

Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); Sixteenth Regular Meeting: Taxa Being Considered for Amendments to the CITES Appendices

The United States of America, as a Party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES or the Convention), may propose amendments to the CITES Appendices for consideration at meetings of the Conference of the Parties. The sixteenth regular meeting of the Conference of the Parties to CITES (CoP16) is tentatively scheduled to be held in Thailand, March 3–15, 2013.

With this notice, we describe proposed amendments to the CITES Appendices (species proposals) that the United States might submit for consideration at CoP16 and invite your comments and information on these proposals.

Please note that we published an abbreviated version of this notice in the **Federal Register** on April 11, 2012, in which we simply listed each species proposal that the United States is considering for CoP16, but we did not describe each proposal in detail or explain the rationale for the tentative U.S. position on each species.

CITES is an international treaty designed to control and regulate international trade in certain animal and plant species that are now or potentially may be threatened with extinction, and are affected by trade. These species are included in Appendices to CITES, which are available on the CITES Secretariat's Web site at <http://www.cites.org/eng/app/2011/E-Dec22.pdf>. Currently, 175 countries, including the United States, are Parties to CITES. The Convention calls for meetings of the Conference of the Parties, held every 2 to 3 years, at which the Parties review its implementation, make provisions enabling the CITES Secretariat in Switzerland to carry out its functions, consider amendments to the lists 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 for these meetings amendments to Appendices I and II, and resolutions, decisions, and agenda items for consideration by all the Parties.

Recommendations for Species Proposals for the United States to Consider Submitting for CoP16

In our **Federal Register** notice of June 14, 2011 (76 FR 34746), we requested information and recommendations on potential species proposals for the United States to consider submitting for consideration at CoP16. We received recommendations from the following organizations for possible proposals involving 92 taxa (3 families, 13 genera, and 76 individual species) and 2 general groups (Asian freshwater turtles and tortoises and native Hawaiian sandalwood species): the American Herbal Products Association (AHPA); Animal Welfare Institute (AWI); Bush Warriors; Center for Biological Diversity (CBD); International Fund for Animal Welfare (IFAW); IUCN Tortoise and Freshwater Turtle Specialist Group; Oceana; Pew Environment Group; Shark Advocates International; Species Survival Network (SSN); United Plant Savers (UpS); Wild Equity Institute; Wildlife Conservation Society (WCS);

and World Wildlife Fund (WWF). In addition, we received comments from individuals as follows: 49 on the white rhinoceros; 25,742 on North American turtles; and 2,879 on North Atlantic bluefin tuna.

We have undertaken initial assessments of the available trade and biological information on all of these taxa. Based on these assessments, we made provisional evaluations of whether to proceed with the development of proposals for species to be included in, removed from, or transferred between the CITES Appendices. We made these evaluations by considering the biological and trade information available on the species; the presence, absence, and effectiveness of other mechanisms that may preclude the need for species' inclusion in the CITES Appendices (e.g., range country actions or other international agreements); and availability of resources. Furthermore, our assignment of a taxon to one of these categories, which reflects the likelihood of our submitting a proposal, included consideration of the following factors, which reflect the U.S. approach for CoP16 discussed in our June 14, 2011, **Federal Register** notice:

(1) Does the proposed action address a serious wildlife or plant trade issue that the United States is experiencing as a range country for species in trade?

(2) Does the proposed action address a serious wildlife or plant trade issue for species not native to the United States?

(3) Does the proposed action provide additional conservation benefit for a species already covered by another international agreement?

In sections A, B, and C below, we have listed the current status of each species proposal recommended by the public, as well as species proposals we have been developing on our own. We welcome your comments, especially if you are able to provide any additional biological or trade information on these species. For each species, more detailed information is on file in the Division of Scientific Authority than is presented in the summary below. We delineate what additional information we are seeking or have sought to assist us in making our decision.

A. What species proposals is the United States likely to submit for consideration at CoP16?

The United States is likely to develop and submit proposal(s) for the following taxa.

Plants

1. Laguna Beach dudleya (*Dudleya stolonifera*) and Santa Barbara dudleya (*Dudleya traskiae*) — Removal from Appendix II

Both Laguna Beach dudleya (*Dudleya stolonifera*) and Santa Barbara dudleya (*Dudleya traskiae*) were included in Appendix I in 1983 and are currently included in Appendix II. At the ninth meeting of the CITES Plants Committee (PC9, 1999), the species were reviewed under the

Periodic Review of the Appendices, a CITES process whereby species included in the CITES appendices are reviewed to determine the appropriateness of their inclusion in the Appendices. At that time, the species were included in Appendix I and were recommended for transfer to Appendix II. At CoP11 (2000) and CoP12 (2002), Laguna Beach dudleya and Santa Barbara dudleya, respectively, were transferred to Appendix II.

Both plants are perennial succulents with limited distributions and small population sizes in California. Laguna Beach dudleya (*Dudleya stolonifera*) is listed by the State of California as Threatened and under the U.S. Endangered Species Act (ESA) as Threatened. Santa Barbara dudleya (*Dudleya traskiae*) is listed by the State of California as Threatened and under the ESA as Endangered. Santa Barbara dudleya is found only on Santa Barbara Island, part of the Channel Islands National Park, managed by the National Park Service.

With the exception of one shipment of artificially propagated plants of Santa Barbara dudleya from Belgium to Switzerland in 2010, there has been no other CITES-recorded international trade in these species since 1990. There is no evidence of illegal wild collection and trade of specimens of these species. Because these species are no longer affected by trade, it is appropriate to remove Laguna Beach dudleya and Santa Barbara dudleya from Appendix II according to the criteria outlined in Resolution Conf. 9.24 (Rev. CoP15) (*Criteria for amendment of Appendices I and II*). To determine whether the removal of these species from Appendix II will affect wild populations, we will consult with the National Park Service and the Association of Fish and Wildlife Agencies (AFWA) CITES representatives, who are coordinating with the State of California on this issue, and we will address any possible look-alike concerns. Therefore, pending additional information and consultations, the United States is likely to submit a proposal to remove Laguna Beach dudleya and Santa Barbara dudleya from Appendix II.

2. American ginseng (*Panax quinquefolius*) — Amendment of the Appendix II annotation

American ginseng (*Panax quinquefolius*) was included in Appendix II of CITES on July 1, 1975, with an annotation that included roots. At CoP10 (1997), the annotation was amended by the Parties to include “whole and sliced roots and parts of roots, excluding manufactured parts or derivatives such as powders, pills, extracts, tonics, teas and confectionery.”

At CoP14 (2007), the annotation to American ginseng was amended again, this time to remove the language “excluding manufactured parts or derivatives such as powders, pills, extracts, tonics, teas and confectionery.” This amendment to the annotation was the result of Decisions 13.50-13.52, adopted at CoP13 (2004), which directed the CITES Plants Committee to assess commodities of CITES-listed medicinal plants, including American ginseng. Per the Decisions, medicinal plant annotations should cover the primary commodities that first appear in international trade from range countries and those that originate from wild sources. However, the amendment to the American ginseng annotation adopted at CoP14 was not intended to change the scope of commodities covered by the species’ inclusion in Appendix II.

Since implementing the amended annotation to American ginseng, there has been confusion among American ginseng exporters and the U.S. CITES inspection authorities whether

manufactured products are subject to the provisions of the Convention. In order to clarify what specimens of American ginseng are regulated under CITES, we are considering submitting a proposal to amend the current annotation by re-inserting the language removed at CoP14, as follows: “designates whole and sliced roots and parts of roots, excluding manufactured parts or derivatives such as powders, pills, extracts, tonics, teas and confectionery,” for consideration at CoP16.

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

The United States is still undecided on whether to submit proposals for CoP16 for the following taxa. In some cases, we have not completed our consultations with relevant range countries. In other cases, we expect meetings to occur in the immediate future, at which participants will generate important recommendations, trade analyses, or biological information on the taxon in question.

Plants

1. Hawaiian sandalwoods (*Santalum* spp.) — Inclusion in Appendix II

The UpS recommended that the United States propose inclusion of the Hawaiian sandalwoods (*Santalum* spp.) in the CITES Appendices on the basis that international trade of these species is currently unregulated.

The genus *Santalum* includes approximately 15 species, of which 6 species occur only in Hawaii. Hawaiian sandalwood species are small- to medium-sized evergreen trees with limited distribution and small population sizes; all *Santalum* species are root-parasitic (meaning plants obtain water and nutrients from other species). Hawaiian sandalwoods have either white or red flowers. The white flowering species include *S. paniculatum* (mountain sandalwood), found only on Hawaii Island, with two varieties: var. *paniculatum* (mountain sandalwood), and var. *pilgeri* (Pilger's sandalwood); and *S. ellipticum* (coastal sandalwood), found throughout the Hawaiian archipelago, including many of the Northwestern Hawaiian Islands based on recently published molecular, genetic, and morphological research (see D.T. Harbaugh, H.L. Oppenheimer, K.R. Wood, and W.L. Wagner. 2010. and on taxonomic revision of the endangered Hawaiian red-flowered sandalwoods (*Santalum*) and discovery of an ancient hybrid species. *Systematic Botany* 35(4): pp. 827–838. USA.), the taxonomy of the red flowering species was recently revised to include *S. freycinetianum* (forest sandalwood), found on Oahu; *S. haleakalae* (Hawaiian sandalwood), found on the islands of Maui Nui, with two varieties: var. *haleakalae* (Haleakala sandalwood), occurring on East Maui, and var. *lanaiense* (Lanai sandalwood; formerly *S. freycinetianum* var. *lanaienseis*), occurring on the islands of Lanai, Maui, and Molokai; and *S. involutum* (sandalwood) and *S. pyrularium* (forest sandalwood), found on Kauai. Since 1986, *S. haleakalae* var. *lanaiense* has been listed as Endangered under the ESA

Sandalwood has been prized for centuries for its aromatic wood and essential oil, and continues to have significant monetary and cultural value today. Trees are harvested for the

heartwood which is distilled into essential oil and used as a fragrance in incense, perfumes, and personal care products. Hawaiian sandalwood (primarily *Santalum ellipticum*, *S. freycinetianum*, and *S. paniculatum*) was internationally traded from 1810 to 1830 until populations were exhausted. Today, international trade is dominated by Australian sandalwood (*S. spicatum*), native to Australia, and Indian sandalwood (*S. album*), native to India, which are regulated in those countries. Most sandalwood in international trade is harvested from plantation-grown trees in Australia, China, India, Indonesia, Malaysia, New Caledonia, the Philippines, and Vietnam.

Recently, there have been reports of international trade of Hawaiian mountain sandalwood (*S. paniculatum*). Due to the limited distribution and small population size of this and other Hawaiian sandalwood species, there is growing concern that unregulated international trade could affect wild populations. We will be consulting with the Service's field office as well as the AFWA CITES representatives, who are coordinating with the State of Hawaii on this issue. The United States is currently undecided about submitting a proposal to include Hawaiian sandalwood species in Appendix II, pending these consultations and the receipt of additional biological and trade information on these species and their management on the Hawaiian Islands.

Corals

2. Red and pink corals (*Corallium* spp. and *Paracorallium* spp.) — Inclusion in Appendix II

The SSN and WWF recommended that the United States propose inclusion of all *Corallium* and *Paracorallium* species (red and pink corals) in Appendix II. The below information builds upon information the Service provided in its extended version of the **Federal Register** notice in 2009, in response to a previous suggestion by proponents to include these species in CITES Appendix II at CoP15 (2010) (<http://www.fws.gov/international/pdf/Notice2-possible%20US%20submissions%20WEB.pdf>).

The United States submitted a proposal to CoP14 to include *Corallium* spp. in Appendix II, and submitted a joint United States-European Union proposal to include all species in the family Coralliidae in Appendix II at CoP15; however, both proposals were rejected. Based on our previous CITES proposals, absent new information to the contrary, the United States has determined that this taxon meets the biological and trade criteria for inclusion in Appendix II and that such inclusion would benefit the taxon due to the current paucity of international trade controls or management measures for red and pink corals.

Corallium and *Paracorallium* species are found throughout the world's oceans at depths ranging from 7 to 1,500 meters (m) (23 to 4,921 feet (ft)). Although the full extent of *Corallium* and *Paracorallium* distribution is currently unknown, the genera appear to be in all tropical, subtropical, and temperate oceans.

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

States is the primary importer of worked and raw precious corals (including *Corallium* and *Paracorallium* species) for curios and jewelry. Red and pink corals are important deepwater resources that are harvested mainly from the western Mediterranean Sea and the western North Pacific Ocean.

Recently, at the 35th session of the General Fisheries Commission for the Mediterranean (GFCM), the GFCM adopted a recommendation, based on a proposal by the European Union, for the sustainable management and conservation of red coral in the Mediterranean. We plan to consult with the European Union to obtain an update on their implementation of this management plan. We will also be consulting with the AFWA CITES representatives, who are coordinating with the State of Hawaii on this issue. The United States is currently undecided about submitting a proposal to include red and pink corals in Appendix II, pending these consultations and the receipt of updated biological, management, and international trade information on red and pink corals.

Fishes

3. Longfin mako shark (*Isurus paucus*) — Inclusion in Appendix II

The Pew Environment Group and SSN recommended that the United States propose the longfin mako shark (*Isurus paucus*) for inclusion in Appendix II. The IUCN Red List of Threatened Species (IUCN Red List) includes the longfin mako shark as Vulnerable globally (2006). This species is circumglobal in its distribution in tropical and warm temperate waters; however, records are patchy, and so the species' complete distribution is unclear. The species is known to occur in U.S. waters. In the U.S. Atlantic Ocean, this species is on the prohibited species list, which means that retention is prohibited under the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks.

This rarely encountered shark has a low fecundity rate of 2 to 8 pups per litter. It is caught as bycatch in tropical pelagic longline fisheries that operate throughout its range, but at much lower ratios than the smaller, more fecund shortfin mako (*Isurus oxyrinchus*). The species is used for its fins and meat, and fins are traded internationally. Catches are inadequately monitored and underestimated due to the common misidentification as shortfin makos and because landings do not include the number of sharks finned and discarded at sea.

Currently, we do not have enough information to evaluate whether the longfin mako shark meets the criteria for inclusion in Appendix II. Further consultation with other range countries is required to better understand the longfin mako shark's population status, threats to the species, impacts from international trade, and look-alike concerns. As a result, the United States remains undecided about proposing to include the longfin mako shark in Appendix II, pending consultations and the availability of additional information.

4. Shortfin mako shark (*Isurus oxyrinchus*) — Inclusion in Appendix II

The Pew Environment Group and SSN recommended that the United States propose the

shortfin mako shark (*Isurus oxyrinchus*) for inclusion in Appendix II. The IUCN Red List includes the shortfin mako shark as Vulnerable globally (2009). This species is widespread in temperate and tropical waters of all oceans, including U.S. waters. It is a coastal, oceanic species which occurs from the surface to at least a 500 m (1,640 ft) depth. The species can sometimes be found close inshore where the continental shelf is narrow. The shortfin mako shark experiences high fishing pressure; it is an important target species, is caught as bycatch in tuna and swordfish longline and driftnet fisheries (especially in high-seas fisheries), and is an important coastal recreational species. Shortfin mako sharks are primarily harvested for their fins and meat, which have a high value, and its fins are traded internationally.

It is difficult to accurately assess the conservation status of the shortfin mako shark due to its migratory habits and because it is caught in numerous, poorly monitored fisheries worldwide. Most catches are inadequately recorded and are likely underestimated, and landings data do not include the number of sharks finned and discarded at sea. The most recently completed stock assessment for shortfin makos in the Atlantic Ocean found that North Atlantic shortfin makos are experiencing overfishing and are approaching an overfished condition. According to these assessments, biomass in 2007 ranged from 47 percent to 73 percent of the biomass at pre-exploitation levels. If historical shortfin mako catch is higher than previous estimates in the Atlantic, the probability of the stock being below the biomass at maximum sustainable yield will increase.

Currently, we do not have enough information to evaluate whether the shortfin mako shark meets the criteria for inclusion in Appendix II. Further consultation with other range countries is required to better understand its population status, threats to the species, and international trade impacts. As a result, the United States remains undecided about proposing to include this species in Appendix II, pending consultations with range countries and the availability of additional information.

5. Porbeagle shark (*Lamna nasus*) — Inclusion in Appendix II or Appendix I

The Pew Environment Group, Shark Advocates International, SSN, and WWF recommended that the United States propose the porbeagle shark (*Lamna nasus*) for inclusion in Appendix II. Oceana recommended that the United States propose this species for inclusion in Appendix I, but if that is determined not to be warranted, they asked that the United States propose the species for inclusion in Appendix II. The below information builds upon information the Service provided in its extended version of the **Federal Register** notice in 2009, in response to a previous suggestion by proponents to include these species in CITES Appendix II at CoP15 (2010) (<http://www.fws.gov/international/pdf/Notice2-possible%20US%20submissions%20WEB.pdf>).

The porbeagle shark is a coastal and oceanic shark that inhabits the surface to bottom waters of the North and South Atlantic, Southern Pacific, Southern Indian, and Antarctic oceans; it occurs in U.S. waters. This species was proposed for inclusion in Appendix II by Germany on behalf of the European Union at CoP14, and again at CoP15 by Sweden on behalf of the European Union and by Palau; the proposals were rejected at both CoP14 and CoP15. The

United States voted in favor of both CoP14 and CoP15 proposals, and based on these previous CITES proposals, the United States has determined that, absent new information to the contrary, this species meets the biological and trade criteria for inclusion in Appendix II and that such inclusion would benefit this species. Analyses by the Food and Agriculture Organization of the United Nations (FAO) and the CITES Secretariat for the CoP15 proposal concluded that the species met the criteria for inclusion in Appendix II.

A joint assessment was conducted by the International Convention for the Conservation of Atlantic Tunas (ICCAT) and International Council for the Exploration of the Sea (ICES) in June 2009. One note in this assessment was that available catch reports in ICCAT's Task I database were generally incomplete, especially for the South Atlantic; however, the ICCAT-ICES assessment recommended that precautionary management measures should be considered for those stocks where there is the greatest biological vulnerability and conservation concern, and for which there are very few data. The IUCN Red List includes the porbeagle shark as Vulnerable globally (2006).

At this time we are pursuing consultations with other range countries, and we are seeking updated biological, management, and international trade information on the species. As a result, the United States remains undecided about proposing to include the porbeagle shark in Appendix II.

6. Scalloped hammerhead shark (*Sphyrna lewini*), great hammerhead shark (*S. mokarran*), and smooth hammerhead shark (*S. zygaena*) — Inclusion in Appendix II

The Pew Environment Group, Shark Advocates International, SSN, WCS, and WWF recommended that the United States propose inclusion of scalloped hammerhead (*Sphyrna lewini*), great hammerhead (*S. mokarran*), and smooth hammerhead (*S. zygaena*) in Appendix II. The below information builds upon information the Service provided in its extended version of the Federal Register notice in 2009, in response to a previous suggestion by proponents to include these species in CITES Appendix II at CoP15 (2010) (<http://www.fws.gov/international/pdf/Notice2-possible%20US%20submissions%20WEB.pdf>).

The United States submitted a proposal to CoP15 to include these shark species in Appendix II; however, the proposal was rejected. Based on our previous CITES proposal, the United States has determined that, absent new information to the contrary, these three hammerhead shark species meet the biological and trade criteria for inclusion in Appendix II and that such inclusion would benefit these species. Analyses by the Food and Agriculture Organization of the United Nations (FAO) and the CITES Secretariat for the CoP15 proposal indicated that the three species met the criteria for inclusion in Appendix II.

Hammerhead sharks have a circumglobal distribution in coastal warm, temperate, and tropical seas; the scalloped hammerhead, great hammerhead, and smooth hammerhead sharks occur in U.S. waters. These sharks can occur from the shore to over-continental and insular shelves to adjacent deep water. The primary threats to these three shark species are targeted and bycatch fisheries. Hammerhead sharks are harvested primarily for fins and are the second most

abundant species in the international fin trade. The IUCN Red List includes the scalloped hammerhead and the great hammerhead as Endangered globally (2007) and the smooth hammerhead as Vulnerable globally (2005). In response to a petition to list the scalloped hammerhead shark under the ESA, on November 28, 2011, the National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), published a positive 90-day finding in the **Federal Register** (76 FR72891), announcing that listing the species under the ESA may be warranted and that they would conduct a status review of the species to determine if listing is warranted.

At this time, we are pursuing consultations with other range countries, and we are seeking updated biological, management, and international trade information on these species. As a result, the United States remains undecided about again proposing to include these three hammerhead shark species in Appendix II.

7. Oceanic whitetip shark (*Carcharhinus longimanus*) — Inclusion in Appendix II or Appendix I

The Pew Environment Group, Shark Advocates International, SSN, WCS, and WWF recommended that the United States propose the oceanic whitetip shark (*Carcharhinus longimanus*) for inclusion in Appendix II. Oceana recommended that the United States propose this species for inclusion in Appendix I, but if that is determined not to be warranted, they asked that the United States propose the species for inclusion in Appendix II. The below information builds upon information the Service provided in its extended version of the Federal Register notice in 2009, in response to a previous suggestion by proponents to include this species in CITES Appendix II at CoP15 (2010) <http://www.fws.gov/international/pdf/Notice2-possible%20US%20submissions%20WEB.pdf>.

The United States submitted a proposal to CoP15 to include the oceanic whitetip shark in Appendix II; however, the proposal was rejected. Based on our previous CITES proposal, absent new information to the contrary, the United States has determined that this species meets the biological and trade criteria for inclusion in Appendix II and that such inclusion would benefit the species. Analyses by the FAO and the CITES Secretariat for the CoP15 proposal indicated that this species met the criteria for inclusion in Appendix II.

The oceanic whitetip shark is one of the most widespread species of sharks, ranging across entire oceans in tropical and subtropical waters, including U.S. waters. This shark usually occurs far offshore between about 30°N and 30°S in all oceans. The oceanic whitetip shark is a large shark that is subject to fishing pressure throughout most of its range. This shark is caught in large numbers as bycatch in multiple pelagic fisheries, and catches, especially in international waters, are poorly monitored. The species' large fins are of high value in international trade, yet the carcasses are often discarded. The IUCN Red List includes the oceanic whitetip shark as Vulnerable globally (2006).

At this time we are pursuing consultation with other range countries, and we are seeking updated biological, management, and international trade information on this species. As a result,

the United States remains undecided about again proposing to include the oceanic whitetip shark in Appendix II.

8. Bigeye thresher shark (*Alopias superciliosus*), common thresher shark (*A. vulpinus*), and pelagic thresher shark (*A. pelagicus*) — Inclusion in Appendix II

The Pew Environment Group and SSN recommended that the United States propose inclusion of the bigeye thresher shark (*Alopias superciliosus*), the common thresher shark (*A. vulpinus*), and the pelagic thresher shark (*A. pelagicus*) in Appendix II. These thresher sharks have a circumglobal distribution in tropical and temperate seas, and occur in U.S. waters. In the U.S. Atlantic, the bigeye thresher shark is on the prohibited species list, and retention is prohibited under the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks.

These species can occur from the shore to over-continental and insular shelves to open-ocean deep water. The primary threats to these three species are targeted fisheries for their fins, skin, liver oil, and valuable meat, and as bycatch in other fisheries. While the bigeye thresher has the lowest potential to recover from harvest of these three species, the common and pelagic threshers are also impacted by a low capacity to recover from moderate levels of harvest. The IUCN Red List includes all three thresher sharks as Vulnerable globally (2009).

Currently, we do not have enough information to evaluate whether one or more of these three species meet the criteria for inclusion in Appendix II. Further consultation with other range countries is required to better understand the population status of these species, threats to these species, and the impacts of international trade on these species. As a result, the United States remains undecided about whether to propose the inclusion of all or some of these species in Appendix II, pending our consultations and the availability of additional information.

9. Orange roughy (*Hoplostethus atlanticus*) — Inclusion in Appendix II

The Pew Environment Group recommended that the United States propose orange roughy (*Hoplostethus atlanticus*) for inclusion in Appendix II. Orange roughy is a deep-sea species with its primary habitat between 180 and 1,800 m (591 and 5,906 ft). The species has a somewhat limited distribution. It is associated with oceanic ridges and seamounts near Chile, Australia and New Zealand, southern Africa, and the northeast Atlantic. Although the orange roughy is not native to the United States, the United States is a major importer of this species.

The orange roughy's life-history traits make it highly vulnerable to overharvest. It has a very low intrinsic rate of increase, longevity of over 100 years, and late maturation. The species tends to form spawning aggregations that are easily targeted by fishermen using deep-sea, sea-floor trawls. The orange roughy fishery developed in the late 1970s in the Australia and New Zealand areas and has been characterized as a boom to bust fishery. When orange roughy is caught as bycatch, there is 100 percent mortality. This species has not been assessed for the IUCN Red List.

The United States is undecided about whether to propose the inclusion of this species in

Appendix II, pending consultation with range countries and the availability of additional information on the species' biological status, management, and international trade impacts on the species.

10. American eel (*Anguilla rostrata*) and all other *Anguilla* species not previously included in the CITES Appendices — Inclusion in Appendix II

The SSN and WWF recommended that the United States propose the American eel (*Anguilla rostrata*) and all other *Anguilla* species that had not previously been included in the Appendices, for inclusion in Appendix II. The European eel, *A. anguilla*, was included in Appendix II at CoP14 (2007). Both proponents believe that there is a strong case for including the American eel in Appendix II. The WWF asserted that inclusion at the generic level [of all *Anguilla* species] is merited on look-alike grounds alone, and they encourage the United States to consider submission of an Appendix-II proposal for the American eel or for the genus *Anguilla*.

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

Historically, American eels were abundant in Atlantic coastal streams, constituting more than 25 percent of the total fish biomass. Eel abundance had declined from historic levels, but remained relatively stable until the 1970s. Harvest data and limited stock-assessment data indicate that stock abundance continued to decline throughout the following decades. In November 2004, the Service and NOAA were petitioned to list the American eel under the ESA. In February 2007, after an extensive review of all available scientific and commercial information, it was determined that listing the American eel under the ESA was not warranted (72 FR 4968). The Service was again petitioned to list the American eel on April 30, 2010, by the Council for Endangered Species Act Reliability (CESAR). On September 29, 2011, the Service published a 90-day finding (76 FR 60431) that the petition presents substantial information that a listing may be warranted, and a status review was initiated to determine if a listing is warranted. The Atlantic States Marine Fisheries Commission (ASMFC) is currently undertaking a stock assessment for the American eel that is to be available in spring 2012.

In a situation that may affect trade in American eels, the European Commission (EC)

decided on December 6, 2010, to extend a temporary import and export ban on European eels that was effective November 1, 2010. The Committee on Trade in Wild Flora and Fauna, assisting the EC in implementing CITES, decided to extend the ban of export and import of European eels following the unanimous recommendation from its scientific advisory body, the Scientific Review Group (SRG). This ban will stay in place until the SRG reassesses the situation at the end of 2011. At this time, the SRG has not issued its reassessment of the issue. Continuing the import and export ban of the European eel could increase demand for the American eel as a replacement species in international trade for the European eel.

We are pursuing consultations with other range countries, our Regional offices, and the ASMFC representatives who are coordinating with the States on this issue to better understand the status of the stock and the domestic and international trade in the species. At this time, the United States remains undecided about proposing the American eel or other *Anguilla* species for inclusion in Appendix II, pending these consultations and the stock assessment report from the ASMFC.

Reptiles

11. Tokay gecko (*Gekko gecko*) — Inclusion in Appendix II

The SSN recommended that the United States propose inclusion of the tokay gecko (*Gekko gecko*) in CITES Appendix II due to unregulated international trade of wild-caught animals. The tokay gecko is a wide-ranging species occurring in Bangladesh, Cambodia, southwest China, India, Indonesia, Laos, New Guinea, Peninsular Malaysia, Myanmar, Nepal, Philippines, Thailand, and Vietnam.

For many years, tokay geckos have been wild-caught for the international pet trade. However, in recent years the trade has shifted and is now driven by the use of animals in traditional medicine. As a result of recent medical claims, including the treatment of AIDS, there has been rampant collecting of tokay geckos, most notably in Indonesia, Malaysia, the Philippines, and Thailand, which are sold for international trade. Specimens are imported to the United States for the pet industry and use in traditional medicine.

Although the volume of legal and illegal international trade is unknown, the trade and monetary value of specimens have significantly increased in recent years, and seizures have been reported in Cambodia, China, Malaysia, Myanmar, the Philippines, and Thailand. International trade includes live animals, whole dried animals, and powder and liquid forms (e.g., teas, beverages). Government officials and the popular press in several range countries have expressed concern about the over-harvest and trade of tokay geckos, including public service announcements to rebuke the myth that the animals can cure AIDS.

The United States is currently undecided about submitting a proposal to include the species in Appendix II, pending consultation with range countries and additional information on the species' current conservation and protection status throughout its range, and international trade in the species.

12 – 21. Turtles not native to the United States (Table 1) — Inclusion in Appendix II or Transfer from Appendix II to Appendix I

We evaluated comments on 78 species of non-native turtles sent to us by the IUCN Tortoise and Freshwater Turtle Specialist Group and WCS. We assessed and ranked these species based on an analysis of criteria that included the IUCN Red List status (and in some cases more current draft updates); the IUCN Tortoise and Freshwater Turtle Specialist Group Highest Risk of Extinction in 2011 ranking document; the recommendations of a major workshop of Asian turtle specialists in Singapore in February 2011 that assessed IUCN Red List status and CITES listing needs for Asian turtles; and the history of U.S. involvement in originally sponsoring or cosponsoring the species in Appendix II to determine the highest priority for possible U.S. action. After the review, we remain undecided about proposing 10 of these species for inclusion in Appendix II or transfer to Appendix I. Species summaries follow Table 1.

Table 1. Non-native turtles recommended by the IUCN Tortoise and Freshwater Turtle Specialist Group and WCS and for which the United States is undecided about submitting a proposal

Common Name	Scientific Name	Country*	Current CITES Status	Proposed CITES Status – Include in:	IUCN Status**
12. Burmese starred tortoise	<i>Geochelone platynota</i>	MM	Appendix II	Appendix I	CR (2000), draft CR
13. Crowned river turtle	<i>Hardella thurjii</i>	BD, IN, NP, PK	Non CITES	Appendix II	VU (2000), draft EN
14. Burmese peacock softshell turtle	<i>Nilssonina formosa</i>	MM	Non CITES	Appendix II	EN (2000), draft CR
15. Roti Island snake-necked turtle	<i>Chelodina mccordi</i>	ID, TL	Appendix II	Appendix I	CR (2000)
16. Yellow-margined box turtle	<i>Cuora flavomarginata</i>	CN, TW	Appendix II	Appendix I	EN (2000), draft CR
17. McCord's box turtle	<i>Cuora mccordi</i>	CN	Appendix II	Appendix I	CR (2000), draft CR
18. Chinese three-striped box turtle	<i>Cuora trifasciata</i>	CN, VN, LA, HK	Appendix II	Appendix I	CR (2000), draft CR
19. Big-headed turtle	<i>Platysternon megacephalum</i>	KH, CN, VN, TH, MY, MM, LA, HK	Appendix II	Appendix I	EN, draft CR
20. Painted terrapin	<i>Batagur borneoensis</i>	BN, MY, TH, ID	Appendix II	Appendix I	CR, draft CR
21. Burmese roofed turtle	<i>Batagur trivittata</i>	MM	Appendix II	Appendix I	EN, draft CR

*BD=Bangladesh; BN=Brunei Darussalam; CN=China; HK=Hong Kong; ID=Indonesia; IN=India; KH=Cambodia; LA=Lao People's Democratic Republic; MM=Myanmar; MY=Malaysia; NP=Nepal;

PK=Pakistan; TH=Thailand; TL=Timor-Leste; TW=Taiwan; VN=Viet Nam
**CR=Critically Endangered; EN=Endangered; VU=Vulnerable

12. Burmese starred tortoise (*Geochelone platynota*) — Transfer from Appendix II to Appendix I

The IUCN Tortoise and Freshwater Turtle Specialist Group and WCS recommended that the United States propose the Burmese starred tortoise (*Geochelone platynota*) for inclusion in Appendix I, noting the recommendations of a major workshop of Asian turtle specialists in Singapore in February 2011 that assessed IUCN Red List status and CITES listing needs for Asian turtles. The United States originally proposed this species for inclusion in Appendix II in 1975. This species has a limited distribution in the dry central zone of Myanmar in deciduous forest, thorn shrub, and pasture habitats. Threats include local consumption, export to China for food and medicinal needs, and the international pet trade. Surveys show there are no viable populations in the wild, and only a few small fragment populations remain. There are no longer any populations in protected areas.

Approximately 1,130–2,099 live specimens were exported from Myanmar between 1975 and 2010. Specimens are primarily reported as captive-bred or ranched (which may include wild-collected eggs and juvenile turtles). It is unclear whether harvest of specimens of Burmese starred tortoises from the wild for international trade is reducing wild populations to levels at which survival might be threatened by continued harvesting. As a result, the United States remains undecided about proposing the species for inclusion in Appendix I, pending additional information and consultation with Myanmar. We seek further information about its population status, threats to the species, and, in particular, the impact to the species from international trade.

13. Crowned river turtle (*Hardella thurjii*) — Inclusion in Appendix II

The IUCN Tortoise and Freshwater Turtle Specialist Group and WCS recommended that the United States propose the crowned river turtle (*Hardella thurjii*) for inclusion in Appendix II, noting the recommendations of a major workshop of Asian turtle specialists in Singapore in February 2011 that assessed IUCN Red List status and CITES listing needs for Asian turtles. This species is sexually dimorphic with females over three times bigger than males. The turtle is semi-aquatic and found in major rivers and large wetlands. It is native to Bangladesh, India, Nepal, and Pakistan. Threats include heavy exploitation for its meat and habitat loss through extensive wetland development projects. In India the population trend is unknown, but they are listed as “common locally.” In Bangladesh range reduction suggests populations are declining from over-harvesting. Long-time residents also note that an increase in effort is now needed to catch turtles.

Since the crowned river turtle is a non-CITES species, trade data are not available. It is unclear whether the harvest and associated international trade in specimens of this species are affecting the species. As a result, the United States remains undecided about proposing to include the species in Appendix II, pending additional information and consultation with range countries. We seek further information about its population status, threats to the species, and, in particular,

the impact to the species from international trade.

14. Burmese peacock softshell turtle (*Nilssonina formosa*) — Inclusion in Appendix II

The IUCN Tortoise and Freshwater Turtle Specialist Group and WCS recommended that the United States propose the Burmese peacock softshell turtle (*Nilssonina formosa*) for inclusion in Appendix II, noting the recommendations of a major workshop of Asian turtle specialists in Singapore in February 2011 that assessed the IUCN Red List status and CITES listing needs for Asian turtles. The shell of this species has four large ocelli that resemble the ‘eyes’ on peacock feathers, hence its name. This species is native to Myanmar and restricted to the Ayeyarwady, Sittang, and Salween rivers. Threats include over-fishing and the effects of gold mining that impact riverbank nests. This species is traded in some numbers in the East Asian food trade. It is uncommon to rare in the wild, not known to inhabit effectively protected areas, and has a life history particularly sensitive to exploitation of adults.

Since the Burmese peacock softshell turtle is a non-CITES species, trade data are not available. It is unclear whether the harvest and associated international trade in specimens of this species are affecting the species. As a result, the United States remains undecided about proposing the species for inclusion in Appendix II, pending additional information and consultation with Myanmar. We seek further information about its population status, threats to the species, and, in particular, the impact to the species from international trade.

15. Roti Island snake-necked turtle (*Chelodina mccordi*) — Transfer from Appendix II to Appendix I

The IUCN Tortoise and Freshwater Turtle Specialist Group and WCS recommended that the United States propose the Roti Island snake-necked turtle (*Chelodina mccordi*) for inclusion in Appendix I, noting the recommendations of a major workshop of Asian turtle specialists in Singapore in February 2011 that assessed the IUCN Red List status and CITES listing needs for Asian turtles. Indonesia and the United States cosponsored inclusion of this species into Appendix II at CoP13 in 2004. This species has an extremely limited distribution, occurring only on the island of Roti west of Timor in southeastern Indonesia and on the eastern tip of the island of Timor, Timor-Leste. *Chelodina mccordi* is unique since it is geographically isolated from all other *Chelodina* species. The major threat is collection for the international pet trade. Roti populations have been severely depleted, and habitat has been reduced because of conversion to rice fields. There are no protected areas for this species on Roti. The population in Timor-Leste is better off and also protected by a newly formed park.

Approximately 98–162 live specimens were exported only to the United States from Indonesia since inclusion of the species in Appendix II (all between 2008 and 2010). No specimens were exported from Timor-Leste during this time period. It is unclear whether harvest of specimens of Roti Island snake-necked turtles from the wild for international trade is reducing wild populations to levels at which survival might be threatened by continued harvesting. As a result, the United States remains undecided about proposing to include the species in Appendix I, pending additional information and consultation with range countries. We seek further

information about its population status, threats to the species, and, in particular, the impact to the species from international trade.

16. Yellow-margined box turtle (*Cuora flavomarginata*) — Transfer from Appendix II to Appendix I

The IUCN Tortoise and Freshwater Turtle Specialist Group and WCS recommended that the United States propose the yellow-margined box turtle (*Cuora flavomarginata*) for inclusion in Appendix I, noting the recommendations of a major workshop of Asian turtle specialists in Singapore in February 2011 that assessed the IUCN Red List status and CITES listing needs for Asian turtles. Germany and the United States cosponsored inclusion of this species in Appendix II at CoP11 in 2000. This semi-aquatic species is native to China, Taiwan, and Japan and is found in ponds and rice paddies often adjacent to forest edge. The major threat is over-collection for the food trade with habitat degradation and pollution also impacting populations. The Taiwanese population (*C. f. flavomarginata*) has declined in recent decades due to expansion of agricultural lands; the remnants are now considered stable or recovering slightly. The mainland China population (*C. f. sinensis*) is probably Critically Endangered. In China and Taiwan combined, the species was considered Endangered in China's Red Data Book. The Ryukyu populations in Japan (*C. f. evelynae*) are small but relatively well protected and rated as Vulnerable in the 1999 Japanese Red List.

Approximately 920–1,125 live specimens were exported from China since inclusion of the species in Appendix II (with the majority going to Japan) and were primarily reported as captive-bred specimens. There were no exports from Japan or Taiwan. It is unclear whether harvest of specimens of yellow-margined box turtles from the wild for international trade is reducing wild populations to levels at which survival might be threatened by continued harvesting. As a result, the United States remains undecided about proposing to include the species in Appendix I, pending additional information and consultation with range countries. We seek further information about its population status, threats to the species, and, in particular, the impact to the species from international trade.

17. McCord's box turtle (*Cuora mccordi*) — Transfer from Appendix II to Appendix I

The IUCN Tortoise and Freshwater Turtle Specialist Group and WCS recommended that the United States propose the McCord's box turtle (*Cuora mccordi*) for inclusion in Appendix I, noting the recommendations of a major workshop of Asian turtle specialists in Singapore in February 2011 that assessed the IUCN Red List status and CITES listing needs for Asian turtles. Germany and the United States cosponsored inclusion of this species in Appendix II at CoP11 in 2000. The species was only discovered in 1988 with specimens from a Chinese market. It was not until 2005 that scientist discovered the turtle's native habitat. This semi-aquatic species inhabits bamboo and broad-leafed forest in an area less than 50 square kilometers (km²) (19.3 mi² (square miles)) in Guangxi Province, China. The major threat is over-collection for the food trade, but a secondary threat is habitat degradation. The species is believed to be extirpated in the wild. Surveys in 2009 found only one wild specimen, and none were found in 2010.

According to the UNEP-WCMC CITES trade database there have been no McCord's box turtles exported from China since the species was included in Appendix II. About 66–89 turtles were in trade (majority were exported from Germany and the United States) between 2000 and 2010 and were primarily reported as captive-bred specimens. However, 2 scientific specimens did indicate as coming from an original wild-caught source in China. It appears there are no wild populations of McCord's box turtles from which international trade can continue to harvest. As a result, the United States remains undecided about proposing to include the species in Appendix I, pending additional information and consultation with China. We seek further information about its population status, threats to the species, and, in particular, the impact to the species from international trade.

18. Chinese three-striped box turtle (*Cuora trifasciata*) — Transfer from Appendix II to Appendix I

The IUCN Tortoise and Freshwater Turtle Specialist Group and WCS recommended that the United States propose the Chinese three-striped box turtle (*Cuora trifasciata*) for inclusion in Appendix I, noting the recommendations of a major workshop of Asian turtle specialists in Singapore in February 2011 that assessed the IUCN Red List status and CITES listing needs for Asian turtles. Germany and the United States cosponsored inclusion of this species in Appendix II at CoP11 in 2000. This semi-aquatic species is native to China, Hong Kong, Laos, and Vietnam and was once distributed throughout hill streams and marshes in low to mid-elevation forests. The major threat is over-collection for traditional Chinese medicines which has given it an extremely high market value (up to USD20,000). Because of its value, this box turtle is now farmed by the thousands, and there is a demand for breeding stock. Less than 10 wild specimens are encountered per year in Mainland China, and the population in Hong Kong appears to be the last wild strong-hold. Intense collection and massive habitat loss in the last 3 decades has brought this species to the brink of extinction.

Approximately 497 live specimens were exported from range states since inclusion of the species in Appendix II (with the majority going to the United States from Hong Kong in 2001) and were primarily reported as captive-bred specimens. There were far fewer exports from China, Laos, and Vietnam. Given the lack of viable populations outside China, it is unclear whether harvest of specimens of Chinese three-striped box turtles from the wild for international trade is reducing wild populations to levels at which survival might be threatened by continued harvesting. As a result, the United States remains undecided about proposing to include the species in Appendix I, pending additional information and consultation with range countries. We seek further information about its population status, threats to the species, and, in particular, the impact to the species from international trade.

19. Big-headed turtle (*Platysternon megacephalum*) — Transfer from Appendix II to Appendix I

The IUCN Tortoise and Freshwater Turtle Specialist Group and WCS recommended that the United States propose the big-headed turtle (*Platysternon megacephalum*) for inclusion in Appendix I, noting the recommendations of a major workshop of Asian turtle specialists in Singapore in February 2011 that assessed the IUCN Red List status and CITES listing needs for

Asian turtles. China and the United States cosponsored inclusion of this species in Appendix II at CoP12 in 2002. This hill stream (and adjacent riparian zones) dweller is native to China, Hong Kong, Laos, Myanmar, Thailand, and Vietnam. The major threat is over-collection for the food and pet trade, with habitat degradation and pollution also impacting populations. Recently there has been a rise in the number of hatchlings for sale in pet markets in China, but it is highly unlikely that these specimens are resulting from captive breeding and are more likely a result of a shift in what animals (life stage) are being removed from the wild. Hatchlings now have higher prices than adults due to their bright vivid colors. The species is considered Endangered due to specific trade demand in Laos and Viet Nam, and it may be either Vulnerable or Endangered in China (main range state). Fairly stable populations have been reported in the New Territories of Hong Kong. The small populations in Thailand are Vulnerable; the situation in Myanmar is unknown.

The only significant shipment in the CITES database was 1,500 live, ranched specimens, which were exported from Laos to Vietnam in 2006. There were no exports from Myanmar or Thailand. It is unclear whether harvest of specimens of big-headed turtles from the wild for international trade is reducing wild populations to levels at which survival might be threatened by continued harvesting. As a result, the United States remains undecided about proposing to include the species in Appendix I, pending additional information and consultation with range countries. We seek further information about its population status, threats to the species, and, in particular, the impact to the species from international trade.

20. Painted terrapin (*Batagur borneoensis*) – Transfer from Appendix II to Appendix I

The IUCN Tortoise and Freshwater Turtle Specialist Group and WCS recommended that the United States propose the painted terrapin (*Batagur borneoensis*) for inclusion in Appendix I, noting the recommendations of a major workshop of Asian turtle specialists in Singapore in February 2011 that assessed the IUCN Red List status and CITES listing needs for Asian turtles. The United States originally proposed this species for inclusion in Appendix II at CoP10 in 1997. This species is native to Brunei Darussalam, Indonesia, Malaysia, and Thailand. Adults inhabit estuarine areas (often nesting on ocean beaches next to sea turtles), and juveniles prefer freshwater areas of rivers. Threats include overexploitation for meat and eggs, as well as habitat degradation from large-scale agro-based projects. Terrapins are widely distributed in Malaysia, but populations are dwindling because of unsustainable exploitation and uncoordinated conservation efforts. In Thailand the species is considered extinct in the wild, and in Indonesia it is considered rare or endangered.

According to the UNEP-WCMC CITES trade database, there were approximately 7,000-16,000 live wild-caught specimens in trade, with the majority (97 percent) being exported from Malaysia from 1996 to 2004. It is unclear whether harvest of specimens of painted terrapins from the wild for international trade is reducing wild populations to levels at which survival might be threatened by continued harvesting. As a result, the United States remains undecided about proposing the species for inclusion in Appendix I, pending additional information and consultation with range countries. We seek further information about its population status, threats to the species, and, in particular, the impact to the species from international trade.

21. Burmese roofed turtle (*Batagur trivittata*) – Transfer from Appendix II to Appendix I

The IUCN Tortoise and Freshwater Turtle Specialist Group and WCS recommended that the United States propose the Burmese roofed turtle (*Batagur trivittata*) for inclusion in Appendix I, noting the recommendations of a major workshop of Asian turtle specialists in Singapore in February 2011 that assessed the IUCN Red List status and CITES listing needs for Asian turtles. Indonesia and the United States cosponsored inclusion of this species in Appendix II at CoP12 in 2002. This species inhabits deep flowing rivers and was thought extinct until 2002 when it was rediscovered in the remote Chindwin River Valley and the Dokhtawady River in northwestern Myanmar. Threats to remaining habitat include gold mining, unsustainable fishing practices (dynamite, gill netting, electroshocking), and a proposed dam construction on the Chindwin (effecting nesting areas). There are only 5–7 nesting females known in the wild although extensive captive-breeding programs (for eventual re-release) have produced over 400 young.

International trade is minimal. According to the UNEP-WCMC CITES trade database, there was only 1 export of scientific specimens from the United States to Germany (originating from Hong Kong) in 2007. It is unclear whether harvest of specimens of Burmese roofed turtles from the wild for international trade is reducing wild populations to levels at which survival might be threatened by continued harvesting. As a result, the United States remains undecided about proposing to include the species in Appendix I, pending additional information and consultation with Myanmar. We seek further information about its population status, threats to the species, and, in particular, the impact to the species from international trade.

22. Map turtles (*Graptemys* spp.) — Inclusion in Appendix II and three species in Appendix I

There are 12 or 13 species of North American map turtles (*Graptemys* spp.), depending on taxonomy. The SSN recommended that the United States propose 3 species of map turtle (*G. caglei*, *G. gibsoni*, and *G. pearlensis*) for inclusion in Appendix I and the remaining map turtles for inclusion in Appendix II. The WCS, CBD, and the IUCN Tortoise and Freshwater Turtle Specialist Group recommended that the United States propose all map turtles for inclusion in Appendix II, noting the recommendations of the Conservation Working Group at the St. Louis U.S. Turtle Trade Workshop held in September 2010. This genus is for the most part endemic to the United States with one species (*G. geographica*) extending into Canada. Map turtles are popular in the pet trade and may also be sold for human consumption. They are protected to varying degrees by State laws within the United States. Two species of map turtles (*G. flavimaculata* and *G. oculifera*) are protected under the ESA. The United States included map turtles in Appendix III on June 14, 2006. Trade data (1999 and 2010) indicate that the United States exports about 226,000 live specimens per year. Currently we are monitoring trade in these species, assessing the effectiveness of their inclusion in Appendix III, and working with the AFWA CITES representatives who are coordinating with the States to ensure conservation of these species. As a result, the United States remains undecided about proposing to include the species in Appendix I or II, pending consultations with the AFWA CITES representatives and Canada and the availability of additional information. We seek further information about the

species' population status, threats to the species, and, in particular, the impact to the species from international trade.

23. Blanding's turtle (*Emydoidea blandingii*) — Inclusion in Appendix I or Appendix II

The SSN recommended that the United States propose the Blanding's turtle (*Emydoidea blandingii*) for inclusion in Appendix I. The WCS, CBD, and the IUCN Tortoise and Freshwater Turtle Specialist Group recommended that the United States propose the Blanding's turtle for inclusion in Appendix II, noting the recommendations of the Conservation Working Group at the St. Louis U.S. Turtle Trade Workshop held in September 2010. The Blanding's turtle occurs in eastern North America, including 14 U.S. States and 3 Canadian provinces. The animals are highly mobile and move extensively between wetlands. Blanding's Turtles have been reported as being impacted by road mortality and collection for trade. They also at least locally suffer from habitat degradation, fragmentation, and destruction, and increased predation of eggs, young, and possibly adults. The population trend is decreasing. It is estimated that 30 to 50 percent of suitable habitat and the populations they contained have been lost in recent decades, while many remaining populations have been reduced in size.

Approximately 80–90 live specimens of Blanding's turtles are exported from the United States per year and are primarily reported as captive-bred specimens (which may include wild-collected eggs and juvenile turtles). It is unclear whether international trade is affecting this species. As a result, the United States remains undecided about proposing the inclusion of the species in Appendix I or II, pending consultations with Canada and the AFWA CITES representatives, who are coordinating with the States on this issue, and the availability of additional information. We seek further information about its population status, threats to the species, and, in particular, the impact to the species from international trade.

24. Spotted turtle (*Clemmys guttata*) — Inclusion in Appendix I or Appendix II

The SSN recommended that the United States propose the spotted turtle (*Clemmys guttata*) for inclusion in Appendix I. The WCS, CBD, and the IUCN Tortoise and Freshwater Turtle Specialist Group recommended that the United States propose the spotted turtle for inclusion in Appendix II, noting the recommendations of the Conservation Working Group at the St. Louis U.S. Turtle Trade Workshop held in September 2010. The following builds upon information the Service published in the Federal Register in 2001, in response to a previous suggestion to include this species in CITES Appendix II at CoP11 (66 FR 27602, dated May 18, 2001).

The spotted turtle occurs in eastern North America, including 21 U.S. States and two Canadian provinces. The spotted turtle is relatively small and is long-lived. The presumed primary threats to this species are habitat fragmentation and alteration, grazing, draining and filling of wetlands, road mortality, collecting by hobbyists, artificial control of water levels, and water pollution. Canadian officials estimated a total population size of adult spotted turtles in that country of about 2,000 individuals. The size of the U.S. population has not been estimated. The short-term population size trend is declining. Turtle populations in areas with heavy

development likely have suffered the greatest declines in numbers.

Approximately 600–700 live specimens of spotted turtles are exported from the United States each year and are primarily reported as captive-bred specimens (which may include wild-collected eggs and juvenile turtles). The United States proposed to include the spotted turtle in Appendix II at CoP11, but the proposal was rejected. It is unclear whether international trade is affecting this species. However, the IUCN recently revised its Red List assessment of the species from Vulnerable (1996) to Endangered (2011) with a decreasing population trend. As a result, the United States remains undecided about proposing to include the species in Appendix I or II, pending consultations with Canada and the AFWA CITES representatives, who are coordinating with the States on this issue, and the availability of additional information. We seek further information about its population status, threats to the species, and, in particular, the impact to the species from international trade.

25. Alligator snapping turtle (*Macrochelys temminckii*) — Inclusion in Appendix II

The SSN, CBD, and the IUCN Tortoise and Freshwater Turtle Specialist Group recommended that the United States propose the alligator snapping turtle (*Macrochelys temminckii*) for inclusion in Appendix II, noting the recommendations of the Conservation Working Group at the St. Louis U.S. Turtle Trade Workshop held in September 2010. In addition, it was noted that “export numbers demonstrate that trade in alligator snapping turtles has not curtailed since they were placed on Appendix III.” The alligator snapping turtle is endemic to the United States. It occurs primarily in deep freshwater river systems and associated fluvial habitats in the following 15 States: Alabama, Arkansas, Florida, Georgia, Illinois, Indiana (likely extirpated), Iowa (likely extirpated), Kansas (no evidence of a viable breeding population), Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. The alligator snapping turtle is large, heavy, and long-lived. In addition to the capture of live young for the pet trade, adult turtles are harvested for consumption.

This species is protected in some manner by the majority of States within the species’ distribution. However, levels of protection and conservation measures vary from State to State. The United States included the alligator snapping turtle in Appendix III on June 14, 2006. No recent estimates are available for overall population trends. Historic trapping records show this species represented a significant component of a water-body’s turtle population. Today those numbers have declined. Reed et al. (2002) calculated generation time as 49 years and concluded that “...many populations were decimated by increased levels of commercial harvest in the 1960s and 1970s.” Trade data (1999–2010) indicate that the United States exports on average 30,000–31,000 live specimens per year (48.6 percent of those animals are wild caught). It is unclear whether the harvest and associated international trade in specimens of this species are affecting the species. As a result, the United States remains undecided about whether to propose the inclusion of the species in Appendix II, pending consultations with the AFWA CITES representatives, who are coordinating with the States on this issue, and the availability of additional information. We seek further information about its population status, threats to the species, and, in particular, the impact to the species from international trade.

26. Diamondback terrapin (*Malaclemys terrapin*) — Inclusion in Appendix II

The SSN, WCS, CBD, and the IUCN/SSC Tortoise and Freshwater Turtle Specialist Group recommended that the United States propose the diamondback terrapin (*Malaclemys terrapin*) for inclusion in Appendix II, noting the recommendations of the Conservation Working Group at the St. Louis U.S. Turtle Trade Workshop held in September 2010. They also noted that the Specialist Group recommended inclusion (be proposed at CoP15) because the species is “documented to be vulnerable to over-exploitation” and has an “intrinsically slow capacity to recover.” The diamondback terrapin is native to the United States and is found along the Atlantic Coast of the eastern United States from Cape Cod, Massachusetts, to the Florida Keys and west along the Gulf Coast to Texas. The species is characterized by delayed female maturation, small clutch size, low recruitment, and low neonate survivorship, high site fidelity and limited dispersal, and habitat specialization.

The diamondback terrapin occupies a large coastal range, but the status of the species differs in various areas throughout its range. All 16 range States in the United States regulate the harvest of diamondback terrapins. The total population size and trend is unknown. The species appears to be threatened by loss of nesting habitat and incidental mortality in crab pots. Currently, live specimens of the species are traded internationally, most likely for consumption and the pet trade. More than 26,000 specimens (averaging 2,195/yr) were exported from the United States between 1999 and 2010. More than 25 percent of international trade in live diamondback terrapins is reportedly wild-collected specimens, while the remaining specimens are reported to be from captive sources and ranching operations (which may include wild-collected eggs and juvenile turtles). Historically, overharvest was a major threat to the species, with many of the diamondback terrapin populations, especially those near coastal metropolitan areas, being nearly extirpated by the 1920s.

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

NOTE: We are aware of the fact that turtles as a group are among the world’s most endangered vertebrates with more than half of the species threatened with extinction. We are therefore in an ongoing process of exploring mechanisms that will allow us to protect the most species, most effectively, and with the cooperation of CITES Parties worldwide.

Birds

27. Gyrfalcon (*Falco rusticolus*) — Transfer from Appendix I to Appendix II

The gyrfalcon (*Falco rusticolus*) is a circumpolar species that nests in the arctic regions

of North America, Europe, Asia, Greenland, and Iceland. Gyrfalcons live in both tundra (treeless heath plains) and taiga habitats (swampy coniferous areas) with bluffs and cliffs along shorelines, rivers, or mountains. In response to a lack of prey, some birds move as far south as northern Oklahoma during the winter months. The IUCN Red List includes the gyrfalcon as Least Concern (2009). The species has an extremely large range, the population trend appears to be stable, and the population size is very large.

All populations of gyrfalcon have been included in Appendix I since 1985. A proposal to transfer the North American population from Appendix I to Appendix II, with a zero quota for export of wild specimens, was submitted by the United States and Canada during CoP11 (2000). The proposal was rejected due to some Parties' concerns about a split-listing. Prior to CoP14, the CITES Management Authority of Qatar suggested that the United States propose the transfer of the gyrfalcon to Appendix II, with a zero quota for wild specimens, but as of yet the United States has not submitted such a proposal.

Because the gyrfalcon is currently included in Appendix I, specimens traded for commercial purposes must originate from captive-breeding facilities that are included on the Secretariat's Register of operations that breed Appendix-I animal species for commercial purposes (see Resolution Conf. 12.10 (Rev. CoP15)). This provision has most likely facilitated the development of a large number of captive-breeding facilities for gyrfalcon; currently there are 24 registered captive-breeding operations for gyrfalcon. As a result, the vast majority of international trade in gyrfalcon is in captive-bred specimens.

At this time, the United States remains undecided about proposing the transfer of the gyrfalcon from Appendix I to Appendix II, pending consultations with Canada, other range countries, the Service's Division of Migratory Bird Management, the Service's Office of Law Enforcement, and the AFWA CITES representatives, who are coordinating with the States on this issue.

Mammals

28. Walrus (*Odobenus rosmarus*) — Inclusion in Appendix II or Appendix I

Commenters proposed that the United States submit proposals for increased CITES protections for the walrus (*Odobenus rosmarus*) due to a decline in the species' biological status, impacts to the species from climate change, potentially unsustainable exploitation levels, a high-value international trade in walrus ivory, including illegal trade, difficulty distinguishing fresh from fossilized walrus ivory absent forensic assistance, and the Pacific walrus's (*O. r. divergens*) restricted range of distribution. The SSN recommended the walrus for inclusion in Appendix II; the CBD recommended the species for inclusion in Appendix I, noting that at minimum the Pacific walrus subspecies should be proposed for Appendix I and the remaining subspecies proposed for Appendix II; the IFAW recommended the inclusion of walrus in Appendix II, but noted that including the species in Appendix I could be warranted.

Canada included the walrus in Appendix III in 1975. The species has a discontinuous

distribution throughout the Arctic waters of the Northern Hemisphere. The species is characterized by delayed sexual maturation, a low reproductive rate, and specialized habitat requirements. In the United States, the walrus is protected by the U.S. Marine Mammal Protection Act (MMPA). An exception under the MMPA allows the taking of walrus by Alaska Natives for traditional subsistence and handicraft purposes. Export of walrus specimens from the United States are predominantly bone/ivory carvings and bones/bone pieces, but also includes tusks, teeth, scientific specimens, and skin pieces. Over a 5-year period (2004–2008), the United States exported or re-exported 812 kilograms (kg) (1,786 pounds (lb)) of walrus bones, bone pieces, carvings, teeth, and tusks, in addition to 391 other walrus specimens, most of which were of U.S. origin (note: these figures do not include items coded as pre-Convention specimens).

On February 10, 2011, the Service found that listing the Pacific walrus as Endangered or Threatened under the ESA is warranted; however, its listing is precluded by higher priority actions to amend the Lists of Endangered and Threatened Wildlife and Plants. Threats to the Pacific walrus identified in the finding include: 1) loss of sea ice due to climate change; and 2) in the foreseeable future, subsistence harvest. It was also determined that the existing regulatory mechanisms are inadequate to address the threat of subsistence harvest, and there are no existing regulatory mechanisms to effectively address sea ice loss. The IUCN Red List includes the walrus as Data Deficient (2008).

The walrus may meet the criteria for increased CITES protections; however, further consultations are required to better understand the species' population status, management of the species, threats to the species, and international trade impacts to the species. As a result, the United States remains undecided about proposing this species for inclusion in Appendix I or II, pending consultations with the Service's Regional Office, other range countries, native peoples, and the AFWA CITES representatives, who are coordinating with the State of Alaska on this issue, as well as the availability of additional information about the species' biological status, management, and impacts from international trade.

29. Polar bear (*Ursus maritimus*) — Transfer from Appendix II to Appendix I

The CBD, IFAW, and SSN recommended that the United States propose the transfer of the polar bear (*Ursus maritimus*) from Appendix II to Appendix I due to trade impacts and climate change.

Polar bear distribution patterns reflect the annual occurrence of sea-ice cover in the high northern latitudes, including the U.S. State of Alaska. The total population size is approximately 20,000–25,000 individuals. According to the current proponents, the main conservation threats are due to human activities (including harvest) and the potential loss of, or reduction in, sea ice as a consequence of climate change.

The polar bear has been included in CITES Appendix II since 1975. In the United States, the polar bear has been protected under the MMPA since 1972 and was listed as Threatened under the ESA in 2008 (73 FR 28212; dated May 15, 2008). In listing the polar bear under the ESA, we determined that the species is threatened by ongoing and projected changes in sea ice

habitat, but that poaching and illegal international trade in bear parts do not threaten the species.

At CoP15, the United States submitted a proposal to transfer the polar bear from Appendix II to Appendix I of CITES. In our proposal, we drew attention to several key factors and concluded that the polar bear met the biological and trade criteria for inclusion in Appendix I. After a lengthy and contentious debate, the proposal was rejected (48 Parties in favor, 62 against, and 11 abstentions).

Since CoP15, the conservation status of the polar bear has continued to draw international attention. For example, several peer-reviewed, technical publications have documented a decrease in sea-ice, the natural habitat of polar bears, as well as a decrease in polar bear biological parameters, such as mean body weight or recruitment. In addition, the Government of Canada in November 2011 declared that the polar bear in that country was a “species of concern” under the Species at Risk Act. As a result of this designation, Canada—a range country—must prepare within 3 years a management plan for the species. This information suggests that further analyses and conservation measures within the context of CITES may be necessary. The IUCN Red List includes the polar bear as Vulnerable (2008).

Based on our previous CITES proposal, absent new information to the contrary, the United States has determined that the polar bear meets the biological and trade criteria for inclusion in Appendix I; however, the United States remains undecided about proposing this species for transfer from Appendix II to Appendix I, pending consultations with the Service’s Regional Office, other range countries, native peoples, and the AFWA CITES representatives, who are coordinating with the State of Alaska on this issue, as well as the availability of updated information about the species’ biological status, management, and impacts from international trade.

C. What species proposals is the United States not likely to submit for consideration at CoP16, unless we receive significant additional information?

The United States does not intend to submit proposals for the following taxa unless we receive significant additional information indicating that a proposal is warranted. Information currently available for each of the taxa listed below does not support a defensible proposal.

Plants

1. Goldenseal (*Hydrastis canadensis*) — Removal from Appendix II

The AHPA recommended that the United States propose to remove goldenseal (*Hydrastis canadensis*) from Appendix II because the annual harvest quantity that is in international trade is insignificant. Goldenseal is native to the United States and Canada and was included in CITES Appendix II in 1997 (with an annotation to include “whole and sliced roots and parts of roots, excluding manufactured parts or derivatives such as powders, pills, extracts, tonics, teas and confectionery”). At CoP14 (2007), the CITES annotation on this species was amended to include: “Underground parts (i.e. roots, rhizomes): whole, parts and powdered.”

This species is native to 26 states in the eastern United States and one province in Canada. Eleven States have listed the species as endangered, threatened, vulnerable, or of special concern. Goldenseal is one of the oldest documented North American medicinal plants and is collected for use in herbal supplements. Historical declines in the core of its range have been attributed to over-collection. Other threats to goldenseal include habitat loss for urbanization and logging, foraging by mammals, and encroachment from invasive species.

U.S. CITES export data indicate that, since the species' inclusion in CITES in 1997, international trade in goldenseal has shifted from wild to artificially propagated material. According to information submitted by AHPA, though the species is in cultivation, a large amount of goldenseal continues to be harvested from the wild. AHPA refers to a survey of raw materials producers in the United States indicating that, between 2004 and 2007, 109,000 kg (239,800 lb) of wild goldenseal root was harvested (an average of 27,250 kg/yr) (59,950 lb/yr). Contrasted with AHPA's 1998 reported industry harvest exceeding 139,000 kg (307,000 lb), this would indicate that wild-harvest has decreased since being included in Appendix II of CITES, potentially as a result of its inclusion in CITES. It may also be an indicator of increased rarity of the species in the wild.

The Service is pursuing updated status assessments throughout this species' U.S. range. We are consulting with the AFWA CITES representatives, who are coordinating with the States on this issue to obtain additional biological information, current species-specific or habitat-specific protections afforded this species, and ascertain incidences of poaching. In addition, the Service seeks information on the harvest and use of wild goldenseal by the U.S. herbal industry and the public, as well as any other information pertinent to this species. We anticipate that the U.S. range-wide status assessment is unlikely to be completed in time to submit documents to CoP16. Therefore, it is unlikely that the United States will submit a proposal to remove goldenseal from the CITES Appendices at that time.

Mollusks

2. Nautilids (*Allonautilus* spp. and *Nautilus* spp.) — Inclusion in Appendix II

The SSN recommended that the United States propose the genus *Allonautilus* and the genus *Nautilus* for inclusion in Appendix II due to increasing harvest of their shells for commercial trade, given the nature and volume of trade, coupled with their low recovery potential. The following builds upon information the Service published in the **Federal Register** in 2009, in response to a previous suggestion to include this family in CITES Appendix II at CoP15 (www.fws.gov/international/pdf/Notice2-possible%20US%20submissions%20WEB.pdf).

Nautilids are native or possibly native to 17 Indo-Pacific countries, including the U.S. territory of American Samoa. Several biological factors suggest that these species have low resilience to fishing. They have low reproductive potential, being long-lived, late-maturing species that produce a single egg per clutch requiring a year-long incubation period. The first quantitative estimate of population size was obtained in 2010 at a location that had never been

fished; it indicated that the population was comprised of an estimated 2,500 individuals. Additional population data are needed to better understand the global population size and structure and trends across the species' range. Most populations are geographically isolated, with dispersal generally limited to chance events (such as storms), so that the species are apparently incapable of recolonizing areas of suitable habitat following extirpation. Because captive-breeding attempts have not been successful beyond the hatchling stage, aquaculture is not currently a viable alternative to increase production of commercially available specimens to relieve wild populations of fishing pressures imposed by commercial-scale harvest.

Commercial trade is among the threats to these species, including shells for the curio and tourist markets; live animals for research, aquaria, and possibly for the pet trade; and meat for consumption. Though some trade may derive from incidental collection of drift shells, most commercial trade is apparently harvested from the wild. There appear to be two or three countries with targeted fisheries, but the extent of the fishery, management, regulations and protections for most species are poorly known. There are no global trade statistics, which makes it difficult to fully assess the types and impacts of trade on this species. Trade data for U.S. imports indicate an average annual import of 100,000 nautilus products each year between 2005 and 2010—much of this is in shell products. Qualitative information suggests that large numbers are traded within Asia to satisfy the meat market, but it is unclear whether trade in nautilus meat is a by-product of the shell trade.

The Service will continue working with experts at the NMFS as well as outside researchers to gather biological and trade data. Efforts are also underway to work with other nautilid range countries to understand fisheries management and protections that may already be in place for these species. These efforts will not be completed prior to CoP16 and, therefore, it is unlikely that the United States will submit a proposal at that time. We are seeking additional information that will assist in our decision-making.

Spiders

3. Burrowing (*Chilobrachys fimbriatus* and *C. hardwicki*), large burrowing (*Haploclostus kayi*, *Thrigmopoeus insignis*, and *T. truculentus*), and parachute (*Poecilotheria formosa*, *P. hanumavilasumica*, *P. metallica*, *P. miranda*, *P. nallamalaiensis*, *P. regalis*, *P. rufilata*, *P. striata*, and *P. tigrinawesseli*) spiders — Inclusion in Appendix II

The AWI recommended that the United States propose inclusion of species of burrowing and parachute spiders native to India on the basis of growing concern for illegal international trade to satisfy the pet trade. The suggested species are endemic to India. However, AWI noted that additional trade information or look-alike concerns may indicate the need to include these species at the genus level; for some of these species, inclusion at the genus level would include a few additional range countries (such as, Malaysia, Myanmar, and Sri Lanka). Many, but not all, of the suggested species are in trade and for some species the United States is either not involved in the trade or is not the primary trader. At CoP11 (2000), a proposal co-sponsored by the United States and Sri Lanka to include the genus *Poecilotheria* in Appendix II (www.cites.org/eng/cop/11/prop/52.pdf) was rejected. Upon rejection of the proposal, India

announced intentions to take actions to further protect the species domestically.

The United States is unlikely to include the species in Appendix II, but is working with India to understand current national protections for these species or their habitats and to determine whether inclusion in Appendix III might be appropriate. According to CITES Resolution Conf. 9.25 (Rev. CoP15) (*Inclusion of species in Appendix III*), a Party should only include a native species in Appendix III if there are regulations in place to prevent or restrict exploitation and to control trade, and if the cooperation of other Parties is needed to control illegal trade. In addition, proactive measures in India may benefit these species, such as captive breeding, outreach to traders and consumers, and working with other range countries to strengthen regional management and conservation of these species.

Fishes

4. Gulper sharks (Centrophoridae) — Inclusion in Appendix II

The Pew Environment Group and the SSN recommended that the United States propose all species of gulper sharks (Centrophoridae) for inclusion in Appendix II. These deepwater sharks are found in waters throughout the world, with some species occupying U.S. waters. These species exhibit high longevity, late age-at-maturity, and low reproductive potential. They occur as bycatch in many deepwater fisheries. Although many countries have improved species-specific reporting of landings in recent years, many do not report catch at the species level, and management is lacking. The level of international trade in many of these species is not sufficiently documented to determine if inclusion in CITES would be appropriate or implementation feasible. Therefore, the United States is unlikely to propose this family or individual species within the family for inclusion in Appendix II unless we receive significant additional information on individual species' biological status and international trade impacts, indicating that a proposal is warranted.

5. Devil and manta rays (Mobulidae) — Inclusion in Appendix II or in Appendix I

The SSN and Shark Advocates International recommended that the United States propose all species of the devil and manta rays (Mobulidae) for inclusion in Appendix II. Oceana recommended that the United States propose the devil and manta rays (Mobulidae) for inclusion in Appendix I, but if that is determined not to be warranted, they asked that the United States propose the species for inclusion in Appendix II. Mobulidae are found in tropical and subtropical waters of every ocean, including those that surround the United States and its territories. Overfishing and habitat loss appear to be the primary threats to these species, but some directed fishing towards some of these slow moving, large species make them highly susceptible to even moderate fishing pressure. Also, Mobulidae life-history traits, such as late maturity, extremely low reproductive capacity, a long generation time, and predictable spawning behavior make them vulnerable to overexploitation. Some species, particularly in Indonesia, may be threatened by take for medicinal markets, especially for their gills, subsistence, and as bycatch. Because data are lacking on the volume of international trade in Mobulidae, the impacts of trade on Mobulidae, and general population status of this taxon, the United States is unlikely to propose

this family or individual species for inclusion in Appendix I or Appendix II unless we receive significant additional information on these species' biological status and international trade impacts, indicating that a proposal is warranted for any of these species in the Mobulidae family.

6. Hammerhead sharks (Sphyrnidae) (see section B.6. above for consideration of scalloped, great, and smooth hammerhead sharks) — Inclusion in Appendix I or, if not warranted, in Appendix II

Oceana recommended that the United States propose all sharks in the family Sphyrnidae for inclusion in Appendix I, but if that is determined not to be warranted, they asked that the United States propose them for inclusion in Appendix II. Hammerhead sharks have a circumglobal distribution in coastal warm, temperate, and tropical seas. Species can occur from the shore to over-continental and insular shelves to adjacent deep water. The apparent primary threats to the species in this family are over-harvest. Hammerhead sharks are harvested primarily for fins and are the second most abundant species in the international fin trade. Based on our assessment of 3 hammerhead shark species, in section B.6, above, we reported that we are undecided about whether to submit a proposal to CoP16 for consideration of inclusion of the scalloped hammerhead (*Sphyrna lewini*), great hammerhead (*S. mokarran*), and smooth hammerhead (*S. zygaena*) sharks in Appendix II. Aside from these 3 species, the only hammerhead sharks that occupy U.S. waters are the bonnethead (*S. tiburo*) and the scalloped bonnethead (*S. corona*). The United States is unlikely to propose the inclusion of all species of hammerhead sharks in Appendix I or Appendix II, unless we receive significant additional information about these hammerheads' biological status and international trade impacts, indicating that a proposal is warranted.

7. Dusky shark (*Carcharhinus obscurus*) — Inclusion in Appendix II or Appendix I

The WWF and Shark Advocates International recommended that the United States propose the dusky shark (*Carcharhinus obscurus*) for inclusion in Appendix II; Oceana recommended that the United States propose this species for inclusion in Appendix I, but if that is determined not to be warranted, they asked that the United States propose it for inclusion in Appendix II. Dusky sharks have a wide-ranging distribution in tropical and warm temperate seas, including U.S. waters. The species occurs from in-shore to pelagic habitats, from the surface to depths of 400 m (1,312 ft). The dusky shark has a very low intrinsic rate of increase thus making this species highly vulnerable to overharvest.

The primary threat to this species is over-harvest. Dusky sharks are harvested primarily for fins, and their fins are highly prized for their large size and high fin-needle content. The IUCN Red List includes the dusky shark as Vulnerable (2009). The United States is unlikely to propose the inclusion of this species in Appendix I or Appendix II unless we receive significant additional data on catch and landings and other information about this species' biological status and international trade impacts, indicating that a proposal is warranted.

8. Sandbar shark (*Carcharhinus plumbeus*) — Inclusion in Appendix II or Appendix I

The WWF recommended that the United States propose the sandbar shark (*Carcharhinus*

plumbeus) for inclusion in Appendix II; Oceana recommended that the United States propose this species for inclusion in Appendix I, but if that is determined not to be warranted, they asked that the United States propose it for inclusion in Appendix II. Sandbar sharks have a global distribution in the coastal-pelagic zone of tropical and warm temperate seas, including U.S. waters. The species is found over continental and insular shelves, in deep adjacent waters, and over ocean banks. The sandbar shark has a low intrinsic rate of increase thus making this species highly vulnerable to overharvest. This species is a significant component of the coastal shark fisheries worldwide.

The primary threats to this species are directed coastal gillnet and longline fisheries and as bycatch in pelagic longline fisheries. Sandbar sharks are harvested primarily for their fins which are of comparable quality to those of dusky and hammerhead sharks. The IUCN Red List includes the sandbar shark as Vulnerable (2009). The United States is unlikely to propose the inclusion of this species in Appendix I or Appendix II unless we receive significant additional data on catch and landings and other information about this species' biological status and international trade impacts, indicating that a proposal is warranted.

9. Portuguese shark (*Centroscyrnus coelolepis*) — Inclusion in Appendix II

The Pew Environment Group and the SSN recommended that the United States propose the Portuguese shark (*Centroscyrnus coelolepis*) for inclusion in Appendix II. Portuguese sharks have a wide-ranging but patchy distribution in the Atlantic and western Pacific and occupy U.S. waters. The species' habitat is near the bottom of the continental slope and on the abyssal plain in depths from 270–3,700 m (886–12,139 ft). Information on the biology of the Portuguese shark is lacking, but it is believed to have a very low intrinsic rate of increase thus making this species highly vulnerable to overharvest.

The primary threats to this species are directed and bycatch fisheries which target this species for its flesh and valuable liver oil. The IUCN Red List includes the Portuguese shark as Near Threatened (2003). The level of international trade in this species is not sufficiently documented to determine if inclusion in CITES would be appropriate or implementation feasible. The United States is unlikely to propose the inclusion of this species in Appendix II, unless we receive significant additional data on catch and landings and other information about this species' biological status and international trade impacts, indicating that a proposal is warranted.

10. Spiny Dogfish (*Squalus acanthias*) — Inclusion in Appendix II

Sharks Advocates International recommended that the United States propose the spiny dogfish (*Squalus acanthias*) for inclusion in Appendix II. The spiny dogfish is a small, coastal shark of temperate continental shelf seas worldwide. A proposal for inclusion of this species in Appendix II was submitted for consideration by Germany on behalf of the European Union at CoP14 and CoP15, based on overfishing of Northeast Atlantic stocks; however, the proposals were rejected at both meetings. In the United States, the directed fishery has been virtually

eliminated, and exports consist of fish mostly taken incidental to other fisheries. The Northwest Atlantic stock is no longer overfished and was determined to have rebuilt to target levels in 2009. As the stock recovered, commercial fishery quotas increased from 1.8 million kg/yr (4 million lb/yr) in 2000–2008 to 9 million kg (20 million lb) in 2011. Catch limits in the United States continue to be set at a precautionary level below the fishing mortality thresholds recommended by scientific advice. However, low pup production from 1997 through 2003 is expected to result in lower levels of recruitment in future years. Therefore, a decline in spiny dogfish biomass is expected when these small year-classes recruit to the fishery (by approximately 2015). The IUCN Red List includes the spiny dogfish shark as Vulnerable (2006). The United States is unlikely to propose this species for inclusion in Appendix II unless we receive significant additional information on the species' biological status and international trade impacts, indicating that a proposal is warranted.

11. Roundnose grenadier (*Coryphaenoides rupestris*) — Inclusion in Appendix II

The Pew Environment Group recommended that the United States propose the roundnose grenadier (*Coryphaenoides rupestris*) for inclusion in Appendix II. Roundnose grenadier are distributed in the Atlantic and Arctic oceans, including U.S. waters, and occupy habitat between 200 and 2,600 m (656 and 8,530 ft). The species is known to be spatially segregated, with fish moving lower in the water column as they age. Information on the biology of this grenadier species is lacking, primarily because it is found in the deep ocean, but it is known to be a long-lived and late-maturing species. A generation time of 17 years is estimated. Because it is believed to have a very low intrinsic rate of increase, this species is highly vulnerable to overharvest. It is estimated that harvest of this species in parts of its range has decreased by over 90 percent since the 1950s.

The primary threats to this species are directed and bycatch fisheries, but because of an overall decline in directed catch there is currently greater threat from bycatch fisheries. There has not been an IUCN Red List assessment of roundnose grenadiers. The level of international trade in this species is not sufficiently documented to determine if inclusion in CITES would be appropriate or implementation feasible. The United States is unlikely to propose the inclusion of this species in Appendix II unless we receive significant additional information on this species' biological status and international trade impacts, indicating that a proposal is warranted.

12. Roughhead grenadier (*Macrourus berglax*) — Inclusion in Appendix II

The Pew Environment Group recommended that the United States propose the roughhead grenadier (*Macrourus berglax*) for inclusion in Appendix II. Roughhead grenadier have a distribution in the Atlantic and Arctic oceans, including U.S. waters, and occupy habitat between 200 and 2,700 m (656 and 8,858 ft). The species is known to be spatially segregated, with fish moving lower in the water column as they age, but adults are commonly found in 300 to 500 m (984 to 1,640 ft). Information on the biology of this grenadier species is lacking, primarily because it is found in the deep ocean, but it is known to be a long-lived and late-maturing species. A generation time of 17 years is estimated. Because it is believed to have a very low intrinsic rate of increase, this species is highly vulnerable to overharvest, and it is estimated that

harvest of this species in parts of its range has decreased by over 80 percent.

The primary threats to this species are directed and bycatch fisheries, but because of an overall decline in directed catch there is currently greater threat from bycatch fisheries especially in the halibut fishery. There has not been an IUCN Red List assessment of the roughhead grenadiers. The level of international trade in this species is not sufficiently documented to determine if inclusion in CITES would be appropriate or implementation feasible. The United States is unlikely to propose the inclusion of this species in Appendix II unless we receive significant additional information on this species' biological status and international trade impacts, indicating that a proposal is warranted.

13. North Atlantic bluefin tuna (*Thunnus thynnus*) — Inclusion in Appendix I

The CBD recommended that the United States propose the North Atlantic bluefin tuna (*Thunnus thynnus*) for inclusion in Appendix I. The Pew Environment Group expressed concern about the status of tuna species, including but not limited to bluefin tuna. They recommended that the U.S. Government continue to monitor the status of tuna species and consider the inclusion of these species in the CITES Appendices, if necessary. A proposal for inclusion of the North Atlantic bluefin tuna in Appendix I was submitted for consideration by Monaco at CoP15; however, the proposal was rejected.

North Atlantic bluefin tuna are found throughout the North Atlantic Ocean and adjacent seas including the Mediterranean Sea. They are pelagic, highly migratory species occupying coastal and open ocean areas. Based on reproductive isolation due to the existence of separate spawning grounds and the absence of spawning in the middle of the North Atlantic, genetic differentiation, and differing ages at maturity, the ICCAT manages this highly migratory species as two separate stocks—the eastern Atlantic/Mediterranean and the western Atlantic.

Based on the most recent stock assessment conducted by ICCAT's Standing Committee on Research and Statistics (SCRS) in October 2010, spawning stock biomass has increased and recent declines in fishing mortality have led to an improved status of the eastern Atlantic/Mediterranean stock in comparison to previous assessments. Contrary to statements in the 2008 and 2009 SCRS reports, the SCRS indicated that, under the management measures adopted in 2009, there is no longer a risk of stock collapse for eastern Atlantic/Mediterranean bluefin tuna. In 2010, ICCAT adopted new conservation and management measures, including reduced levels of total allowable catch (TAC) for both stocks, in line with scientific advice. These measures also specify that if SCRS detects a serious threat of collapse in either the east or the west, ICCAT shall suspend bluefin tuna fisheries for that stock in the following year.

In addition to the reduced TACs, ICCAT has taken a number of steps to strengthen monitoring and control of the eastern Atlantic bluefin tuna fishery, including establishing a dramatically shorter fishing season, assigning individual vessel quotas, and requiring further reductions in fishing capacity, near real-time (weekly) catch reporting to the ICCAT Secretariat, and 100 percent third party compliance observer coverage on large vessels and at bluefin tuna farms. Available information indicates that ICCAT members participating in the eastern

Atlantic/Mediterranean fishery have remained within their quotas in recent years. Provided that this high level of compliance continues, there is at least a 95 percent probability that the condition of the eastern stock will improve in the coming years. In the past, compliance concerns plagued the eastern Atlantic and Mediterranean fishery, and underreporting catch was rampant in the mid-2000s. Given the mixing between the stocks, improved conservation of the eastern Atlantic/Mediterranean stock can be expected to benefit the western stock as well. For the western stock, the spawning stock biomass shows an increasing trend in the last few years, and compliance with ICCAT measures has typically been high.

In the 2011 SCRS report, the SCRS reiterated that the current total allowable catches for Atlantic bluefin tuna are expected to support continued growth and recovery of the stocks if a high level of compliance with agreed rules continues. SCRS will conduct assessments of the western and eastern Atlantic/Mediterranean bluefin tuna stocks in 2012.

To further assist in the conservation and management of Northern Atlantic bluefin tuna, ICCAT requires that all shipments be accompanied by a catch document that verifies the product's origin and weight, among other information. This document can be and has been used by importing countries to help determine whether the product was harvested in compliance with ICCAT rules. In 2010 and in 2011, ICCAT made progress toward the development of an electronic Bluefin Catch Document Scheme (CDS) that is expected to increase the efficiency and effectiveness of the program, including through quicker validation and verification of catches, while helping to deter any illegal, unreported and unregulated fishing by facilitating fraud detection. ICCAT plans to initiate a pilot testing of the eBCD in 2012 and implement the full system in 2013.

Based on this new information, the United States is unlikely to propose North Atlantic bluefin tuna for inclusion in Appendix I of CITES unless we receive significant additional information about biological status and international trade indicating that a proposal is warranted.

Reptiles

14. San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) — Inclusion in Appendix I

The Wild Equity Institute recommended that the United States propose the San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) for inclusion in Appendix I. The San Francisco garter snake was identified as an Endangered species under United States law in 1967, and was one of the first species to be protected under the ESA in 1973. The snake's limited historic range extended from north of the San Francisco-San Mateo county line along the base of the Santa Cruz mountains down to Ano Nuevo State Reserve, the southern-most location the snake has been found. San Francisco garter snakes are associated with permanent or nearly permanent bodies of water, usually marshy areas of shallow water and heavily vegetated shores and where there are dense frog populations. They will generally move long distances to suitable breeding ground, and have been known to occur in upland grasslands, which are important for winter retreats.

According to the 1985 Recovery Plan and the 2006 five-Year Review, there are currently six significant population sites including the west of Bayshore property (San Francisco International Airport), San Francisco State Fish and Game Refuge property (San Francisco Public Utilities Commission), Laguna Salada/Mori Point property (City of San Francisco/National Park Service), Pescadero Marsh and Ano Nuevo State Reserve properties (California State Parks), and Cascade Ranch property (private land owner). Many other smaller populations do exist, but these six populations form the basis for long-term species recovery plans.

Habitat degradation appears to be the most significant threat to the species. Other factors that contribute to the snake's decline include disease, predation, and illegal collecting, according to the Wild Equity Institute. The five-year review conducted by the Service in 2006 indicated that illegal collection of these colorful snakes occurred during the 1970s-1990s. The San Francisco garter snake is said to be very popular in Europe, where captive-breeding of the species occurs.

The United States is unlikely to propose the San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) for inclusion in Appendix I, due to the protections afforded the species by the "take" provisions of the ESA. The ESA makes it unlawful for a person to "take" a listed animal without a permit. Take is defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct." Through regulations, the term "harm" is defined as "an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering."

15. Bocourt's water snake (*Enhydris boucourti*) and puff-faced water snake (*Homalopsis buccata*) — Inclusion in Appendix III

The WCS recommended that the United States propose inclusion of the Bocourt's water snake (*Enhydris bocourti*) and puff-faced water snake (*Homalopsis buccata*) in Appendix III. Inclusion of a species in Appendix III is a unilateral decision, and does not require a proposal to be brought forward to the CoP. According to CITES Resolution Conf. 9.25 (Rev. CoP15) (*Inclusion of species in Appendix III*), a Party should only include a native species in Appendix III if there are regulations in place to prevent or restrict exploitation and to control trade, and if the cooperation of other Parties is needed to control illegal trade. Because neither of these species is native to the United States, it is unlikely that the United States would include these species in Appendix III.

16. Other Turtles not native to the United States (Table 2) — Inclusion in Appendix II or Appendix I or Transfer from Appendix II to Appendix I

We evaluated comments on the following 70 species of non-native turtles sent to us by the IUCN Tortoise and Freshwater Turtle Specialist Group and WCS. We assessed and ranked these species based on an analysis of criteria that included the IUCN Red List status (and in some cases more current draft updates); the IUCN Tortoise and Freshwater Turtle Specialist Group Highest Risk of Extinction in 2011 ranking document; the recommendations of a major

workshop of Asian turtle specialists in Singapore in February 2011 that assessed IUCN Red List status and CITES listing needs for Asian turtles; and the history of U.S. involvement in originally sponsoring or cosponsoring the species in Appendix II to determine the highest priority for possible U.S. action.

As a result of our analysis, the United States is unlikely to submit a proposal for inclusion of the following 70 species of non-native turtles in Appendix I or II at CoP16 unless significant additional information is received about the species' biological status and trade (see Table 2 below). We recognize the plight of the world's turtles but are unlikely to take forward individual proposals for this many species for which we are not a range state. Where practicable, we will work with our colleagues from range states to suggest and support their efforts to include these species in the Appendices.

Table 2. Non-native turtles recommended by the IUCN Tortoise and Freshwater Turtle Specialist Group and WCS and for which the United States is unlikely to submit a proposal

Common Name	Scientific Name	Country*	Current CITES Status	Proposed CITES Status – Include in:	IUCN Status**
Malayan softshell turtle	<i>Dogania subplana</i>	ID, MY, MM, PH, SG	Non CITES	Appendix II	LR/LC (2000), draft LC
Indian star tortoise	<i>Geochelone elegans</i>	IN, PK, LK	Appendix II	Appendix I	LR/LC (2000), draft VU
Ryukyu black-breasted leaf turtle	<i>Geoemyda japonica</i>	JP	Non CITES	Appendix I	EN (2000)
Black-breasted hill turtle	<i>Geoemyda spengleri</i>	CN, VN	Appendix III	Appendix II	EN (2000), draft EN
Sulawesi forest turtle	<i>Leucocephalon yuwonoi</i>	ID	Appendix II	Appendix I	CR, draft CR
Burmese mountain tortoise	<i>Manouria emys</i>	BD, IN, ID, MY, MM, TH, VN, KH, CN	Appendix II	Appendix I	EN (2000), draft CR
Impressed tortoise	<i>Manouria impressa</i>	LA, MY, MM, TH, VN, KH, CN	Appendix II	Appendix I	VU (2000), draft EN
Indian black turtle	<i>Melanochelys trijuga</i>	BD, IO, IN, MV, MM, NP, LK	Non CITES	Appendix II	LR/LC (2000), draft NT

Indian eyed turtle	<i>Morenia petersi</i>	BD, IN, NP	Non CITES	Appendix II	VU (2000), draft VU or EN
Leith's softshell turtle	<i>Nilssonina (Aspideretes) leithii</i>	IN	Non CITES	Appendix II	VU (2000), draft CR
Malaysian giant turtle	<i>Orlitia borneensis</i>	ID, MY	Appendix II	Appendix I	EN (2000), draft CR
Wattle-necked softshell turtle	<i>Palea steindachneri</i>	CN, VN, MU, US	Appendix III	Appendix II	EN (2000), draft EN
Cochin forest cane turtle	<i>Vijayachelys silvatica</i>	IN	Non CITES	Appendix II	EN (2000), draft EN
Cann's snake-necked turtle	<i>Chelodina canni</i>	AU	Non CITES	Appendix II	NL
Gunalen's snake-necked turtle	<i>Chelodina gunaleni</i>	ID	Non CITES	Appendix II	NL
Eastern or common snake-necked turtle	<i>Chelodina longicollis</i>	AU	Non CITES	Appendix II	NL
New Guinea snake-necked turtle	<i>Chelodina novaeguineae</i>	AU, ID, PG	Non CITES	Appendix II	LR/LC (2000)
Narrow-breasted snake-necked turtle	<i>Chelodina oblonga</i>	AU	Non CITES	Appendix II	LR/NT (1996)
Pritchard's snake-necked turtle	<i>Chelodina pritchardi</i>	PG	Non CITES	Appendix II	EN (2000), draft EN
Reimann's snake-necked turtle	<i>Chelodina reimanni</i>	ID, PG	Non CITES	Appendix II	LR/NT (2000)
Steindachner's snake-necked turtle	<i>Chelodina steindachneri</i>	AU	Non CITES	Appendix II	NL
Yellow-headed box turtle	<i>Cuora aurocapitata</i>	CN	Appendix II	Appendix I	CR (2000), draft CR
Bourret's box turtle	<i>Cuora bourreti</i>	LA, VN, KH	Appendix II	Appendix I	NE, Draft CR
Ryukyu yellow-margined box	<i>Cuora evelyna</i>	JP	Appendix II	Appendix I	NE, draft CR as part of

turtle					flavomarginata
McCord's box turtle	<i>Cuora mccordi</i>	CN	Appendix II	Appendix I	CR (2000), draft CR
Keeled box turtle	<i>Cuora mouhotii</i>	IN, BD, MM, LA, VN, CN, TH	Appendix II	Appendix I	EN (2000), draft CR
Pan's box turtle	<i>Cuora pani</i>	CN	Appendix II	Appendix I	CR (2000), draft CR
Southern Vietnamese box turtle	<i>Cuora picturata</i>	VN	Appendix II	Appendix I	NE, Draft CR
Yunnan box turtle	<i>Cuora yunnanensis</i>	CN	Appendix II	Appendix I	CR (2010)
Zhou's box turtle	<i>Cuora zhoui</i>	VN, CN	Appendix II	Appendix I	CR (2000), draft CR
Western black-bridged leaf turtle	<i>Cyclemys atripons</i>	TH, KH	Non CITES	Appendix II	NE, draft DD
Asian leaf turtle	<i>Cyclemys dentate</i>	MY, ID, BN, MY, PH	Non CITES	Appendix II	LR/NT (2000), draft DD
Enigmatic leaf turtle	<i>Cyclemys enigmatica</i>	BN, MY, SG, ID,	Non CITES	Appendix II	NE, draft DD
Myanmar brown leaf turtle	<i>Cyclemys fusca</i>	MY	Non CITES	Appendix II	NE, draft DD
Assam leaf turtle	<i>Cyclemys gemeli</i>	BD, IN	Non CITES	Appendix II	NE, draft DD
Southeast Asian leaf turtle	<i>Cyclemys oldhamii</i>	IN, MM, TH, BN, MY, KH, CN	Non CITES	Appendix II	NE, draft DD
Eastern black-bridged leaf turtle	<i>Cyclemys pulchristriata</i>	VN, KH	Non CITES	Appendix II	NE, draft DD
White-throated or southern snapping turtle	<i>Elseya albagula</i>	AU	Non CITES	Appendix II	NL

Southern New Guinea snapping turtle	<i>Elseya branderhorsti</i>	ID, PG	Non CITES	Appendix II	VU (2000), draft VU
Northern snapping turtle	<i>Elseya dentata</i>	AU	Non CITES	Appendix II	NL
Irwin's snapping turtle	<i>Elseya irwini</i>	AU	Non CITES	Appendix II	NL
Gulf or Riversleigh snapping turtle	<i>Elseya lavarackorum</i>	AU	Non CITES	Appendix II	NL
Bell's or western sawshelled turtle	<i>Myuchelys bellii</i>	AU	Non CITES	Appendix II	EN (1996), draft EN
Bellinger River sawshelled turtle	<i>Myuchelys georgesi</i>	AU	Non CITES	Appendix II	DD (1996), draft VU
Common sawshelled turtle	<i>Myuchelys latisternum</i>	AU	Non CITES	Appendix II	NL
New Guinea snapping turtle	<i>Myuchelys novaeguineae</i>	ID, PG, PW, SB	Non CITES	Appendix II	LR/LC (1996)
Manning River sawshelled turtle	<i>Myuchelys purvisi</i>	AU	Non CITES	Appendix II	DD (1996)
Beal's eyed turtle	<i>Sacalia bealei</i>	CN	Appendix III	Appendix II	EN (2000), draft CR
Chinese false eyed turtle	<i>Sacalia pseudocellata</i>	CN	Appendix III	Appendix II	NE
Four-eyed turtle	<i>Sacalia quadriocellata</i>	CN, LA, VN	Appendix III	Appendix II	EN, draft EN
Striped New Guinea softshell turtle	<i>Pelochelys bibroni</i>	ID, PG	Appendix II	Appendix I	VU (2000), draft VU
Cantor's or Asian giant softshell turtle	<i>Pelochelys cantorii</i>	BD, KH, CN, IN, ID, LA, MY, MM,	Appendix II	Appendix I	EN (2000), draft CR

		PH, SG, TH, VN			
Northern New Guinea softshell turtle	<i>Pelochelys signifera</i>	ID, PG	Appendix II	Appendix I	NE, draft DD
Red-crowned roofed turtle	<i>Batagur kachuga</i>		Appendix II	Appendix I	CR, draft CR
Yellow-headed temple turtle	<i>Heosemys annandalii</i>	KH, VN, TH, MY?, MM?	Appendix II	Appendix I	EN, draft EN or CR
Arakan forest turtle	<i>Heosemys depressa</i>	MM	Appendix II	Appendix I	CR, draft EN or CR
Annam pond turtle	<i>Mauremys annamensis</i>	VN	Appendix II	Appendix I	CR, draft CR
Yellow pond turtle	<i>Mauremys mutica</i>	CN, VN, LA, TW, JP	Appendix II	Appendix I	EN, draft CR
Red-necked pond turtle	<i>Mauremys nigricans</i>	CN	Appendix III	Appendix II	EN, draft CR
Philippine forest turtle	<i>Siebenrockiella leytensis</i>	PH	Appendix II	Appendix I	CR, draft EN or CR
Asian narrow-headed softshell turtle	<i>Chitra chitra</i>	ID, MY, TH	Appendix II	Appendix I	CR, draft CR
Burmese narrow-headed softshell turtle	<i>Chitra vandijki</i>	MM	Appendix II	Appendix I	NE, draft CR
Swinhoe's giant softshell turtle	<i>Rafetus swinhoei</i>	CN, VN	Appendix III	Appendix I	CR, draft CR
Non-Asian/ Australian					
Central American river turtle	<i>Dermatemys mawii</i>	MX, GT, BZ	Appendix II	Appendix I	CR
Giant musk turtles	<i>Staurotypus spp.</i>	MX, GT, BZ	Non CITES	Appendix I	draft VU to EN
Dahl's toad-headed turtle	<i>Mesoclemmys dahli</i>	CO	Non CITES	Appendix I	CR, draft EN
Hoge's side-necked turtle	<i>Mesoclemmys hogei</i>	BR	Non CITES	Appendix I	EN, draft CR

Madagascar big-headed turtle	<i>Erymnochelys madagascariensis</i>	MG	Appendix II	Appendix I	CR
Giant South American river turtle	<i>Podocnemis expansa</i>	BR, EC, VE, CO, PE	Appendix II	Appendix I	NT, draft CR
Magdalena river turtle	<i>Podocnemis lewyana</i>	CO	Appendix II	Appendix I	EN, draft CR

*AU=Australia; BD=Bangladesh; BN=Brunei Darussalam; BR=Brazil; BZ=Belize; CN=China; CO=Colombia; EC=Ecuador; GT=Guatemala; ID=Indonesia; IN=India; IO=British Indian Ocean Territory; JP=Japan; KH=Cambodia; LA=Lao People’s Democratic Republic; LK=Sri Lanka; MG=Madagascar; MM=Myanmar; MU=Mauritania; MV=Mauritius; MX=Mexico; MY=Malaysia; NP=Nepal; PE=Peru; PG=Papua New Guinea; PH=Philippines; PK=Pakistan; PW=Palau; SB=Solomon Islands; SG=Singapore; TH=Thailand; TW=Taiwan; US=United States; VE=Venezuela; VE=Viet Nam
**CR=Critically Endangered; DD=Data Deficient; EN=Endangered; LC=Least Concern; LR=Lower Risk; NE=Near Endangered; NL=not listed; NT=Near Threatened; VU=Vulnerable

17. Flattened musk turtle (*Sternotherus depressus*) — Inclusion in Appendix I

The IUCN/SSC Tortoise and Freshwater Turtle Specialist Group recommended that the United States propose the flattened musk turtle (*Sternotherus depressus*) for inclusion in Appendix I, noting that the species is ranked as Critically Endangered on the IUCN Red List. The flattened musk turtle is native to Alabama, and it inhabits a small range in the Black Warrior River system. The flattened musk turtle is primarily threatened by habitat degradation and loss, and secondarily by collection and possibly disease. Siltation, from coal strip mining and improper runoff and stream bank management associated with forestry, agriculture, and construction eliminates the essential rock crevice hiding areas, reduces or eliminates molluscan prey, and may contain toxic compounds. The population trend is decreasing. The species has been listed as Threatened under ESA since 1987. It is protected from exploitation and intentional impact by Alabama State legislation since 1984 (Code of Alabama, Section 9–11–269). A total of 598 specimens were exported from the United States between 1999 and 2010. In 2002 about 10 percent of the 598 were sent out as wild-caught specimens to Japan. The remaining two shipments in 2006 were captive- bred and shipped to Germany.

Given that the primary threat is not collection, the low trade volume, and the species’ protection under ESA, the United States is unlikely to submit a proposal for inclusion of this species in Appendix I at CoP16 unless significant additional information is received about the species’ biological status and international trade impacts, indicating that a proposal is warranted.

18. Softshell turtles (*Apalone* spp.) — Inclusion in Appendix II

The SSN and CBD recommended that the United States propose all three species of North American softshell turtles (*Apalone* spp.) for inclusion in Appendix II based on export data of North American turtles presented at the U.S. Turtle Trade Workshop held in September 2010 in St Louis; the recommended inclusion of softshell turtles on Appendix II by IUCN/SSC Tortoise & Freshwater Turtle Specialist Group for CoP15 in 2010; and the recommendation to

include them in Appendix III at the U.S. Turtle Trade Workshop in St Louis. Two of the species (*A. mutica* and *A. ferox*) are endemic to the United States, and the other species (*A. spinifera*) ranges from the United States into Canada and Mexico. Softshell turtles are generalist aquatic species that inhabit almost any type of permanent water body, from fast-flowing large rivers to lakes and reservoirs to small marshy creeks, and farm ponds. A soft bottom with some aquatic vegetation appears required, as are sand bars or mud banks for basking. This group of freshwater turtles is characterized by a much-delayed female maturation, small clutch size, a lengthy incubation period, and low neonate survivorship.

Softshell turtles, as a whole, are managed as non-game resources in much of the United States and occur in a wide variety of sites and habitats under various degrees of protective measures. Softshell turtles are considered common, with population trends that are stable (*A. spinifera*) or unknown (*A. ferox* and *A. mutica*). The impact of commercial exploitation—either as a targeted fishery or through bycatch in other commercial fisheries—appears to be largely undocumented and un-quantified. Recreational fishing has been suspected to be a factor in observed declines in at least some populations. More than 2.1 million specimens of soft shell turtles (averaging 178,000/yr) were exported from the United States between 1999 and 2010. About 9 percent of international trade (65 percent going to Hong Kong, China, and Japan) in live softshells is reportedly wild-sourced specimens, while the remaining specimens are reported to be from captive sources and ranching operations (which may include wild-collected eggs and juvenile turtles).

Given the low number of wild-caught specimens reported in trade and the resource management at the State level, the United States is unlikely to submit a proposal for inclusion of these species in Appendix II at CoP16 unless significant additional information is received about the species' biological status and international trade impacts, indicating that a proposal is warranted, or another range country requests our assistance. However, the United States is currently considering the species for inclusion in Appendix III, pending the availability of additional information and consultation with other range countries and the AFWA CITES representatives who are coordinating with the States on this issue.

19. Common snapping turtle (*Chelydra serpentina*) — Inclusion in Appendix III

The CBD recommended a proposal for inclusion of the common snapping turtle (*Chelydra serpentina*) in Appendix III. Inclusion of a species in Appendix III is a unilateral decision, and does not require a proposal to be brought forward to the CoP. According to CITES Resolution Conf. 9.25 (Rev. CoP14) (Inclusion of species in Appendix III), a Party should only include a native species in Appendix III if there are regulations in place to prevent or restrict exploitation and to control trade, and if the cooperation of other Parties is needed to control illegal trade. To determine if this species should be included in Appendix III, we seek further information on the species' population status, threats to the species, and trade impacts, in particular information on illegal international commercial trade in these species. Because inclusion in Appendix III is a unilateral decision and does not require a proposal to be submitted for consideration at a CoP, the United States is unlikely to include this species in Appendix III at CoP15, but will consider the species for inclusion in Appendix III, pending the availability of

additional information and consultation with other range countries and the AFWA CITES representatives, who are coordinating with the States on this issue.

NOTE: We are aware of the fact that turtles as a group are among the world's most endangered vertebrates with more than half of the species threatened with extinction. We are therefore in an ongoing process of exploring mechanisms that will allow us to protect the most species, most effectively, and with the cooperation of CITES parties worldwide.

Mammals

20. White rhinoceros (*Ceratotherium simum*) — Inclusion of the entire species in Appendix I

The Bush Warriors and 3 individual commenters requested the United States to submit a proposal to CoP16 to include all white rhinoceroses (*Ceratotherium simum*) in Appendix I due to the rampant poaching of southern white rhinoceroses in South Africa and Swaziland and the commercial exploitation of rhinoceros horns for medicinal purposes. South African and Swaziland populations of the southern white rhinoceros are included in CITES Appendix II, with an annotation restricting the inclusion in Appendix II to the exclusive purpose of allowing international trade in live animals to appropriate and acceptable destinations and in hunting trophies. All other southern white rhinoceros specimens from South Africa and Swaziland, and all specimens from other white rhinoceros range States, are included in CITES Appendix I. CITES Resolution Conf. 11.20 defines the term 'appropriate and acceptable destinations' with reference to the CITES Appendix-II annotation for southern white rhinoceroses in South Africa and Swaziland to mean destinations where the Scientific Authority of the State of import is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it.

The CITES Parties have long been concerned about the poaching of and illegal trade in rhinoceros horns and other specimens. At CoP9, the Parties adopted Resolution Conf. 9.14 (Rev. CoP15) on the conservation of and trade in African and Asian rhinoceroses. This resolution urges CITES Parties to adopt a number of measures to safeguard wild rhino populations. Among them, Parties are urged to adopt and implement comprehensive legislation and enforcement controls, including internal trade restrictions and penalties, to reduce illegal trade in rhinoceros parts and derivatives, and that Parties work with all user groups and industries to develop and implement strategies for reducing the use and consumption of rhinoceros parts and derivatives.

Inclusion of the entire species in Appendix I would essentially prohibit all international trade in southern white rhinoceros specimens for primarily commercial purposes. The United States is unlikely to submit a proposal for inclusion of South Africa or Swaziland populations of southern white rhinoceroses in Appendix I at CoP16 unless significant additional information is received about its biological status and international trade impacts, indicating that a proposal is warranted, or South Africa or Swaziland requests our assistance.

21. Narwhal (*Monodon monoceros*) — Transfer from Appendix II to Appendix I

The CBD recommended that the United States propose to transfer narwhal (*Monodon monoceros*) from Appendix II to Appendix I.

Although this species is abundant globally, there are likely subpopulations with discrete and different ranges and movement patterns. The proponents of this recommendation are concerned about the area of distribution, impacts of climate change, and decrease in quality of habitat of this species. They also believe that the current level of harvest in Canada and Greenland are unsustainable. The proponents believe that inclusion in Appendix I would likely benefit the conservation of the species because there is international trade resulting from the harvest, and that trade may be an incentive to continue a high harvest level in some areas. In February 2009, new abundance and harvest data were reported at a working meeting of the North Atlantic Marine Mammal Commission (NAMMCO) Scientific Working Group on Narwhal and Beluga. Prior to the meeting, narwhal harvest levels were substantially higher than the working group had recommended. New abundance estimates based on surveys conducted in 2006–2008 were considerably higher than previous estimates and based on more comprehensive and rigorous analytical survey techniques. Current harvest levels are close to or lower than levels considered sustainable by the NAMMCO narwhal working group. Based on its current evaluation, the United States is unlikely to propose transferring narwhal from Appendix II to Appendix I at CoP16. However, the NAMMCO Scientific Working Group on Narwhal and Beluga met in February 2012, and a report of this meeting should be available in April of 2012. This report may include additional information that would be helpful for future management of this species.

22. Indian or thick-tailed pangolin (*Manis crassicaudata*), Philippine pangolin (*M. culionensis*), Sunda or Malayan pangolin (*M. javanica*), and Chinese pangolin (*M. pentadactyla*) — Transfer from Appendix II to Appendix I

The SSN recommended that the United States propose the transfer of the Indian pangolin (*Manis crassicaudata*), Philippine pangolin (*M. culionensis*), Sunda or Malayan pangolin (*M. javanica*), and Chinese pangolin (*M. pentadactyla*)— characterized collectively in the recommendation as Asian pangolins—from Appendix II to Appendix I. According to the proponent, the basis for the recommendation is ongoing legal and illegal trade, as well as habitat loss. The four species of Asian pangolins have been included in Appendix II since 1975 and are subject to zero annual quotas for specimens removed from the wild and traded for primarily commercial purposes. There are also four African species included within the genus *Manis*, but not included within this recommendation. The African taxa are also included in Appendix II, but are not subject to zero annual export quotas under CITES. Of the four Asian pangolins: the Indian pangolin is native to Bangladesh, India, Pakistan, and Sri Lanka; the Philippine pangolin is native to Philippines; the Sunda or Malayan pangolin is native to Brunei Darussalam, Cambodia, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, Singapore, Thailand, and Viet Nam; and the Chinese pangolin is native to Bangladesh, Bhutan, China, Hong Kong, India, Lao People's Democratic Republic, Myanmar, Nepal, Taiwan (Province of China), Thailand, and Viet Nam. Little is known about population levels, but according to species experts the overall population trends of all 4 taxa are decreasing.

These pangolins are nocturnal and solitary, eat primarily ants and termites, and occupy various forested and grassland habitats. Despite national legislation in all or most range States, the meat is consumed by local residents, while the leather is used to manufacture leather goods, and the scales are used in preparing traditional medicines. According to the proponent, seizures of meat, live and/or dead specimens, and scales occur throughout Asia. In addition, while the zero quotas resulting from an earlier action taken at CoP11 have all but halted authorized exports of these taxa, quotas have not brought about the necessary restrictions on legal and illegal trade that would result if all commercial trade were made illegal under the Convention by inclusion of the species in Appendix I. According to the UNEP-WCMC CITES trade database, trade in pangolin skins essentially stopped after 2003, but was replaced to a lesser extent by trade in items identified as derivatives, scales, and specimens. Of the four Asian species, the Sunda or Malayan pangolin and the Chinese pangolin are widely traded, while the Indian pangolin and the Philippine pangolin are not widely traded. All 4 Asian species, however, are grossly quite similar to each other potentially complicating identification by enforcement officials. While the 4 Asian pangolins likely could benefit from a transfer from Appendix II to Appendix I, the United States is not a range country for any of these taxa. Despite evidence of substantial illegal trade elsewhere, the United States is not a major importer of Asian pangolins or their products. Therefore, the United States is unlikely to submit a proposal for the transfer from Appendix II to Appendix I at CoP16 unless significant additional information is received about the species' biological status and international trade impacts, or a range country requests our assistance.

Public Comments

You may submit comments pertaining to species proposals for consideration at CoP16 by one of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments on Docket No. FWS-R9-IA-2011-0087.

U.S. mail or hand-delivery: Public Comments Processing, **Attn:** FWS-R9-IA-2011-0087; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042-PDM; Arlington, VA 22203.

We will not consider comments sent by e-mail or fax or to an address not listed in the above paragraph. We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us. If you submit a comment via <http://www.regulations.gov>, your entire comment—including any personal identifying information—will be posted on the Web site. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy comments on <http://www.regulations.gov>.

Comments and materials we receive in response to this notice will be available for public inspection on <http://www.regulations.gov>, or by appointment between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays, at the U.S. Fish and Wildlife Service, Division of Scientific Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 110, Arlington, VA 22203, phone 703-358-1708.

Future Actions

As stated above, the next regular meeting of the Conference of the Parties (CoP16) is tentatively scheduled to be held in Thailand, March 3–15, 2013. The United States must submit any proposals to amend Appendix I or II, or any draft resolutions, decisions, or agenda items for discussion at CoP16 to the CITES Secretariat 150 days (tentatively early October 2012) prior to the start of the meeting. In order to meet this deadline and to prepare for CoP16, we have developed a tentative U.S. schedule. Approximately 9 months prior to CoP16, we plan to publish a **Federal Register** notice announcing draft resolutions, draft decisions, and agenda items to be submitted by the United States at CoP16, and to solicit further information and comments on them. We will consider all available information and comments, including those received in writing during that comment period, as we decide which proposed resolutions, decisions, and agenda items warrant submission by the United States for consideration by the Parties. Approximately 4 months prior to CoP16, we will post on our Web site an announcement of the species proposals, draft resolutions, draft decisions, and agenda items submitted by the United States to the CITES Secretariat for consideration at CoP16.

Through a series of additional notices and Web site postings in advance of CoP16, we will inform you about preliminary negotiating positions on resolutions, decisions, and amendments to the Appendices proposed by other Parties for consideration at CoP16. We will also publish an announcement of a public meeting tentatively to be held approximately 3 months prior to CoP16; that meeting will enable us to receive public input on our positions regarding CoP16 issues. The procedures for developing U.S. documents and negotiating positions of a meeting of the Conference of the Parties to CITES are outlined in title 50 of the Code of Federal Regulations (CFR) at §23.87. As noted in paragraph (c) of that section, we may modify or suspend the procedures outlined there if they would interfere with the timely or appropriate development of documents for submission to the CoP and of U.S. negotiating positions.