

Species Proposals Being Evaluated for the 16th Meeting of the Conference of Parties (CoP16) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

Questions and Answers

Please note that this document is in reference to [77 FR 21798](#)- Published April 11, 2012

Question: What is the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)?

Answer: CITES entered into force in 1975, and became the only treaty to ensure that international trade in plants and animals does not threaten their survival in the wild. It provides a framework for cooperation and collaboration among nations to ensure the sustainable use of animal and plant species subject to international trade. Currently 175 countries (called Parties), including the United States, implement CITES, with new countries joining regularly.

Question: How are species protected by CITES?

Answer: Species protected by CITES are included in one of three appendices.

- Appendix I includes species threatened with extinction and provides the greatest level of protection, including restrictions on commercial trade.
- Appendix II includes species that, although currently not threatened with extinction, may become so without trade controls.
- Appendix III includes species protected by at least one country, which needs assistance from other Parties in regulating international trade.

Changes to Appendices I and II must be proposed at a CoP and agreed to by a two-thirds majority of the Parties present and voting. In contrast, listings to Appendix III can be requested by individual Parties at any time.

Question: How are species evaluated to determine whether the U.S. will submit a proposal for consideration at CoP16?

Answer: The Service reviews the available biological and trade data on all species proposals submitted for consideration by the public and also those that we have been pursuing on our own. Based on these assessments, provisional evaluations are made on whether to proceed with the development of proposals for species to be included in, removed from, or transferred between the CITES Appendices.

The following factors help prioritize potential proposals:

- (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?

Question: The Service is “undecided” on whether to submit proposals for a number of species including gyrfalcon, American eel, red corals, freshwater turtles, tortoises, and hammerhead sharks, among others. What information is most valuable to the Service in making final decisions on what species proposals to submit for consideration at CoP16?

Answer: For species that the United States is “undecided” about, the Service is seeking additional biological, trade, and/or management information. In some cases, the Service may be seeking additional information through consultation with relevant range countries, other federal agencies, and/or States. For specific information that is being sought for individual species, please refer to www.fws.gov/international.

Species-specific Questions & Answers

***Please note that the following list of questions highlights only a few species of interest. For a complete list of species, including detailed information on each proposal and the rationale for the tentative U.S. position, please visit www.fws.gov/international.*

Question: Why is the Service “undecided” on whether to submit a proposal to transfer polar bears from Appendix II to Appendix I?

Answer: 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

At CoP15, the United States submitted a proposal to transfer the polar bear from Appendix II to Appendix I of CITES. After a lengthy and contentious debate, the proposal was rejected (48 Parties in favor, 62 against, and 11 abstentions).

The United States seeks additional information before deciding whether or not to propose a transfer of polar bears from Appendix II to Appendix I and will consult 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 consider the availability of updated information about the species’ biological status, management, and impacts from international trade.

Question: Why is the Service “undecided” on whether to submit a proposal to transfer walrus from Appendix III to Appendix II or to Appendix I?

Answer: 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.

Question: Would a change in the CITES status of the polar bear or the walrus affect the subsistence harvest of these species by Alaskan natives or the creation of handicrafts using parts of these species?

Answer: No. An amendment to the CITES listing, if adopted, would not affect the subsistence harvest of these species by Alaskan natives or the creation of handicrafts using parts of these species.

Question: Would a change in the CITES status of the polar bear or the walrus limit the ability of Alaskan natives to sell handicrafts containing parts of these species within the United States?

Answer: No. CITES only regulates international trade. An amendment to the CITES listing, if adopted, would not limit the ability of Alaska Natives to sell handicrafts containing polar bear or walrus parts *within* the United States. Individuals (e.g. consumers) would still be permitted to transport Alaska Native handicrafts containing polar bear or walrus parts *within* the United States.

Question: If either the polar bear or walrus were to be included in Appendix I, would foreign tourists be allowed to take Alaskan native handicrafts containing parts of these species outside of the United States?

Answer: Both polar bears and walrus are protected under the Marine Mammal Protection Act (MMPA) and polar bears are also listed as threatened under the Endangered Species Act (ESA). While a CITES Appendix I listing may not directly affect exports, compliance with all federal laws regulating trade in polar bears and walruses could greatly reduce the foreign tourist market for Alaskan native handicrafts. If a CITES Appendix I listing were to be adopted for either of these species, the Service would conduct a thorough analysis to ensure compliance with all laws and provide further guidance to the public.

Question: If either the polar bear or walrus were to be included in Appendix I, would it affect cultural exchange activities?

Answer: If an Appendix I listing of either the polar bear or walrus were adopted, cultural exchange activities allowed by the Marine Mammal Protection Act (MMPA) and occurring between Alaska Natives and other indigenous people in Canada, Russia and Greenland would not be precluded, but would require import and export permits.

Question: Would a change in the CITES status of the walrus from Appendix III to Appendix II affect the procedures required for foreign tourists to take Alaskan native handicrafts containing walrus parts outside of the United States, or would an Appendix II listing of walrus affect cultural exchange activities exempted by the Marine Mammal Protection Act (MMPA) and occurring between Alaskan natives and other indigenous peoples?

Answer: No, a change in the CITES status of the walrus from Appendix III to Appendix II would not affect either the international movements of personally owned Alaskan native handicrafts or cultural exchange activities (e.g., interactions between Alaskan native tribes and tribes from Russia, Greenland, and Canada). The same procedures currently required for these activities concerning walrus would be maintained if the walrus were to be included in Appendix II. The international movement of personally owned handicraft and hand-carried cultural exchange items could be taken out of the United States without a CITES permit under the personal effects exemption, provided the country of import accepts this exemption. Cultural exchange items containing parts of Appendix II or Appendix III species that are not hand-carried would require export documentation, as determined by both the importing and exporting countries.

Question: Why is the Service “unlikely” to submit a proposal to include North Atlantic bluefin tuna in Appendix I?

Answer: North Atlantic bluefin tuna is managed as two separate stocks- the eastern Atlantic Mediterranean and the western Atlantic- by the International Commission for the Conservation of Atlantic Tunas (ICCAT). 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 a serious threat of collapse is detected 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% compliance with third party observer coverage on large vessels and at bluefin tuna farms.

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.

The United States will continue to monitor the status of bluefin tuna stocks and assess the effectiveness of the new ICCAT measures. At this time, 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 its biological status and international trade indicating that a proposal is warranted.

Question: Why is the Service “unlikely” to submit a proposal to include nautilids in Appendix II?

Answer: 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. 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 these species.

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.