; Feld Entertainment, Inc.; Institute for Conservation Education and Development of Antioch University Southern California; International Wildlife Coalition; Kay Rosaire's Big Cat Encounter; Riverglen Tigers; Safari Club International; Species Survival Network; Steve Martin's Working Wildlife; and The Hawthorn Corporation.

We considered all of the recommendations of the above organizations and individuals when compiling a list of possible resolutions and agenda items that the United States might submit for consideration by the Parties at COP11. We also considered all of the recommendations of the above organizations and individuals when compiling a list of resolutions and agenda items for consideration at COP11 that the United States is either not considering submitting at this time, plans to address in ways other than through draft resolutions or agenda items, or is currently undecided about submitting. There are some issues for which we may consider submitting documents, depending on the outcome of discussions in the Animals, Plants, and Standing Committees.

We welcome your comments and information submissions regarding the resolutions and agenda items that the United States might submit, those that the United States is currently not planning to submit, or those that the

United States is currently undecided about submitting.

#### *A. What Resolutions and Agenda Items is the United States Considering Submitting for Consideration at COP11 or Considering Supporting at COP11?*

##### 1. Establishment of a Simplified System to Transport Crocodylian Swatch Samples Across International Borders

The CITES Parties have encouraged the ranching and farming of a number of species, particularly crocodylians. This has resulted in significant progress in protecting certain species and in species' recovery. The United States would like to explore ways to facilitate legitimate trade in specimens of ranched and captive-bred crocodylians. Sample pieces of crocodylian skins are used to provide a buyer or potential buyer a way to determine the quality of tanning and the appearance of the various dyes used to color the skins. Although the samples themselves are not for sale, they are used to generate sales. The international movement of these samples generates considerable paperwork for both the importing and exporting countries and may result in delays for the importer and/or exporter. We are considering submitting a proposed resolution that would establish a system to allow sample pieces of crocodylian skins that would not be sold to be transported to or through any CITES country. We believe such a system could facilitate legitimate trade in certain crocodylian species, while maintaining strict permitting requirements for commercial trade in products.

We are planning to ask another crocodylian range country to co-sponsor such a resolution with the United States and are considering presenting a draft for review at the next meeting of the Animals Committee in July 1999. The United States will make its decision on whether to submit this resolution for consideration at COP11 after the Animals Committee meeting and will base its decision on the results of the Animals Committee's discussions of the issue.

##### 2. Trade in African Bushmeat

The International Wildlife Coalition and the Institute for Conservation Education and Development of Antioch University Southern California recommended that the United States submit an agenda item addressing African bushmeat trade. Both commenters pointed out that an increasing number of conservation organizations and wildlife researchers are concerned about the growing food trade for Central and West African

wildlife species (both non-CITES and CITES listed). Both commenters expressed concern about the impact of bushmeat trade on African elephants and primates, especially the great apes. One estimate suggests that more than 2,000 gorillas and 4,000 chimpanzees are killed annually by bushmeat hunters.

We recognize that international commercial trade in bushmeat is a growing conservation concern. We believe that CITES is an appropriate arena for discussing the movement of bushmeat of CITES-listed species across country borders. The United States is considering submitting a discussion paper on the commercial African bushmeat trade and plans to seek one or more co-sponsors in submitting the paper. In addition, the United States plans to encourage the African range states involved in the bushmeat trade to convene a regional meeting to discuss the issue.

##### 3. Recognition of the Important Contribution Made by Observers to the CITES Process

We received a comment from the International Wildlife Coalition requesting that we submit a resolution for consideration at COP11 recognizing the important contributions made by observers to the CITES process and affirming that observer participation in COPs is vital to the ability of the Conference of the Parties to discuss issues with the fullest possible available information. The International Wildlife Coalition expressed their concerns about the limited level of participation afforded observers in Committee I at the tenth meeting of the Conference of the Parties (COP10).

We agree that the participation of observers in the discussions of issues at COPs is essential. For many of the issues submitted for discussion at COPs, the greatest level of expertise is within the community of non-governmental organizations that attend as observers. Therefore, the United States is considering submitting a discussion paper on this issue for consideration at COP11, which it would present under the agenda item entitled "Admission of Observers," which is a standard agenda item raised at the beginning of each COP.

##### 4. Synergy with FAO

The United States is very supportive of synergy and cooperation with international organizations, including the United Nations Food and Agriculture Organization (FAO). The United States proposes to submit a discussion paper to COP11 to promote

synergy and cooperation between CITES Parties and the FAO in the implementation of FAO plans of action on "seabirds, sharks and over-capacity," and the review of CITES listing criteria. The United States proposes to submit this paper under the agenda item "Co-operation/synergy with Other Conservation Conventions and Agencies." We expect the Secretariat to include this agenda item on the provisional agenda for COP11 pursuant to Decision 10.63.

At its February 1999 meeting, the FAO Committee on Fisheries endorsed, for adoption by the FAO Conference in late 1999, plans of action to reduce seabird by-catch, conserve sharks, and manage fishing fleet overcapacity. The three action plans are global tools for implementing parts of the FAO Code of Conduct for Responsible Fisheries, and their approval has been a major U.S. objective since 1997. These voluntary plans of action will be implemented through national plans of action developed by FAO member states. The plans of action are available on the FAO Website at <http://www.fao.org>.

Many CITES Parties are also Members of FAO. In its discussion paper on this issue, the United States will call upon Parties to expeditiously implement the FAO plans of action and to examine areas of cooperation between CITES and the FAO in this endeavor.

The Sixth Session of the FAO Committee on Fisheries (COFI), Sub-Committee on Fish Trade, in June 1998, proposed that FAO initiate a scientific review of CITES listing criteria as they might apply to large-scale commercially harvested species, beginning with an ad hoc group to make suggestions on how such a process of scientific review might best be pursued. The ad hoc group met in November 1998, and produced a report for COFI. In that report, it recommended that FAO convene a scientific review process of the CITES listing criteria, leading to the development of recommendations to modify, if necessary, the existing CITES criteria. Those recommendations will be presented to CITES through the CITES Standing Committee.

In Resolution Conf. 9.24, the CITES Parties recommended: "\* \* \* that the text and the annexes of this Resolution be fully reviewed before the twelfth meeting of the Conference of the Parties (COP12) with regard to the scientific validity of the criteria, definitions, notes and guidelines and their applicability to different groups of organisms." The CITES listing criteria in Conf. 9.24 were designed to cover all flora and fauna, but it was clear from the extensive discussions prior to and at the ninth

meeting of the Conference of the Parties (COP9) that taxon-specific criteria could be beneficial. It was agreed that development of such taxon-specific criteria would best take place after the Parties had experience (two COPs) utilizing the new criteria in Conf. 9.24. At its 41st meeting in February 1999, the Standing Committee discussed this issue, and agreed that this should be a CITES-driven process, with leadership and direction from the Animals and Plants Committees. The United States concurs with that view. The Standing Committee agreed that the Chairs of the Animals and Plants Committees should be asked to prepare terms of reference for the review of the criteria (as spelled out in Conf. 9.24), and report these terms of reference to COP11. The Chairs of the Animals and Plants Committees will also be asked to oversee this review, to consider findings and develop any recommendations for consideration at the twelfth meeting of the Conference of the Parties (COP12). The Standing Committee encouraged the Committee Chairs to "consult with international technical bodies, such as FAO and COFI, but to ensure that the work plan for this effort must remain a CITES process." The United States will encourage cooperation with FAO on any review of the CITES listing criteria for marine fish through this proposed discussion paper.

#### 5. Reaffirmation of the Synergy Between CITES and the IWC

We received a comment from the Species Survival Network requesting that we submit a resolution reaffirming the relationship between CITES and the International Whaling Commission (IWC). The United States, under the agenda item "Co-operation/synergy with Other Conservation Conventions and Agencies," which we expect the CITES Secretariat to include on the provisional agenda for COP11 pursuant to Decision 10.63, intends to inform the Conference of the Parties of an important resolution on this topic which was overwhelmingly adopted at the 51st Meeting of the IWC, in Grenada, May 23-27, 1999. The resolution, IWC/51/43, directs the IWC Secretariat to advise the CITES Conference of the Parties that the IWC has not yet completed a revised management regime which ensures that future commercial whaling catch limits are not exceeded and whale stocks can be adequately protected. The resolution further directs the IWC Secretariat to advise the CITES Conference of the Parties that zero catch limits are still in force for species of whales which are managed by the IWC.

The United States also notes that Resolution Conf. 2.9, "Trade in Certain Species and Stocks of Whales Protected by the International Whaling Commission from Commercial Whaling," was overwhelmingly reaffirmed by COP10 in 1997 by the defeat of a draft resolution proposed by Japan to repeal this resolution. At the 50th meeting of the IWC subsequent to COP10, the IWC passed a resolution that expressed its appreciation for the reaffirmation of this link between the IWC and CITES. IWC resolution IWC/51/43 also welcomes the CITES COP10 decision "to uphold CITES Resolution Conf. 2.9." For clarification, Conf. 2.9 calls on the CITES Parties to "agree not to issue any import or export permit, or certificate for introduction from the sea \* \* \* for primarily commercial purposes for any specimen of a species or stock protected from commercial whaling by the International Convention for the Regulation of Whaling." The United States intends to submit this important IWC resolution to the CITES Secretariat for distribution to the Parties at COP11.

#### 6. Introduction from the Sea

At the 14th Meeting of the CITES Animals Committee, held in Caracas, Venezuela, in June 1997, the government of Australia presented a document on Implementation of Articles IV(6) and IV(7) (Introduction from the Sea). At the suggestion of the government of Australia, an informal Working Group, consisting of the governments of Australia, Japan, and the United States, was formed to examine this complex matter in more detail, with the understanding that the Group would decide whether to report back to the Committee at its next meeting. The government of Australia is coordinating this discussion. The U.S. Government, led jointly by the National Marine Fisheries Service and the U.S. Fish and Wildlife Service, working with the Department of State, has participated in an exchange of letters with the government of Australia expressing U.S. views on this topic. The U.S. comments on this issue have focused on practical solutions to potential problems related to implementation of the provisions of the Convention for CITES-listed species taken in the marine environment, particularly outside the jurisdiction of any country, including but not limited to implementation of both Articles IV and XIV. Australia has indicated that, based on discussions of the informal Working Group, they intend to submit the topic for discussion at COP11. The United States intends to continue to participate in discussions of this issue

and, if acceptable progress is made, expects to be in support of the results of the discussions. If expected progress is not made, however, the United States will consider whether it should develop its own proposed resolution on these issues for consideration during COP11.

#### 7. Use of Annotations in the Appendices

We consider the issue of the use of annotations in the Appendices to be one of the most important for consideration at COP11. We received comments from the following organizations, recommending that we submit a resolution to clarify the criteria to be used when transferring populations or species from Appendix I to II with a product annotation: the Center for International Environmental Law; the International Wildlife Coalition; and the Species Survival Network. We also received comments from Safari Club International requesting that we work to preserve the flexibility of CITES through the use of annotations. All of these organizations provided useful information on the annotations issue, which was considered in developing our views on this issue.

Annotations are footnotes in the CITES Appendices that are being used by the CITES Parties for a number of purposes. In recent years, they are increasingly used when species or geographically distinct populations of species are transferred from Appendix I to II with an annotation; the annotation specifies that certain parts, products, or specimens are allowed to be traded under the provisions of Appendix II, whereas other parts and products are still treated as Appendix-I species. Such downlistings can serve a conservation purpose, but the United States and many other countries are quite concerned that there are no criteria or guidelines in place for the Parties on how to use, adopt, or amend these annotations. For example, there are annotations of this kind for the Appendix II listing of the African elephant in Zimbabwe, Botswana, and Namibia. A great deal of confusion arose at and after COP10 as to what products can or cannot be traded under that annotation. The United States has taken an active leadership role on this issue. At COP10, the Parties adopted Decision 10.70, which directed the Standing Committee to do the following: "Ways and means of clarifying legal and implementation issues related to the use of annotations in the Appendices shall be considered and a report shall be presented at the 11th meeting of the Conference of the Parties." At its 40th meeting in March 1998, the Standing Committee established a Working Group

to explore this issue and develop a draft resolution for submission to COP11. The United States participated in that Working Group, along with Switzerland (Chair), Argentina, Canada, Germany, and Namibia. The Working Group corresponded via E-mail on the issue, and met at the 41st meeting of the Standing Committee in February 1999. A consensus draft resolution was presented to the Standing Committee by the Working Group. The Standing Committee endorsed the text, and agreed to submit it to the Conference of the Parties for their consideration at COP11. The full text is available upon request from the Office of Scientific Authority.

Key elements of the draft resolution include: (1) A differentiation between annotations that are for reference purposes only and those that are substantive, integral, and obligatory parts of a species' listing in the Appendices; (2) clarification that any proposal to introduce, amend, or delete substantive annotations must follow the provisions of the CITES listing criteria (Resolution 9.24), and can only be approved by a vote of the Conference of the Parties; (3) clarification that specimens containing parts or products of the species that are not specifically included in a substantive annotation for Appendix II should be considered to be retained in Appendix I, and should be subject to all of the provisions of CITES Article III; (4) requirement that Parties submitting proposals with substantive annotations should clearly specify what is meant by all aspects of the annotation, including what can and cannot be traded commercially; (5) requirement that proposals for such annotations should not become effective if the Party has entered a reservation for the species, unless the Party agrees to remove its reservation within 90 days of the close of that COP; and (6) direction to the Secretariat to investigate any information on increases in illegal trade or poaching of species subject to such annotations, and to report its findings to the Standing Committee.

The United States is pleased with the draft resolution, as an important consensus of the Standing Committee, and proposes to support it at COP11. We welcome your comments on the document.

#### 8. Transborder Movements of Live Animals for Exhibition Purposes

At COP10, the Parties adopted Decision 10.142, directing the Secretariat to prepare recommendations on transborder movements of live animals for exhibition to simplify transborder movements of live animals

traveling to other countries for exhibition purposes; register and identify live animals used in exhibitions; and present documents and animals to appropriate border control officers when traveling to other countries for exhibition purposes. At the 40th meeting of the Standing Committee in March 1998, the Committee agreed to establish an informal Working Group to focus on drafting recommendations. The members of the Working Group—the United States (Chair), Germany, Switzerland, and the Secretariat—have been working on draft language based on revising current Resolutions Conf. 8.16 (Travelling Live-Animal Exhibitions) and Conf. 10.20 (Frequent Transborder Movements of Personally Owned Live Animals).

We received comments from six organizations—Animals of Montana, Inc.; Feld Entertainment, Inc.; The Hawthorn Corporation; Kay Rosaire's Big Cat Encounter; Riverglen Tigers; and Steve Martin's Working Wildlife—that would like to see the development of a simplified, more workable system for the registration and movement of traveling live animal exhibitions that has adequate safeguards to prevent illegal trade in or laundering of wild animals. Comments included the following suggestions: adopt a specimen-based passport-type system; require marking by microchip or tattoo of animals in exchange for granting a lifetime CITES certificate; eliminate the publication in the **Federal Register** of a notice of receipt of applications for public comment for endangered species; use the U.S. Department of Agriculture's exhibitors license in lieu of CITES permits; establish a registration/certification system; and exempt captive-bred tigers and pre-Convention elephants from CITES regulation. Although we recognize the need for simplified procedures, we are only considering those comments that have a legal basis under the U.S. Endangered Species Act and meet the provisions of CITES. Thus, we have forwarded to the Working Group suggestions about a passport-type system and a review of marking requirements. Because the United States is participating in the Working Group, we anticipate that the United States will most likely be able to support what the Secretariat recommends to the Standing Committee. Thus, we are not planning to submit our own separate resolution to COP11.

*B. What Resolutions and Agenda Items is the United States Currently Not Planning To Submit for Consideration at COP11 or Undecided About?*

1. Preparation of Standards for Making Non-detriment Findings

We received comments from the Center for International Environmental Law and the International Wildlife Coalition recommending that we submit a resolution on standards for the issuance of non-detriment findings. The CITES Treaty requires scientific non-detriment findings for all exports and introductions from the sea for CITES-listed species, and for all imports of Appendix-I species. We are highly committed to the issuance of 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 issuance of non-detriment findings. Towards that end, the United States worked closely with the IUCN—the World Conservation Union, which convened an international Workshop to Develop Guidance on the Making of Non-Detriment Findings, in Hong Kong in October 1998. The United States provided funding for the Workshop through the U.S. Department of State's annual funding to IUCN. Our Office of Scientific Authority was an invited speaker at the Workshop, which was the first-ever opportunity to develop an international consensus on the CITES scientific decision-making process. The Workshop was very productive, and produced a useful report, which may lead to a document to be presented to COP11 for further discussion. The CITES Secretariat and Animals and Plants Committees will be involved in this process as well. However, the United States does not believe that it would be useful to submit a resolution at this time, and prefers instead to work through the aforementioned process.

2. Captive Breeding

At COP10 in June 1997, the Parties discussed the issue of registration of facilities breeding Appendix-I species in captivity for commercial purposes, and whether there was a need to amend or revise Resolution Conf. 8.15. This issue pertains to implementation of Article VII of the CITES Treaty. At COP10, the Parties adopted Decision 10.77, which charged the Animals Committee to "examine the effectiveness of and the need for the existing registration system for operations breeding specimens of Appendix-I species in captivity for

commercial purposes." The same Decision also called upon the Animals Committee to consider the proposed definition of "bred in captivity for commercial purposes." The issue was discussed at length at the 14th meeting of the CITES Animals Committee held in Caracas, Venezuela, in June 1997. The Animals Committee meeting participants agreed by consensus to a number of elements of any revision of Conf. 8.15 pertaining to the registration of facilities. At that meeting, the Chair of the Committee appointed a Working Group to examine Resolution Conf. 8.15 and draft a revised resolution from recommendations agreed upon at the 14th Meeting. Germany was asked to chair this Working Group and the United States was asked to participate. The Working Group was asked to report back to the 15th meeting of the Animals Committee. The Chair of this Working Group has circulated drafts to Working Group members for comments. The U.S. Government, represented by the U.S. Fish and Wildlife Service's Office of Management Authority and Office of Scientific Authority, has participated actively in an exchange of letters with the Working Group Chair expressing U.S. views on this topic. The U.S. comments on this issue have focused on practical solutions to problems related to the registration of commercial breeding operations, including streamlining the process when feasible, allowing for and encouraging range state consultation, and defining what breeding for commercial purposes is, while at the same time supporting the consensus views of the Animals Committee meeting participants (as expressed in Venezuela in June 1997). The Chair of the Working Group has provided a draft resolution, based on comments received from the Working Group, to the CITES Secretariat. The Secretariat has requested additional comments that it will consider in preparing a document to be discussed at the 15th meeting of the CITES Animals Committee to be held in Madagascar in July 1999. The Animals Committee intends to submit a draft revision of Resolution Conf. 8.15 for discussion by the Parties at COP11. The United States intends to continue to participate in discussions of this issue and, if acceptable progress is made, expects to support of the results of the discussion.

3. Definition of the Term "Hunting Trophy"

The Center for International Environmental Law submitted comments that provided a suggested definition of "sport-hunted trophy" and recommended that the United States

submit a resolution to amend Resolution Conf. 2.11 (Rev.) on Trade in Hunting Trophies of Species Listed in Appendix I. Several resolutions (Conf. 2.11 (Rev.), Conf. 10.14, and Conf. 10.15) and annotations to the Appendices (i.e., specified populations of southern white rhinoceros and African elephant) refer to hunting trophies without defining that term. This creates implementation problems and opens the possibility of trade in hunting trophies of Appendix-I and Appendix-II species for primarily commercial purposes. We agree that a definition would assist Parties in implementing the CITES Treaty. However, the United States is currently undecided on whether to develop such a resolution for COP11. We believe that this issue warrants further discussion and we welcome draft language or comments.

4. Possible Illegal Trade in Appendix-I Southeast Asian Freshwater Turtles for the East Asian Food Market

Reports from U.S. scientists working and traveling in Asia suggest that there is a very large international trade in live freshwater turtles for East Asian food markets. International reports also document Southeast Asian government interceptions of very large shipments of protected or regulated live freshwater turtles, without the appropriate documentation, being exported to supply this market. Since many of the turtles reported in these markets and in trade are believed to be CITES Appendix-I and Appendix-II species, we are seeking public comment on options within CITES to review this situation and consult with range and consuming countries on this issue.

5. Establishment of a Neutral Parliamentary and Adoption of a Guide to the Rules of Procedure

We received comments from two organizations concerning procedures for conducting COPs. The Center for International Environmental Law submitted a draft Guide to the Rules of Procedure and draft text for a resolution that would establish a neutral parliamentarian to assist in interpreting the Rules of Procedure at COPs. Safari Club International wrote in support of continuing the option of voting by secret ballot at COPs.

The United States agrees that CITES would be best served if the Rules of Procedure were applied consistently at COPs. However, we believe that it is the responsibility of the CITES Secretariat to function at COPs as a neutral adviser to the Chairs of the Plenary, Committee I, and Committee II regarding the Rules of Procedure. The United States feels

that establishing a parliamentarian is unnecessary. Establishing a neutral parliamentarian would require amending the Rules of Procedure, which cannot be done by resolution. The appropriate venue for amending the Rules of Procedure is in Plenary session when the Parties consider adoption of the Rules as one of the first orders of business at a COP.

CITES Notification to the Parties No. 1998/18 asked the Parties to submit to the Secretariat comments and suggestions on improving practical and procedural arrangements for COPs. In written comments submitted to the Secretariat in response to Notification No. 1998/18, the United States suggested actions that the Secretariat could take to dispel some of the confusion evident at COP10, including briefing or training the COP Chairs prior to commencement of a COP, and preparing a Guide to the Rules of Procedure with the assistance of the United Nations Office of Legal Counsel.

With regard to secret ballots, the United States feels that their excessive use at COP10 precluded meaningful debate on many issues and did not foster transparency in the decision-making process. The United States prefers that, with the exception of the vote for the host country of the next meeting, secret ballots be eliminated at CITES meetings or made more difficult to obtain.

The United States believes that the best strategy for addressing these and other procedural issues is for the Secretariat to review all the comments submitted in response to CITES Notification No. 1998/18, including those submitted by the United States, and to take these comments into consideration in its preparations for COP11. The Secretariat intends to present a document on this issue for discussion at the 42nd meeting of the Standing Committee in Lisbon, Portugal, in September 1999. This document will discuss the intention of the Secretariat to review and, where appropriate, revise practical and procedural arrangements for future COPs. The United States will review the Secretariat's recommendations, taking into account discussions of the document at the Standing Committee meeting, and will decide whether to support the Secretariat's recommendations or consider raising procedural issues on its own under the COP11 "Rules of Procedure" agenda item.

#### 6. Reaffirmation of the Preamble to CITES

We received comments from the International Wildlife Coalition

recommending that the United States submit a resolution to reaffirm the Preamble to the CITES text. They noted in their comments that the Study of the Effectiveness of the Convention, adopted at COP10, showed that a majority of the Parties believe CITES to be the best and most flexible instrument available for protecting species from over-exploitation in international trade. The International Wildlife Coalition also noted that reaffirming the CITES Preamble would assure the world that the Parties remain committed to the goals of CITES.

Recognizing that the CITES Effectiveness Study has already shown that the Parties believe CITES to be the best and most flexible instrument available for protecting species from over-exploitation through international trade, the United States does not believe it is necessary to submit a resolution to reaffirm the Preamble at this time. It would be inconsistent with international law to submit or adopt such a resolution.

#### 7. Amend the CITES Preamble to Invite Participation of Religious Environmental Leaders and Organizations

The Institute for Conservation Education and Development of Antioch University Southern California submitted to us a draft agenda item calling for an amendment to the CITES Preamble. The proposing organization would like to see the CITES Preamble amended to invite the participation of religious environmental groups as well as encourage the development of religious and spiritual alternatives to exploitation of endangered wildlife. The 1997 Study of the Effectiveness of the Convention demonstrated that the majority of the CITES Parties believe that the text of the Convention should not be amended, and to do so would be logistically difficult and expensive. The United States concurs with this view.

However, the Convention currently provides for non-governmental observer participation at meetings of the Conference of the Parties, and all technically qualified non-governmental groups are invited to participate as approved observers. We encourage all interested environmental groups, including those with religious approaches to conservation, to pursue this avenue to participate in COPs.

#### 8. Clarification of the Difference Between CITES Decisions and Resolutions

We received comments from the Center for International Environmental Law and the Species Survival Network

recommending submission of a draft resolution clarifying the distinction between CITES resolutions and decisions. Some Parties and observers consider CITES resolutions to be statements of policy that should be implemented by Parties until repealed. Some Parties and observers consider CITES decisions to be limited to statements directed towards a committee or institution for the completion of a specific task. There is confusion as to whether resolutions are of greater importance than decisions and whether decisions are only effective for a specific time period, such as from one COP to the next.

The United States agrees that this is an issue that needs clarification, but does not believe that a new resolution is necessary at this time. We feel that this matter can be successfully resolved during open discussions in the Plenary sessions, when the Parties are voting to adopt resolutions and decisions. We also believe that the Secretariat may be developing a document clarifying the difference between resolutions and decisions. We welcome comments and information on this issue.

#### 9. Prohibit the Down-listing of any Whale Stocks from Appendix I Until a Standardized, Externally Verified DNA Testing Protocol is Adopted

We received comments from Earthtrust recommending that the United States propose a resolution prohibiting the transfer of any whale stocks from Appendix I to Appendix II until a standardized, externally verified DNA testing protocol is adopted.

The United States has actively participated in efforts aimed at developing protocols for and coordination of activities concerning DNA testing, in both the IWC and CITES fora, and strongly supports such work. However, we believe that a requirement for such a testing protocol is inconsistent with the CITES listing criteria as they are currently written in that they contain no such requirement. The United States notes that the listing criteria will be reviewed and, perhaps, proposed for revision in preparation for COP12. The Animals Committee will devise a process and schedule for this review at its 15th Meeting in July 1999 in Madagascar. This issue could be discussed at that time.

There are a number of reasons that the United States does not support transfer of whale stocks to Appendix II, which go beyond the issue of DNA testing protocols. We continue to believe that it is inappropriate to consider these species for downlisting until the IWC completes the revision of its

management regime to bring all whaling under effective IWC control. Therefore, although the United States is opposed to the transfer of whale stocks to Appendix II, it nonetheless does not intend to propose a resolution prohibiting the downlisting of whale stocks from Appendix I until a standardized, externally verified DNA testing protocol is adopted.

#### 10. Periodic Review of Reservations, Particularly for Those Countries that are not Range States for the Species in Question

The Species Survival Network proposed that the United States submit a resolution calling on Parties to periodically review any species reservations that they have entered. The Species Survival Network submitted draft resolution text, which recommended that Parties which are not range states that have reservations should conduct these periodic reviews. They proposed that a resolution should instruct the Animals and Plants Committees to review the conservation merit or harm of existing reservations and make recommendations to the Parties that have entered them.

We support the idea that Parties should periodically review and refine their CITES implementation procedures, particularly with respect to unilateral actions permitted under the Convention, such as species reservations or Appendix-III listings. The United States concurs that resolutions adopted by the Conference of the Parties are powerful tools that should be used where they are likely to accomplish the most for species conservation and management. We believe that this suggestion springs from positive motivations to advance the conservation goals of CITES. However, if adopted, it would most likely discourage significant species conservation and management benefits on the part of those Parties that have acceded to CITES requirements for most listed species subject to specific species reservations.

We note that Parties have a right to enter reservations. Reservations to the listing of species in Appendices I, II, or III may be entered by any Party, in accordance with the provisions of Articles XV, XVI, and XXIII of the CITES Treaty. For Appendix-I and Appendix-II species, those reservations may only be entered when a country accedes to the Treaty, or within 90 days of the species' inclusion in that Appendix. Under the requirements of the CITES Treaty, until a country withdraws its reservation it is to be treated as non-Party to the Convention with respect to trade in the particular

species. However, the United States agrees that commercial trade in an Appendix-I species under a reservation has the significant potential to undermine the effectiveness of the Convention. The United States has no reservations to CITES listings.

There have been recent cases where the review of reservations to Appendix-I listings have appropriately resulted in removal of those reservations by reserving Parties that are not range states for the species. For example, Japan had a reservation until 1992 on the listing of the hawksbill sea turtle (*Eretmochelys imbricata*). Trade that was legal under the Treaty continued in that highly endangered species, which the United States felt was undermining the effectiveness of the Convention and putting the species at further risk of extinction. After review and evaluation, the government of Japan withdrew that reservation (and informed the United States that it would phase out the domestic use of bekkō, or hawksbill sea turtle shell). More recently, Switzerland evaluated its reservation to the Appendix-I listing of the Tibetan antelope (*Pantholops hodgsonii*), and based on that review, removed its reservation. Therefore, the United States believes that reviews of any reservations in force, particularly for Appendix-I species, would be very useful, especially when the reserving Parties conduct such reviews in consultation with range countries.

However, at this time the United States does not propose to submit a draft resolution recommending such review. Rather, we propose to discuss this matter at COP11 to determine if it would be advisable to ask the Animals and Plants Committees to coordinate such a review. We invite your comments on such a review and on this process.

#### 11. The Transfer of a Species to Appendix I May Not Be Challenged for at Least Two Meetings of the Conference of the Parties

The International Wildlife Coalition proposed that the United States submit a resolution recommending to the Parties that any transfer of a species to Appendix I not be challenged for at least two COPs. The United States does not propose to submit such a resolution, for several reasons. First, such a recommendation would necessitate an amendment to Resolution Conf. 9.24 ("Criteria for Amendment of Appendices I and II"). The Parties have already recommended in Resolution Conf. 9.24 "that the text and the annexes of this Resolution be fully reviewed before the twelfth meeting of

the Conference of the Parties with regard to the scientific validity of the criteria, definitions notes, and guidelines and their applicability to different groups of organisms." We therefore prefer that the listing criteria in Conf. 9.24, which have only been used for one COP (COP10), be used to their fullest at the upcoming COP (COP11) before making or recommending any further modifications to the criteria. Between COP11 and COP12, the Parties will put into place a process for further review. This recommendation of the International Wildlife Coalition can be evaluated at that time. Secondly, Conf. 9.24 also says "any species included in Appendix I for which sufficient data are available to demonstrate that it does not meet the criteria listed in Annex 1 should be transferred to Appendix II only in accordance with the relevant precautionary measures listed in Annex 4." We are hopeful that the precautionary measures in Annex 4 provide ample safeguards that species will not be transferred from Appendix I to II with undue haste. We agree that one interval between meetings of the Conference of the Parties may not be sufficient time to ensure the recovery of a species that was just included in Appendix I. However, the United States does not propose to submit a resolution on this issue for consideration at COP11. We do intend to actively participate in the review of the listing criteria in Conf. 9.24, which will take place between COP11 and COP12. The United States was an active participant in all scientific and technical discussions and Working Groups that led to the development of Conf. 9.24, and intends to fully participate in the proposed review of the scientific validity of the criteria, definitions, notes and guidelines and their applicability to different groups of organisms.

#### 12. Definition and Interpretation of "Sustainable Use"

The International Wildlife Coalition proposed that the United States submit a resolution recommending that the Parties develop a definition and interpretation of the term "sustainable use." We agree that the term is used extensively in CITES-related documents, although it is not referred to in the CITES Treaty. We also agree that the term may be over-used, and a definition and clear understanding of the concept would be beneficial. The concept of sustainable use of wild flora and fauna is particularly relevant in a CITES context to the issuance of non-detriment findings, particularly for Appendix-II species subject to

commercial trade. However, the United States does not propose to submit a resolution asking that CITES undertake such a definitional task, for the reasons discussed below.

From a U.S. perspective, we have already defined the term. We have defined sustainable use in regulations implementing the Wild Bird Conservation Act (WBCA). The WBCA complements CITES, and we view the definition of sustainable use in the WBCA implementing regulations as an appropriate basis for all CITES non-detriment findings. That definition states: "*Sustainable use* means the use of a species in a manner and at a level such that populations of the species are maintained at biologically viable levels for the long term and involves a determination of the productive capacity of the species and its ecosystem, in order to ensure that utilization does not exceed those capacities or the ability of the population to reproduce, maintain itself, and perform its role or function in its ecosystem." We believe that the above definition of sustainable use is appropriate for the determination of whether or not an export is non-detrimental.

We note that IUCN recently undertook a process to define sustainable utilization, but has not been able to reach consensus or complete the task. Therefore, we believe that it would be more fruitful for the CITES Parties to work to develop a consensus understanding of what is meant by non-detriment and how non-detriment findings should be issued, in the context of sustainable utilization.

To effectively define non-detriment, in the context of sustainable utilization of wildlife, we prefer to work within the context of the IUCN-sponsored process discussed above (under "*Preparation of Standards for Making Non-detriment Findings*"). We believe that the CITES Secretariat will be sponsoring a follow-up workshop in late 1999, where sustainable use and non-detriment will be discussed, with submission of a product to the Parties at COP11. We will recommend the inclusion of a definition or at least discussion of sustainable utilization in any final CITES product that arises from this process. In its comments to us, the International Wildlife Coalition submitted a document titled "*Criteria for Assessing the Sustainability of Trade in Wild Fauna and Flora*." These criteria provide useful information, and we will make sure that they are considered during any IUCN or CITES-sponsored process on this issue.

### 13. Criteria for Assessment of Export Quotas for Trophies of Appendix-I Species

The International Wildlife Coalition proposed that the United States submit a resolution outlining the information that should be submitted by any Party that submits a proposal for a trophy-hunting quota for an Appendix-I species, along with standards for the assessment of those proposed quotas by the Conference of the Parties. The United States agrees that this recommendation raises some important issues that should be discussed further by the CITES Parties, but does not propose to address it through a resolution at this time.

There is a significant difference between transfer of a species from Appendix I to II with a quota, that might include sport-hunted trophy specimens, and quotas for trophy specimens of species included in Appendix I. Parties may issue Appendix-I import and export permits for sport-hunted trophies, as long as all of the requirements of the Treaty are satisfied, including but not limited to those in Article III. Parties that wish to export sport-hunted trophies of native species are not obligated to have their quota approved by the Conference of the Parties. However, many countries have chosen to submit their trophy-hunting quotas to the Conference of the Parties for approval, to help expedite the findings required by the importing country (under Article III). For example, trophy-hunting quotas have been approved by the Conference of the Parties through a resolution process for the leopard (*Panthera pardus*) from 11 countries, and for the markhor (*Capra falconeri*) from Pakistan. Any quotas that are an integral part of a species listing, or are adopted by resolution of the Conference of the Parties, require the full evaluation of the Parties at a COP, and should of course be fully evaluated by Parties' scientific authorities.

The United States agrees with the commenter on this issue that clear guidelines to the Parties as to what should be submitted by the proponent of such a quota would be very helpful, and should mirror the types of information required for a listing proposal, pursuant to Resolution Conf. 9.24. The United States does not believe that a resolution should be submitted to COP11 with draft guidelines, but rather COP11 could direct a process for review and possible adoption at COP12. We believe that the COP should direct this issue to the Animals Committee for further evaluation, for possible

submission of guidelines to the Conference of the Parties at COP12. We invite your views on this approach, and propose to discuss this issue with other attendees at the upcoming meeting of the Animals Committee.

### II. Recommendations for Species Proposals for the United States To Consider Submitting at COP11

We published a notice in the **Federal Register** on January 30, 1998 (63 FR 4613), in which we requested information and recommendations on potential species amendments for the United States to consider submitting for discussion at COP11. In addition to possible species proposals that we have been developing on our own, we received recommendations from the public for possible proposals for 58 different taxa (at the species, genus, or family levels). We have undertaken extensive evaluations of the available trade and biological information on all of these taxa. Even if all of these species qualified for listing or transfer between the Appendices (uplisting, downlisting, or removal from the Appendices), we would not submit all of them for consideration at COP11, due to workload and time factors. Our first task was to determine if the requested action qualified under the CITES listing criteria (in Resolution Conf. 9.24). If a proposal qualifies under the listing criteria, we then must decide whether to consider its submission or not. We therefore must look at the conservation priorities associated with these different proposals, as well as the views and scientific assessment of the range countries, when the species is not native to the United States.

Below, we have provided the potential actions that the United States is considering taking at COP11 with regard to all of the species proposals recommended by the public. We have also provided the potential actions that the United States is considering taking at COP11 with regard to possible species proposals we have been developing on our own.

#### A. What species proposals is the United States considering submitting for consideration at COP11?

The United States is considering the submission of the following proposals. We welcome your comments and, in particular, any biological information on these species. For each species, more detailed information is on file in the Office 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 consultation with range



countries and others is proceeding (see discussion), and a final decision is pending the outcome of those consultations. Several letters have already been sent to range countries asking for additional biological information on the species or taxon in question and several responses have already been received.

#### Plants

##### 1. White wicky (*Kalmia cuneata*)

White wicky, an endemic plant of the North and South Carolina coastal plain, has been listed in CITES Appendix II since 1983. The Office of Scientific Authority (OSA) recommends that the species be deleted from the CITES Appendices. The recent OSA review of CITES-listed plant taxa native to the United States, as part of the ongoing Plants Committee taxon review process, determined that White wicky has not been in international trade in recent years, and that the main threats to the species are habitat loss due to land development, conversion to agriculture or production forestry, and fire suppression. For these reasons, the United States is considering a proposal to delete this species from Appendix II.

##### 2. Holywood lignum-vitae (*Guaicum sanctum*)

Hollywood lignum-vitae, a valuable timber species widely distributed in the Florida Keys, West Indies, and Central America, has been listed in Appendix II since 1975. OSA recommends that the species be transferred to Appendix I. The recent OSA status review of CITES-listed plant taxa native to the United States determined that the species has been depleted through deforestation and felling for timber, such that it has now been extirpated or is extremely rare on most of the Caribbean islands. Remaining populations in Central America and Florida are confined to restricted areas and are still threatened by habitat loss and over-exploitation. The taxon is considered endangered by the IUCN. For these reasons, the United States is considering a proposal to transfer this species to CITES Appendix I.

#### Invertebrates

##### 3. Eastern hemisphere tarantulas (*Poecilotheria* spp.)

The eleven known species of eastern hemisphere tarantulas occur only in the forests of southern India and Sri Lanka. None of the species is currently listed under CITES, and none has previously been proposed for listing. The entire genus *Poecilotheria* was recommended for listing in Appendix II by R.C. West

of the Royal British Columbia Museum. With the listing of western hemisphere tarantulas (*Brachypelma* spp.) in CITES Appendix II in 1994, the commercial pet trade shifted to eastern hemisphere tarantulas. The natural reproductive potential of these species is relatively low and cannot keep up with current demand for the pet trade. In addition, captive propagation of these species is rarely successful and is unlikely to provide enough individuals to meet demand. Finally, the native forest habitat of these species is declining due to deforestation. For these reasons, the United States is considering either (1) submitting a proposal to list all eastern hemisphere tarantulas (i.e., the genus *Poecilotheria*) in CITES Appendix II, or (2) co-sponsoring or supporting a range country's proposal for listing all eastern hemisphere tarantulas in Appendix II. We have consulted with India and Sri Lanka with regard to this proposal and have already received useful comments from Sri Lanka.

#### Fish

##### 4. Seahorses (*Hippocampus* spp.)

The Humane Society of the United States and the International Wildlife Coalition recommended that the United States propose seahorses for listing in Appendix II. There are approximately 35 species of *Hippocampus*. All species are marine; they live among sea grasses, mangroves, and coral reefs worldwide, between 45° north and south latitude, with most species in the western Atlantic or Indo-Pacific regions. Seahorses are characterized by sparse distributions, low mobility, small home ranges, low natural adult mortality, low fecundity, long parental care, and mate fidelity. They range in size from a 10–20 mm Australian seahorse to a 300 mm Pacific seahorse. Life history strategies of seahorses make populations susceptible to over-exploitation.

A rapidly growing trade in *Hippocampus* spp. for traditional Chinese medicine and its derivatives, aquarium pets, souvenirs, and curios is resulting in over-exploitation of wild populations. It is estimated that at least 20 million seahorses are captured annually from the wild. At least 20 nations worldwide are exporting seahorses; the largest known exporters are India, Indonesia, the Philippines, Thailand, and Vietnam, with annual exports for each country estimated at 3–15 tons of dried seahorses. The number of seahorses landed in the United States (Florida) has steadily increased since records began in 1992, with more than 112,000 seahorses taken in 1994.

The largest importers for dried seahorses are China, Hong Kong, and Taiwan, with an estimated annual consumption of 45 tons (16 million seahorses) in Asia. Seahorses are sold as whole, dried animals for preparation into tonics. There has been a recent increase in numbers of seahorses used in prepared medicines (pills) in Asia, possibly in response to decreases in size of individuals obtained in fisheries catch. Seahorses are also used in traditional medicines in Indonesia, the Philippines, and India, and at least eight seahorse medicines are now sold in North America. Dried seahorses are also utilized as curios with a high availability in beach resorts and shell shops around the world.

Live specimens for aquarium pets are exported primarily to North America, Europe, Japan, and Taiwan. Five species are preferred for aquaria, including four Indo-Pacific species in the *Hippocampus histrix* complex and *H. kuda* complex, and one North American species, *H. erectus*. Virtually all aquarium seahorses come from the wild. Seahorses are highly unsuitable aquarium fishes, and few survive in captivity.

The main threats to seahorse populations are widespread over-fishing and habitat loss. Seahorse populations in Indo-Pacific countries are estimated to have declined by 25–75% over the last five years. Size of individuals taken has also declined concomitant with an increased take of immature males in fisheries catch, which may have grave implications for reproductive potential. The United States believes that these species qualify for inclusion in Appendix II. Considering the substantial threats to these species and their importance in international wildlife trade, the United States is considering *Hippocampus* spp. for inclusion in Appendix II and seeks additional information about the biological or trade status of these species. We intend to consult with all CITES Parties, through the Secretariat, on the merits of such a proposal.

#### Reptiles and Amphibians

##### 5. Timber rattlesnake (*Crotalus horridus*)

The timber rattlesnake occurs in 27 States in the northeastern, southeastern, and Midwestern United States. The species was proposed for listing in CITES Appendix II by the United States at COP10, but that proposal was withdrawn. A number of organizations, including the International Affairs Committee of the International Association of Fish and Wildlife

Agencies (IAFWA), the Humane Society of the United States, and the International Wildlife Coalition, have recommended that the timber rattlesnake be listed in Appendix II at COP11. Research, long-term monitoring, and anecdotal observations indicate that timber rattlesnake populations are declining throughout the majority of the species' range. In most States only relict populations remain. Large local populations are considered to be rare. Timber rattlesnakes are threatened by ongoing habitat degradation and loss, highway mortality, rattlesnake roundups, collection for domestic and international trade, and intentional killing. The numerous threats to the timber rattlesnake are exacerbated by the species' low reproductive potential. Females in the northeastern United States often do not breed until eight or nine years of age, and may produce young only every two or three years. For these reasons, the United States is considering submitting a proposal to list the timber rattlesnake in CITES Appendix II.

#### 6. Spotted turtle (*Clemmys guttata*)

The spotted turtle occurs in southern Ontario, Canada, and in northeastern, upper Midwestern, mid-Atlantic, and southeastern States in the United States. The species is not currently listed under CITES, and has not previously been proposed for CITES listing. OSA and the International Affairs Committee of IAFWA have recommended that the species be listed in CITES Appendix II. The primary threats to the spotted turtle are over-collection, habitat fragmentation, alteration and destruction, and road mortality. Habitat alterations include grazing impacts, draining and filling of wetlands, artificial control of water levels in wetlands, pollution, and development. The quantity and quality of spotted turtle habitat in southern Maine, southeastern New Hampshire, and many other parts of the species' range have been reduced by human population growth and associated development over the past two decades. The spotted turtle is listed as endangered, threatened, or a species of special concern at the State/provincial level throughout its range. Illegal commercial collecting and incidental collection by hobbyists are depleting populations in many areas. Substantial numbers of spotted turtles were exported from the United States in 1995 through 1997. For these reasons, the United States is considering submitting a proposal to list the spotted turtle in CITES Appendix II.

#### 7. Sonoran green toad (*Bufo retiformis*)

The Sonoran green toad, limited to portions of Arizona and Sonora, Mexico, has been included in CITES Appendix II since 1975. The International Affairs Committee of the IAFWA has recommended that the Sonoran green toad be deleted from Appendix II; the Humane Society of the United States has recommended that the species be retained in Appendix II. Although this species has a limited geographic distribution, its population status within that distribution is considered to be stable. Much of the distribution falls within protected areas such as national monuments and military ranges. There is little or no documented international trade in this species, and no other significant threats to the species have been identified. For these reasons, the United States is considering a proposal to delete this species from Appendix II.

#### Birds

#### 8. Gyrfalcon (*Falco rusticolus*)

The gyrfalcon is circumpolar in distribution. The North American population occurs in both the United States (primarily Alaska) and Canada (northern British Columbia, Labrador, Northwest Territories, Quebec, and Yukon Territory). The gyrfalcon was listed in Appendix I in 1975. The North American gyrfalcon population was transferred to Appendix II in 1981 (the third meeting of the Conference of the Parties), but was returned to Appendix I in 1985 (the fifth meeting of the Conference of the Parties) because of concern over illegal trade. At present the North American gyrfalcon population occurs over a large area of wilderness habitat, demonstrates density and productivity levels characteristic of the species, and has remained stable since surveys began over 20 years ago. Evidence indicates that the North American gyrfalcon population has not declined due to legal or illegal international trade since 1981. For these reasons, the United States is considering a proposal to transfer the North American gyrfalcon population from Appendix I to Appendix II. To allay concerns expressed by some European countries regarding potential illegal trade in the species, particularly of the European population, the United States is considering whether to include an annotation to the downlisting, with a zero quota on commercial trade for specimens removed from the wild.

#### Mammals

#### 9. Steller's sea lion (*Eumetopias jubatus*)

The western stock of Steller's sea lions ranges from about Prince William Sound, Alaska, west through the Gulf of Alaska and the Aleutian Islands to Russia and Japan. The eastern stock extends from 144° W, through southeast Alaska and south to central California. The global population was estimated at over 300,000 Steller's sea lions in the late 1970s. Declines in abundance began in the eastern Aleutian Islands in the early 1970s, and by 1985 the declines had spread throughout the Aleutian Islands and eastward into the Gulf of Alaska, at least to the Kenai Peninsula. The Alaskan population, which numbered close to 157,000 non-pups in the 1970s, had declined to about 64,000 by 1989, a decline of almost 60%. The Alaskan population continues to decline. The species was listed as threatened under the U.S. Endangered Species Act in November 1990. Since then, two stocks, an eastern (stable population trends) and western (declining trends) have been identified. In 1997, the status of the western stock of Steller's sea lions was changed to endangered.

The magnitude of the decline in such a short time is startling. The rookery at Walrus Island in the Bering Sea once was the birthplace of over 2,800 pups annually; in 1991 only 50 pups were counted. Once Marmot Island near Kodiak Island was the largest Steller's sea lion rookery in the world. In 1979, 6,741 pups were born there, but only 804 pups were observed in 1994. Similar declines have occurred in both adult and pup counts in most of Alaska and Russia. From 1955 to 1968, the Steller's sea lion population in the Kuril Islands, Russia, was stable at about 15,000–20,000 individuals, but it declined steadily since that time to 5,000 in 1989.

It is presumed that international trade occurs in this species, particularly within the western North Pacific Ocean part of the species' range, based on the presence of Steller's sea lion meat available for purchase at shops at international airports in Japan. The actual level of take from the wild is unknown, but a harvest by the Japanese has been estimated based on interviews with local authorities. During 1991–1993, an average of 91 sea lions were killed per year; a high of 247 sea lions were killed per year during 1981–1985. Struck and lost rates are much higher (high in 1977–1980 of 559 sea lions struck and lost). This harvest comes from sea lions inhabiting the west coast

of Asia with breeding rookeries found on islands and coastal areas of Russia, the Kuril Islands, the Okhotsk Sea, the Commander Islands, and the Kamchatka Peninsula. Sea lions marked in the Kuril Islands have been sighted in Japanese waters.

Steller's sea lions are considered by some in Japan to conflict with commercial fish harvests and are therefore subject to a directed take to reduce or eliminate damage to gear and depredation on fish stocks. This take is in the form of hunters commissioned by the government to shoot sea lions. These takes are within Japanese territorial waters. However, some of the meat is recovered and processed into a canned product that is then sold, primarily as a novelty to tourists. A significant portion of the sea lions that are killed incidental to fisheries in Japan may be from the Kuril Islands stock. The United States considers this species to meet the criteria for inclusion in Appendix I. The United States is considering submitting a proposal to add the species to Appendix I and seeks further information on its biological and trade status.

#### 10. Bottlenose dolphin, Black Sea/Sea of Azov population (*Tursiops truncatus*)

The Humane Society of the United States recommended that the United States propose this population of the bottlenose dolphin for transfer from Appendix II to Appendix I. The subspecies *Tursiops truncatus ponticus* is endemic to the Black Sea and isolated from other populations of bottlenose dolphins in the Mediterranean and other waters. The species is distributed worldwide in temperate and tropical waters. It is believed that overall abundance of dolphins in the Black Sea has declined greatly due to severe over-exploitation up into the 1980s, for human consumption and for industrial products. A very large purse-seine fishery conducted by the former Soviet Union, Bulgaria, and Romania collapsed in the 1960s due to over-harvesting, and large takes by rifle continued by Turkey until a ban in 1983 and possibly thereafter. The proportions of the three endemic small cetaceans (bottlenose dolphin, harbor porpoise *Phocoena phocoena relicta*, and long-beaked common dolphin *Delphinus delphis ponticus*) in these catches and their relative degrees of depletion are not known with confidence. The size of the present population of bottlenose dolphins is unknown, and no estimates exist of sustainable levels of take. The habitat is thought to be highly degraded and declining in quality due to contamination by sewage and industrial

effluents, algal blooms, decrease in prey species due to over-fishing, and by-catch in fisheries.

There has been a substantial international commercial trade in bottlenose dolphins from the Black Sea. Exporters in the Ukraine, Russia, and Georgia have been able to obtain CITES permits for export of bottlenose dolphins to several countries, including Cyprus, Malta, Turkey, Israel, Argentina, and Hungary, by stating that the purpose was to establish breeding colonies for conservation and research, but in all cases the actual purpose was commercial. The majority of the animals died during or shortly after transport; there were also some cases of illegal importation. Only one captive birth (in Israel) has occurred, and we are not aware of any scientific research papers that have resulted from the trade. The United States considers this population of bottlenose dolphin to meet the criteria for inclusion in Appendix I.

#### B. What species proposals is the United States considering submitting for consideration at COP11, pending additional information?

The United States is still undecided on whether to submit the following proposals. We welcome your comments, and especially any biological and trade information on these species. For each species, more detailed information is available in the Office of Scientific Authority than is presented in the summary below. For potential proposals, we delineate what additional information we are seeking or have sought to assist us in making our decision.

#### Fish

##### 1. Great white shark (*Carcharodon carcharias*)

We received a recommendation from the Humane Society of Australia and the Humane Society of the United States to propose the great white shark (*Carcharodon carcharias*) for inclusion in Appendix I. The cosmopolitan great white shark is a coastal and offshore inhabitant of continental and insular shelves. It is distributed throughout temperate and subtropical oceans of the northern and southern hemispheres, and occasionally, seasonally strays into tropical waters and colder temperate waters.

In North American waters, the great white shark is occasionally found in the Western North Atlantic from Newfoundland to Florida, with the East Coast as a center of summer distribution around the New York Bight. It has been reported in the Bahamas, Cuba, northern

Gulf of Mexico, Brazil, and Argentina. In the Eastern Pacific it occurs from the Gulf of Alaska to the Gulf of California and from Panama to Chile. It has a wide but sporadic distribution in the rest of the world's temperate oceans.

Great white sharks are exploited worldwide by incidental fisheries, as a by-catch of longline fishing and gillnet fishing. In the past, occasional captures have been routinely marketed for the curio trade, with jaws and individual teeth across the entire size and maturity range commanding high prices in international markets. There is a lesser market for flesh and fins. The flesh may be utilized for pet or human consumption. Shark fins can command a price as high as US\$25.50/kg. Great white sharks have also been used for leather and a source for squalene oil from the liver for cosmetics. Single teeth in the United States can sell for as high as \$30 to \$80. Prepared jaws may command over \$4,000 in collector's circles.

Information from worldwide commercial catches, recreational catches, and captures in beach-meshing operations suggests that numbers are declining. Sources of mortality of the great white shark result from commercial by-catch from large-scale longlining and gillnetting operations. Mortality also occurs from entanglement in fish traps, pound nets, and coastal weir nets, and in protective beach-meshing operations. Little data have been recorded on these captures. However, because of its rarity and the evident decline in catches, the United States considers this species to meet the biological criteria for inclusion in Appendix I.

Since 1993, the great white shark has been managed in the U.S. Atlantic and Gulf of Mexico as part of the Large Coastal Shark quota by the Fishery Management Plan for Sharks of the Atlantic Ocean. It received individual protection on April 2, 1997, when the National Marine Fisheries Service published a final rule that prohibited all directed fishing for the great white shark. Sharks are also protected in the States of California and Florida, and in the Maldives Islands and Namibia. The United States is considering the proposal of the great white shark for inclusion in Appendix I and seeks additional information about the species, particularly regarding its abundance and conservation status.

##### 2. Whale shark (*Rhincodon typus*)

The whale shark is a pantropical species occurring in tropical and warm-temperate waters of the Atlantic, Pacific, and Indian Oceans, most often

encountered in a band around the equator extending to roughly 30 °N and 35 °S. It is basically pelagic and can be encountered in very deep water far from land. However, shallow waters near the mouths of some rivers and estuaries could constitute feeding or breeding/birthing grounds; whale sharks gather there seasonally.

The whale shark is highly migratory. Movements of thousands of kilometers over periods of weeks or months have been recorded through satellite tracking in the eastern Pacific and Southeast Asia. One shark that had been satellite-tagged in the Mindanao Sea in the inner Philippines traveled over 3,000 km to the EEZ of Vietnam in two months. Another tagged on the coast of Sabah in Malaysia traveled offshore and then returned to coastal Malaysian waters over a 2,152-km route. Several sharks satellite-tagged in the Gulf of California, Mexico, moved over 12,000 km southeast into international waters and the waters offshore of South Pacific nations.

The species is rare, although little is known about its population size. Local seasonal populations have declined drastically in some areas, and fishing effort and price have greatly increased. In the Philippines, significant declines in catch-per-unit-of-effort in two traditional whale-shark fishing regions (Bohol and Misamis Occidental) have led to attempts to develop new fishing areas. Similar declines, possibly caused by over-exploitation, have been noted in Taiwan and the Maldives. It is not known to what degree fishing in one area affects populations in other areas, although the fact that at least some of the sharks migrate long distances within ocean basins suggests that the effects may not be purely local. The United States considers this species to meet the criteria for inclusion in Appendix II.

Sharks in general are more vulnerable to exploitation than are most other fishes, because of their longevity, delayed maturation, and relatively low fecundity. International trade in whale shark products takes place in Southeast Asia. The whale shark is fished for its fins and meat throughout Asia (India, Pakistan, China, Indonesia, the Philippines, Taiwan, Japan, the Maldives, and elsewhere), in some cases despite legal protection (e.g., in the Philippines). In very recent years, a market for fresh whale shark meat has developed rapidly in Taiwan, supplied by the Philippines. Ecotourism industries based on viewing whale sharks now exist in Thailand, Australia, South Africa, and the Maldives, as well as the Philippines. The United States is considering proposing the whale shark

for inclusion in Appendix II and seeks additional information about this species.

#### Amphibians and Reptiles

##### 3. Mantella frogs (*Mantella* spp.)

Mantella frogs occur only on the island of Madagascar. Four species, *Mantella bernhardi*, *M. cowani*, *M. haraldmeieri*, and *M. viridis*, were proposed for listing in Appendix II at COP10. That proposal was withdrawn when Madagascar agreed to list the four species in Appendix III. However, to date this listing has not taken place. Thus, the Humane Society of the United States, the International Wildlife Coalition, and Friends of Animals have recommended that these four species be listed in Appendix II at COP11. These Mantella frogs have limited distributions because of limited habitat availability, and available habitat is continuing to decline due to deforestation. These species are known to be in international trade, and population declines have been documented at several locations following heavy collection for international trade. For these reasons, the United States is considering either (1) submitting a proposal to list these four *Mantella* species in CITES Appendix II or (2) co-sponsoring an Appendix II listing proposal with Madagascar. We have contacted Madagascar with regard to this proposal.

##### 4. Southeast Asian box turtle (*Cuora amboinensis*) / Chinese three-striped box turtle (*Cuora trifasciata*)

The Southeast Asian box turtle occurs throughout much of Southeast Asia, including Indonesia, Malaysia, Brunei, Burma/Myanmar, the Philippines, Thailand, Vietnam, and probably Cambodia, Lao People's Democratic Republic, and Singapore. It has also been reported from Bangladesh and India. The Chinese three-striped box turtle has a much more limited range, occurring from northern Vietnam through southern China (including Hainan Island). Neither species is currently listed under CITES. Both the Humane Society of the United States and the International Wildlife Coalition have recommended that the Southeast Asian box turtle be listed in Appendix II, and the International Wildlife Coalition has also recommended that the Chinese three-striped box turtle be listed in Appendix II. The Southeast Asian box turtle has been exploited heavily for food throughout much of its range. The Chinese three-striped box turtle is in heavy demand for medicinal use and as a food item. Both species

have been documented in international trade, which primarily involves the movement of turtles from source countries to China. The Chinese three-striped box turtle is also considered valuable in the pet trade in Europe and the United States. For these reasons, the United States is considering either (1) submitting a proposal to list these two *Cuora* species in CITES Appendix II or (2) co-sponsoring an Appendix-II listing proposal for the genus *Cuora*. We have consulted with CITES range countries (Bangladesh, Brunei, Cambodia, China, India, Indonesia, Malaysia, the Philippines, Singapore, Thailand, and Vietnam) and possible proponents with regard to these proposals. Comments have already been received from some range countries.

##### 5. Parson's chameleon (*Chamaeleo parsonii parsonii*)

Parson's chameleon is endemic to the rainforests of eastern Madagascar. The species was listed in CITES Appendix II in 1977. The Chameleon Information Network has recommended that Parson's chameleon be transferred to Appendix I. The primary threats to this species are the continued loss of its rainforest habitat and exports for the live reptile trade. Parson's chameleons require dense forest cover, most of which has already been lost through deforestation. Parson's chameleons have been exported for the pet trade and as zoological specimens since 1988. Trade records from the World Conservation Monitoring Centre (WCMC) indicate that over 14,000 Parson's chameleons were exported from Madagascar from 1990 through 1997. Legal commercial exports were suspended in 1995, and relatively few captive offspring are produced. These two factors have served to drive up both the demand from hobbyists and the selling price of chameleons imported prior to the ban or born in captivity. In the event that trade resumes, Parson's chameleon would be placed under heavy pressure from collectors supplying exporters. For these reasons, the United States is considering a proposal to transfer Parson's chameleon from Appendix II to Appendix I. We have consulted with Madagascar with regard to this proposal.

#### C. What species proposals is the United States still undecided on, pending additional information and consultations?

The United States is still undecided on whether to submit the following proposals. We welcome your comments, especially any biological and trade information on these species. For each species, more detailed information is

available in the Office of Scientific Authority than is presented in the summary below. For each potential proposal, we delineate what additional information we are seeking or have sought to assist us in making our decision.

#### Plants

##### 1. Bigleaf mahogany (*Swietenia macrophylla*)

The Rainforest Coalition, Friends of the Earth, and Defenders of Wildlife have requested that the United States propose bigleaf mahogany for inclusion in Appendix II. The United States is the largest importer of wood of this species, which occurs in range states from Mexico to Brazil and Bolivia. Brazil and Bolivia are the two largest exporters; the other 11 range states export far less. Bigleaf mahogany (from the Americas) was listed in Appendix III by Costa Rica in November 1995, including its saw-logs, sawn wood, and veneer sheets (i.e., other derivatives such as furniture are exempt from CITES requirements). Bolivia listed bigleaf mahogany in Appendix III in March 1998, and Brazil and Mexico took the same action in July 1998 and April 1999, respectively. Species listed in Appendix III can be traded commercially. Once a species is added to Appendix III, the countries that list the species are required to issue permits and ensure that specimens are legally acquired; non-listing range countries must issue certificates of origin; and importing countries are required to ensure that all shipments are accompanied by the appropriate CITES documents.

Proposals to include this species in Appendix II were submitted to the eighth meeting of the Conference of the Parties (COP8) by Costa Rica and the United States, to COP9 by the Netherlands, and to COP10 by Bolivia and the United States. At COP8, the proposal was withdrawn; at COP9 it gained 60 percent of the vote, short of the two-thirds majority needed for adoption. The COP10 proposal also received the majority of the votes, but did not obtain the required two-thirds majority. At COP10, Brazil offered to host a Mahogany Working Group meeting that would examine the conservation status of the species, including related forest policies and management, and international cooperation and trade, and make recommendations accordingly.

The Working Group met in Brasilia in June 1998. Attendees included seven range states, including the six largest (Brazil, Bolivia, Peru, Ecuador, Colombia, and Venezuela), the major

importing countries, including the United States, the Food and Agriculture Organization of the United Nations (FAO), the International Tropical Timber Organization (ITTO), non-governmental organizations (NGOs), experts, and others. The group affirmed the utility of Appendix-III listings and the need for forest inventories. The group agreed to joint actions, which include evaluating the status of commercial timber species, technical and scientific cooperation for the species' sustained management and reproduction, and commercial and industrial cooperation, as well as supervision, control, and inspection of the products. The Amazon Cooperation Council affirmed the results of the Mahogany Working Group and passed a resolution calling for increased information sharing and coordination among Amazonian Cooperation Treaty (ACT) countries to preserve commercial-grade timber species. However, we are not aware of any progress on the implementation of important decisions and resolutions.

The United States is considering proposing *Swietenia macrophylla* for listing in Appendix II of CITES, and we are seeking additional information. At this time, the various interested and affected agencies of the U.S. Government are reviewing all pertinent information related to such a proposal. In particular, the U.S. Government seeks new information, especially regarding progress in addressing the sustainable use and trade in this species by the range countries, and any follow-on actions since the June 1998 Mahogany Working Group meeting. We are in the process of consulting directly with the range nations to obtain additional information, including in particular biological and trade information relevant to Resolution Conf. 9.24, and their views regarding a possible proposal to list *Swietenia macrophylla* in Appendix II; their views on possibly including certain populations of the species in Appendix II; for the countries that have listed bigleaf mahogany in Appendix III, their views on the implementation of that listing; and the views of other countries on the prospect of additional Appendix III listings.

#### Fish

##### 2. Patagonian toothfish (*Dissostichus eleginoides*)

The Antarctic and Southern Ocean Coalition, Animal Protection Institute, Humane Society of the United States, and International Wildlife Coalition have recommended that the United States consider proposing Patagonian

toothfish (*Dissostichus eleginoides*) for listing in CITES Appendix II. The geographic distribution of *D. eleginoides* occurs along slope waters in the Pacific off of Chile from 30°S to Cape Horn, in the southern Atlantic along the coast and slope waters of southern Patagonia and Argentina, to south of South Africa and south of New Zealand, including the sub-Antarctic waters of the Indian Ocean and Macquarie Island on the Indo-Pacific boundary of the Southern Ocean. A look-alike species, the Antarctic toothfish, *Dissostichus mawsoni*, reportedly has a similar and overlapping distribution to that of *D. eleginoides*.

The fishery for Patagonian toothfish is relatively new, and there are no long-term fishery data by which to establish trends. However, there have been rapid increases in catch over the last few years. In addition, there are several characteristics of the life history of *D. eleginoides* that make the species vulnerable to overexploitation, such as its low fecundity, slow growth, long life, and late maturation. Over-harvest due to illegal trade is of prime concern to the United States and other Parties of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). The co-generic species, *D. mawsoni*, also falls under the authority of CCAMLR and has been subjected to intense fishing in CCAMLR and international waters. The Government of Australia is reviewing the status and trade of both species. Available evidence suggests that *D. eleginoides* may meet the criteria for inclusion in Appendix II, and *D. mawsoni* may meet the similarity of appearance criteria for inclusion in Appendix II.

The United States and other Parties have made proposals to CCAMLR for a toothfish catch certification program. Proposals were introduced at the October 1998 CCAMLR annual meeting, and addressed at an intersessional meeting of CCAMLR April 27–29, 1999. The results of the intersessional meeting discussions will be reviewed at the November 1999 CCAMLR annual meeting, the earliest that CCAMLR Parties could adopt a catch certification program. Any action taken by the CCAMLR Parties at their annual meeting in November 1999 will be considered in developing the final U.S. position on any listing proposal for the Patagonian toothfish.

#### Reptiles and Amphibians

##### 3. Pancake tortoise (*Malacochersus tornieri*)

The pancake tortoise ranges from central Kenya southward through

central Tanzania. Within that range, the species tends to be patchily distributed because of its rigid habitat requirements. The species is found only where suitable rock crevices and outcroppings are found in thorn-scrub and savannah vegetation. The pancake tortoise was listed in CITES Appendix II in 1975. The Humane Society of the United States has recommended that the species be transferred to Appendix I. Kenya banned trade in the species in 1981. Immediately following the ban in Kenya, there was an increase in exports from Tanzania. Field surveys conducted in the early 1990s indicated that pancake tortoise populations had become depleted in much of the species' range in Tanzania, especially in readily accessible areas. Additional collection pressure, combined with a low reproduction rate and specialized habitat requirements, could cause the species to become severely threatened throughout its range in Tanzania in the near future. For these reasons, the United States is considering a proposal to transfer the pancake tortoise from Appendix II to Appendix I. We are currently consulting with Kenya and Tanzania with regard to this proposal.

#### 4. New Caledonian geckos (*Rhacodactylus* spp.)

The six species of *Rhacodactylus* geckos are endemic to New Caledonia and some nearby islands. None of the species is currently listed under CITES. The Humane Society of the United States has recommended that four species, *Rhacodactylus chahoua*, *R. ciliatus*, *R. leachianus*, and *R. sarasinorum*, be listed in Appendix II. These species are threatened by ongoing habitat destruction due to agricultural and related burning, deforestation, and mining; introduction of exotic species; and collection for the international commercial pet trade. Collection pressure appears to be most intense on some of the more remote uninhabited islands, where it is difficult to control collection. For these reasons, the United States is considering a proposal to list the above-mentioned four *Rhacodactylus* species in Appendix II. We have consulted with New Caledonia and France with regard to this proposal. We have already received preliminary comments from New Caledonia.

#### Birds

#### 5. Lesser sulphur-crested cockatoo (*Cacatua sulphurea*)

The sulphur-crested cockatoo is endemic to islands in central Indonesia, and wild populations have declined due to trapping for the international bird

trade. This species was proposed by Germany for transfer from Appendix II to I at COP10, but the proposal was withdrawn because the Indonesian government and BirdLife Indonesia reported that they had developed a recovery plan for the species, with a goal of establishing a community-based sustainable-use management plan for the species. Furthermore, the Indonesian government banned the export of the subspecies *Cacatua sulphurea citrinocristata* in 1992 and all other sub-species in 1995. It is believed that these export bans have been at least partially successful in reducing the level of trade in this species. Given that an Appendix-I listing could remove economic incentives for implementing the recovery plan for the species, it was recommended at COP10 that the species remain listed in Appendix II, but be reconsidered for transfer to Appendix I at COP11 if implementation of the recovery plan had not progressed. We are consulting with Indonesia on the implementation of its recovery plan for this species to determine if an Appendix-I listing is appropriate for this species at this time. We invite the submission of any information relevant to whether the recovery plan has progressed since COP10.

#### Mammals

#### 6. Asian pangolins (*Manis* spp.)

There are three species of Asian pangolin. *Manis pentadactyla*, the Chinese pangolin, is found in Cambodia, India, Laos, Burma/Myanmar, Nepal, northern Thailand, Viet Nam, southern China, and Taiwan. *M. crassicaudata*, the Indian pangolin, occurs in Sri Lanka, peninsular India, Pakistan, Bangladesh, and China. *M. javanica*, the Malay pangolin, occurs throughout Burma/Myanmar, Brunei, Cambodia, Thailand, Laos, the Philippines, Vietnam, Malaysia, and much of Indonesia. All three species have been listed in CITES Appendix II since 1975. The International Wildlife Coalition has recommended that all three species be transferred from Appendix II to Appendix I. Pangolins are heavily exploited for food, for skins (used in the manufacture of leather goods such as boots), and medicinal uses (their scales are utilized in traditional Asian medicines). There is considerable international trade. Little information is available on the status of wild populations of these three species. The United States is considering submitting a proposal to transfer all three Asian pangolin species to Appendix I. We have consulted with CITES range countries (Bangladesh,

Brunei, Burma/Myanmar, Cambodia, China, India, Indonesia, Malaysia, Nepal, Pakistan, the Philippines, Singapore, Sri Lanka, Thailand, and Vietnam) with regard to this proposal. We have already received responses from some of these countries.

#### 7. Musk deer (*Moschus* spp.)

Musk deer are native to Asia, ranging from eastern Siberia south through Manchuria and central China to the Hindu Kush-Karakoram-Himalayan region of Afghanistan, Pakistan, and India. The number of *Moschus* species is not resolved, with authorities describing anywhere from four to seven species. This, in turn, affects subspecies classification. The subspecies *Moschus moschiferus moschiferus* was first listed in CITES Appendix I in 1975. In 1979, the listing was changed so that *Moschus moschiferus* (Himalayan population) was listed in Appendix I and all remaining populations of *Moschus* spp. were listed in Appendix II. In 1983, the listing was once again changed such that all musk deer populations of Afghanistan, Bhutan, India, Burma/Myanmar, Nepal, and Pakistan were listed in Appendix I and all other musk deer populations were listed in Appendix II. The International Wildlife Coalition has recommended that all musk deer taxa be listed in Appendix I. The limitations of clear taxonomic description, in combination with very little distribution information for some taxa, adds to the argument for listing all members of the genus in Appendix I. In addition, available information indicates that musk deer populations continue to decline throughout their ranges due to widespread poaching for international trade. Modification and loss of forest and scrub-forest habitat are additional threats in many portions of the range. For these reasons, the United States is considering submitting a proposal to transfer all *Moschus* populations currently in Appendix II to Appendix I. We have consulted with CITES range countries (Afghanistan, China, India, Republic of Korea, Mongolia, Burma/Myanmar, Nepal, Pakistan, Russia, and Vietnam) with regard to such a proposal. We have already received responses from some of these countries.

#### 8. Urial sheep (*Ovis vignei*)

Urial sheep are native to central Asia, ranging from Iran and Turkmenistan in the west to northern India (Ladakh) in the east. Within this range, urial tend to have a patchy distribution associated with mountain ranges and rugged hill and canyon country. The number of urial subspecies is not resolved, with

authorities describing from five to seven. The nominate subspecies, *Ovis vignei vignei* has been listed in CITES Appendix I since 1975; no other subspecies are currently listed. The Humane Society of the United States and the International Wildlife Coalition have recommended that all currently unlisted subspecies be listed in Appendix I. Urial populations appear to have declined across the species' entire range over the past 20–30 years as a result of poaching and habitat degradation due to domestic livestock grazing. Recent population figures are unavailable for Afghanistan and Iran. Urial are subject to sport hunting in several countries, but the sustainability of that hunting cannot readily be determined.

For these reasons, the United States is considering submitting, supporting, or co-sponsoring a proposal to list the entire species in Appendix I. We are currently consulting with range countries (Afghanistan, India, Kazakhstan, Pakistan, Tajikistan, Turkmenistan, and Uzbekistan) with regard to this proposal.

*D. What species proposals does the United States not plan to submit for consideration at COP11?*

The United States does not plan to submit the following proposals, based on the information discussed below. We welcome your comments. For each species, more detailed information is available in the Office of Scientific Authority than is presented in the summary below. Some of the species may qualify for the proposed action, but due to resource availability, time constraints, or potential conservation benefit from the action, we do not propose to submit the proposal for COP11; that decision is independent of whether or not we still may support such a proposal if submitted by another Party.

**Plants**

**1. Pau rosa (*Aniba duckei* and *Aniba roseodora*)**

The Humane Society of the United States has requested that the United States propose pau rosa for inclusion in Appendix II. These species are harvested for the oil contained in their trunks and large branches, which is used as an ingredient in certain perfumes. The United States is the largest importer of pau rosa oil, followed by Switzerland, France, and other European countries. These species occur in the northern and western areas of greater Amazonia, including Brazil, Peru, Colombia, Ecuador, Suriname,

French Guiana, Guyana, and Venezuela. The sole producer of pau rosa oil at present is Brazil.

Though areas within the range of these species lack mature trees (i.e., where they have been utilized by the oil industry), natural regeneration has been documented and substantial wild stands are likely to exist in inaccessible areas that may remain unexploited for logistical and economic reasons. International trade in pau rosa oil has declined by about 80 percent since the 1960s, largely due to the replacement of natural rosewood oil by synthetic substitutes.

The United States does not plan to propose the listing of *Aniba duckei* and *A. roseodora* in Appendix II of CITES. However, we invite the submission of information regarding the status of these species in the wild and the impact of international trade on their status. This will assist us in monitoring the situation in the future. We are also seeking comments in relation to the CITES listing criteria in Resolution Conf. 9.24. In addition, the United States will discuss the status of these species, their international trade, and the potential impacts of CITES protection with the government of Brazil.

**Invertebrates**

**2. Giant clams (*Tridacna gigas* and *T. derasa*)**

The Commonwealth of Northern Mariana Islands' Division of Fish and Wildlife, Center for Tropical and Subtropical Aquaculture's Industry Advisory Council, and Micronesian Environmental Services made recommendations concerning giant clams (*Tridacna gigas* and *T. derasa*). These organizations requested that the United States propose the removal of these species from Appendix II or propose to exempt giant clam mariculture farms from CITES permitting requirements.

There are nine species of giant clams (7 *Tridacna* spp. and 2 *Hippopus* spp.) distributed throughout coral reef habitats in the western Pacific and Indian Oceans. The largest species of giant clam, *T. gigas*, is native to Australia, Indonesia, Fiji, the Federated States of Micronesia, Japan, Kiribati, New Caledonia, Guam, Malaysia, the Marshall Islands, Burma/Myanmar, the Northern Marianas, Palau, Papua New Guinea, the Philippines, the Solomon Islands, Taiwan, Thailand, Tuvalu, and Vanuatu. Today, abundant populations of *T. gigas* are known only in Australia and the Solomon Islands; this species is extinct in Fiji, Guam, New Caledonia, and the northern Marianas, and has

been eliminated from most of the Federated States of Micronesia, Japan, the Philippines, Taiwan, Tuvalu, and Vanuatu. Cultivated stocks of *T. gigas* have been reintroduced to Fiji, the Federated States of Micronesia, and the Philippines, and introduced to the Cook Islands, Western Samoa, American Samoa, Tonga, and Tuvalu, although high mortality has been reported and self-sustaining populations have not been established in the wild.

*T. derasa* has a more restricted distribution than does *T. gigas*, and occurs in nine countries and territories, with confirmed centers of abundance in Palau, Papua New Guinea, Australia, the Solomon Islands, New Caledonia, Fiji, and Tonga. *T. derasa* is extinct in parts of Indonesia, the Philippines, Vanuatu, Guam, and the Northern Marianas. Although this species has been widely introduced, wild stocks have become established only in Yap.

A primary threat to *T. gigas* and *T. derasa* is over-exploitation from commercial utilization, poaching, and subsistence utilization, despite the protection afforded them in Appendix II of CITES. All species of giant clams are further threatened by habitat degradation, increased incidence of bleaching (loss of symbionts) and mortality associated with elevated sea water temperatures in 1997–1998, and low reproductive potential and recruitment success due to severe depletion of populations.

Wild stocks of these two species have declined dramatically over the past two decades, and they have been extirpated from many areas. The United States considers that wild populations of *T. gigas* and *T. derasa* still meet the listing criteria for inclusion in Appendix II. Furthermore, exemption of mariculture products of a listed species from regulation under CITES is not possible under the CITES Treaty. There are provisions in the Treaty for the issuance of CITES permits or certificates indicating that specimens were obtained from animals bred in captivity, if they meet CITES criteria for that designation. Therefore the United States does not intend to submit a proposal for a listing change for these species.

**3. Hard Corals**

The Center for Tropical and Subtropical Aquaculture's Industry Advisory Council recommended re-evaluation of the listing in Appendix II for these species, although no further information or explanation was given. Seventeen genera of hard corals were first listed in Appendix II in 1985. Because of law enforcement problems associated with the partial listing of a

large group of taxa that are difficult to distinguish from one another, the entire orders of Scleractinia and Coenothecalia, and the family Tubiporidae (Order Stolonifera) were listed in Appendix II in 1989.

Over the last decade, coral reefs have experienced widespread declines in the abundance of coral reef species and live coral coverage at locations around the world. The 1998 *Reefs at Risk* study found that 58% of the world's reefs are potentially threatened by human activity, including coastal development, destructive and over-fishing practices, over-exploitation of marine resources, marine pollution, and runoff from deforestation and agriculture. Reefs have also been damaged by natural events such as coral disease outbreaks, crown-of-thorns sea star infestation, and several strong hurricanes and tropical cyclones, and these disturbances are being compounded by human impacts. In 1998, coral reefs around the world suffered the most extensive and severe coral bleaching episode in modern record, with subsequent mortality affecting 70–80% of all shallow-water corals on many Indo-Pacific reefs.

The collection of live coral and live rock (reported as Scleractinia) for the aquarium trade has increased each year since 1990, at a rate of approximately 25–30% per year. Commercial harvest of coral causes localized destruction of coral reef habitats and can result in extirpations of rare species. Nine of the ten dominant taxa for the aquarium trade consist of large-polyp corals that are slow-growing, long-lived, and often rare; these life-history characteristics render them vulnerable to over-exploitation. There has recently been increased demand for the faster-growing taxa (small-polyp corals), and coral husbandry programs are in the early stages of development to provide captive-reared specimens to hobbyists. However, the United States has concerns that major exporting countries involved in captive propagation of corals may be exporting first-generation corals as captive-reared or captive-bred animals. Although coral husbandry programs may eventually reduce the demand for wild-harvested specimens of some species, fast-growing corals that can be captive-reared are the taxa that suffered extensive mortality from the bleaching episode of 1998.

As part of the U.S. Government's implementation of President Clinton's Executive Order on Coral Reefs, the United States is evaluating recommendations concerning the trade in coral and coral products. The United States Coral Reef Task Force (USCRTF) has recognized that the international

trade in coral and other coral reef species is driving destructive and potentially unsustainable fishing practices, particularly in the Indo-Pacific region. The International Working Group of the USCRTF (an interagency group) is concerned that the destruction of coral reef ecosystems will continue unless conservation efforts are improved at all points along the trade stream. In order to address the sustainability of the coral trade, we and the National Marine Fisheries Service have initiated a comprehensive examination of trade in live and dead coral and coral products. The United States considers these coral species to continue to meet the criteria for listing and retention in CITES Appendix II, and does not intend to propose a listing change for any species of hard coral.

#### Fish

##### 4. Sawfishes (Pristiformes spp.)

We received a recommendation from Friends of Animals to include all species of the order Pristiformes (sawfishes) in Appendix II. The order consists of only one family, Pristidae, incorporating seven species (although the taxonomy of the group is debated). These species are: *Pristis pectinata* (smallmouth sawfish), inhabiting marine habitats in selected parts of the eastern Pacific Ocean, western and eastern Atlantic Ocean, Mediterranean Sea, Indo-Pacific, and Red Sea, and freshwater habitats in North, Central, and South America, Africa, and India; *P. clavata* (dwarf or Queensland sawfish), inhabiting nearshore and estuarine waters of northern Australia; *P. zijsron* (green sawfish), inhabiting marine habitats of the Indo-West Pacific from South Africa to the Persian Gulf, the Indian subcontinent, Indonesia, Australia, and Viet Nam, and throughout the Indo-Australian Archipelago, and also freshwater habitats in Thailand, Malaysia, Indonesia, and Australia; *P. pristis* (common sawfish), inhabiting marine habitats in the western Mediterranean and eastern Atlantic, possibly Africa; *P. microdon* (freshwater, Leichhardt's, great-tooth, or largetooth sawfish), inhabiting marine habitats in the Indo-West Pacific and freshwater habitats in Africa, Asia, Pacific Islands, and Australia; *P. perotteti* (largetooth sawfish), inhabiting warm-temperate to tropical-marine waters in the Atlantic and eastern Pacific, possibly in the eastern Mediterranean, and freshwater habitats in Central and South America and Africa; and *Anoxypristis cuspidata* (knifetooth, pointed, or narrow sawfish), inhabiting marine habitats in the Indo-

West Pacific from the Red Sea and Persian Gulf to Australia and China, and brackish waters in Papua New Guinea, India, Myanmar, and Thailand. Of these species, *P. perotteti* and *P. pectinata* occur in U.S. waters.

Sawfishes have several life-history characteristics (e.g., slow growth, low fecundity, late sexual maturity, long life-span, long gestational period) that render them more vulnerable to reduced survivorship than many bony fishes. Other factors increasing the potential vulnerability of these species are restriction to a narrow depth range and disjunct distribution patterns. Threats to sawfishes include collection for the curio trade, habitat degradation, direct and incidental take in fisheries, destructive fishing practices (such as cyanide and dynamite fishing), and acquisition for live displays in public aquaria. Most species have exhibited either severe population declines or have an extremely localized distribution. Although data on international trade and other forms of exploitation of sawfishes are sketchy, localized effects can be seen in individual populations.

The United States proposed these species for inclusion in Appendix I at COP10, based on our view that they meet the criteria for inclusion in that Appendix. The proposal lost by a vote of 24–50. In their interventions, many Parties indicated that they believe that the main threats to the species are habitat degradation and incidental take, and not trade. Two species of sawfish in the United States are under consideration as candidate species for the U.S. Endangered Species Act. The United States will evaluate the possibility of addressing under domestic law the threats posed to sawfish. Therefore the United States does not intend to propose these species for listing at COP11.

##### 5. Spiny dogfish shark (*Squalus acanthias*)

The Humane Society of the United States and International Wildlife Coalition have recommended that the United States consider proposing spiny dogfish shark (*Squalus acanthias*) for listing in CITES Appendix II at COP11. According to the most recent (1998) scientific assessment, spiny dogfish in the Northwest Atlantic is over-fished. Although total stock biomass is currently at a high level, present harvest levels and exploitation rates cannot be sustained. Spawning stock biomass declined by 50% during the 1990s. Current harvest rates exceed the replacement level for the stock and recruitment has declined. Much of the



harvest from the species enters into international trade. If the recent level of unmanaged harvest and exploitation rate were to continue for an extended period of time, the species would meet the criteria for listing in Appendix I.

Under the Magnuson-Stevens Act, a Fishery Management Plan (FMP) has been developed for spiny dogfish. The FMP contains a rebuilding plan to alleviate the over-fished condition of this species and rebuild stocks within 10 years. The FMP has recently been adopted by the relevant Fishery Management Councils and has been sent to the National Marine Fisheries Service for review. If the FMP is adopted, landings will decrease significantly and international trade in this product will likely cease. The United States believes that rebuilding of this stock can be accomplished under the Magnuson-Stevens Act and, therefore, does not intend to propose this species for listing in CITES Appendix II.

#### 6. Atlantic swordfish (*Xiphias gladius*)

The International Wildlife Coalition has recommended that the United States consider proposing Atlantic swordfish (*Xiphias gladius*) for inclusion in CITES Appendix II. Atlantic swordfish is being managed as two separate stocks (North Atlantic and South Atlantic) in the Atlantic Ocean. The North Atlantic swordfish stock has been in decline and is over-exploited. The most recent stock assessment (1997, with revisions in 1998) indicated that the current level of fishing mortality exceeds twice the fishing mortality needed to produce the maximum sustainable yield. The South Atlantic swordfish stock is being harvested at a level that exceeds twice the fishing mortality necessary to achieve maximum sustainable yield. The demand for *Xiphias gladius* is considerable and the United States is a major market for fresh and frozen swordfish. The United States considers that this species meets the criteria for inclusion in Appendix II. However, the United States believes that progress is being made to control the harvest of this species through management and trade actions.

Specifically, the International Convention for the Conservation of Atlantic Tunas' (ICCAT) scientific body, the Standing Committee on Research and Statistics (SCRS), indicated that North Atlantic swordfish is over-exploited and that South Atlantic swordfish is being over-harvested and is in decline. To address the decline in the resource, ICCAT has adopted reductions in quotas in addition to other conservation and management measures. In the fall of 1999, the SCRS

will reassess the swordfish stock and ICCAT members will consider the adoption of appropriate new management measures for Atlantic swordfish that support rebuilding.

ICCAT has taken a number of concrete steps to address the problem of non-compliance among both member and non-member nations, some of which are discussed here. ICCAT members that were responsible for over-harvests of North Atlantic swordfish under the terms of a 1996 ICCAT compliance recommendation acknowledged these overages at the 1998 ICCAT meeting and pledged to reduce their quotas accordingly. Recognizing the problems associated with vessels fishing under flags of convenience, ICCAT adopted a measure to address unreported and unregulated catches of swordfish by large-scale longline vessels. This measure can lead to the revocation of the registration or fishing licenses of vessels that are acting improperly and, if necessary, the use of trade restrictive measures.

In addition, the National Marine Fisheries Service has developed a rebuilding plan for swordfish as part of the Highly Migratory Species (HMS) Fishery Management Plan (FMP), as required by the Magnuson-Stevens Act. A draft HMS FMP was published in October 1998 and was approved on April 26, 1999. The FMP includes a 10 year recovery period and recognizes the international nature of this fishery. The plan includes targets for recovery, limits, and explicit milestones for measurable improvement of the stock. The plan also includes limited entry for the commercial fishery and a time/area closure to reduce juvenile swordfish mortality.

Finally, in March 1999, the National Marine Fisheries Service published a final rule that bans the import of swordfish less than 33 pounds, extends dealer permitting and reporting requirements to swordfish imports, and implements a Certificate of Eligibility program to improve tracking of swordfish imports. Under this swordfish import monitoring program, all swordfish importers must submit data to the National Marine Fisheries Service regarding their swordfish importing activities. These regulations are designed to facilitate enforcement of the ICCAT minimum size limits and should also improve the collection of information relating to trade in Atlantic swordfish.

Given this progress, and the fact that the United States believes there is sufficient progress to manage this species under the auspices of ICCAT and the Magnuson-Stevens Act, the

United States does not intend to submit a proposal to COP11 to list this species in CITES Appendix II.

#### Amphibians and Reptiles

#### 7. California mountain kingsnake (*Lampropeltis zonata*)

The California mountain kingsnake has a restricted distribution on the west side of the Sierra Nevada mountain range in California and in the coast ranges from southwestern Oregon to northern Baja California, Mexico. This species is not currently listed under CITES. The Humane Society of the United States and the International Wildlife Coalition have recommended that the California mountain kingsnake be listed in Appendix II. Major threats to this species are habitat loss, particularly in southern California, and collection for commercial trade. To date, however, available information on the status of California mountain kingsnake populations and the impact of collection on populations is extremely limited, and appears to be inadequate to fulfill the CITES listing criteria. Therefore, the United States does not intend to submit a listing proposal for the California mountain kingsnake at COP11. We will continue to gather information on the conservation status and status in international trade of this species.

#### 8. Eastern diamondback rattlesnake (*Crotalus adamanteus*)

The eastern diamondback rattlesnake ranges along the coastal plain from southeastern North Carolina to the Florida Keys to southern Mississippi and extreme southeastern Louisiana. The species is not currently listed under CITES. The Humane Society of the United States, the International Wildlife Coalition, and R. H. Mount, Professor Emeritus at Auburn University, have all recommended that the eastern diamondback rattlesnake be listed in CITES Appendix II. The major threats to this species include habitat loss and degradation (due primarily to conversion of suitable habitat to loblolly pine plantations, agricultural fields, and commercial and residential areas), collection for trade and rattlesnake roundups, and intentional killing. However, the magnitude and extent of the threat posed by international trade have not, as yet, been adequately determined. Therefore, the United States does not intend to submit an Appendix-II listing proposal for the eastern diamondback rattlesnake at COP11. We will continue to monitor the conservation status and status in international trade of this endemic U.S. species.

9. Common snapping turtle (*Chelydra serpentina*)

The common snapping turtle occurs throughout the United States east of the Rockies, north into southern Canada, and south into Central America, Colombia, and Ecuador. The common snapping turtle is not currently listed under CITES. The Humane Society of the United States, International Wildlife Coalition, and New York Turtle and Tortoise Society recommended that the common snapping turtle be listed in Appendix II. Common snapping turtles are harvested in large numbers both for food and for the pet trade. Although certain local or regional populations may have been depleted by over-harvest, this species continues to be generally common and widely distributed. Much of the market is domestic, although international trade involving the United States may be increasing. The species does not appear to qualify for listing in Appendix II, given the general abundance of the species throughout most of its range. Therefore, the United States does not intend to submit a listing proposal for the common snapping turtle at COP11.

10. Alligator snapping turtle (*Macrolemys temminckii*)

The Friends of Animals, New York Turtle and Tortoise Society, Humane Society of the United States, and International Wildlife Coalition have recommended that the United States submit a proposal to list the alligator snapping turtle (*Macrolemys temminckii*) in CITES Appendix II. The United States submitted a proposal to COP10 to include the alligator snapping turtle in Appendix II. The proposal was withdrawn after some countries expressed the view that international trade is minimal and conservation problems for the species should be addressed through domestic measures. There was also opposition from the State of Louisiana to the proposal. Many countries at COP10 indicated that, for an endemic species such as the alligator snapper (which is confined to the United States in river systems that drain into the Gulf of Mexico), inclusion in Appendix III would be preferable.

Given that there is likely to be little support at COP11 for another Appendix-II proposal, and given the advantages of an Appendix-III listing, the United States now believes that an Appendix-III listing for the alligator snapping turtle may be the preferable approach. Listing U.S. native species in Appendix III would improve the regulation, protection, and control of the species in domestic and international trade. The

United States does not intend to submit this proposal, but is actively considering whether to include the species in CITES Appendix III. A **Federal Register** notice to that effect may be published in the near future.

11. Map turtles (*Graptemys* spp.)

The Friends of Animals, New York Turtle and Tortoise Society, Humane Society of the United States, and International Wildlife Coalition have recommended that the United States submit a proposal to list all map turtles (*Graptemys* spp.) in CITES Appendix II. The United States submitted a proposal to COP10 to include nine of the twelve species of map turtles in Appendix II (and to leave as unlisted the three more common species). The proposal received a majority of votes, but did not receive the two-thirds majority required for adoption (37 votes for and 19 votes against).

The United States now believes that it may be preferable to include all 12 map turtle species in Appendix III, to adequately monitor trade and obtain the advantages of an Appendix-III listing. Listing U.S. native species in Appendix III would improve the regulation, protection, and control of the species in domestic and international trade. The United States does not intend to submit this proposal, but is actively considering whether to include the species in CITES Appendix III. A **Federal Register** notice to that effect may be published in the near future.

12. Southeast Asian softshell turtles (Trionychidae)

Softshell turtles are in the family Trionychidae. There is some scientific disagreement over the number of genera within this family. Some authorities recognize six genera. Other authorities recognize 14 genera, having subdivided the single genus *Trionyx* into eight genera (*Amyda*, *Apalone*, *Aspideretes*, *Dogania*, *Nilssonina*, *Palea*, *Pelodiscus*, and *Trionyx*), six of which are monotypic. For purposes of this notice, we have chosen to recognize fourteen genera.

Fourteen recognized species of Trionychidae occur in southern and southeastern Asia. Of these, three species (listed as *Trionyx*, but considered here to be *Aspideretes*) are listed in CITES Appendix I, and one *Lissemys* species is listed in Appendix II. The Humane Society of the United States and the International Wildlife Coalition have recommended that certain southeast Asian species of softshell turtle be listed in Appendix II. Non-CITES-listed Southeast Asian softshell turtles include *Lissemys*

*scutata*, *Amyda cartilaginea*, *Aspideretes leithii*, *Chitra indica*, *Dogania subplana*, *Nilssonina formosa*, *Palea steindachneri*, *Pelochelys bibroni*, *Pelodiscus sinensis*, and *Rafetus swinhoei*. Although investigations have documented that several of these species are utilized for food and are traded internationally, available information on the biological status of the species and the levels and effects of international trade is inadequate to fulfill CITES listing criteria. Thus, the United States does not intend to submit a listing proposal for the Southeast Asian softshell turtles at COP11. We will continue to gather information on the conservation status and status in international trade of these species.

13. North American softshell turtles (*Apalone* spp.)

There are three species of North American softshell turtles. Some authorities place these species in the genus *Trionyx*, others place them in the genus *Apalone*. For purposes of this notice, we have chosen to use the genus *Apalone*. The three *Apalone* species, *Apalone spinifera*, *A. mutica*, and *A. ferox*, occur in the eastern, southeastern, and Midwestern United States. The Humane Society of the United States and the International Wildlife Coalition have recommended that all three *Apalone* species be listed in Appendix II. The New York Turtle and Tortoise Society has recommended that all North American *Trionyx* be listed in Appendix II. These turtles are threatened by habitat modification and loss, and by harvest for pets and human consumption. Records show that, since the early 1990s, U.S. exports of *Apalone* spp. have been steadily increasing. Few populations of *Apalone* have been well studied, so the effects of harvest on populations is poorly documented. For this reason, the United States does not intend to submit a listing proposal for the North American softshell turtles at COP11. We will continue to gather information on the conservation status and status in international trade of these species.

14. Malaysian giant turtle (*Orlitia borneensis*)

The Malaysian giant turtle occurs in Indonesia (Sumatra and Kalimantan), Malaysia (peninsular, Sarawak, and perhaps Sabah), and perhaps Brunei. The species is not currently listed under CITES, and has not previously been proposed for listing. The Humane Society of the United States and the International Wildlife Coalition have recommended that the Malaysian giant turtle be listed in CITES Appendix II.

The limited available data on the status of wild populations appear to indicate that the Malaysian giant turtle is still relatively widespread and common in most of its range. Although anecdotal information indicates that Indonesian exports of this species for food have increased substantially in recent years, quantitative data are lacking. Because available information on the biological status of the species and the levels and effects of international trade is inadequate to fulfill CITES listing criteria, the United States does not intend to submit a listing proposal for the Malaysian giant turtle at COP11. We will continue to gather information on the conservation status and status in international trade of this species.

15. Burmese roofed turtle (*Kachugu trivittata*)

The Burmese roofed turtle is known only from the Salween and Irrawaddy River basins in Burma/Myanmar. The Humane Society of the United States and the International Wildlife Coalition have recommended that the Burmese roofed turtle be listed in CITES Appendix II. Virtually nothing is known of the status of the species in the wild, and very little information is available on current levels of exploitation of the species. Because available information on the biological status of the species and the levels and effects of international trade are inadequate to fulfill CITES listing criteria, the United States does not intend to submit a listing proposal for the Burmese roofed turtle at COP11. We will continue to gather information on the conservation status and status in international trade of this species.

16. Red-eared slider (*Trachemys scripta elegans*)

The red-eared slider occurs in the Mississippi River drainage from Illinois to the Gulf of Mexico and from eastern New Mexico to Tennessee and Alabama. The species is not currently listed under CITES. The International Wildlife Coalition and the New York Turtle and Tortoise Society have recommended that the red-eared slider be listed in Appendix II. The red-eared slider is probably the most commonly kept pet turtle in the United States. Red-eared sliders are also exported in large numbers as pets and food items. A number of turtle farms in the southern United States produce large quantities of sliders for the pet and food industries. These farms remove adult females from the wild each year to replace breeding stock. Additional adults are removed from the wild for international trade. Despite these

harvests, we are not aware of any scientific reports indicating that wild populations are declining over large areas as a result of harvest, or that current levels of harvest are unsustainable. Thus, the United States does not intend to submit a listing proposal for the red-eared slider at COP11.

17. Beaded lizard and Gila monster (*Heloderma* spp.)

The beaded lizard occurs in Mexico and Guatemala, whereas the Gila monster occurs in the southwestern United States and northern Mexico (Sonora and Sinaloa). Both species have been listed in CITES Appendix II since 1975. The Humane Society of the United States and the International Wildlife Coalition have recommended that these species be transferred to Appendix I. Legal collection of both species is regulated in the United States and Mexico. The major threat to the species appears to be illegal commercial trade resulting from the high demand (and, therefore, high value) among collectors, although there are also localized habitat threats. There are few reliable data on the status of wild populations of either species, although both are considered relatively stable in most of their respective ranges. The Gila monster has been assigned a rank of G4 in The Nature Conservancy's Global Conservation Status ranking system. The G4 category is "Apparently Secure." The species is considered uncommon, but not rare, and is usually widespread. Therefore, an Appendix-I listing does not appear to be warranted for either species at the present time. The United States does not intend to submit an Appendix I listing proposal for *Heloderma* spp. at COP11.

18. Orange-throated whiptail lizard (*Cnemidophorus hyperythrus*)

The orange-throated whiptail lizard is limited to extreme southwestern California, Baja California, Mexico, and some islands off Baja California. This species was listed in Appendix II of CITES in 1975. The International Affairs Committee of the IAFWA has recommended that this species not be listed under CITES. The Humane Society of the United States and the International Wildlife Coalition have recommended that the species be retained in Appendix II. The primary threat to this species is loss of suitable, contiguous habitat in southern California, particularly in San Diego County, as a direct result of urban, commercial, and agricultural development. Habitat threats are exacerbated by ongoing commercial

collection. However, the magnitude and extent of the threat posed by international trade has not, as yet, been adequately determined. As such, the United States believes that information is inadequate to warrant the submission of a proposal to delist the orange-throated whiptail lizard at COP11, and does not plan to propose any change to its CITES listing status.

19. Chuckwalla (*Sauromalus obesus*)

The chuckwalla is found in the deserts of the southwestern United States (southeastern California, southern Nevada, southern Utah, western Arizona) and northwestern Mexico. The chuckwalla is not currently listed under CITES, nor has it ever been proposed for listing. The Humane Society of the United States and the International Wildlife Coalition have recommended that the species be listed in Appendix II. The chuckwalla has a moderately large range, and the overall population is considered to be stable within that range. The species has been assigned a rank of G5 in The Nature Conservancy's Global Conservation Status ranking system. The G5 category is "Secure." The species is considered to be common, typically widespread, and abundant. Although localized habitat damage is occurring within its range, that damage is not considered extensive enough to pose a threat to the chuckwalla. The primary threat to this species appears to be increased commercial harvest in specific areas (e.g., Nevada). However, over much of its range harvest is either prohibited or restricted to small numbers of specimens, and overall the species does not appear to be threatened by legal commercial harvest. Thus, an Appendix-II listing for chuckwalla does not appear to be warranted at present, and the United States does not intend to submit this proposal at COP11.

20. Desert iguana (*Dipsosaurus dorsalis*)

The desert iguana is found in the creosote-bush deserts of the southwestern United States (southeastern California, southern Nevada, southern Utah, western Arizona) and northwestern Mexico. The desert iguana is not currently listed under CITES, nor has it ever been proposed for listing. The Humane Society of the United States has recommended that the species be listed in Appendix II. The desert iguana has a moderately large range, being found almost everywhere that creosote bush is found. The species is considered abundant throughout that range. The species has been assigned a rank of G5 in The Nature Conservancy's Global

Conservation Status ranking system. As with the chuckwalla, the desert iguana is threatened by habitat loss and degradation in localized portions of its range, and by increased commercial harvest in specific areas (e.g., Nevada). Overall, however, the desert iguana does not appear to be threatened by legal commercial harvest. Thus, an Appendix-II listing for the desert iguana does not appear to be warranted at present, and the United States does not intend to submit this proposal at COP11.

21. Desert collared lizard (*Crotaphytus bicinctores*)

The desert collared lizard has a wide distribution extending from southeastern Oregon and southern Idaho south through northeastern California, the Great Basin of Nevada, and western and lowland central Utah to southeastern California and western Arizona. The desert collared lizard is not currently listed under CITES, nor has it ever been proposed for listing. The Humane Society of the United States has recommended that the species be listed in Appendix II. Habitat loss and degradation, and localized commercial collection threaten this species. However, overall, the desert collared lizard appears to be common, stable in distribution and population numbers, and not threatened by legal commercial harvest. The species has been assigned a rank of G5 in The Nature Conservancy's Global Conservation Status ranking system. Thus, an Appendix-II listing for the desert collared lizard does not appear to be warranted at present, and the United States does not intend to submit this proposal at COP11.

Birds

22. Black-billed parrot (*Amazona agilis*)

The black-billed parrot is endemic to humid forests in the mountainous regions of Jamaica. This species was proposed by Germany for transfer to Appendix I at COP10. That proposal was supported by the United States, but was withdrawn by Germany because it was claimed that an Appendix-I listing might actually stimulate illegal trade in the species by increasing its desirability as a rare species. We have no evidence that such a claim can be proven for any species. However, the species has been subject to little trade while listed in Appendix II. Data from WCMC for 1990–1997 indicate that only eight specimens were traded, and those were captive-bred. Therefore, although we believe that the species meets the biological criteria for listing in

Appendix I, resource considerations and the lack of discernible trade in this species do not warrant a priority effort to propose a listing, and the United States does not plan to submit such a proposal at COP11.

23. Yellow-headed parrot (*Amazona oratrix*)

The yellow-headed parrot is found primarily in Mexico, although it also occurs in Belize, and it has been found recently in Guatemala. We considered a similar proposal to transfer this species from Appendix II to I at COP10, but consultation with Mexico, the primary range country for the species, revealed that they did not support such a proposal even though they supported a similar proposal for the red-crowned parrot (*Amazona viridigenalis*). From various discussions and meetings with CITES authorities in Mexico, we are aware of efforts in that country to better control domestic trade in indigenous birds, as well as the fact that Mexico prohibits the export of any native species unless their export is part of an approved community-based, sustainable-use management plan. In part because the yellow-headed parrot is currently a potential candidate species for a sustainable-use program, Mexico does not support the transfer of this species to Appendix I. We acknowledge that this species is a popular cage bird and has been subject to significant illegal trade between the United States and Mexico; however, U.S. and Mexican wildlife law enforcement personnel already devote significant effort to interdiction of illegal trade in this and other parrot species, and it is doubtful that these enforcement efforts would be affected by transfer of the species to Appendix I. Therefore, the United States does not plan to submit a proposal for this species, but will continue to consult with Mexico on its status.

24. Rimatara or Kuhl's lorikeet (*Vini kuhlii*)

*Vini kuhlii* is a small nectivorous parrot that occurs primarily on the island of Rimatara in French Polynesia and on remote islands of Kiribati, where it has been introduced. The total population is estimated to be about 3,500 birds and the species is classified as Endangered by IUCN. The primary threat to the species is predation by rats. There is little to no trade in the species. Although one live specimen was reported to exist in the United States when the species was considered for transfer to Appendix I at COP10, trade data from WCMC for 1990 to 1997 (the most recent year for which data are available) show that no specimens of

this species were traded during this period. This species was proposed by Germany for transfer to Appendix I at COP10, but the proposal was rejected. Although we concur that the species qualifies for an Appendix-I listing on biological grounds, because of the lack of trade pressure as well as the prohibition on imports of wild-caught birds by importing countries, it is doubtful that such a proposal would be given priority consideration by the Parties at COP11. Therefore, the United States does not plan to submit a proposal for this species.

25. Tahitian lorikeet (*Vini peruviana*)

The Tahitian lorikeet is another small nectivorous parrot that has a fairly wide, irregular distribution in Southeast Polynesia. It occurs on various islands in French Polynesia and various other island groups, including the Cook Islands of New Zealand, where it was probably introduced. The species is classified by IUCN as Vulnerable, and wild populations are stable, increasing, or decreasing, depending on the subpopulation in question. The primary threat to the species is rat predation, and although the species is protected in parts of its range, some collection for keeping of pets may occur locally. Low levels of illegal trade are alleged to occur, but documentation of recent occurrences is lacking. During 1980–1992, only 14 birds were traded legally, and none since 1991. This species was proposed by Germany for transfer to Appendix I at COP10, but the proposal was rejected. The species qualifies for an Appendix-I listing on biological grounds, but because of the lack of trade pressure and protected status in parts of its range, as well as the prohibition on imports of wild-caught birds by importing countries, it is doubtful that such a proposal would be given priority consideration by the Parties at COP11. Therefore, the United States does not plan to submit a proposal for this species.

26. Ouvea horned parakeet (*Eunymphicus cornutus uvaensis*)

The Ouvea horned parakeet is one of two subspecies of the horned parakeet (*Eunymphicus cornutus*) endemic to the French territory of New Caledonia in the South Pacific Ocean. This subspecies is found only on the Island of Ouvea and has a population estimated in 1993 at around 600 birds. This subspecies was proposed by Germany for transfer from Appendix II to I at COP10, but the proposal was withdrawn. The United States opposed Germany's COP10 proposal for this subspecies because the two subspecies of horned parakeets are

extremely similar and occur in the same jurisdiction, and we believed that the proposed split-listing would be practically unenforceable and would be inconsistent with Annex 3 of CITES Resolution Conf. 9.24, which discourages the listing of a species in more than one Appendix because of enforcement difficulties that could result. Our position on the split-listing of this species has not changed. Therefore, the United States does not intend to propose the *Ouvea* horned parakeet for transfer to Appendix I at COP11.

27. Northern helmeted curassow (*Pauxi pauxi*)

The northern helmeted curassow is a gallinaceous bird that occupies very dense, wet, cool montane forest in northern Venezuela and adjacent areas of Colombia. The Netherlands proposed this species for inclusion in Appendix II at COP10, but withdrew the proposal. According to that proposal, the species was formerly common within its range in Venezuela, but its status in the Andes along the Colombia-Venezuela border and in adjacent areas of Colombia is unknown. The species is threatened by habitat loss and indiscriminate hunting (even in protected areas) in the range countries. The species has declined considerably from the 1950s to the present time. The total population is estimated at fewer than 2,500 mature individuals and severely fragmented, although good information is lacking on the population in Colombia. Trade data included in the proposal for COP10 showed that a total of 10 specimens were traded internationally from 1980 to 1992. The species was listed in Appendix III by Colombia in 1988, so trade data prior to listing may be incomplete. However, according to information reported by WCMC for the period 1990–1997, only 20 specimens were exported, 12 of which were captive-bred. Published conservation assessments do not mention international trade as a factor affecting the species. Considering that international trade does not appear to be a significant factor affecting the species, and such trade is monitored because of the Appendix-III listing, the United States does not believe that the species warrants inclusion in Appendix II at this time and does not intend to submit such a proposal at COP11.

28. Horned curassow (*Pauxi unicornis*)

The horned curassow is a poorly known gallinaceous bird that inhabits dense forest in areas of heavy rainfall and rugged terrain in Bolivia and Peru. The Netherlands proposed this species

for inclusion in Appendix II at COP10, but withdrew the proposal; neither the species nor any population is listed in any other Appendix. According to the Netherlands' proposal, threats to the species include habitat loss to development and hunting for food as well as for making handicrafts from the head and "horn." The Amboró National Park, Bolivia, is an apparent stronghold for the species, and it is believed that improved enforcement of its protected status in the park has resulted in a population increase there, although threats to the park exist from timber extraction and other habitat losses, and funding shortages could reduce enforcement and result in a decline of the species. Published conservation assessments of this species do not mention international trade as a factor affecting the species. Considering that international trade does not appear to be a significant factor affecting the species, the United States does not believe that the species warrants inclusion in Appendix II at this time and does not intend to submit such a proposal at COP11.

29. Turacos (*Musophagidae spp.*)

Turaco species not currently included in any CITES Appendix include the Ruwenzori turaco (*Musophaga johnstoni* [= *Ruwenzorornis johnstoni*]), Ross' turaco (*Musophaga rossae*), the grey go-away bird (*Corythaixoides concolor*), the bare-faced go-away bird (*Corythaixoides personatus*), the white-bellied go-away bird (*Corythaixoides leucogaster*), and eastern grey plintain-eater (*Crinifer zonurus*). The great blue turaco (*Corythaola cristata*), the western grey plintain-eater (*Crinifer piscator*), and the violet turaco (*Musophaga violacea*) are listed in Appendix III by Ghana. All other musophagid species are included in Appendix II. None of the unlisted species are considered threatened, and are described as frequent to locally common, common, or even abundant in the wild. Some species, such as the grey go-away bird, are considered agricultural pests. All of them have extensive multi-national distributions except for the Ruwenzori turaco, which is restricted to the Ruwenzori Mountains of eastern Democratic Republic of the Congo, southwestern Uganda, Rwanda, and Burundi, although this species is also considered common within its range. The proponents for this listing proposal provided information on trade in some of these species from Tanzania, but acknowledged that Tanzania has imposed species-specific export quotas on all indigenous birds. A review of

trade data on similar listed species suggests that the numbers of wild-caught birds in international trade peaked in the early 1990s, but has declined to relatively low levels since (1990–1997 trade data from WCMC for great blue turaco, violet turaco, and western grey plintain-eater). None of these species are listed by IUCN. Therefore, the United States does not consider that listing is warranted at this time and does not intend to submit such a proposal at COP11.

Mammals

30. All bears (*Ursidae spp.*)

The Animal Welfare Institute has recommended that the CITES listing for Appendix-II bear species be annotated to allow trade only in sport-hunted trophies, meat, hides, paws, and live animals to appropriate and acceptable destinations. We do not believe that such an annotation is appropriate at this time, especially given our concern over the use of annotations in the Appendices and our desire to focus on adoption of the draft resolution related to the use of annotations (see previous discussion in this Notice). Therefore, the United States does not intend to submit this proposal at COP11.

31. Walrus (*Odobenus rosmarus*)

Walruses occur primarily in coastal waters of the Arctic Ocean and adjoining seas. The species is presently listed in Appendix III of CITES (included by Canada) and receives extensive protection in the United States under the Marine Mammal Protection Act (MMPA). Friends of Animals has recommended that we propose to include the walrus in CITES Appendix II. The MMPA allows non-wasteful take of walruses by Alaskan Natives for subsistence purposes and for the creation of authentic native articles of handicrafts and clothing, but limits legal international trade of walrus products for the most part to handicraft items. Population surveys are conducted jointly with Russia at 5-year intervals. There is no evidence of dramatic change in walrus populations in recent years due to international trade, and the legal take has remained stable. A small number of unfortunate poaching incidents have resulted in mortality that, while locally dramatic in some cases, does not represent a significant impact on the walrus population of Alaska. Although there is a possibility that some poached ivory finds its way into illegal international trade, there is no evidence to suggest that the volume warrants additional CITES controls. Thus, both on biological and trade

grounds, the walrus in the United States does not meet the criteria for inclusion in CITES Appendix II. Therefore, the United States does not intend to submit a proposal for walrus at COP11.

### 32. African elephant (*Loxodonta africana*)

We received a recommendation from Friends of Animals and the International Wildlife Coalition to transfer the Appendix-II populations of the African elephant to Appendix I, in part due to alleged irregularities in the annotations. The African elephant populations of Botswana, Namibia, and Zimbabwe were transferred from CITES Appendix I to II at COP10, with annotations that allow for trade in certain parts and products only. All other populations of African elephants (and all Asian elephants) remain in Appendix I. The annotation authorizes the non-commercial exports of hunting trophies, and commercial exports of live animals to "approved destinations," and (from Zimbabwe only) hides, worked leather goods, and worked ivory; it also allows for resumption of a limited trade in stockpiled ivory if, and only if, certain conditions are met and approved by the CITES Standing Committee. The Standing Committee has since agreed that those conditions have been met, and the sales of ivory stockpiles from Botswana, Namibia, and Zimbabwe to Japan have taken place. The CITES Secretariat and CITES Parties (through the Standing Committee) must now monitor the implementation and enforcement ramifications of that sale, and any impact on elephant populations.

The United States was unable to support the proposed transfer of these three populations from Appendix I to II, and the limited sale of stockpiles, because of concerns that poaching and illegal ivory trade could increase in other range countries, and more specific concerns over the lack of agreed procedures among the Parties about the adoption and implementation of annotations. However, the United States respects the decision of the Parties and is working constructively with all interested Parties to see Decision 10.1 and Resolution Conf. 10.10 implemented properly. The United States considers that effective implementation of this decision is critical to the future of African and Asian elephant conservation and vital to the continued effective implementation of CITES.

The United States agrees with many of the concerns expressed by these commenters and others about the annotated African elephant downlisting.

The United States believes that the generic problem of procedures for developing and implementing annotations to the Appendices is of the highest priority for the next meeting of the Conference of the Parties. We agree that the annotations and associated decisions for the African elephant are confusing and difficult to implement in some cases. The highest priority should be placed on refining the process of using annotations when transferring species or populations from Appendix I to II, including implementation and interpretation of such annotations and related decisions. The United States prefers to work through the resolution process at the COP, however, rather than submit a proposal to rescind the current African elephant annotation.

### 33. Pigtailed macaque (*Macaca nemestrina*)

The pigtailed macaque occurs in Southeast Asia (Burma/Myanmar, Cambodia, southern China, India, Indonesia, Laos, Malaysia, Thailand, and Vietnam). The species is currently listed in CITES Appendix II. The International Wildlife Coalition has recommended that the pigtailed macaque be transferred to Appendix I. This species is in international trade, apparently as a result of its use in biomedical research. However, available information on the biological status of the species and on the levels and effects of international trade is inadequate to fulfill the CITES listing criteria for transfer to Appendix I. Therefore, the United States does not intend to submit a listing proposal for the pigtailed macaque at COP11.

#### *E. On which additional species proposals does the United States seek additional information and consultations?*

The United States seeks additional information and consultations on the following proposals. We welcome your comments, especially any biological and trade information on these species. For each species, more detailed information is available in the Office of Scientific Authority than is presented in the summary below.

#### Fish

##### 1. Southern bluefin tuna (*Thunnus maccoyii*)

A proposal to list this species in Appendix II is reportedly being considered by one or more Party countries. The United States is seeking additional information about the conservation status of this species and whether it qualifies for listing in the CITES Appendices, as a means of

developing additional information on the species prior to COP11.

Southern bluefin tuna are large, highly migratory, pelagic fish that inhabit portions of the Pacific, Atlantic, and Indian Oceans in the Southern Hemisphere. Their only known spawning ground is located south of Java, Indonesia, and northwest of Australia. After metamorphosis, juveniles leave the spawning and nursery area and migrate along the west coast of Australia, inhabiting coastal waters of southwest, south, and southeast Australia. As fish reach maturity, they extend their ranges to the circumpolar regions.

Some researchers have estimated that the total Southern bluefin tuna population declined by 50% between 1960 and 1966, and then 30–57% between 1966 and 1991. By 1994, estimated adult population size had fallen 80–94% below 1966 levels. Some recent assessments indicate that numbers of adults may have increased between 1991 and 1994. Further analyses of all these estimates and assessments are warranted. The World Conservation Union (IUCN) classified the Southern bluefin tuna as "critically endangered" in its 1996 IUCN Red List of Threatened Animals. According to the IUCN criteria, a species is considered to be critically endangered when it is facing an extremely high risk of extinction in the wild in the immediate future.

Southern bluefin tuna are very valuable and are exploited for the Japanese high-grade sashimi market. Japanese auction prices were \$29–\$75 per pound in 1998, and markets have developed recently in Taiwan and the Republic of Korea. Principal harvesting nations are Australia, Japan, and New Zealand, with exploitation by Australia and New Zealand in their coastal waters and by Japan on the high seas. The fishery has been active since the 1950s, but the United States does not participate. Illegal fisheries have been documented in Australia's Exclusive Economic Zone (EEZ).

In 1979, Australia declared Southern bluefin tuna fully exploited in the global fishery. Subsequently, an informal trilateral agreement was instituted in 1982 between Australia, New Zealand, and Japan. Management measures from this agreement included voluntary restrictions on catch until management was formalized between the three nations under the Convention for the Conservation of Southern Bluefin Tuna (CCSBT) in May 1994. Commercial landings declined precipitously during the early 1980s, and have remained low because of global total allowable catch

(TAC) levels set by CCSBT. Through 1998, CCSBT set annual quotas well below historic high harvest levels. However, quota effectiveness is undermined by rising catches of non-CCSBT fishing fleets. In addition, there has been no agreement among CCSBT members on quotas since 1998, and Japan has instituted experimental fisheries in areas not previously fished that have raised concerns from Australia and New Zealand. Japan claims that these fisheries show evidence of higher stock abundance.

#### Request for Information and Comments

We invite any information and comments concerning any of the possible COP11 species proposals, resolutions, and agenda items discussed above. You must submit your information and comments to us no later than September 7, 1999, to be ensured of consideration.

#### Announcement of Public Meeting

We announce that we will hold a public meeting to discuss with you species proposals, proposed resolutions, and agenda items that the United States is considering submitting for consideration at COP11. The public meeting will be held on July 28, 1999, from 1:30 P.M. to 4:30 P.M. in the Large Buffet Room of the Department of the Interior at 18th and C Streets, N.W., Washington, D.C. You can obtain directions to the building by contacting the Office of Management Authority or the Office of Scientific Authority (see **ADDRESSES**, above). The room is accessible to the handicapped. Persons planning to attend the meeting who require interpretation for the hearing impaired should notify the Office of Management Authority or the Office of Scientific Authority as soon as possible.

#### 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 non-governmental organizations (which must have offices in more than one country) at COP11 may request approval directly from the CITES Secretariat. Persons wishing to be observers representing U.S. national non-governmental organizations at COP11 must receive prior approval of our Office 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 COP11 to participate in COP11 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 COP11. An organization that we have previously approved as an observer at a meeting of the Conference of the Parties within the past five 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 COP11 as an observer. These requests should be sent to the Office 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 relevant travel and hotel information. Any organization requesting approval for observer status at COP11 will be added to our CITES Mailing List if it is not already included, and will receive copies of all future **Federal Register** notices and other information pertaining to COP11. A list of organizations approved for observer status at COP11 will be available upon

request from the Office of Management Authority just prior to the start of COP11. The deadline for registration of an organization as an observer at COP11 is one month prior to the opening of the COP.

#### Future Actions

We expect the CITES Secretariat to provide us with a provisional agenda for COP11 within the next several months. Once we receive the provisional agenda, we will publish it in a **Federal Register** notice. We will also provide it through our Website.

The United States must submit any species proposals, proposed resolutions, and agenda items for consideration at COP11, to the CITES Secretariat 150 days prior to the start of the meeting (i.e., by November 12, 1999). We will consider all available information and comments, including those presented at the public meeting (see **DATES** above) or received in writing during the comment period, in deciding which species proposals, proposed resolutions, and agenda items warrant submission by the United States for consideration of the Parties. Those we decide to submit for consideration at COP11 will be submitted to the CITES Secretariat by November 12, 1999.

We will publish a **Federal Register** notice approximately four months prior to COP11 announcing those species proposals, proposed resolutions, and agenda items submitted by the United States to the CITES Secretariat for consideration at COP11, and providing a basis for those decisions.

Through a series of additional notices in advance of COP11, we will inform you about preliminary and final (to the extent that we can anticipate the proceedings of the COP) U.S. negotiating positions on resolutions and amendments to the Appendices proposed by other Parties for consideration at COP11. We will also publish an announcement of a public meeting we expect to hold approximately two months prior to COP11, to receive public input on our positions regarding COP11 issues.

#### Author

The primary authors of this notice are Mark Albert, Office of Management Authority; and Dr. Susan Lieberman and Dr. Kurt Johnson, Office of Scientific Authority; under the authority of the U.S. Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

#### List of Subjects

Endangered and threatened species, Exports, Imports, Treaties.

Dated: July 2, 1999.

**John G. Rogers,**

*Director.*

[FR Doc. 99-17292 Filed 7-2-99; 11:41 am]

BILLING CODE 4310-55-P

## DEPARTMENT OF THE INTERIOR

### U.S. Geological Survey

#### Request for Public Comments on Proposed Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information described below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related forms may be obtained by contacting the Bureau's clearance officer at the phone number listed below. OMB has up to 60 days to approve or disapprove the information collection, but may respond after 30 days; therefore public comments should be submitted to OMB within 30 days in order to assure their maximum consideration. Comments and suggestions on the requirement should be made directly to the Desk Officer for the Interior Department, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to the Bureau Clearance Officer, U.S. Geological Survey, 807 National Center, 12201 Sunrise Valley Drive, Reston, Virginia 20192.

Specific public comments are requested as to:

1. Whether the collection of information is necessary for the proper performance of the functions of the bureaus, including whether the information will have practical utility;
2. The accuracy of the bureau's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
3. The quality, utility, and clarity of the information to be collected; and
4. How to maximize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other forms of information technology.

*Title:* Earthquake Report.

*Current OMB approval number:* 1028-0048.

*Abstract:* Respondents supply information on the effects of the shaking from an earthquake—on themselves personally, buildings and their effects,

other man-made structures, and ground effects such as faulting on landslides. This information will be used in the study of the hazards from earthquakes and used to compile and publish the annual USGS publication "United States Earthquakes".

*Bureau form number:* 9-3013.

*Frequency:* After each earthquake.

*Description of respondents:* State and local employees; and, the general public.

*Estimated completion time:* 0.1 hours.

*Annual responses:* 3,500.

*Annual burden hours:* 350 hours.

*Bureau clearance officer:* John Cordyack 703-648-7313.

Dated: June 30, 1999.

**John R. Filson,**

*Earthquake Hazards Program Coordinator.*

[FR Doc. 99-17241 Filed 7-7-99; 8:45 am]

BILLING CODE 4310-31-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Information Collection for Adult Vocational Training and Employment

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of emergency clearance and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) This notice announces that the Office of Management and Budget's (OMB) Office of Information and Regulatory Affairs approved an information collection request for emergency clearance under 5 CFR 1320.13. The information collection, Application for Training or Employment Assistance, is cleared under OMB Control Number 1076-0062 through November 30, 1999. We are seeking comments from interested parties to renew the clearance.

**DATES:** Written comments must be submitted on or before September 7, 1999.

**ADDRESSES:** Written comments should be sent to Deano Poleahla, Office of Economic Development, Bureau of Indian Affairs, 1849 C Street, NW, MS-4640-MIB, Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the form, contact Deano Poleahla, (202) 208-2671 (this is not a toll-free number). You may also send requests by facsimile to (202) 208-3664.

**SUPPLEMENTARY INFORMATION:**

## I. Abstract

Pub. L. 84-959 and Pub. L. 88-230 authorize the Department of the Interior, Bureau of Indian Affairs (BIA), to help adult Indians who reside on or near Indian reservations to obtain reasonable and satisfactory employment. The information collection documents provide information necessary to administer the program for Employment Assistance or Vocational Training. The Department is authorized to undertake a program of vocational training that provides vocational counseling, guidance, and training in any recognized vocation, apprenticeship, trade, or on-the-job training. The program is available to Indians who are not less than 18 years old and not more than 35 years old who reside on or near Indian reservation. The Act authorizes the BIA to enter into contracts or agreements with Federal, State, local government agencies or associations with apprenticeship programs or on-the-job training that leads to skilled employment. The same application form is used for both 25 CFR parts 26 and 27.

## II. Request for Comments

The Department of the Interior invites comments on:

- (1) Whether the collection of information is necessary for the proper performance of the functions of the BIA, including whether the information will have practical utility;
- (2) The accuracy of the BIA's estimate of the burden of the information collection, including the validity of the methodology and assumptions used;
- (3) Ways to enhance the quality, utility and clarity of the information to be collected; and,
- (4) Ways to minimize the burden of the information collection on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other collection techniques or forms of information technology.

## III. Data

(1) *Title of the Information Collection:* The Adult Vocational Training and Employment Assistance Program application form, OMB No. 1076-0062, Expiration date: 12/31/92.

(2) *Type of Review:* Reinstatement of an expired information collection form.

(3) *Summary of Collection of Information:* The collection of information provides pertinent data concerning the individual's training and employment background to determine eligibility for program services.

(4) *Affected Entities:* Individual tribal members residing on or near