

Species Proposals Being Evaluated for the 17th Meeting of the Conference of Parties (CoP17) 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 the latest CoP17 Federal Register notice published on August 26, 2015. The full notice can be found here: <http://www.regulations.gov/>. For specific information that is being sought for individual species, please refer to www.fws.gov/international.

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 provides a framework for cooperation and collaboration among nations to ensure the sustainable use of animal and plant species subject to international trade. A country for which the Convention has entered into force is called a party to CITES. Currently 181 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, according to the degree of protection they need.

Appendix I includes species threatened with extinction and provides the greatest level of protection, including restrictions on commercial trade. Trade in specimens of these species is permitted only in exceptional circumstances, and permits are required both from the exporting and importing country. The exporting country must also determine that trade is not detrimental to the survival of the species, and the animal was legally acquired, among other regulations.

Appendix II includes species not necessarily threatened with extinction but for which trade must be controlled to avoid overutilization that may threaten the species with extinction. Permits are required from the exporting country, and commercial trade is allowed. For species listed in Appendix II of CITES, the exporting country must make legal and scientific findings to ensure permit issuance criteria are met. Most of the species (30,000 +) regulated by CITES are listed in Appendix II.

Appendix III includes species protected by at least one country that has asked other CITES Party countries for assistance in controlling the trade in that species. A permit or certificate of origin is required from the exporting country. For species listed in Appendix III of CITES, the exporting country must make a legal finding to ensure permit issuance criteria are met.

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 in Appendix III are unilateral actions taken by individual Parties and may occur at any time.

Question: How are species evaluated to determine whether the U.S. will submit a proposal for consideration at CoP17?

Answer: The Service reviews biological and trade data on all species suggestions submitted by the public for consideration and also those the Service 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 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 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: What does it mean when a species is listed as “likely,” “unlikely” or “undecided”?

Answer: In the *Federal Register* notice, we provide the current status of each assessment of species recommended by the public, as well as species assessments developed by the Service. Based on a preliminary assessment of trade, biological data and U.S. priorities, the Service has categorized species as “likely,” “unlikely” or “undecided,” which reflects the United States’ current thinking about submissions of proposals for consideration at CoP17. We made these provisional determinations based on specific conservation factors, as well as our initial assessments of the trade and biological information on all of these taxa. The Service needs additional biological and trade data on certain species, especially for those that have received an initial assessment of “undecided.”

Question: What is the periodic review process?

Answer: The periodic review process of species listed under CITES is part of an overall mandate of the CITES scientific committees (Plants Committee and Animals Committee). Its purpose is to regularly review species in the Appendices to verify that they are appropriately listed on the basis of the agreed biological and trade criteria and to identify species that are not at risk from trade and might be considered for removal from the Appendices.

The United States is committed to the CITES periodic review process and regularly participates in the CITES scientific committees’ periodic review working groups to ensure that decisions to amend the Convention’s Appendices are founded on sound and relevant scientific information.

Question: The Service is “undecided” on whether to submit proposals for a number of species including pangolins, chambered nautilus and American eel, among others. What information is most valuable to the Service in making final decisions?

Answer: The Service is seeking additional biological, trade and/or management information for species that the United States is “undecided” whether to submit for consideration at CoP17. In some cases, the Service seeks 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 “likely” 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 Marine Mammal Protection Act (MMPA) since 1972 and was listed as threatened under the Endangered Species Act (ESA) in 2008 (73 FR 28212; May 15, 2008). In listing the polar bear under the ESA, the Service determined the species is threatened by ongoing and projected changes in sea ice habitat. The United States submitted proposals to transfer the polar bear from Appendix II to Appendix I at CoP15 and CoP16, both of which were rejected.

Based on our previous CITES proposals, absent new information to the contrary, the United States believes polar bears meet the biological and trade criteria for inclusion in Appendix I and continues to consult with other range countries, Alaska Natives and the State of Alaska on this issue.

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

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

Question: Would a change in the CITES status of the polar bear limit the ability of Alaskan natives to sell handicrafts containing parts of this 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

parts *within* the United States. Individuals (e.g. consumers) would still be permitted to transport Alaska Native handicrafts containing polar bear parts *within* the United States.

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

Answer: Polar bears are protected under the MMPA and listed as threatened under the ESA. Although a CITES Appendix I listing may not directly affect exports, compliance with all federal laws regulating trade in polar bears could greatly reduce the foreign tourist market for Alaskan native handicrafts. If a CITES Appendix I listing were to be adopted for this species, the Service would conduct a thorough analysis to ensure compliance with all laws and provide further guidance to the public.

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

Answer: If an Appendix I listing of the polar bear were adopted, cultural exchange activities allowed by the 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: Why is the Service “undecided” on whether to submit a proposal to transfer pangolins from Appendix II to Appendix I?

Answer: Pangolins have been listed in the CITES Appendices since the treaty was first enacted; all eight pangolin species worldwide are listed under Appendix II of CITES. However in response to escalating trade and related concerns, a zero-export quota , which remains in effect today, was established for wild caught Asian pangolins traded for commercial purposes in 2000.

In June 2015, Vietnam and the United States co-hosted an international meeting of delegates representing the 48 African and Asian pangolin range countries. The meeting brought range countries together to jointly review responses to the CITES Notification, to determine if the eight species of pangolins are appropriately listed in the CITES Appendices, and to develop a joint action plan to accomplish adopted goals.

At this time, the United States remains undecided about proposing to transfer pangolin species from Appendix II to Appendix I, pending the review of additional biological and trade information received at the June 2015 meeting in Vietnam and further consultations with range countries. You can learn more about the June 2015 meeting and find other information about pangolins here: <http://www.fws.gov/international/animals/pangolins.html>.

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

Answer: The CITES Animals Committee is conducting a Periodic Review of the African lion, scheduled to be completed by CoP17 in accordance with CITES Decision 13.93 (Rev. CoP16). At the upcoming 28th meeting of the Committee, we expect to learn the outcome of the

International Union for Conservation of Nature's (IUCN) updated Red List Assessment of the African lion and suggested nomenclature changes. At this time, the United States remains undecided about proposing to transfer the African lion from Appendix II to Appendix I pending range state consultations and the results of the CITES Periodic Review and the IUCN Red List Assessment, which we expect will provide additional trade and biological information that will inform our decision.

Question: What is the American eel, and why is the Service “undecided” on whether to submit a proposal to include it in Appendix II?

Answer: The American eel inhabits fresh, brackish and coastal waters along the Atlantic Ocean from the southern tip of Greenland to Brazil, including the east coast of the United States. American eels were historically abundant in Atlantic coastal streams, constituting more than 25 percent of the total fish biomass. Historical declines were followed by relatively stable stock levels until the 1970s, and harvest data and limited stock-assessment data indicate continued declines in stock abundance in the next decades.

In 2012, the Atlantic States Marine Fisheries Commission (ASMFC) Stock Assessment determined the American eel stock is depleted, and the prevalence of significant downward trends in multiple surveys across the coast is cause for concern, but no overfishing determination could be made at that time. We are pursuing consultations with other range countries, our regional offices, and ASMFC representatives who are coordinating with 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 for inclusion in Appendix II, pending these consultations. In particular, we seek information on how the recently adopted ASFMC harvest and management efforts address the long-term sustainability of this species. In addition, we seek recent biological and trade information on other eel species how this impacts the trade in American eel and information on the identification of eel species and their products, such as live elvers and meat.

Question: What are chambered nautilus, and why is the Service “undecided” on whether to submit a proposal to include them in Appendix II?

Answer: Chambered nautilus are cephalopods (animals with no backbones but with tentacles or arms) found in coastal reefs around Southeast Asia and Australia, including to the U.S. territory of American Samoa. Several nautilus life history traits suggest these species have low resilience to harvest, including late maturation, low fecundity, lengthy egg maturation period, and lack of a mobile larval phase for distribution. With poor dispersal ability, these species are apparently unable to repopulate geographically isolated areas, except by chance. Small population size increases the risk of extinction by chance events. The primary threats to chambered nautilus are overfishing and habitat degradation. All living species of nautilus have been recorded in international trade.

At this time, the United States remains undecided about proposing to include these taxa in Appendix II. The Service has been working with experts at the National Marine Fisheries Service (NMFS) as well as species experts to gather biological and trade data. The United

States, as a range country and importer of this species and its products, has been working with other range countries to better understand the extent of the fishery, management, regulations and protections for these species. We seek additional information on chambered nautilus biology, management and trade throughout this species' range to assist in our decision-making.

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

Answer: The African grey parrot was listed in Appendix II of CITES in 1981. Demand for African grey parrots is high due to their speaking ability and intelligent, gregarious nature. They are particularly sought after in the Middle East and Asia. They are also consumed as bushmeat and used in traditional medicine preparations. Prior to the establishment of the Wild Bird Conservation Act (WBCA) in 1992, the United States was a major importer of this species. To protect exotic bird populations subject to international trade, the WBCA prohibits the importation of most wild-caught CITES-listed bird species, except as provided under the act.

At this time, the United States remains undecided about proposing to transfer the African grey parrot from Appendix II to Appendix I, pending further information from range countries and experts on local and regional population abundance and trends and additional trade and biological information to demonstrate that it meets the CITES criteria for transfer to Appendix I.

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

Answer: The narwhal was listed in Appendix III by Canada in 1975 and was listed in Appendix II in 1979 through a listing of all species included in the order Cetacea. Narwhal trade levels and conservation status are closely monitored by the North Atlantic Marine Mammal Commission (NAMMCO), as well as the Canada/Greenland Joint Commission on Conservation and Management of Narwhal and Beluga Scientific Working Group. At this time, there are no recommendations by these organizations to limit narwhal harvest, but stock assessments are ongoing. A symposium to evaluate the effects of human disturbance on narwhals and other cetaceans is scheduled for fall 2015. Based on this pending evaluation, the United States is currently undecided on whether to propose transferring the narwhal from Appendix II to Appendix I at CoP17.

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

Answer: The Service cooperates with the Russian Federation to implement a comprehensive Pacific walrus harvest monitoring program that provides detailed information on harvest trends and characteristics. According to the Service's 2014 stock assessment report for Pacific walrus, harvest levels since 2006 are 5 to 68 percent lower than the long-term average during the past 60 years. The Service will continue to work cooperatively with the Russian Federation to monitor Pacific walrus harvest levels in an effort to maintain a sustainable harvest.

The United States is unlikely to submit a proposal to include the walrus in Appendix I or Appendix II unless we receive significant additional information on the species' biological status and international trade impacts indicating a proposal is warranted.

Question: Why is the Service “unlikely” to submit a proposal to amend the Appendix-II listing annotation to exclude sliced ginseng roots from CITES control?

Answer: Given the increased poaching of American ginseng and high value of American ginseng in international trade, we are concerned about exempting sliced roots from CITES controls. Illegally harvested roots could be sliced to avoid CITES control measures, such as permitting and inspection of shipments. Once ginseng roots are sliced, it is difficult to distinguish whether such roots were cultivated or harvested from the wild, particularly as ginseng is grown under various forestry systems to develop wild-looking root characteristics.

Based on the recent difficulties experienced with the implementation of the previously amended annotation, we are concerned that removing “sliced” roots from the annotation would result in similar implementation difficulties, particularly differentiating shipments of “parts of roots” (controlled under CITES) from root “slices” (which would not be controlled under CITES), which could result in seizures of shipments. The existing annotation covers the commodities that are of conservation concern (roots) and excludes those that are not of conservation concern (manufactured products such as pills, extracts, tonics, teas) and is clear and easy to understand.

At this time, the United States is unlikely to submit a proposal to amend the listing annotation for ginseng to exempt “sliced” roots from CITES controls.

Question: Why is the Service “unlikely” to submit a proposal to amend the appendices for various shark species (blue shark, dusky shark, mako sharks, silky shark and thresher sharks)?

Answer: With listing of five shark species (Oceanic whitetip shark, Porbeagle shark, Scalloped hammerhead shark, Great hammerhead shark and Smooth hammerhead shark, at CoP16, the United States recognizes it would be prudent not to propose additional shark listings at CoP17 until Parties have evaluated lessons learned from the implementation of the CoP16 listings.

The United States continues to work within Regional Fisheries Management Organizations on the adoption of shark conservation and management measures, to promote our “fins naturally attached” policy overseas, and to provide technical assistance to other countries in support of shark conservation and management of sharks globally. Therefore, it is unlikely the United States will submit a proposal at this time unless we receive significant additional information on these species' biological status and international trade impacts indicating that the CITES listing criteria are met.

