

**CITES COP18: CONFERENCE OF THE PARTIES TO THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES); EIGHTEENTH REGULAR MEETING: EXTENDED WEB VERSION**

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**CITES COP18: ANNOUNCEMENT OF AMENDMENTS TO THE CITES APPENDICES BEING CONSIDERED BY THE UNITED STATES**

The United States, as a Party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), may propose amendments to the CITES Appendices for consideration at meetings of the Conference of the Parties. The eighteenth regular meeting of the Conference of the Parties to CITES (CoP18) is scheduled to be held in Sri Lanka from May 23, 2019, through June 3, 2019.

With this notice, we describe proposed amendments to the CITES Appendices (species proposals) that the United States might submit for consideration at CoP18 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 October 1, 2018 in which we simply listed each species proposal that the United States is considering for CoP18, but we did not describe each proposal in detail or explain the rationale for the tentative U.S. position on each species.

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, hereinafter referred to as CITES or the Convention, is an international treaty designed to control and regulate international trade in certain animal and plant species that are affected by trade and are now, or potentially may become, threatened with extinction. These species are listed in the Appendices to CITES, which are available on the CITES Secretariat's website at <https://www.cites.org/eng/app/appendices.php>. Currently, 182 countries, including the United States, and one regional economic integration organization, the European Union, are Parties to CITES. The Convention calls for regular biennial meetings of the Conference of the Parties, unless the Conference decides otherwise, and meetings are typically held every 2 to 3 years. At these meetings, the Parties review the implementation of CITES, make provisions enabling the CITES Secretariat in Switzerland to carry out its functions, consider amendments to the list of species in Appendices I and II, consider reports presented by the Secretariat, and make recommendations for the improved effectiveness of CITES. Any Party to CITES may propose amendments to Appendices I and II, as well as resolutions, decisions, and agenda items for consideration by all the Parties at the meeting.

## **Recommendations for Species Proposals for the United States to Consider Submitting for CoP18**

In our *Federal Register* notice of January 23, 2018 (83 FR 3179), we requested information and recommendations on animal and plant species proposals for the United States to consider submitting for consideration at CoP18. We received 17 recommendations from 3 individuals and the following 14 organizations for possible proposals involving over 200 taxa (6 mammals, 23 birds, 78 reptiles, 41+ sharks/rays, 5 bony fish, 64+ invertebrates, and 32 plants): the American Herbal Products Association (AHPA); Ginseng Board of Wisconsin; Center for Biological Diversity (CBD); Robin des Bois; Humane Society International (HSI); Pew Charitable Trusts; Species Survival Network (SSN); Wildlife Conservation Society (WCS); International Wood Products Association; League of American Orchestras; The Ornithological Council; Sustainable Fisheries Association, Inc. (SFA); Safari Club International (SCI); and Safari Club International Foundation (SCI Foundation). Additionally, the United States may submit one plant species proposal currently under periodic review by the Plants Committee and one animal species proposal that previously underwent periodic review by the Animals Committee.

We have undertaken initial evaluations of the available trade and biological information on many of these taxa. Based on the information available, 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 best 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. We have also considered the following factors, as per the U.S. approach for CoP18 discussed in our January 23, 2018, *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?

Based on our initial evaluations, we have assigned each taxon to one of three categories, which reflects the likelihood of our submitting a proposal. 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. We delineate what additional information we are seeking or have sought to assist us in making our decision.

**A. What species proposals will the United States likely submit for consideration at CoP18?**

None.

**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 CoP18 proposals for the following taxa. In most 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 that may be useful to our final decision-making. In addition one of the taxa in this section is undergoing review through the periodic review of the CITES Appendices by the Plants Committee (PC), in accordance with Resolution Conf. 14.8 (Rev. CoP17), and one has undergone periodic review by the Animals Committee (AC) at AC25. This is a regular process under CITES to evaluate whether listings of taxa in CITES Appendices I and II continue to be appropriate, based on current biological and trade information. These taxa are at various stages in the periodic review process. This process includes an initial assessment that is put before the appropriate Committee (Plants or Animals) for discussion, which may result in an AC or PC recommendation that a taxon be uplisted (transferred from Appendix II to Appendix I); that a taxon be downlisted (transferred from Appendix I to Appendix II, or deleted from Appendix II); or that no change be made to the listing.

***Plants***

1. Saw-toothed lewisia (*Lewisia serrata*) — Potential amendment to Appendix-II listing.

The United States has conducted a periodic review of the saw-toothed lewisia (*Lewisia serrata*) to assess whether the current inclusion of this species in Appendix II is appropriate. The CITES Plants Committee selected this species to be included in the Periodic Review of the Appendices between CoP15 (Doha, 2010) and CoP17 (Johannesburg, 2016). The species was included in Appendix II in 1983. Saw-toothed lewisia is endemic to the United States, known only to two counties in California. It is rare in the wild, with 10-11 known occurrences distributed among two forests: the U.S. Forest Service-Eldorado National Forest and the U.S. Forest Service-Tahoe National Forest. The species is popular among collectors who specialize in alpine or rock gardening, and is not widely available in commercial nurseries. One of the biggest threats to the viability of this species is poaching of plants from the wild for horticultural use. At least two populations have been subject to illegal collection, including one that is presumed to be extirpated, and a third population is considered to be at risk of poaching. CITES trade data indicates that there has been no recorded trade in this species, although it is not clear that illegal trade or trade in seeds has not occurred. Land managers continue to be concerned about poaching and overharvest.

The United States has concluded its periodic review, after consultation with appropriate State and Federal agencies in the state of California, where this species occurs, and has submitted the

results of our review to the 24<sup>th</sup> meeting of the Plants Committee (PC24, Geneva, July 2018) [PC24 Doc. 25.2.1 *Lewisia serrata* – Report of the United States of America]. Based on our review, we are recommending that the species be retained in Appendix II, in accordance with Article II paragraph 2 (a) of the Convention and satisfying Criterion A in Annex 2a of Resolution Conf. 9.24 (Rev. CoP17) on *Criteria for Amendment of Appendices I and II*. At this time, the United States remains undecided about submitting a proposal to amend the Appendix-II listing of saw-toothed lewisia, pending the discussion and outcome of the Plants Committee recommendations at PC24 with regard to the our report on the periodic review of the species.

2. Frankincense (*Boswellia* spp.) — Inclusion in Appendix II.

A private individual recommended that the United States consider protection of frankincense (*Boswellia* spp.) due to the growing conservation concern regarding international trade in this genus, which has increased substantially over the last few years as a result of the increased demand from the aromatherapy industry. While the commenter was unspecific in regard to the CITES protection needed, we consider that the possible inclusion of these species in Appendix II could be a way to protect the species and ensure sustainable and legal trade. In addition, we are thinking of a possible decision to propose at CoP18 for the Plants Committee to look into the trade in these species and its conservation impacts.

According to the International Union for Conservation of Nature (IUCN), the status of frankincense varies by species. Among the *Boswellia* species that have been assessed, their status ranges from “Near Threatened” to “Vulnerable,” but for most of the assessments, updated information is needed. The resin of *Boswellia* trees are a high valued commodity in international trade.

At this time, the United States remains undecided about submitting a proposal to include frankincense (*Boswellia* spp.) in Appendix II, pending consultation with range countries and receipt of current trade and biological information on these species that demonstrates that they meet the CITES criteria for inclusion in Appendix II. In particular, we seek additional trade and biological information regarding the four main *Boswellia* species that are in trade: frankincense (*Boswellia sacra* synonyms *B. carteri* and *B. bhaw-dajiana*), Somalia frankincense (*B. frereana*), Indian frankincense (*B. serrata*), and Sudanese frankincense (*B. papyrifera*).

3. Ginseng (*Panax quinquefolius*) — Amend current annotation to exclude sliced ginseng roots from CITES control.

The American Herbal Products Association (AHPA) recommended that the United States propose an amendment to the Appendix-II listing annotation for American ginseng (*Panax quinquefolius*) to exempt “sliced” roots from CITES controls. American ginseng is native to the eastern United States and Canada, and is included in Appendix II of CITES.

The annotation for ginseng covers the commodities that are of conservation concern (roots, sliced and parts of roots), and excludes those that are not of conservation concern (manufactured

products such as pills, extracts, tonics, teas). The annotation also covers the Russian Federation population of red ginseng (*Panax ginseng*) included in Appendix II.

Nearly all American ginseng roots are exported to Asia. Because wild ginseng roots are susceptible to poaching, and given the value of American ginseng in international trade, we are concerned that exempting sliced roots from CITES controls could impact wild ginseng populations, particularly as illegally harvested roots, especially under-aged roots, could be sliced to avoid CITES control measures, such as permitting and inspection of shipments. Once ginseng roots are sliced, it is very difficult to distinguish whether such roots were cultivated or harvested from the wild, particularly as ginseng is grown under various forest management practices.

We have consulted with the 23 State and Tribe American ginseng programs concerning AHPA's recommendation, in particular we asked whether the programs had any conservation and law enforcement concerns relative to the proposed exemption for "sliced" roots and the management of wild American ginseng within their State or Tribal lands. Of the 17 State programs that responded, 15 oppose the recommendation to exclude "sliced" roots from CITES controls; one State had no objection to the recommendation; and one State supports the recommendation for cultivated American ginseng. Most of the States cited concerns that the proposed exclusion would encourage poaching and facilitate illegal trade in wild roots, especially under-aged roots, and could impact the conservation of wild ginseng in their State. We heard this same concern at our July 2017 Federal-State-Tribe Ginseng Meeting where it was recommended that better management and enforcements efforts are needed for American ginseng.

We are also concerned that exempting "sliced" roots from CITES controls may cause difficulties at the port of export, particularly as inspection officers would have to differentiate 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. In addition, exempting "sliced" roots could cause confusion with implementing the annotation because sliced roots are parts of roots and are not manufactured parts or derived ginseng products.

At this time, the United States is undecided about submitting a proposal to amend the listing annotation for ginseng (*Panax quinquefolius*) to exempt "sliced" roots from CITES controls, pending further consultation with the States on this recommendation.

### ***Invertebrates***

4. Ornamental/parachute spider/tarantula species (*Poecilotheria* spp.) — Inclusion in Appendix II.

Species Survival Network (SSN) recommended that the United States propose to list the *Poecilotheria* genus in Appendix II, as they believe all of the species in the genus meet the criteria for inclusion in Appendix II of CITES. According to SSN, these species have small distribution areas, and are threatened by serious habitat loss and indiscriminate collection for the international pet trade. In addition, *Poecilotheria* species are reported to have low reproductive rates, short life spans, and high mortality rates prior to maturity, making them particularly vulnerable to commercial exploitation. Five *Poecilotheria* species endemic to Sri Lanka have

been determined to be endangered species under the U.S. Endangered Species Act, as amended (ESA; 16 U.S.C. 1531 *et seq.*) (83 FR 36755, dated July 31, 2018) and will be added to the U.S. List of Endangered and Threatened Wildlife (50 CFR 17.11(h)) as endangered species, effective August 30, 2018: *Poecilotheria fasciata*, *P. ornata*, *P. smithi*, *P. subfusca*, and *P. vittata*.

Presently, 14 to 17 species are included in this genus, which are native only to India and Sri Lanka. While habitat loss is the predominant threat to these arboreal spiders, *Poecilotheria* species are threatened by collection for the pet trade. Currently, there is trade in this genus to the United States with imports for the pet trade. The International Union for Conservation of Nature (IUCN) has recommended that all *Poecilotheria* species from India and Sri Lanka be included in CITES Appendix II in order to safeguard them from trade.

At this time, the United States remains undecided about proposing to include all *Poecilotheria* spp. in Appendix II, pending consultation with India and Sri Lanka on the appropriate action to take with regard to these species. We seek additional trade and biological information that demonstrates that these species meet the CITES criteria for inclusion in Appendix II.

5. Two families of sea cucumbers (Holothuridae and Stichopodidae) — Inclusion in Appendix II.
6. Sea cucumbers found in U.S. native waters: Pepino de mar (*Actinopyga agassizii*), deepwater redfish (*A. echinites*), stonefish (*A. lecanora*), surf redfish (*A. mauritiana*), blackfish (*A. miliaris*), giant California sea cucumber (*Apostichopus californicus*), warty sea cucumber (*A. parvimensis*), furry sea cucumber (*Astichopus multifidus*), leopard fish (*Bohadschia argus*), brown sandfish (*B. vitiensis*), orange-footed sea cucumber (*Cucumaria frondosa*), teripang (*Holothuria arenicola*), lollyfish (*H. atra*), Zanga fleur (*H. cinerascens*), snakefish (*H. coluber*), pinkfish (*H. edulis*), red snakefish (*H. flavomaculata*), Floridian (*H. floridana*), Labuyo (*H. fuscocinerea*), white teatfish (*H. fuscogilva*), elephant trunkfish (*H. fuscopunctata*), tigertail (*H. hilla*), spotted sea cucumber (*H. impatiens*), golden sandfish (*H. lessoni*), white threadfish (*H. leucospilota*), Pepino de mar (*H. mexicana*), Bantunan (*H. pardalis*), no common name (*H. pervicax*), tubular (*H. tubulosa*), black teatfish (*H. whitmaei*), four-sided sea cucumber (*Isostichopus badionotus*), blackspotted sea cucumber (*Pearsonothuria graeffei*), greenfish (*Stichopus chloronotus*), curryfish (*S. herrmanni*), Selenka's sea cucumber (*S. horrens*), prickly redfish (*Thelenota ananas*), amber fish (*T. anax*), and lemonfish (*T. rubralineata*) — Inclusion in Appendix II.
7. Sea cucumbers not found in U.S. native waters: Deepwater blackfish (*Actinopyga palauensis*), burying blackfish (*A. spinea*), Japanese sea cucumber (*Apostichopus japonicus*), brown-spotted sandfish (*Bohadschia marmorata*), falalyjaka (*B. subrubra*), Japanese cucumaria (*Cucumaria japonica*), black teatfish (*Holothuria nobilis*), sandfish (*H. scabra*), brown sea cucumber (*Isostichopus fuscus*), Selenka's sea cucumber (*Stichopus monotuberculatus*), and Selenka's sea cucumber (*S. naso*) — Inclusion in Appendix II.

Robin des Bois recommended that the United States propose the inclusion of sea cucumbers (families Holothuridae and Stichopodidae) in CITES Appendix II, and the Center for Biological Diversity (CBD) recommended that the United States propose the inclusion of all species of sea cucumbers in Appendix II, as these species are either found in the United States, likely imported

by the United States, or closely resemble a species found in the United States, especially in the commonly traded dried form.

According to the International Union for Conservation of Nature (IUCN), the status of sea cucumbers varies by species. Among the species that have been assessed, their status ranges from “Data Deficient” to “Endangered.” The primary threat to these species is overharvest for consumption, but some species are more valuable than others due to differences in taste and size and so, are preferentially harvested. Some species are currently not targeted but become targets in localized areas when preferred species become rare. Processed sea cucumber products in trade are often similar in appearance making it impossible to identify individual species. The United States is undecided about whether to propose the inclusion of sea cucumbers in Appendix II, pending consultation with other range countries and additional trade and biological information that demonstrates that these species meet the CITES criteria for inclusion in Appendix II. In addition, the European Union is considering the inclusion of four species of Indo-Pacific sea cucumbers in Appendix II [see AC30 Doc. 30.1 Draft Proposal for the Inclusion of the Subgenus *Holothuria* (*Microthele*) in Appendix II]. In particular, we are seeking biological, management, harvest and trade information regarding three of these species that occur in U.S. waters: no common name (*Holothuria fuscogilva*), elephant trunkfish (*H. fuscopunctata*), and black teatfish (*H. whitmaei*).

### ***Fishes***

8. All guitarfish (31 species of guitarfish are found worldwide; 3 of these species are found in U.S. waters and are categorized as undecided) — Inclusion in Appendix II.

The Wildlife Conservation Society (WCS) recommended that the United States propose the inclusion of all guitarfish species in CITES Appendix II due to the lack of management globally and their presence in the international fin trade.

According to the International Union for Conservation of Nature (IUCN), the status of guitarfish varies by species. Among the guitarfish species that have been assessed, their status ranges from Data Deficient to Endangered. Overall, there are approximately 31 species of guitarfish, three of which are found in U.S. waters. These species include: the shovelnose guitarfish (*Pseudobatos productus*) – “Near Threatened” IUCN Red List assessment (2016), the Atlantic or freckled guitarfish (*Pseudobatos lentiginosus*) – “Near Threatened” IUCN Red List assessment (2016), and the banded guitarfish (*Zapteryx exasperata*) – “Data Deficient” IUCN Red List assessment (2015).

The United States is undecided about whether to propose the inclusion of the three species of guitarfish that are found in U.S. waters (shovelnose guitarfish (*Pseudobatos productus*), Atlantic or freckled guitarfish (*Pseudobatos lentiginosus*), and banded guitarfish (*Zapteryx exasperata*)) in Appendix II, pending consultation with other range countries and additional trade and biological information that demonstrates that these species meet the CITES criteria for inclusion in Appendix II. With regard to the 28 other species of guitarfish not found in the waters of the United States, please see “guitarfish” under Section C of this document.

Lined seahorse (*Hippocampus erectus*) — Transfer from Appendix II to Appendix I.

The Center for Biological Diversity (CBD) recommended that the United States propose the transfer of lined seahorse (*Hippocampus erectus*) from Appendix II to Appendix I due to a decrease in the quality of its habitat; the exploitation of this species for use in traditional medicines, the aquarium trade, and ornamental display; and its vulnerability to habitat degradation, trawl fishing, climate change, and rising sea levels.

According to the International Union for Conservation of Nature (IUCN) Red List, the lined seahorse is listed as “Vulnerable” (2017). Despite an absence of *in situ* surveys or population estimates for Lined seahorse, it is expected that an earlier global estimate of at least a 30% decline over 10 years is still applicable since the major threats to this species have not ceased and may be accelerating.

The United States is undecided about whether to propose the transfer of lined seahorse (*Hippocampus erectus*) from Appendix II to Appendix I, pending consultation with other range countries and additional trade and biological information that demonstrates that the species meets the CITES criteria for transfer to Appendix I.

9. Dwarf seahorse (*Hippocampus zosterae*) — Transfer from Appendix II to Appendix I.

The Center for Biological Diversity (CBD) recommended that the United States propose the transfer of dwarf seahorse (*Hippocampus zosterae*) from Appendix II to Appendix I due to a decrease in the quality of its habitat; the exploitation of this species for use in traditional medicines, the aquarium trade, and ornamental display; and its vulnerability to habitat degradation, trawl fishing, climate change, and rising sea levels.

According to the International Union for Conservation of Nature (IUCN) Red List, the dwarf seahorse is listed as “Least Concern” (2017), since populations appear stable overall.

The United States is undecided about whether to propose the transfer of dwarf seahorse (*Hippocampus zosterae*) from Appendix II to Appendix I, pending consultation with other range countries and additional trade and biological information that demonstrates that the species meets the CITES criteria for transfer to Appendix I.

10. Slender seahorse (*Hippocampus reidi*) — Transfer from Appendix II to Appendix I.

The Center for Biological Diversity (CBD) recommended that the United States propose the transfer of slender seahorse (*Hippocampus reidi*) from Appendix II to Appendix I due to a decrease in the quality of its habitat; the exploitation of this species for use in traditional medicines, the aquarium trade, and ornamental display; and its vulnerability to habitat degradation, trawl fishing, climate change, and rising sea levels.

According to the International Union for Conservation of Nature (IUCN) Red List, the slender

seahorse is listed as “Near Threatened” (2017). Based on available data, it is inferred that the species has undergone declines approaching 30% that are ongoing throughout most of its range. However, populations in the Gulf of Mexico appear to be more stable.

The United States is undecided about whether to propose the transfer of slender seahorse (*Hippocampus reidi*) from Appendix II to Appendix I, pending consultation with other range countries and additional trade and biological information that demonstrates that the species meets the CITES criteria for transfer to Appendix I.

## ***Reptiles***

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

Species Survival Network (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 throughout Southeast Asia. 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 mainly by the use of animals in traditional medicine.

Currently, there is no International Union for Conservation of Nature (IUCN) assessment of this species of gecko. However, it is reported that the species is abundant in most parts of its range, but because of its use in traditional medicine, the species has declined in south China, Vietnam and Thailand. The majority of tokay geckos in trade for use in traditional medicine originate from Thailand and Indonesia (Java), and most specimens consumed in Southeast Asia for traditional medicine are harvested from the wild. Although in mainland China and Vietnam, tokay geckos are reportedly bred in captivity to supply the local trade in traditional medicine; however, a 2013 TRAFFIC Southeast Asia Report [“The Trade in Tokay Geckos *Gekko gecko* in South-east Asia: with a case study on Novel Medical Claims in Peninsular Malaysia”] states that captive production cannot meet the demand.

At this time, the United States remains undecided about submitting a proposal to include tokay gecko (*Gekko gecko*) in Appendix II, pending consultation with range countries and receipt of current trade and biological information on this species that demonstrates that it meets the CITES criteria for inclusion in Appendix II.

### 12. Blue-spotted tree monitor (*Varanus macraei*) — Transfer from Appendix II to Appendix I.

A private individual recommended that the United States submit a proposal to transfer blue-spotted tree monitor (*Varanus macraei*) from Appendix II to Appendix I due to a lack of national protection and a management plan in place to sustain the population, and indications of overharvesting of the species.

According to the International Union for Conservation of Nature (IUCN) Red List, blue-spotted

tree monitor is listed as “Endangered” (2017). The species is currently known only from Batanta Island in West Papua Province, Indonesian New Guinea (an area of approximately 455 km<sup>2</sup>), and two small offshore islands. The primary threat to the species is likely to be harvest for the international pet trade.

At this time, the United States remains undecided about submitting a proposal to transfer blue-spotted tree monitor (*Varanus macraei*) from Appendix II to Appendix I, pending consultation with Indonesia on the appropriate action to take with regard to this species. We seek additional trade and biological information that demonstrates that this species meets the CITES criteria for transfer to Appendix I.

13. Pancake tortoise (*Malacochersus tornieri*) — Transfer from Appendix II to Appendix I.

Species Survival Network (SSN) and one private individual recommended that the United States submit a proposal to transfer pancake tortoise (*Malacochersus tornieri*) from Appendix II to Appendix I due to a fragmented area of distribution (species only occupies specific rock habitats), threat to wild populations from collection for the pet trade, and habitat deterioration and destruction.

According to the International Union for Conservation of Nature (IUCN) Red List, pancake tortoise is currently listed as “Vulnerable” (1996). A revised draft IUCN assessment has recently been prepared [Togo Workshop 2013] reclassifying the species as “Critically Endangered,” but has not yet been finalized. The species, which is native to Tanzania, Kenya and Zambia, is threatened by collection for the pet trade.

At this time, the United States remains undecided about submitting a proposal to transfer pancake tortoise (*Malacochersus tornieri*) from Appendix II to Appendix I, pending consultation with range countries on the appropriate action to take with regard to this species. We seek information about captive-breeding of this species in Tanzania and Zambia, as well as additional trade and biological information that demonstrates that this species meets the CITES criteria for transfer to Appendix I.

### ***Birds***

14. Straw-headed bulbul (*Pycnonotus zeylanicus*) — Transfer from Appendix II to Appendix I.

The Wildlife Conservation Society (WCS) and Species Survival Network (SSN) recommended that the United States submit a proposal to transfer straw-headed bulbul (*Pycnonotus zeylanicus*) from Appendix II to Appendix I due to the rapid decline in the population across its range as a result of capture for the Asian songbird trade. According to SSN, the straw-headed bulbul is one of the most sought-after species in the Southeast Asian bird trade, coveted for its rich song.

According to the International Union for Conservation of Nature (IUCN) Red List, straw-headed bulbul is listed as “Endangered” (2016), as the species is declining very rapidly across its range

as a result of relentless trapping of wild birds for the cage-bird trade and loss of its lowland forest habitat along rivers. The population has become greatly reduced in number, with fewer than 2,500 mature individuals and continues to decline, and is severely fragmented. The quality of its songs makes the species a very popular cage-bird, resulting in extensive capture for both the domestic and international songbird trade.

At this time, the United States remains undecided about submitting a proposal to transfer straw-headed bulbul (*Pycnonotus zeylanicus*) from Appendix II to Appendix I, pending consultation with range countries and receipt of current trade and biological information on this species that demonstrates that it meets the CITES criteria for transfer to Appendix I.

15. Neotropical tanager species: Golden tanager (*Tangara arthus*), opal-crowned tanager (*Tangara callophrys*), burnished-buff tanager (*Tangara cayana*), paradise tanager (*Tangara chilensis*), golden-eared tanager (*Tangara chrysotis*), blue-necked tanager (*Tangara cyanicollis*), blue-browed tanager (*Tangara cyanotis*), bay-headed tanager (*Tangara gyrola*), silver-throated tanager (*Tangara icterocephala*), golden-hooded tanager (*Tangara larvata*), turquoise tanager (*Tangara mexicana*), beryl-spangled tanager (*Tangara nigroviridis*), flame-faced tanager (*Tangara parzudakii*), spotted tanager (*Tangara punctate*), green-and-gold tanager (*Tangara schrankii*), opal-rumped tanager (*Tangara velia*), and saffron-crowned tanager (*Tangara xanthocephala*) — Inclusion in Appendix II.

Humane Society International (HSI) and Species Survival Network (SSN) recommended that the United States submit a proposal to include some or all of the following 17 Neotropical tanager species in CITES Appendix II: Golden tanager (*Tangara arthus*), opal-crowned tanager (*Tangara callophrys*), burnished-buff tanager (*Tangara cayana*), paradise tanager (*Tangara chilensis*), golden-eared tanager (*Tangara chrysotis*), blue-necked tanager (*Tangara cyanicollis*), blue-browed tanager (*Tangara cyanotis*), bay-headed tanager (*Tangara gyrola*), silver-throated tanager (*Tangara icterocephala*), golden-hooded tanager (*Tangara larvata*), turquoise tanager (*Tangara mexicana*), beryl-spangled tanager (*Tangara nigroviridis*), flame-faced tanager (*Tangara parzudakii*), spotted tanager (*Tangara punctate*), green-and-gold tanager (*Tangara schrankii*), opal-rumped tanager (*Tangara velia*), and saffron-crowned tanager (*Tangara xanthocephala*).

According to the International Union for Conservation of Nature (IUCN) Red List, these Neotropical tanager species are listed as “Least Concern” (2016 or 2017, depending on the species), due to their large range. Although 13 of the 17 species’ wild populations are declining as a result of habitat destruction, the populations are not declining rapidly enough, at this time, to meet the criteria for “Vulnerable.” These colorful *Tangara* species are traded internationally for the pet trade, including imports of live specimens into the United States.

At this time, the United States remains undecided about submitting a proposal to include some or all of these 17 Neotropical tanagers (*Tangara* spp.) in Appendix II, pending consultation with range countries and receipt of current trade and biological information on these species that demonstrates that they meet the CITES criteria for inclusion in Appendix II.

16. Attwater's prairie chicken (*Tympanuchus cupido attwateri*) — Remove from Appendix II.

The United States conducted and completed a periodic review of Attwater's prairie chicken (*Tympanuchus cupido attwateri*) to assess whether the inclusion of this species in the CITES Appendices is appropriate.

The species was included in Appendix I in 1975. As a result of the outcome of a Periodic Review of the Appendices at the 25<sup>th</sup> meeting of the Animals Committee (AC25, Geneva, July 2011), the United States prepared a proposal for submission to the 16<sup>th</sup> meeting of the Conference of the Parties (CoP16, Bangkok, March 2013) [CoP16 Prop. 20] to transfer Attwater's prairie chicken (*Tympanuchus cupido attwateri*) from CITES Appendix I to Appendix II. While this subspecies is endemic to the United States, is intensively managed and highly regulated by domestic measures, and there is virtually no trade in the subspecies, it was proposed for transfer to Appendix II in accordance with paragraph (A)(1) of Annex 4 Precautionary Measures of Resolution Conf. 9.24 (Rev. CoP17) on *Criteria for Amendment of Appendices I and II*, which states that no species listed in Appendix I shall be removed from the Appendices unless it has been first transferred to Appendix II, with monitoring of any impact of trade on the species for at least two intervals between meetings of the Conference of the Parties. The proposal was adopted by CoP16, and the subspecies was transferred to Appendix II.

At this time, the United States remains undecided about submitting a proposal to remove Attwater's prairie chicken (*Tympanuchus cupido attwateri*) from the CITES Appendices, pending consultation with the States.

### ***Mammals***

17. Saiga antelope (*Saiga tatarica*) — Transfer from Appendix II to Appendix I.

The Wildlife Conservation Society (WCS) recommended that the United States propose the transfer of saiga antelope (*Saiga tatarica*) from Appendix II to Appendix I due to drastic population declines as a result of habitat degradation, the installation of infrastructure that present barriers to migration, changing climatic conditions that alter food availability, disease and illegal hunting of males for their horns.

According to the International Union for Conservation of Nature (IUCN) Red List, saiga antelope is listed as "Critically Endangered" (2008) due to an observed population decline of over 80% over the last 10 years, and is continuing. Uncontrolled illegal hunting for horns and meat has led to the catastrophic decline in the population. Severely skewed sex ratios, as a result of the selective hunting of young males, are leading to reproductive collapse. A rise of mass mortality probably due to diseases (occurring annually from 2010) poses yet another threat. Lastly another significant threat to the species is the destruction of key habitats and traditional migration routes.

At this time, the United States remains undecided about proposing to transfer saiga antelope (*Saiga tatarica*) from Appendix II to Appendix I, pending consultation with range countries and receipt of additional trade or recent biological information that demonstrates that the species meets the CITES criteria for transfer to Appendix I.

18. Markhor (*Capra falconeri*) — Transfer from Appendix I to Appendix II.

Safari Club International (SCI) and Safari Club International Foundation (SCI Foundation) recommended that the United States submit a proposal to transfer markhor (*Capra falconeri*) from Appendix I to Appendix II. According to SCI and SCI Foundation, the species no longer meets the requirements of an Appendix-I listing and the Precautionary Measures in Annex 4 of Resolution Conf. 9.24 (Rev. CoP17) on *Criteria for Amendment of Appendices I and II* have been met, as community-based conservation programs, that include limited markhor hunting, have successfully aided in the recovery of markhor populations.

According to the International Union for Conservation of Nature (IUCN) Red List, markhor is listed as “Near Threatened” (2015). There is no observed, estimated, projected or inferred continuing decline in the total population. Stable and increasing subpopulations are restricted to areas with sustainable hunting management and protected areas.

At this time, the United States remains undecided about proposing to transfer markhor (*Capra falconeri*) from Appendix I to Appendix II, pending consultation with range countries and receipt of current trade, management, and biological information that demonstrates that the species meets the CITES criteria for transfer to Appendix II.

**C. For which species is the United States not likely to submit proposals for consideration at CoP18, 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. As described further below, information currently available for each of the taxa listed below does not support a proposal.

***Plants***

1. *Dalbergia* and other wood products (especially for musical instruments) — Revision of Annotation #15.

The International Wood Products Association and the League of American Orchestras recommended that the United States propose an amendment to Annotation #15 accompanying the listing of the *Dalbergia* genus in CITES Appendix II, to include the following:

- All trade in musical instruments and parts should be exempted from CITES permitting requirements.
- A revised annotation should exempt: commercial shipments of musical instruments and parts; non-commercial shipments, including for performances, repair, and display in trade shows; and musical instruments as personal effects, hand-carried or shipped as cargo.
- To the extent the existing Annotation #15 remains: delete the term “non-commercial;” clarify its other terms of reference related to non-commercial activity, consolidated

shipments, weight limits, and identification and marking requirements, as agreed in CITES Notification 2017/078; and accommodate all musical instruments.

- Ensure consistency with current practices in customs, shipping, documentation, and declarations procedures.

The United States has been involved in the both Plants Committee's and Standing Committee's Working Groups on annotations. We expect the Plants Committee and the Standing Committee to make recommendations to amend the current annotation for *Dalbergia* and submit a proposal regarding these recommendations to CoP18. Therefore, at this time, the United States is unlikely to submit a proposal to revise Annotation #15 for *Dalbergia* and other wood products.

### ***Invertebrates***

2. Wallace's giant bee (*Megachile pluto*, synonym *Chalicodoma pluto*) — Inclusion in Appendix I.

The Center for Biological Diversity (CBD) recommended that the United States submit a proposal to include Wallace's giant bee (*Megachile pluto*) in Appendix I of CITES. According to CBD, the species is threatened with extinction, meets the biological criteria for inclusion in Appendix I, and it is affected by trade.

According to the International Union for Conservation of Nature (IUCN) Red List, Wallace's giant bee is listed as "Vulnerable" (2014) due to its restricted range and habitat degradation (resulting from mining and the impacts of invasive plant species). Based on the information that is available with regard to this species, it does not appear that the species meets the trade criteria for inclusion in Appendix I.

Therefore, at this time, the United States is unlikely to submit a proposal to include Wallace's giant bee (*Megachile pluto*) in Appendix I of CITES, unless we receive significant additional information regarding international trade impacts on this species, indicating that the species meets the CITES criteria for inclusion in Appendix I.

### ***Fishes***

3. Atlantic spiny dogfish (*Squalus acanthias*) — Inclusion in Appendix I or Appendix II.

Sustainable Fisheries Association, Inc. (SFA) recommended that the United States not submit a proposal to include Atlantic spiny dogfish (*Squalus acanthias*) in Appendix I or Appendix II of CITES. According to SFA, the spiny dogfish fishery is a prime example of a successful wild-caught fishery that is not overfished, overfishing is not occurring and the fishery is sustainably managed in compliance with the 10 National Standards of the Magnuson-Stevens Act.

According to the International Union for Conservation of Nature (IUCN) Red List, spiny dogfish is listed as "Vulnerable" (2016). Based on evidence of declines in various parts of the species' range and ongoing over-exploitation by target and bycatch fisheries, it is inferred that there has been a decline of greater than 30% in the global population over the last 75 years (approximately three generations for this species).

At this time, the United States is unlikely to propose the inclusion of Atlantic spiny dogfish (*Squalus acanthias*) in Appendix I or Appendix II, unless we receive significant additional information on the species' current biological status and international trade impacts, indicating that a proposal is warranted.

#### 4. All sharks and rays in international trade — Inclusion in Appendix II.

The Pew Charitable Trusts recommended that the United States consider all shark and ray species found in international trade for inclusion in the Appendix II of CITES since some species are slow-growing, late to mature and have low fecundity, which puts their survival in jeopardy.

Relative to other marine fish, sharks and rays are characterized by relatively slow growth, late sexual maturity, and a small number of young per brood. These biological factors make many shark and ray species vulnerable to overfishing. While a number of shark and ray species are not over-exploited, there are some shark species that have been. Oftentimes, this over-exploitation is because their fins are highly valued for shark fin soup and the demand for the gills of some ray species has risen dramatically in Asian markets. The United States is committed to sustainable management and trade of shark and ray species, and has been a leader in promoting the adoption of shark conservation and management measures in regional and international fora.

At the seventeenth meeting of the Conference of the Parties to CITES (CoP17, Johannesburg, 2016), silky shark (*Carcharhinus falciformis*), three species of thresher sharks (*Alopias* spp.), and nine species of mobula rays (*Mobula* spp.) were included in Appendix II of CITES. These listings were adopted with a delayed implementation date and became effective in 2017. At the sixteenth meeting of the Conference of the Parties to CITES (CoP16, Bangkok, 2013), five species of sharks (oceanic whitetip shark (*Carcharhinus longimanus*), three species of hammerhead sharks (scalloped (*Sphyrna lewini*), great (*S. mokarran*), and smooth (*S. zygaena*)), and porbeagle shark (*Lamna nasus*) were included in Appendix II. The United States is unlikely to propose the inclusion in CITES Appendix II of all sharks and rays in international trade because it does not find that all shark and ray species (roughly over 1,200 species) warrant this kind of CITES action at this time.

#### Shortfin mako shark (*Isurus paucus*) — Inclusion in Appendix II.

The Wildlife Conservation Society (WCS) recommended that the United States propose the inclusion of shortfin mako (*Isurus oxyrinchus*) in CITES Appendix II due to trade in its fins and meat, and inadequate management globally.

Shortfin mako sharks are widespread in temperate and tropical waters of all oceans, including U.S. waters. According to the International Union for Conservation of Nature (IUCN) Red List, shortfin mako is listed as “Vulnerable” (2006) based on estimated and inferred declines, inadequate management resulting in continuing (if not increasing) fishing pressure, the high value of its meat and fins, and vulnerable life history characteristics. In the United States, in March 2018, the National Marine Fisheries Service implemented through an expedited rulemaking process management measures adopted by the International Commission for the

Conservation of Atlantic Tunas (ICCAT) to address overfishing of North Atlantic shortfin mako sharks. These measures apply to commercial fisheries in U.S. Federal waters of the Atlantic and require release of all live shortfin mako sharks with a minimum of harm in the pelagic longline fishery, while prohibiting possession and retention of all shortfin mako sharks in other commercial fisheries. These measures were based on a benchmark stock assessment conducted by ICCAT's Standing Committee for Research and Statistics, which found North Atlantic shortfin mako shark to be overfished with overfishing occurring. The National Marine Fisheries Service is currently undergoing rulemaking to implement long-term management measures for North Atlantic shortfin mako sharks.

In the Pacific, shortfin mako sharks are managed by annual commercial harvest guidelines under the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species and under the Fishery Ecosystem Plan for the Pelagic Fisheries of the Western Pacific. The International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean recently completed an assessment for shortfin mako in the North Pacific. Preliminary results indicate that the stock is not overfished or subject to overfishing relative to maximum sustainable yield (MSY).

At this time, the United States is unlikely to propose the inclusion of shortfin mako (*Isurus oxyrinchus*) in Appendix II, unless we receive significant additional information indicating that ineffective management and international trade are having detrimental impacts on the conservation status of the species, indicating that a proposal is warranted.

5. All wedgefish (family Rhinidae) — Inclusion in Appendix II.

The Wildlife Conservation Society (WCS) recommended that the United States propose the inclusion of all wedgefish species (family Rhinidae) in Appendix II of CITES due to the lack of management globally and their presence in the international fin trade.

There are 10 species of wedgefish, none of which are found in U.S. waters. According to the International Union for Conservation of Nature (IUCN) Red List, among the wedgefish species that have been assessed, most are listed as "Vulnerable." However, the African wedgefish (*Rhynchobatus luebberti*) is listed as "Endangered" (2006). These species are mostly found in warm temperate to tropical inshore continental seas. These species are in demand for their meat and highly valued large fins, which has led to overfishing and population declines in some areas.

The United States is unlikely to propose the inclusion in CITES Appendix II of wedgefish (family Rhinidae) that are not found within U.S. waters unless we receive significant additional information indicating that a proposal is warranted.

6. All guitarfish (31 species of guitarfish are found worldwide; 28 of these species are not found in U.S. waters and are categorized as not likely to be submitted) — Inclusion in Appendix II.

The Wildlife Conservation Society (WCS) recommended that the United States propose the inclusion of all guitarfish species in CITES Appendix II due to the lack of management globally and their presence in the international fin trade.

According to the International Union for Conservation of Nature (IUCN), the status of guitarfish varies by species. Among the guitarfish species that have been assessed, their status ranges from Data Deficient to Endangered. Overall, there are approximately 31 species of guitarfish, three of which are found in U.S. waters. These species include: the shovelnose guitarfish (*Pseudobatos productus*) – “Near Threatened” IUCN Red List assessment (2016), the Atlantic or freckled guitarfish (*Pseudobatos lentiginosus*) – “Near Threatened” IUCN Red List assessment (2016), and the banded guitarfish (*Zapteryx exasperata*) – “Data Deficient” IUCN Red List assessment (2015).

The United States is unlikely to propose the inclusion in CITES Appendix II of the 28 species of guitarfish that are not found within U.S. waters unless we receive significant additional information indicating that a proposal is warranted. With regard to the three other species of guitarfish that are found in the waters of the United States, please see “guitarfish” under Section B of this document.

#### 7. American eel (*Anguilla rostrata*) — Inclusion in Appendix II.

The Wildlife Conservation Society (WCS) and Species Survival Network (SSN) recommended that the United States propose the inclusion of American eel (*Anguilla rostrata*) in Appendix II of CITES, on the basis of declining population trends, vulnerability to overharvest, and trade shifting to this species now that European eel (*A. anguilla*) is included in Appendix II and the European Commission banned all European eel exports from the European Union member countries in 2010.

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 metamorphose into several stages during their lifetime: larval stage (1-3 years), juveniles (glass eels to elvers), sexually immature adults (yellow eels), and mature adults (silver eels). The species has several life-history characteristics that make American eels particularly vulnerable to overharvest: they are long-lived with a large body size; sexual maturity occurs late in life; each female’s offspring are all produced at one time; and young eels experience high mortality rates. Adult eels are presumed to die after spawning. American eels were historically abundant in Atlantic coastal streams, constituting more than 25 percent of the total fish biomass. Commercial harvests of yellow and silver American eels were highest in the 1970s and 1980s, based on landings data that extend back to the 1950s, but those harvests have declined in recent decades.

According to the International Union for Conservation of Nature (IUCN) Red List, American eel is listed as “Endangered” (2017) due to declines in recruitment, population and escapement over the period of three generations (36 years) and the continued threats to the species (barriers to migration; climate change and/or changes in oceanic currents; disease and parasites; exploitation and trade of glass, yellow and silver eels; hydrology; habitat loss; pollutants; and predation). In

the United States, the species' harvest and management is regulated by the Atlantic States Marine Fisheries Commission (ASMFC). ASMFC performed a benchmark stock assessment in 2012, followed by an updated stock assessment in 2017. Trend analyses of abundance indices provided evidence of neutral or declining abundance of American eels in the United States in recent decades. In addition, the assessment determined that the American eel is considered “data poor” and identified the ASMFC population status of the species as “depleted along the U.S. Atlantic Coast.”

In April 2018, over 50 representatives from ten of the range States of the American eel including the United States and Canada participated in a workshop in Santo Domingo, Dominican Republic, facilitated by the Sargasso Sea Commission. Workshop participants shared information on the science, management, trade, and enforcement of American eel throughout its range, and identified the challenges and difficulties associated with harvest, enforcement capacity, and regulation of international trade. The United States, along with Canada and the Dominican Republic, have submitted a *Report of the Workshop of Range States of the American Eel* to the 30<sup>th</sup> meeting of the Animals Committee (AC30, Geneva, July 2018) [AC30 Doc. 18.2] providing the results of this workshop.

At this time, the United States is unlikely to propose the inclusion of American eel (*Anguilla rostrata*) in Appendix II, as more biological and trade information regarding the species throughout its range is needed, as well as management measures and regional and international cooperation with other range countries. The United States supports the recommendations from the workshop, particularly related to increasing our science and knowledge about American eel life cycle and enhancing enforcement capacity to manage trade. We look forward to further discussions regarding this species at AC30 and the 70<sup>th</sup> meeting of the Standing Committee (SC70, Sochi, October 2018).

#### 8. Tiger-tail seahorse (*Hippocampus comes*) — Transfer from Appendix II to Appendix I.

The Center for Biological Diversity (CBD) recommended that the United States propose the transfer of tiger-tail seahorse (*Hippocampus comes*) from Appendix II to Appendix I due to a decrease in the quality of its habitat; the exploitation of this species for use in traditional medicines, the aquarium trade, and ornamental display; and its vulnerability to habitat degradation, cyanide fishing and other fishing techniques, climate change, and rising sea levels.

According to the International Union for Conservation of Nature (IUCN) Red List, tiger-tail seahorse is listed as “Vulnerable” (2015) based on suspected declines of 30-50% caused by targeted and incidental catch and habitat degradation. The species occurs in coastal areas of the southeast Asian countries of Cambodia, Indonesia, Malaysia, Singapore, Thailand, Vietnam, the Philippines, and the Andaman Islands.

The United States is unlikely to propose the transfer from Appendix II to Appendix I of tiger-tail seahorse (*Hippocampus comes*) that is not found within U.S. waters unless we receive significant additional information indicating that a proposal is warranted.

## ***Reptiles***

8. Shaw's Sea Snake (*Hydrophis curtus*) — Inclusion in Appendix II.

A private individual recommended that the United States propose inclusion of Shaw's sea snake (*Hydrophis curtus*) in CITES Appendix II. According to the individual, the species is one of the most harvested species in the South China Sea and studies are urgently needed to investigate the species' sustainability and traceability in trade.

According to the International Union for Conservation of Nature (IUCN) Red List, Shaw's sea snake is listed as "Least Concern" (2010). The species is considered to be a widespread generalist and is common throughout its range. It is one of the most commonly caught sea snake species in trawl fisheries throughout its range, and is also directly harvested for skins and other products in Southeast Asia. According to IUCN, there is anecdotal evidence for declines in Asia, however, the species is not thought to be threatened globally. It can disperse relatively easily and can live in a range of habitat types.

Therefore, at this time, the United States is unlikely to submit a proposal to include Shaw's sea snake (*Hydrophis curtus*) in Appendix II of CITES, unless we receive significant additional information on the species' current biological status and international trade impacts, indicating that the species meets the CITES criteria for inclusion in Appendix II.

9. Eurasian viper species: Cyclades blunt-nosed viper (*Macrovipera schweizeri*), mountain viper (*Montivipera albizona*), Anatolian meadow viper (*Vipera anatolica*), snub-nosed viper (*Vipera latastei*), Caucasus viper (*Vipera kaznakovi*), Black Sea viper (*Vipera pontica*), nose-horned viper (*Vipera ammodytes*), Orlov's viper (*Vipera orlovi*), magnificent viper (*Vipera magnifica*), asp viper (*Vipera aspis*), Darevsky's viper (*Vipera darevskii*), and Caucasus subalpine viper (*Vipera dinniki*) — Inclusion in Appendix II or Appendix I.

A private individual recommended that the United States propose inclusion of 12 Eurasian viper species in Appendix II or Appendix I of CITES: Cyclades blunt-nosed viper (*Macrovipera schweizeri*), mountain viper (*Montivipera albizona*), Anatolian meadow viper (*Vipera anatolica*), snub-nosed viper (*Vipera latastei*), Caucasus viper (*Vipera kaznakovi*), Black Sea viper (*Vipera pontica*), nose-horned viper (*Vipera ammodytes*), Orlov's viper (*Vipera orlovi*), magnificent viper (*Vipera magnifica*), asp viper (*Vipera aspis*), Darevsky's viper (*Vipera darevskii*), and Caucasus subalpine viper (*Vipera dinniki*).

According to the International Union for Conservation of Nature (IUCN), the status of Eurasian vipers varies by species. Among these 12 Eurasian viper species, their status ranges from Least Concern to Critically Endangered (2008). Very little biological information on these species is available to enable us to assess whether or not these species meet the listing criteria in Resolution Conf. 9.24 (Rev. CoP17) on *Criteria for Amendment of Appendices I and II*.

Therefore, at this time, the United States is unlikely to submit a proposal to include these 17 Eurasian viper species in the CITES Appendices, unless we receive significant additional

information on these species' current biological status and international trade impacts, indicating that these species meet the CITES criteria for inclusion in Appendix I or Appendix II.

10. South African puff adder species: Albany adder (*Bitis albanica*), southern adder (*Bitis armata*), many-horned adder (*Bitis cornuta*), plain mountain adder (*Bitis inornata*), red adder (*Bitis rubida*), and Namaqua dwarf adder (*Bitis schneideri*) — Inclusion in Appendix II.

Species Survival Network (SSN) recommended that the United States propose inclusion of 6 South African puff adder species in Appendix II of CITES: Albany adder (*Bitis albanica*), southern adder (*Bitis armata*), many-horned adder (*Bitis cornuta*), plain mountain adder (*Bitis inornata*), red adder (*Bitis rubida*), and Namaqua dwarf adder (*Bitis schneideri*). According to SSN, although these species are nationally protected, they are being collected illegally for the pet trade, where they are highly prized by collectors.

According to the International Union for Conservation of Nature (IUCN) Red List, among the South African puff adder species that have been assessed, their status ranges from “Least Concern” to “Critically Endangered.” Very little biological information on these species is available to enable us to assess whether or not these species meet the listing criteria in Resolution Conf. 9.24 (Rev. CoP17) on *Criteria for Amendment of Appendices I and II*.

Therefore, at this time, the United States is unlikely to submit a proposal to include these 6 South African puff adder species in Appendix II, unless we receive significant additional information on these species' current biological status and international trade impacts, indicating that these species meet the CITES criteria for inclusion in Appendix II.

11. American rattlesnake species (*Crotalus* spp.) — Inclusion in Appendix II.

Humane Society International (HSI) and Species Survival Network (SSN) recommended that the United States propose inclusion of some or all of the American rattlesnakes (*Crotalus* spp.) in CITES Appendix II. Forty species comprise this genus and sixteen species are found in the United States. According to HSI and SSN, many populations of these American rattlesnake species are decreasing due to habitat loss and commercial exploitation to supply the international trade in skins, meat, gall bladders and curios, as well the pet trade.

The genus *Crotalus* is found only in the Americas from southern Canada to southern Uruguay. According to the International Union for Conservation of Nature (IUCN) Red List, almost all of the *Crotalus* species are listed as “Least Concern;” however, the majority of these IUCN assessments are over ten years old. Although several of these species are declining in the wild, the decline is not occurring rapidly enough to meet the criteria for “Vulnerable” by IUCN. Some species are collected for the skin, meat, and pet trade. The American rattlesnake species native to the United States are managed by the States and potentially Tribes.

Given that there is no recent IUCN assessment of the taxa as a whole or limited biological information available on many of the species, the United States is unlikely, at this time, to submit a proposal to include some or all of the American rattlesnakes (*Crotalus* spp.) in Appendix II. We will continue discussions and consultations with other range countries, as well as the States and Tribes if appropriate regarding sustainable trade in these species.

12. Neotropical wood turtle species: Painted wood turtle (*Rhinoclemmys pulcherrima*) and spot-legged wood turtle (*R. punctularia*) — Inclusion in Appendix II.

Humane Society International (HSI) and Species Survival Network (SSN) recommended that the United States propose inclusion of painted wood turtle (*Rhinoclemmys pulcherrima*) and spot-legged wood turtle (*R. punctularia*) in CITES Appendix II. According to HSI and SSN, these two species are the most common *Rhinoclemmys* species in trade to and from the United States.

Currently, there are no International Union for Conservation of Nature (IUCN) assessments for these two species. According to HSI and SSN, overall, *Rhinoclemmys* species have a very low reproductive output and are thus easily susceptible to overexploitation. They are collected and traded internationally for the pet, food, and medicinal trades. In addition, *Rhinoclemmys* species are successfully bred in captivity and some *Rhinoclemmys* species are being captive-bred on a commercial scale.

At this time, the United States is unlikely to submit a proposal to include painted wood turtle (*Rhinoclemmys pulcherrima*) and spot-legged wood turtle (*R. punctularia*) in Appendix II, unless we receive significant additional information on these species' current biological status, and threats to the species, including a better understanding of how trade impacts the species, in order to help determine if these species meet the CITES criteria for inclusion in Appendix II. We are also interested to know if commercial captive breeding efforts for the species exist in range countries and how this too impacts trade in the species.

13. North American map turtles (*Graptemys* spp.): Barbour's map turtle (*Graptemys barbouri*), Cagle's map turtle (*G. caglei*), Escambia map turtle (*G. ernsti*), yellow-blotched map turtle (*G. flavimaculata*), northern map turtle (*G. geographica*), Pascagoula map turtle (*G. gibbonsi*), black-knobbed map turtle (*G. nigrinoda*), ringed map turtle (*G. oculifera*), Ouachita map turtle (*G. ouachitensis*), Pearl River map turtle (*G. pearlensis*), false map turtle (*G. pseudogeographica*), Alabama map turtle (*G. pulchra*), and Texas map turtle (*G. versa*) — Transfer from Appendix III to Appendix II.

The Center for Biological Diversity (CBD) recommended that the United States submit a proposal to transfer 13 species of North American map turtle from Appendix III to Appendix II: Barbour's map turtle (*Graptemys barbouri*), Cagle's map turtle (*G. caglei*), Escambia map turtle (*G. ernsti*), yellow-blotched map turtle (*G. flavimaculata*), northern map turtle (*G. geographica*), Pascagoula map turtle (*G. gibbonsi*), black-knobbed map turtle (*G. nigrinoda*), ringed map turtle (*G. oculifera*), Ouachita map turtle (*G. ouachitensis*), Pearl River map turtle (*G. pearlensis*), false map turtle (*G. pseudogeographica*), Alabama map turtle (*G. pulchra*), and Texas map turtle (*G. versa*). Based on the biological characteristics of map turtles and the increasing numbers of

exports of these species, CBD believes these species meet the criteria for inclusion in Appendix II of CITES.

Map turtles are native to the United States and are threatened by habitat degradation, disturbance, predation, water quality, and to a lesser extent overharvesting. Six of the thirteen species have decreasing population trends. Only the northern map turtle, black-knobbed map turtle, and Ouachita map turtle are stable; and the status of the ringed map turtle, false map turtle, Alabama map turtle are unknown. Although U.S. trade data indicate that most map turtle exports are reported as wild (because they do not qualify as bred in captivity in accordance with CITES standards), the majority of map turtles in trade are actually hatchlings produced in U.S. turtle farms. Since most map turtles in trade are produced in U.S. turtle farms, trade does not appear to be negatively affecting the species in the wild. In addition, States regulate the harvest of map turtles in the wild.

Therefore, the United States is unlikely to submit a proposal to transfer these 13 North American map turtle species from Appendix III to Appendix II, unless we receive significant additional information on these species' biological status and international trade impacts, indicating that a proposal is warranted.

14. Alligator snapping turtle (*Macrochelys temminckii*) — Transfer from Appendix III to Appendix II.

Species Survival Network (SSN) recommended that the United States propose inclusion of the genus *Macrochelys* in CITES Appendix II and the Center for Biological Diversity (CBD) recommended that the United States propose the transfer of alligator snapping turtle (western alligator snapping turtle (*Macrochelys temminckii*) from Appendix III to Appendix II and inclusion of Suwannee alligator snapping turtle (*M. suwanniensis*) in Appendix II of CITES. CBD's recommendation follows the new proposed taxonomy which split the alligator snapping turtle into three distinct species: western alligator snapping turtle (*Macrochelys temminckii*), Suwannee alligator snapping turtle (*Macrochelys suwanniensis*) and the Apalachicola alligator snapping turtle (*Macrochelys apalachicola*). However, CITES-recognized taxonomy currently treats it as one species, *Macrochelys temminckii* and we treated it as such in our evaluation of this recommendation to transfer the species from Appendix III to Appendix II. Based on the biological characteristics of Alligator snapping turtles, over-collection of live adult turtles from the wild, and increasing numbers of exports of the species, SSN and CBD believes the species meets the criteria for inclusion in Appendix II of CITES.

This native species is exported from the United States as captive-bred hatchlings, and adults and sub adults are wild-collected for domestic consumption as food, not for international trade. Studies suggest the alligator snapping turtle is still relatively widespread, particularly in the southern part of its range.

Therefore, the United States is unlikely to submit a proposal to transfer alligator snapping turtle (*Macrochelys temminckii*) from Appendix III to Appendix II or propose inclusion of Suwannee alligator snapping turtle (*M. suwanniensis*) or the *Macrochelys* genus in Appendix II, unless we

receive significant additional information on the species' biological status and international trade impacts, indicating that a proposal is warranted.

### ***Birds***

15. Four Indo-Pacific bird species: Loria's bird-of-paradise (*Cnemophilus loriae*), crested bird-of-paradise (*C. macgregorii*), yellow-breasted bird-of-paradise (*Loboparadisea sericea*), and Macgregor's bird-of-paradise (*Macgregoria pulchra*) — Removal from Appendix II.

The Ornithological Council recommended that the United States propose the removal of Loria's bird-of-paradise (*Cnemophilus loriae*), crested bird-of-paradise (*C. macgregorii*), yellow-breasted bird-of-paradise (*Loboparadisea sericea*), and Macgregor's bird-of-paradise (*Macgregoria pulchra*), on the basis that the species are no longer considered to be members of the Paradisaeidae family (Birds-of-paradise). These species have undergone taxonomic changes that remove them from Paradisaeidae and place the first three species in the Cnemophilidae family (Satinbirds) and the fourth species in the Meliphagidae family (Honeyeaters). All species of Paradisaeidae were included in Appendix II in 1975.

The four species are native to Indonesia and Papua New Guinea, except for yellow-breasted bird-of-paradise, which is only found in Papua New Guinea. The nomenclature of all CITES-listed passerine species are currently under CITES review. At the 17<sup>th</sup> meeting of the Conference of the Parties (CoP17, Johannesburg, 2016), we consulted with range countries on this issue and there was very little support for this recommended action.

The United States is not a range State and based on the results of previous consultations with range countries, it is unlikely that the United States will submit a proposal to remove Loria's bird-of-paradise (*Cnemophilus loriae*), crested bird-of-paradise (*C. macgregorii*), yellow-breasted bird-of-paradise (*Loboparadisea sericea*), and Macgregor's bird-of-paradise (*Macgregoria pulchra*) from Appendix II of CITES. If a proposal is warranted based on significant additional information indicating that the criteria for inclusion in Appendix II are not met, we suggest that such a proposal be considered for submission by the appropriate range state.

16. Andean flamingo (*Phoenicoparrus andinus*) —Transfer from Appendix II to Appendix I.

A private individual recommended that the United States increase protection for the Andean flamingo (*Phoenicoparrus andinus*) as few plans have been implemented to protect the species from its primary threat, mining. We interpreted this recommendation as action to consider a proposal for the transfer of the Andean flamingo from Appendix II to Appendix I.

According to the International Union for Conservation of Nature (IUCN) Red List, Andean flamingo is listed as "Vulnerable" (2016), as the species has undergone a rapid population decline over the past three generations, as a result of exploitation and declines in habitat quality. According to IUCN, exploitation has now decreased and recent survey data suggest that the

population is now stable, although it remains highly depleted as compared to population numbers in the past.

Trade in this species is currently regulated by CITES through its inclusion in Appendix II. Given that there has been very limited trade in this species in the last 10 years (mainly for scientific purposes) and currently available information does not indicate that the criteria for inclusion in Appendix I have been met, the United States is unlikely to submit a proposal to transfer Andean flamingo (*Phoenicoparrus andinus*) from Appendix II to Appendix I, unless we receive significant additional information on the trade impacts to the status and conservation of this species' conservation indicating that a transfer to Appendix I is warranted.

### ***Mammals***

#### 17. Hippopotamus (*Hippopotamus amphibius*) — Transfer from Appendix II to Appendix I.

The Center for Biological Diversity (CBD) recommended that the United States submit a proposal to transfer hippopotamus (*Hippopotamus amphibius*) from Appendix II to Appendix I of CITES due to their decreasing distribution, vulnerability to extrinsic factors, decrease in number of individuals, likely on-going decline of populations and anticipated future declines due to continued habitat loss, increased hippo-human conflict, climate change, and the effects of trade and hunting.

According to the International Union for Conservation of Nature (IUCN) Red List, hippopotamus is listed as “Vulnerable” (2017). The most recent population estimates suggest that, over the 8 years since the last assessment in 2008, hippopotamus populations have largely remained stable. According to IUCN, the conservation status of hippos remains precarious and the need for direct conservation action to protect hippos and their habitat across their range is a priority. Although in some African countries hippo populations have stabilized, population declines are still reported in many countries. The growing and undiminished threats of habitat loss and unregulated hunting are major challenges to the viability and persistence of the hippopotamus population.

Given that the hippopotamus population appears stable at this time, the United States is unlikely to propose the transfer of hippopotamus (*Hippopotamus amphibius*) from Appendix II to Appendix I, unless we receive significant additional information on the species' current biological status and international trade impacts, indicating that a proposal is warranted.

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

The Center for Biological Diversity (CBD) recommended that the United States propose the transfer of narwhal (*Monodon monoceros*) from Appendix II to Appendix I due to its restricted area of distribution, occurrence at few locations, vulnerability to climate change and harvest, projected decreases in the quality of habitat, and the illegal trade in narwhal tusks. According to the International Union for the Conservation of Nature (IUCN) Red List, as a

species, the narwhal does not meet any IUCN criteria for threatened categories and is listed as “Least Concern” (2017). Across the global range of the narwhal, subpopulations are of various sizes and subject to differing levels of threats. The North Atlantic Marine Mammal Commission (NAMMCO) organized a Global Review of Monodontids in March 2017, which discussed the conservation status, threats, and data gaps for all stocks of belugas (*Delphinapterus leucas*) and narwhals globally, found that the status of the species varies by stock. Narwhal are managed internationally under the Joint Commission for the Conservation and Management of Narwhal and Beluga and the North Atlantic Marine Mammal Commission.

At this time, it is unlikely that the United States will propose the transfer of narwhal (*Monodon monoceros*) from Appendix II to Appendix I. The current “Least Concern” listing under IUCN is based on a review conducted in 2017 and is an improvement over the previous listing as “Near Threatened” based on the previous IUCN assessment in 2012. The NAMMCO review of narwhal in 2017 indicated that most narwhal stocks now have a recent abundance estimate and the harvest levels for most stocks are considered sustainable. NAMMCO and the Joint Commission for the Conservation and Management of Narwhal and Beluga continue to meet routinely to monitor trade levels and conservation status.

#### 19. Walrus (*Odobenus rosmarus*) — Transfer from Appendix III to Appendix I

The Center for Biological Diversity (CBD) recommended that the United States propose the inclusion of walrus (*Odobenus rosmarus*) in Appendix I throughout its range because they believe the species fulfills the biological criteria for inclusion in Appendix I and is significantly affected by international trade in walrus products. CBD notes that at a minimum the Pacific walrus subspecies (*O. r. divergens*) should be proposed for Appendix I and the Atlantic (*O. r. rosmarus*) and Laptev (*O. r. laptevi*) walrus subspecies for Appendix II. Canada included the walrus in Appendix III in 1975.

CBD raised concerns pertaining specifically to the Pacific walrus subspecies. These concerns include a restricted area of distribution, a high vulnerability to and observed impacts of climate change on the Pacific walrus and its sea-ice habitat, overharvest, and illegal trade. According to the International Union for the Conservation of Nature (IUCN) Red List, walrus is listed as “Vulnerable” (2016), as a result of both the certainty of future decline in their habitat quality and the limitations of abundance and trend data. While walruses occur over a vast area and are common in some regions, their future is by no means secure. IUCN states that climatic warming will surely require them to live in a much different environment as sea ice recedes and disappears from many of the areas they have used in past centuries. All reasonable scenarios expect that such drastic changes to their habitats will cause walrus populations to decline throughout most of their range. Because of the expectation of a decline, the IUCN Species Survival Commission (SSC) Pinniped Specialist Group has recommended that the Atlantic walrus (*O. r. rosmarus*) be listed as “Near Threatened” and that the Pacific Walrus (*O. r. divergens*) be listed as “Data Deficient.”

All marine mammals (including walrus) are protected under the Marine Mammal Protection Act (MMPA). The MMPA prohibits, with certain limited exceptions, the “take” (harass, hunt, capture, collect, or kill, or attempt to harass, hunt, capture, collect, or kill any marine mammal,

including, without limitation, any of the following: The collection of dead animals or parts thereof; the restraint or detention of a marine mammal, no matter how temporary; tagging a marine mammal; or the negligent or intentional operation of an aircraft or vessel, or the doing of any other negligent or intentional act which results in the disturbing or molesting of a marine mammal) of marine mammals in U.S. waters and by U.S. citizens on the high seas, and the importation of marine mammals and marine mammal products into the United States. On October, 2, 2017, the Service published in the *Federal Register* (82 FR 46644), a 12-month finding on a petition to list the Pacific walrus (*O. r. divergens*) as endangered or threatened under the ESA, finding that listing the Pacific walrus as an endangered or threatened species under the ESA was not warranted.

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% lower than the long-term average over 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 for subsistence use. Therefore, the United States is unlikely to submit a proposal to include walrus (*Odobenus rosmarus*) in CITES Appendix I or Appendix II, unless we receive significant additional information on the species' biological status throughout its range and international trade impacts, indicating that a proposal is warranted.

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

The Center for Biological Diversity (CBD) recommended that the United States submit a proposal for the transfer of polar bear (*Ursus maritimus*) from Appendix II to Appendix I due to human activities (including harvest and international trade) 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, has been protected in the United States under the Marine Mammal Protection Act (MMPA) since 1972, and was listed as Threatened under the ESA in 2008 (73 FR 28212, dated May 15, 2008). According to the International Union for the Conservation of Nature (IUCN) Red List, polar bear is listed as "Vulnerable" (2015), with loss of Arctic sea ice due to climate change noted as the most serious threat to the species throughout its circumpolar range. The United States submitted proposals to transfer the polar bear from Appendix II to Appendix I at the 15<sup>th</sup> and 16<sup>th</sup> meetings of the Conference of the Parties (CoP15, Doha, 2010 and CoP16, Bangkok, 2013), both of which were rejected by a two-thirds (2/3) majority vote.

Since CoP16, the United States has worked with other range countries, Alaska Natives, and the State of Alaska on a Circumpolar Action Plan that addresses threats to polar bears throughout their range, including offtake. Therefore, at this time, the United States is unlikely to submit a proposal to transfer polar bear (*Ursus maritimus*) from Appendix II to Appendix I of CITES, unless we receive significant additional information indicating that a proposal is warranted.

## Public Comments

You may submit comments pertaining to species proposals for consideration at CoP18 by one of the following methods:

- *Internet:* <http://www.regulations.gov>. Search for and submit comments on Docket No. FWS–HQ–IA–2017–0079.
- *Hard copy:* Submit by U.S. mail or hand-delivery to Public Comments Processing; Attn: Docket No. FWS–HQ–IA–2017–0079; U.S. Fish and Wildlife Service; MS: BPHC; 5275 Leesburg Pike, Falls Church, VA 22041-3803.

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 website. 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 received will be posted for public inspection on <http://www.regulations.gov>, and will be available 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, 5275 Leesburg Pike, 2<sup>nd</sup> Floor, Falls Church, VA 22041–3803. To make an appointment, call 703–358–1708.

## **CITES COP18: ANNOUNCEMENT OF PROPOSED RESOLUTIONS, DECISIONS, AND AGENDA ITEMS BEING CONSIDERED BY THE UNITED STATES; OBSERVER INFORMATION**

The United States, as a Party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), may submit proposed resolutions, decisions, and agenda items for consideration at meetings of the Conference of the Parties to CITES. The United States may also propose amendments to the CITES Appendices for consideration at meetings of the Conference of the Parties. The 18th regular meeting of the Conference of the Parties to CITES (CoP18) is scheduled to be held in Sri Lanka from May 23, 2019, through June 3, 2019. In this document, we describe proposed resolutions, decisions, and agenda items that the United States is considering submitting for consideration at CoP18, and provide information on how non-governmental organizations based in the United States can attend CoP18 as observers.

Please note that we published a notice in the **Federal Register** on October 1, 2018, in which we simply listed each issue that the United States is considering for CoP18, but did not describe each issue in detail or explain the rationale for the tentative U.S. position on each issue. The Convention on International Trade in Endangered Species of Wild Fauna and Flora, hereinafter referred to as CITES or the Convention, is an international treaty designed to control and regulate international trade in certain animal and plant species that are now or potentially may become threatened with extinction. These species are listed in Appendices to CITES, which

are available on the CITES Secretariat's website at <https://www.cites.org/eng/app/appendices.php>. Currently, 182 countries, including the United States, and one regional economic integration organization, the European Union, are Parties to CITES. The Convention calls for regular biennial meetings of the Conference of the Parties, unless the Conference of the Parties decides otherwise. At these meetings, the Parties review the implementation of CITES, make provisions enabling the CITES Secretariat 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 Party to CITES may propose amendments to Appendices I and II, resolutions, decisions, and agenda items for consideration by all the Parties at the meetings.

### **Recommendations for Resolutions, Decisions, and Agenda Items for the United States to Consider Submitting for CoP18**

In our **Federal Register** notice published on March 12, 2018 (83 FR 10736), we requested information and recommendations on potential resolutions, decisions, and agenda items for the United States to submit for consideration at CoP18. We received information and recommendations from the following organizations: American Federation of Musicians of the United States and Canada; American Federation of Violin and Bow Makers; Animal Welfare Clinic at Michigan State University College of Law; Animal Welfare Institute; Center for Biological Diversity; C.F. Martin & Co., Inc.; Chamber Music America; Fender Musical Instruments Corporation; Forest Based Solutions; Ginseng Board of Wisconsin; Humane Society International; International Association of Violin and Bow Makers; International Wood Products Association; League of American Orchestras; National Association of Music Merchants; Natural Resources Defense Council; OPERA America; Organization of Professional Aviculturists; Performing Arts Alliance; Paul Reed Smith Guitars; Species Survival Network; Taylor Guitars; Theatre Communications Group; The Recording Academy; WildCat Conservation Legal Aid Society; Wildlife Conservation Society; and World Animal Protection. We also received comments from one individual. In addition, we received comments from Center for Biological Diversity and Organization of Professional Aviculturists related to proposals to amend the CITES Appendices and from 16 of the above commenters related to expanding the number of designated U.S. ports for CITES exports. These comments were outside the scope of this action.

We considered all of the recommendations of the above individual and organizations, as well as the factors described in the U.S. approach for CoP18 discussed in our January 23, 2018, **Federal Register** notice, when compiling a list of resolutions, decisions, and agenda items that the United States is likely to submit for consideration by the Parties at CoP18. We also compiled lists of resolutions, decisions, and agenda items for consideration at CoP18 that the United States either is currently undecided about submitting, is not considering submitting at this time, or plans to address in other ways. In compiling these lists, we also considered potential submissions that we identified internally. The United States may consider submitting documents for some of the issues for which it is currently undecided or not considering submitting at this time, depending on the outcome of discussions of these issues in the CITES Standing Committee, additional consultations with range country governments and subject matter experts, or comments we receive during the public comment period for this notice.

We welcome your comments and information regarding the resolutions, decisions, and agenda items that the United States is likely to submit, currently undecided about submitting, or currently planning not to submit. Please see our October 1, 2018, **Federal Register** notice for information on how to submit.

**A. What resolutions, decisions, and agenda items is the United States likely to submit for consideration at CoP18?**

1. Strategy for CITES capacity-building efforts

The CITES Parties are challenged to address the varied and significant outstanding CITES capacity building needs that limit the implementation of the Treaty to support legal and sustainable trade. In light of the global donor focus on combating wildlife trafficking, new opportunities for CITES capacity building are available. The United States is considering submission of a document calling on the CITES parties to develop a framework for CITES capacity building that facilitates Party and donor coordination, transparency, and accountability across an array of needs and investments. This may include suggestion of a framework and a method to identify and track outstanding needs as well as recommendations for measuring progress toward shared goals to start the discussion.

2. Elephant Conservation

Despite increasingly significant coordinated international efforts to ensure the long-term well being of African and Asian elephant species, poaching, illegal international trade, human conflict and habitat encroachment remain. The United States is considering submission of a document that will address the conservation of elephants and provide new opportunities to work with elephant range states and the CITES Parties to change the trajectory for elephants, possibly including through a new resolution, amendment of an existing resolution, or proposed decisions.

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

1. Pangolin and Appendix-I specimens acquired prior to Appendix-I uplisting

The Center for Biological Diversity (CBD) recommended that the United States continue working to combat trafficking of pangolins by ensuring that stockpiles of scales and live animals are not traded on the basis of fraudulent CITES exceptions or unsupported legal theories. The United States continues to be concerned about the illegal trafficking of pangolins, most notably from Africa. Given the decision taken on pangolin stockpiles at the 69<sup>th</sup> meeting of the Standing Committee (SC69, Geneva, November 2017) and the discussion of Appendix-I specimens acquired prior to the Appendix-I uplisting [see SC69 Summary Record for detailed information at <https://cites.org/sites/default/files/eng/com/sc/69/sum/E-SC69-SR.pdf>], the United States remains undecided if action at CoP18 is needed. We will monitor developments at the 70<sup>th</sup> meeting of the Standing Committee (SC70, Sochi, October 2018) and the conservation actions needed for pangolins before taking a final decision on whether to submit a document to CoP18.

## 2. Elephant

CBD and the Species Survival Network (SSN) recommended that the United States continue to support efforts to reduce the illegal and legal ivory trade to put an end to the on-going poaching of elephants and to ensure that adequate safeguards are in place to protect wild elephants. SSN further recommended that the United States continue to support efforts to limit export of live, wild-caught elephants to *in situ* conservation projects, in order to put an end to the on-going poaching of elephants and to ensure that adequate safeguards are in place to protect wild elephants. Should the United States submit a document for consideration at CoP18 concerning trade in live animals to appropriate and acceptable destinations, SSN recommended that the United States consult first with range States and relevant experts and take into account the view of the majority of the African elephant range States that wild elephants should only be destined to *in situ* conservation projects.

Putting an end to trafficking of elephant ivory remains a priority for the United States. We agree that unregulated legal markets can provide cover for laundering of illegal ivory and have put in place a near-total ban on commercial trade in elephant ivory in the United States. The United States is chairing the Standing Committee working group on appropriate and acceptable destinations, which will report at SC70 on its deliberations with regard to trade in live elephants and rhinoceroses. We take note of the comments provided. We are undecided about submitting a document on these issues for consideration at CoP18, pending the results from the working group and the outcomes and discussions at SC70.

## 3. National ivory action plan (NIAPs)

WCS recommended that the United States present options for further strengthening progress with Parties' implementation of their NIAPs, possibly through submission of draft text amending Resolution Conf. 10.10 (Rev. CoP17), *Trade in elephant specimens*.

The United States considers the National Ivory Action Plans, consisting of concrete actions with specific deadlines for completion, to be a positive step forward in actively addressing illegal ivory trade. We believe that the new NIAP guidelines, adopted as an amendment to Resolution Conf. 10.10 (Rev. CoP17) at CoP17, further strengthen the NIAP process but that it may be too soon to meaningfully evaluate the new procedures. We are continuing to monitor progress on implementation of NIAPs and will closely evaluate reports at SC70.

## 4. Grey parrot

The Organization of Professional Aviculturists (OPA) recommended that the United States propose that the considerations given to the evaluation of applications to register facilities that breed African grey parrot (*Psittacus erithacus*) for commercial purposes in Decision 17.258, be extended until the 20th meeting of the Conference of the Parties (CoP20). OPA noted that given the number of breeding facilities that breed grey parrots in the United States and especially South Africa that are yet to be evaluated and become registered pursuant to Resolution Conf. 12.10 (Rev. CoP15) on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes*, it remains highly unlikely that all eligible facilities will have successfully

registered before CoP18 is held in May 2019. The United States is undecided on submission of a document at CoP18 to extend Decision 17.258 until CoP20. We seek information from breeders and Parties on whether there is a need to extend Decision 17.258 for the registration of African grey parrots. We have, to date, not received any applications from African grey parrot breeders to register their breeding facilities in the United States.

## 5. Eel

SSN recommended that the United States submit a draft Resolution on the conservation of *Anguilla* (eel) species. SSN stated that *Anguilla* species, ranging from juvenile to adult, are harvested and traded on a global scale, with current demand predominantly driven by East Asian markets, in particular in Japan and mainland China. Once collection and/or trade in one *Anguilla* species is regulated following population declines, the demand is redirected to other species. Therefore, SSN believes it is important to address international regulation of these species at the genus level. In addition, SSN commented that rather than waiting over the next three-year CITES intersessional period (in relation to Decisions 17.186 to 17.189), long-term investment and political will are needed now to access the information necessary to evaluate *Anguilla* populations in Asia, Africa, Caribbean, Latin America and Oceania, coordinate regional management, and collect trade information. For this reason, SSN believes it is appropriate that the Parties adopt a Resolution directing: range States to consider appropriate listing of these species in the CITES Appendices, including Appendix III; Parties to prioritize research and international cooperation for non-detrimental take and trade in these species; and Parties to report to the Animals Committee on these efforts.

The United States is undecided on whether to submit a draft eel Resolution for consideration at CoP18, pending recommendations and outcomes from the Eel Working Groups and discussions at the 30th meeting of the Animals Committee (AC30, Geneva, July 2018) and the 70th meeting of the Standing Committee (SC70) to determine whether any further action by the United States will be needed for these species in the lead-up to CoP18.

## 6. CITES National Legislation Project

The Wildlife Conservation Society (WCS) recommended that the United States submit or co-sponsor and develop a proposal to amend Resolution Conf. 8.4 (Rev. CoP15), *National laws for implementation of the Convention*, to provide clear guidelines as to the criteria for inclusion in Categories 1, 2, and 3 (including coverage of all CITES taxa, including marine species). They further recommended that the United States submit a document on this issue, or otherwise ensure that it is on the agenda of the CoP.

The United States believes that the effectiveness of CITES is significantly undermined when Parties do not have adequate measures in place for implementing the Convention and we consider the National Legislation Project (NLP) to be critically important for achieving effective implementation of the treaty. The Secretariat has placed significant effort into carrying out the NLP but we acknowledge that while progress has been made, there are still too many Parties without adequate measures in place for implementing the Convention. We note that the Secretariat will report on the NLP at CoP18, as required by Resolution Conf. 8.4 (Rev. CoP15),

and this issue will therefore be on the agenda. We are evaluating the recommendations from WCS and are currently undecided, pending further consultations and the outcome of discussions at SC70, as to whether we will submit a document on this issue for consideration at CoP18.

7. Appendix-I specimens acquired prior to Appendix-I uplisting and Resolution Conf. 13.6 (Rev. CoP16), *Implementation of Article VII, paragraph 2, concerning 'pre-Convention' specimens*, interpretation issues

WCS raised the issue of what qualifies as a pre-Convention specimen under CITES, an issue that arose at SC69 (November-December 2017) during discussions of illegal trade in pangolin scales and the presence of stockpiles of pangolin scales that predate the Appendix-I listing for all pangolin species, which entered into effect on January 2, 2017. In a document considered at SC69, the Secretariat suggested that pangolin specimens could be traded as if they were included in Appendix II, including being entered into commercial trade, if they had been obtained from the wild prior to the inclusion of the species in Appendix I. WCS rightly points out that this is a misinterpretation of the CITES provisions concerning pre-Convention specimens and there is no exemption in the Convention for commercial trade in Appendix-I specimens acquired prior to Appendix-I uplisting. As elaborated in Resolution Conf. 13.6 (Rev. CoP16), the exemption for pre-Convention specimens applies to a specimen that was acquired (removed from the wild or born or propagated in a controlled environment) before the date the provisions of the Convention first applied to the species (the date on which the species concerned was first included in the Appendices) and any product (including a manufactured item) or derivative made from such specimen. The pre-Convention exemption does not apply to specimens acquired under an Appendix-II listing. Following discussions in the Standing Committee, the Secretariat was directed to prepare a document on this issue for consideration at CoP18.

WCS urged the United States to ensure that the document prepared by the Secretariat is balanced and legally accurate. It also urged the United States to submit its own document on the issue to ensure that it receives a full discussion and understanding of the CITES Parties.

The United States agrees that this is a critically important issue, particularly as it relates to commercial trade in Appendix-I species. Under CITES Article III, Appendix-I specimens may not be traded for primarily commercial purposes, unless a valid exemption or special provision of Article VII applies. We will work closely with the Secretariat on the development of its document. At this point, we are undecided on whether to submit a document of our own, and we will make that determination as our discussions with the Secretariat and others progress.

8. Marine ornamental fishes

An individual commenter recommended that the United States consider submitting an agenda item on trade in marine ornamental fishes for discussion at CoP18. The commenter noted a growing trade and increasing demand and stated that the United States, the European Union and Japan are the main importing countries of marine ornamental fishes. Specifically, the commenter requested that CoP18 participants adopt measures on conservation and trade of marine ornamental fishes and that a Party should submit a document that proposes to “endorse decisions to the Secretariat, Animals Committee, Standing Committee and Parties involved.”

We take note of the comments provided and are undecided, pending further information and consultation, about whether to submit a draft Decision to focus the attention of the Animals Committee on this increasing trade.

9. International travel with musical instruments

A coalition of 16 organizations representing musicians, performing arts presenters, instrument manufacturers, makers and retailers, and wood products importers and distributors in the United States and internationally, submitted comments recommending that the United States seek outcomes at CoP18 that will advance CITES policies related to international travel with musical instruments containing protected species material. According to the commenters, as the United States initiated the creation of the CITES Musical Instrument Certificate, it should lead an effort toward improvements in this area by proactively submitting a proposal to fully implement a “personal effects” exemption for musical instruments carried in personally accompanying baggage. Further, the commenters recommended that the United States advance consideration of permit exemptions for musical instruments transported by cargo under a carnet.

These options have been discussed with these stakeholder groups, but we remain undecided about whether or how to proceed with developing and submitting a proposal for consideration at CoP18.

10. Trade and commerce in wood species

A coalition of 16 organizations representing musicians, performing arts presenters, instrument manufacturers, makers and retailers, and wood products importers and distributors in the United States and internationally, submitted comments concerning the listing of wood species used in the manufacture of musical instruments in the CITES Appendices and any associated annotations to those listings.

The commenters emphasized the harmful impact Annotation #15, which is associated with the Appendix-II listings of *Dalbergia* spp., *Guibourtia demeusei*, *Guibourtia pellegriniana*, and *Guibourtia tessmannii*, has had on the international movement of musical instruments. They urged the United States to ensure that any revised annotation to these listings, and that annotations to species listings more broadly, account for and prevent potential unintended consequences for trade, allow appropriate timeframes for implementation, and can be supported through harmonized interpretations across CITES Parties.

The United States is keenly aware of these issues and the challenges they have presented and continue to present to the musician and musical instrument manufacturing communities. While we are currently undecided on whether any of these issues will require us to submit a document to CoP18, we are actively engaged in discussions on all of them. We are committed to seeking an appropriate resolution of them and look forward to continuing to work with this community and other stakeholders as we prepare for CoP18.

**C. What resolutions, decisions, and agenda items is the United States not likely to submit for consideration at CoP18, unless we receive significant additional information?**

## 1. Totoaba and vaquita

Animal Welfare International (AWI), CBD, the Natural Resources Defense Council (NRDC) and SSN recommended that the United States propose and champion the imposition of sanctions against Mexico pursuant to Article VIII of CITES and CITES Resolution 11.3 (Rev. CoP17), on *Compliance and enforcement*, and Resolution Conf. 14.3, on *CITES compliance procedures*. They asserted that the ongoing failure of the government of Mexico to enact and enforce rules and policies to fully protect the vaquita and its habitat [Gulf of California, Mexico] and the continued illegal fishing for totoaba (*Totoaba macdonaldi*) has lead the vaquita porpoise (*Phocoena sinus*) to the brink of extinction. Vaquita are caught as bycatch in the illegal totoaba fishery which is driven by international demand for totoaba swim bladders, mainly in China. Both the vaquita and the totoaba are endemic to Mexico and both are listed in CITES Appendix I. At CoP17 in 2016, CITES Parties agreed to a series of Decisions (17.145-17.151) related to the totoaba. According to AWI, CBD, NRDC and SSN, Mexico has failed to satisfy these Decisions. Consequently, they would like the United States to propose that CITES recommend that all Parties cease all wildlife trade with Mexico until it creates a comprehensive and long-term management strategy, one that includes fully implementing the recommendations made by Comité Internacional para la Recuperación de la Vaquita (CIRVA) in the report from its 10<sup>th</sup> meeting [December 2017], among other actions.

The United States is deeply concerned about the plight of the vaquita and the impact of ongoing illegal harvest of totoaba on vaquita, which is now on the brink of extinction. The U.S. Government has provided assistance to Mexico in its efforts to save the vaquita and halt the illegal harvest of totoaba. U.S. Fish and Wildlife Service and the National Marine Fisheries Service enforcement personnel have trained border officials on how to identify totoaba swim bladders; conducted capacity-building workshops for staff from various agencies within the Mexican Government on coordination and collaboration mechanisms to combat illegal wildlife trade, with special emphasis on the illegal trade of totoaba swim bladders; conducted multiple border operations targeting smuggled wildlife being imported to and exported from the United States; and developed a coordination and cooperation protocol for enforcement authorities working in seaports, airports and borders in Mexico. U.S. Government agencies have also been involved for many years in international efforts to assist Mexico in assessing the status and trends of the vaquita population, including by supporting continued placement of acoustic detectors within the vaquita refuge and analysis of data from these detectors to estimate vaquita abundance. In addition, the U.S. Government has collaborated with the Government of Mexico to conduct the science needed for management decisions, including participating in CIRVA and developing and testing use of alternative fishing gear to replace entangling gillnets. While we remain committed to conserving the vaquita and halting the illegal harvest and international trade of totoaba, the United States is unlikely to take the approach suggested by the commenters.

## 2. Trade in Biosynthetic plant and wildlife material

CBD stated that it is critical that the Parties to CITES take a firm stance on the inclusion of biosynthetic products of or made from CITES-listed species. They believe that these materials

should be treated as parts or derivatives of CITES-listed species and that they are covered by the Convention. They request that the United States continue working in this arena.

The United States is aware of this issue and is considering how best to address it, both in terms of domestic legislation and under CITES. The United States is an active member of the Standing Committee intersessional Working Group on specimens produced from synthetic or cultured DNA. We consider this issue to be of high importance and we have been and will remain actively engaged.

### 3. Sharks and rays

WCS recommended that the United States ensure that the outcomes of the shark working groups and deliberations of the Standing and Animals Committees are noted as a separate agenda item at CoP18. The Standing Committee has agreed to discuss several issues, including the following, which the commenter recommends that the United States ensure are highlighted in CoP discussions: chain of custody issues, marking and traceability issues, the making of legal acquisition findings, catch documentation and product certification schemes, and the role of Regional Fisheries Management Organizations. WCS also recommended that the United States ensure a discussion at the CoP on capacity-building needs in the issuance of non-detriment findings for CITES-listed sharks and rays.

The United States has been an active participant in the CITES working groups on sharks and rays, including the most recent Standing Committee intersessional working group. We consider it a priority to ensure effective implementation of the Convention for these species and have worked toward that goal, nationally and internationally since the first shark species were listed. We will continue to engage on this issue but do not believe it is necessary to submit a document for consideration at CoP18, pending the outcome of discussions at the Animals and Standing Committee meetings.

### 4. Elephants — domestic ivory markets

WCS recommended that the United States report on implementation of Resolution Conf. 10.10 (Rev.CoP17) on *Trade in elephant specimens*, with a particular focus on the successful enforcement of new laws on domestic ivory trade, work with other Parties to close their ivory markets as a matter of urgency, and ensure that the issue is discussed at CoP18. They noted that paragraph 3 of Resolution Conf. 10.10 (Rev. CoP17) can be misconstrued to mean that some Parties with open domestic ivory markets are not obligated to take further action to close their markets, if they believe they are not contributing significantly to illegal trade. Therefore, WCS recommended that the United States work with other Parties to amend paragraph 3 accordingly.

Putting an end to trafficking of elephant ivory is a priority for the United States. We agree that unregulated legal markets can provide cover for laundering of illegal ivory and have put in place a near-total ban on commercial trade in elephant ivory in the United States. We reported on U.S. implementation of Resolution Conf. 10.10 (Rev.CoP17), *Trade in elephant specimens*, by responding to Notification to the Parties No. 2017/077, concerning *Closure of domestic ivory markets that are contributing to poaching or illegal trade*. The United States supports the language in paragraph 3 that calls for closure of ivory markets that are contributing to poaching

or illegal trade as a matter of urgency.

#### 5. Leopard quotas

CBD recommended that the United States track the information being provided on existing leopard quotas. Based upon this information and other available information, CBD recommended that the United States ensure that reasonable quotas are set that are not detrimental to the survival of the species. SSN and Humane Society International (HSI) recommended that the United States submit a document for consideration at CoP18 that recommends that there be full scientific justification for leopard quotas approved by the CITES Conference of the Parties in Resolution Conf. 10.14 (Rev. CoP16) on *Quotas for leopard hunting trophies and skins for personal use*. They stated that quotas that are not supported by science, yet are approved by the CITES Parties, such as those currently in Resolution Conf. 10.14 (Rev. CoP16), undermine the credibility of the Convention. According to SSN and HSI, this document should propose a new procedure for establishment and review of such quotas including that any Party wishing to retain their leopard quota provide scientific justification for continuing the quota at each meeting of the Conference of the Parties to CITES; and all matters related to establishment, continuance or increase of leopard quotas be approved by a two-thirds majority vote of the Parties.

Because leopard quotas are being addressed at AC30 and SC70, the United States is unlikely to submit a document to CoP18 on this issue. We expect the Animals Committee to make recommendations for consideration by the Standing Committee at SC70. The United States intends to participate and engage in any working groups on leopards that are created at these meetings.

#### 6. Registration of operations that breed Appendix-I avian species in captivity for commercial purposes

OPA recommended that the United States reevaluate the process for the registration of operations that breed Appendix-I avian species in captivity for commercial purposes. Further, OPA recommended that the United States propose to amend Decision 17.258 and incorporate it into Res. Conf. 12.10 (Rev CoP15), on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes*.

The United States is unlikely to submit a proposal to amend Decision 17.258 and incorporate it into Resolution Conf. 12.10 (Rev CoP15). Trade in Appendix-I specimens must meet the requirements of Article III of the Convention, unless an exemption or special provision of Article VII applies. There are no special provisions in the Convention for treating Appendix-I specimens bred in captivity in non-range States differently from Appendix-I specimens bred in captivity in range States.

#### 7. Specimens of Appendix I-listed species bred in non-range States with large prolific captive populations, i.e. *Psittacus erithacus*, *Cyanoramphus novaezealandiae*, *Psephotus dissimilis* and *chrysopterygius* (and several others), be treated as an Appendix-II species for the purposes of trade.

OPA recommended that special consideration should be given to range States with economically

important captive populations. The United States is unlikely to submit a document to amend Resolution Conf. 12.10 (Rev. CoP15) on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes* that sets forward the OPA-proposed registration process for Appendix-I species bred in non-range States with large prolific captive populations. To our knowledge, there is no provision in the Convention that would allow for such an exemption. Trade in Appendix-I specimens must meet the requirements of Article III of the Convention, unless an exemption or special provision of Article VII applies. There are no special provisions in the Convention for treating Appendix-I specimens bred in captivity in non-range States differently from Appendix-I specimens bred in captivity in range States.

## 8. Laundering

OPA recommended that in a case where a Management Authority suspects that a facility may be laundering illegal specimens and there is insufficient record keeping to prove paternity, an available, established and proven scientific method should be used to determine parentage of suspect specimens.

The United States follows an established process to evaluate legal acquisition of CITES-listed specimens and routinely considers all relevant available information when making such determinations.

## 9. Criteria

OPA recommended that the United States propose that additional criteria be established for future amendments to the CITES Appendices for commercially important animal species with prolific captive populations that limit the disruptive and detrimental impact of such an action on the livelihoods of indigenous communities and bona fide breeding operations. According to OPA, the additional criteria should require:

- Proposals to amend the Appendices for animal species consider the proportion of captive-bred trade to wild-caught trade, the size of the captive population, the commercial importance of that captive population, the size of the captive population compared to the wild population, the current numbers of illegally traded birds entering or exiting States with large captive populations, and the size of the current bona fide trade compared to the current illegal trade;
- Evidence presented at Conference of the Parties for the purpose of uplisting avian species be accurate, substantial, peer reviewed, non-speculative, nonpolitical and non-circumstantial;
- Implementation of CITES regime in range States be evaluated, with relevant issues addressed and rectified prior to submission of a proposal to amend the CITES Appendices;
- Recommendations of the Food and Agriculture Organization (FAO) and relevant scientific authorities be considered before any action is taken;
- Evaluations of the effects that an uplisting may have on the capability of a non-range State with a large captive population to continue producing specimens;
- Consideration be given to the possible encouragement of illegal trade that an amendment to an Appendix may have; and
- In cases where the captive population consists of more than 50% of the total worldwide population and that captive population is the result of bona fide breeding activity, special protocols should be developed to determine whether that species merits uplisting. If it does meet

the criteria for uplisting, emphasis should be placed on the economic and cultural importance of the species to the human population. Special protocols should be developed to implement that action for the purposes of limiting the disruptive impact on the human populations with bona fide relations to those species.

The United States is unlikely to submit a proposal to amend Resolution Conf. 9.24 (Rev. CoP17) on *Criteria for amendment of Appendices I and II*, which provides criteria for amending the CITES Appendices. We find that these criteria, the definitions in Annex 5 of the Resolution, as well as the proposal format/guidance in Annex 6 of the Resolution, are robust and based on science, and already address the concerns or criteria suggested by OPA. Species proposals to amend the Appendices are already reviewed by the CITES Secretariat, FAO, International Union for Conservation of Nature (IUCN) and species experts, and the results of such reviews are provided to Parties for decision making. The United States believes that it is unnecessary to formalize such reviews. CITES regulates both wild-harvested and captive-bred specimens and often, it is extremely difficult to distinguish captive-produced specimens from wild-sourced specimens. While the Convention does not specifically provide for special consideration for captive-bred specimens when evaluating species proposed for inclusion or transfer in the CITES Appendices, limited consideration is applied in Resolution Conf. 9.24 where the Parties have resolved that species of which all specimens in trade have been bred in captivity or artificially propagated should not be included in the Appendices if there is a negligible probability of trade taking place in specimens of wild origin. Once a species is listed, there are special provisions for trade in captive-bred specimens under certain circumstances under Article VII. CITES listing decisions are based on science-based conservation and trade criteria.

#### 10. Bear bile and bear gall bladder

World Animal Protection recommended that the United States propose amendments to Resolution Conf. 10.8 (Rev. CoP14), *Conservation of and trade in bears*, or Decisions that strategically address the threat of trade in bear bile products and demand for illegally sourced bear bile products.

Following internal discussions on how this issue might be addressed effectively within CITES, the United States is not persuaded by the recommendation that proposing germane Decisions or an amendment to Resolution Conf. 10.8 (Rev. CoP14) will effectively address the concerns of the commenter.

#### 11. Disposal of confiscated specimens

SSN recommended that the United States prepare draft Decisions that would direct the Secretariat to request information from Parties on the scope of this problem and potential solutions and report to the Animals, Plants and Standing Committees, and direct the Committees to prepare recommendations including providing financial assistance so that Parties can either destroy such specimens or dispose of them in a manner consistent with Resolution Conf. 17.8, *Disposal of illegally traded and confiscated specimens of CITES-listed species*, and submit these recommendations to the next meeting of the Conference of the Parties.

The United States is actively engaged in an intersessional Standing Committee working group that is working to resolve a variety of concerns related to the disposal of confiscated specimens. We are unlikely to submit a document for consideration at CoP18 pending the outcomes and

recommendations from the working group and discussions at SC70.

## 12. Species not yet listed in the CITES appendices

Noting that significant numbers of species not listed in the CITES Appendices enter international trade, SSN recommended that the United States submit a working document regarding unlisted species, providing guidance to Parties in ensuring that “the Appendices correctly reflect the conservation needs of species” (Objective 1.4 of Resolution Conf. 16.3 (Rev. CoP17) on *CITES Strategic Vision 2008-2020*), which SSN interprets as referring to all species, not just those currently listed. According to SSN, such a document might encourage Parties to monitor species subject to international trade that are not listed in the CITES Appendices, including their import and export. SSN notes that the document could encourage Parties to:

- Adopt national legislation similar to the U.S. Lacey Act or comparable legislation prohibiting the import, export, transport, selling, receiving, acquisition, or purchase of all wildlife or plants taken, possessed, transported or sold in violation of national laws. This would provide law enforcement agents with more comprehensive powers to halt illicit trafficking;
- Periodically review trade in unlisted species to consider whether species meet the criteria for listing in Appendices I or II or should be listed in Appendix III, following the guidance provided in Resolution Conf. 9.25 (Rev. CoP17) on *Inclusion of species in Appendix III*; and
- Support CITES efforts, such as the analyses already conducted for Asian freshwater turtles and tortoises, and snakes, to review certain taxonomic groups for their potential for listing in CITES.

The United States is unlikely to submit document to CoP18 that addresses unlisted CITES species and provides guidance to Parties to ensure the “Appendices correctly reflect the conservation and needs of species.” The United States recognizes the responsibility of each Party to monitor unlisted species, especially those that are native to their country, to determine if significant levels of international trade may affect their conservation status such that they should be considered for inclusion in one of the CITES Appendices. The United States also recognizes the role that Parties have in submitting proposals to the CoP for consideration by the Parties. Given limited resources available to address the existing CITES Costed Program of Work and the fact that there are existing mechanisms available to the Parties to select and review unlisted species subject to significant levels of international trade for possible listing in the CITES Appendices, the United States is unlikely to propose a new mechanism to undertake this task. In addition, both the Animals Committee (AC) and the Standing Committee (SC) are examining the Appendix-III resolution (Resolution Conf. 9.25 (Rev. CoP17)) and guidance may be forthcoming from their work that may address the concerns expressed here by SSN. The United States is actively engaged in the AC and SC Appendix-III working groups.

## 13. Tortoises and freshwater turtles

WCS recommended that U.S. conservation efforts related to these species continue and further that the United States should ensure that this issue is on the agenda at CoP18 in order to further examine what steps might be necessary to protect these taxa from the threats of illegal and/or unsustainable trade.

Because the Secretariat will report at CoP18 on the implementation of Decision 17.291, no action is necessary by the United States in furtherance of the recommendation of the commenter.

## 14. Asian big cats

One commenter, representing the Animal Welfare Clinic at Michigan State University College of Law and the WildCat Conservation Legal Aid Society, raised concern regarding the commercial captive breeding of tigers and other Asian big cats and the potential for this activity to supply the illegal trade. The commenter urged the United States to submit a draft Resolution for consideration at CoP18 “to more effectively address tiger farming and the trade in captive-bred Asian big cats and their parts.” The commenter also urged the United States to recommend that sanctions be imposed against Parties that fail to comply with Decision 17.226, which requests Parties with Asian big cat breeding facilities to ensure that specimens from and through such facilities do not enter the illegal trade; that Parties engage the public in demand reduction efforts; and that Parties impose deterrent penalties against wildlife traffickers engaged in illegal trade in tigers.

The United States is unlikely to submit the draft Resolution recommended by the commenter because we believe that the existing Resolution Conf. 12.5 (Rev. CoP17) on *Conservation of and trade in tigers and other Appendix-I Asian big cat species* already includes strong language urging Parties to enforce national and international laws to address the poaching of and illegal trade in tigers. It also urges countries with Asian big cat captive breeding facilities to ensure that they have adequate controls in place to prevent parts and derivatives from entering illegal trade from or through such facilities. With regard to the other elements of the commenter’s submission, while the United States supports the spirit of them, we believe that they are already part of this discussion in CITES and we will continue to work with Parties and the Secretariat to advance the conservation of Asian big cats, including addressing the commercial captive breeding of them.

#### 15. Captive-bred and ranched specimens (and laundering of wild-caught animals)

WCS recommended that the United States submit the topic of captive-bred and ranched specimens (and laundering of wild-caught animals) as a separate agenda item, or ensure that the Secretariat will include it as a stand-alone agenda item. WCS also recommended that the United States consider submission of a document highlighting the problem.

The Secretariat is preparing a document on this issue for discussion at SC70 and the Standing Committee will likely ensure that it is on the agenda for CoP18. The United States chaired a working group that provided guidance to the Secretariat on its draft document. The Animals Committee is also working through a new process to consider trade in “non-wild” specimens of CITES-listed species. We believe that the importance of this issue has been adequately highlighted and that the United States will not need to submit a document on this issue.

#### 16. Legal acquisition findings

WCS noted that legal acquisition findings are a key element of CITES implementation and recommended that the United States ensure that the issue is discussed under a separate agenda item at CoP18.

The United States agrees that robust legal acquisition findings are fundamental to effective implementation of the treaty. We participated in the CITES Workshop of Legal Acquisition Findings in Brussels in June 2018. The outcome of this workshop is a draft resolution on guidelines to the Parties for conducting legal acquisition findings, which will be submitted to the Standing Committee in October 2018, with the intent of seeking Standing Committee

endorsement, along with any appropriate amendments, for submission of the draft resolution to CoP18 for consideration. Since a process for submission of such a document to CoP18 is already in place, pending the outcome of discussions at the Standing Committee, we do not intend to submit a document for consideration at CoP18 on this issue.

#### 17. Ginseng

The Ginseng Board of Wisconsin recommended that the United States recommend at CoP18 that all Parties to CITES recognize a “personal exemption” for dried cultivated American ginseng (*Panax quinquefolius*); with 4.5 kg the maximum amount allowed.

We understand that some Parties recognize the “personal effects” exemption for certain CITES specimens and some Parties do not and that this can cause confusion for traders and travelers. We take note of the concerns raised by the commenter. The United States is cautious about adding species/products to the list of Appendix-II species that do not require CITES permits as personal effects as it may create a burden to enforcement personnel. The United States recognizes an exemption from CITES permitting requirements for certain species/products under specific conditions as allowed under Article VII. China, for example, a major importer of American ginseng, does not recognize the CITES personal effects exemption. Such stricter domestic measures are allowed under CITES Article XIV. The United States is unlikely to submit a document on this issue for CoP18.

#### 18. Management Authorities

CBD recommended that the United States ensure that the development of a Resolution pertaining to CITES Management Authorities properly tracks the responsibilities placed on Management Authorities in the text of the Convention.

We take note of the comments from CBD. The United States has been an active member of the Standing Committee working group on Management Authorities. The working group is preparing a draft resolution, which we expect to be considered by the Standing Committee and submitted, along with any appropriate amendments, to CoP18 for consideration. We are unlikely to submit a document on this issue, pending further consultations and discussions at SC70.

#### 19. Electronic permitting

A coalition of 16 organizations representing musicians, performing arts presenters, instrument manufacturers, makers and retailers, and wood products importers and distributors in the United States and internationally, recommend that the United States support continued development of a robust electronic permitting system such as eCITES that would eventually allow for universal utilization of electronic permits.

The United States is actively involved in the Working Group on electronic Systems and Information Technologies and is developing policies for implementation of Electronic Permit Information eXchange (EPIX) through this process. Any CITES electronic permitting system will need to be able to meet all CITES permitting requirements.

#### 20. Rural communities

SSN, concerned about the membership of the rural communities working group, recommends that the United States submit a draft Resolution to prepare draft Decisions that would suspend the operation of the Working Group, and direct the Standing Committee to prepare appropriate criteria for membership, and review existing and proposed members in the light of the need for both regional balance and a balance of views, and only reconstitute the Working Group once these criteria have been adopted by the Conference of the Parties.

We take note of the concerns raised by the commenter. Decision 17.28 calls for the Working Group to report on its progress to the Chair of the Standing Committee at its next meeting, in October 2018. We will monitor developments at the Standing Committee but, at this point, it is unlikely that we will submit a document to CoP18.

## 21. Destruction of ivory stockpiles

WCS recommended that the United States submit a document calling on all Parties planning to destroy their ivory stocks to conduct independently audited inventories before any destruction events and to make samples of the seized ivory available for DNA- and/or isotope-based analysis. WCS further recommended that the United States support making available materials and guidance on best practices for the management of ivory stockpiles, including their disposal when applicable. They recommended, in particular, that the United States support a decision at the CoP to endorse the dissemination (through the CITES website and other means) of the stockpile management system of the organization “Stop Ivory”, which has been used successfully by several countries.

The United States supports making materials and guidance on best practices for management of ivory stockpiles available to CITES Parties. The issue of making the “Stop Ivory” stockpile management system available on the CITES website was discussed at SC69, with strong views expressed on both sides. We note that information on this system is readily available on the “Stop Ivory” website. Two Standing Committee working groups, one on disposal of confiscated specimens and another on stocks and stockpiles, are currently discussing a number of issues relevant to ivory stockpiles and they will both report to SC70. We take note of the comments from WCS.

## 22. Other species — specific matters

WCS recommended that the United States ensure the following issues are on the CoP18 agenda: other aspects of wildlife trafficking, great apes, Asian big cats in captivity, illegal trade in cheetahs, the Monitoring the Illegal Killing of Elephants (MIKE) and the Elephant Trade Information System (ETIS), saiga antelope, and CITES and livelihoods.

These are all issues that will likely be on the CoP18 agenda as a result of ongoing discussions.

## **Request for Information and Comments**

We invite information and comments concerning any of the possible CoP18 species proposals, resolutions, decisions, and agenda items discussed above. You must submit your information and comments by the date specified in the **DATES** section of our October 1, 2018, **Federal Register** notice to the address specified in the **ADDRESSES** section of that notice, to ensure that

we consider them. More information on commenting, and on how you may view comments we receive, is also included in our October 1, 2018, **Federal Register** notice.

## **Observers**

Article XI, paragraph 7 of CITES states the following:

“Any body or agency technically qualified in protection, conservation or management of wild fauna and flora, in the following categories, which has informed the Secretariat of its desire to be represented at meetings of the Conference by observers, shall be admitted unless at least one-third of the Parties present object:

(a) international agencies or bodies, either governmental or non-governmental, and national governmental agencies and bodies; and

(b) national non-governmental agencies or bodies which have been approved for this purpose by the State in which they are located.

Once admitted, these observers shall have the right to participate but not to vote.”

Persons wishing to be observers representing international non-governmental organizations (which must have offices in more than one country) at CoP18 may request approval directly from the CITES Secretariat. Persons wishing to be observers representing U.S. national non-governmental organizations at CoP18 must receive prior approval from our Division of Management Authority. Once we grant our approval, a U.S. national non-governmental organization is eligible to register with the Secretariat and must do so at least 6 weeks prior to the opening of CoP18 to participate in CoP18 as an observer. Individuals who are not affiliated with an organization may not register as observers. An international non-governmental organization with at least one office in the United States may register as a U.S. non-governmental organization if it prefers.

Any organization that submits a request to us for approval as an observer should include evidence of their technical qualifications in protection, conservation, or management of wild fauna or flora, for both the organization and the individual representative(s). The request should include copies of the organization’s charter and any bylaws, and a list of representatives it intends to send to CoP18. Organizations seeking approval for the first time should detail their experience in the protection, conservation, or management of wild fauna or flora, as well as their purposes for wishing to participate in CoP18 as an observer. An organization that we have previously approved as an observer at a meeting of the Conference of the Parties within the past 5 years must submit a request, but does not need to provide as much detailed information concerning its qualifications as an organization seeking approval for the first time. These requests should be sent to the Division of Management Authority, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS:IA, Falls Church, VA 22041; or via e-mail at: [managementauthority@fws.gov](mailto:managementauthority@fws.gov); or via fax at: 703-358-2298.

Once we approve an organization as an observer, we will inform them of the appropriate page on the CITES website where they may obtain instructions for registration with the CITES Secretariat, including a meeting registration form and travel and hotel information. A list of organizations approved for observer status at CoP18 will be available upon request from the Division of Management Authority just prior to the start of CoP18.

## Future Actions

We expect the CITES Secretariat to provide us with a provisional agenda for CoP18 within the next several months. Once we receive the provisional agenda, we will publish it in a **Federal Register** notice and provide the Secretariat's website address. We will also provide the provisional agenda on our website at <http://www.fws.gov/international/CITES/CoP18/index.html>.

The United States will submit any proposed resolutions, decisions, and agenda items, as well as any species proposals, for consideration at CoP18 to the CITES Secretariat 150 days prior to the start of the meeting (i.e., by December 24, 2018). We will consider all available information and comments we receive during the comment period for the October 1, 2018, **Federal Register** notice as we decide which proposed resolutions, decisions, and agenda items warrant submission by the United States for consideration by the Parties. With respect to our notice published on January 23, 2018 (83 FR 10736), we are considering all available information and comments we received during the comment period for that notice as we decide which species proposals warrant submission by the United States for consideration by the Parties. Approximately 4 months prior to CoP18, we will post on our website an announcement of the species proposals and proposed resolutions, decisions, and agenda items submitted by the United States to the CITES Secretariat for consideration at CoP18.

Through an additional notice and website posting in advance of CoP18, we will inform you about preliminary negotiating positions on resolutions, decisions, and agenda items, and amendments to the Appendices proposed by other Parties for consideration at CoP18. We will also publish an announcement of a public meeting tentatively to be held approximately 2 to 3 months prior to CoP18, to receive public input on our positions regarding issues on the agenda for CoP18.

The procedures for developing U.S. documents and negotiating positions for a meeting of the Conference of the Parties to CITES are outlined at 50 CFR 23.87. As noted at 50 CFR 23.87(c), 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 meeting of the Conference of the Parties or of U.S. negotiating positions.