

**2010 MAFWA Committee Report on the
Convention on International Trade in Endangered Species
of Wild Fauna and Flora (CITES)**
Respectfully submitted by Carolyn Caldwell of the Ohio Division of Wildlife

MEETING TIME & PLACE

99th AFWA Annual Meeting, September 2009; Austin, TX

Joint State/Federal CITES Meeting & AFWA International Relations Committee

Paddlefish Range State Directors Meeting

CITES 15th Conference of the Parties, March 2010; Doha, Qatar

Interagency CITES Coordination Committee, hosted monthly by USFWS in Washington DC

CITES Technical Work Group also conducted business via numerous conference calls

CITES TECHNICAL WORK GROUP REPRESENTATIVES

Carolyn Caldwell- MAFWA (Ohio Division of Wildlife)

Buddy Baker- SEAFWA (Louisiana Department of Wildlife & Fisheries)

Bob Broscheid- WAFWA (Arizona Game & Fish Department)

Jack Buckley- NEAFWA (Massachusetts Division of Fisheries and Wildlife)

Noel Kinler- SEAFWA (Louisiana Department of Wildlife & Fisheries)

Don MacLauchlan- Association of Fish & Wildlife Agencies

Curtis Taylor- U.S. CITES Delegate Representing the State Fish & Wildlife Agencies and
International Relations Committee Chair (West Virginia Division of Natural Resources)

EXECUTIVE SUMMARY

CITES (Convention on the International Trade in Endangered Species of Wild Fauna and Flora) is an international trade agreement among countries to ensure that international trade in specimens of wild animals and plants does not threaten species' survival. CITES works by subjecting international trade in specimens of selected species to certain controls. These require that all imports, exports and re-exports of CITES species have to be authorized. The species covered by CITES are listed in three Appendices, according to the degree of protection they need. Appendix I includes species threatened with extinction. Trade in specimens of these species is only permitted in exceptional circumstances. Appendix II includes species not necessarily threatened with extinction, but for whom trade must be controlled in order to avoid utilization incompatible with their survival. Appendix III contains species that are protected in at least one country, which has asked other CITES countries for assistance in documenting trade.

International treaties impact state fish and wildlife agencies and represent a continuous and pressing challenge to resource management. Left unchecked, additional regulations and burdensome oversight will result from restrictions adopted through these international treaties. For example, some state management and harvest decisions for bobcats and river otters stem from restrictions dictated by the federal government resulting from CITES

actions taken 33 years ago. The original intent of CITES was to ensure globally sustainable use of natural resources. However, today this arena is a place for extremists to promote preservation instead of conservation using emotional rhetoric instead of biological and scientific facts. Extremists will continue to be a threat to state management authority.

The U.S. Fish and Wildlife Service (USFWS), Office of International Affairs, administers CITES for the United States. The USFWS solicits input and feedback on issues of importance from the state fish and wildlife agencies through the CITES Technical Work Group of the International Relations Committee of AFWA. The Technical Work Group consists of one representative from each of the four regional associations who work on behalf of states in concert with the USFWS on CITES matters. This state-federal partnership has been effectively working since 1994.

The following items are presented in greater detail within this document: 1) The CITES Technical Work Group as part of a continuing effort on paddlefish management hosted a second meeting between the Directors from the range states and the USFWS. The States and the USFWS continue to be committed to working cooperatively on this issue. 2) The Lynx identification guide, developed by Nathan Roberts (Cornell University) through a grant administered by AFWA, is available at www.wildfurid.com. The guide will aid in the identification of full skins and skins lacking a head and tail for species in the genus *Lynx*. It is not intended to be used for pieces of furs or garments. U.S. wildlife inspectors found this guide to be a significant improvement over the existing CITES identification sheets for these species. 3) The manuscript entitled "Bobcat (*Lynx rufus*) Population Status and Management in North America: Evidence of Large-scale Population Increase" will be published in the Journal of Fish and Wildlife Management in 2010. This paper discusses the results of the 2008 survey concerning bobcat range and population status in North America. 4) The 15th Conference of the Parties (CoP15) convened from 13-25 March 2010. There were 68 agenda items and 42 proposals to amend the CITES appendices considered during the meeting. Of interest to state fish and wildlife agencies were deliberations on bobcats, bluefin tuna, polar bears, and spiny dogfish. 5) During the summer of 2009, the AFWA and the USFWS reached agreement on an acceptable method of eliminating the tagging requirements of exported river otter and bobcat. However, at the AFWA annual meeting in September 2009, the USFWS informed the States that the Service desired to postpone implementing the alternative tagging methodology. This remains an unnecessary burden on state wildlife agencies. Discussions with the USFWS on this matter are ongoing. 6) With the assistance of PARC and the CITES Technical Work Group, the USFWS will host a state-federal agency workshop focusing on Conservation and Trade Management of Freshwater and Terrestrial Turtles in the United States, September 21-24, 2010, in St. Louis, Missouri. and 7) While the USFWS is moving forward on the hellbender [*Cryptobranchus alleganiensis* sp. (Eastern & Ozark subspecies)] Appendix III listing, it may be delayed until late 2010 or early 2011.

DIRECTOR ACTION ITEMS

Your responses to requests throughout the year that have required immediate attention are greatly appreciated. No items are in need of action by the MAFWA Directors at this time.

DIRECTOR INFORMATION ITEMS

Paddlefish

The CITES Technical Work Group as part of a continuing effort on paddlefish management hosted a second meeting at AFWA's annual meeting between the Directors from the range states and the US Fish and Wildlife Service (USFWS). The meeting was attended by a majority of range state Directors, the Director of the Scientific Authority, and the Assistant Director for International Affairs. The current situation of paddlefish management represents a case of shared responsibility (treaty obligations and state management authority), inter-jurisdictional resource management, increasing commercial demand on the resource both within the US and internationally, and volatile allocation politics. The meeting further highlight concerns for paddlefish management by the States and the federal obligations under the CITES treaty. A coordinated and proactive solution to paddlefish management can effectively demonstrate to the international community the effectiveness of the US approach to resource management and highlight the importance of state authority. The States and the USFWS continue to be committed to working cooperatively on this issue.

Improved Lynx ID Manual

In October 2008, the United States and the European Commission jointly organized and convened a meeting in Brussels with management and law enforcement authorities from *Lynx* range countries to discuss problems of illegal trade of *Lynx* species and look-alike concerns relative to *Lynx rufus*. The outcome of the meeting revealed that the majority of the poaching of Eurasian (*L. lynx*) and Iberian lynx (*L. pardinus*) is related to predator control to protect livestock and game (deer), and the subsequent sale of the pelts is secondary. Furthermore, no documented incidents were reported of Eurasian or Iberian lynx entering into trade as bobcat. Regardless, at the meeting European Union (EU) member states continued to raise concerns that illegally harvested Eurasian lynx could end up in products of EU manufacturers and be sold as bobcat or North American lynx (*L. canadensis*) fur. The EU stated that, to help alleviate this look-alike concern, given the conservation status of Eurasian and Iberian lynx, identification techniques for pelts without ears and tails must be made available. In response, the United States agreed to undertake efforts to develop an improved identification guide with this focus. The identification guide, developed by Nathan Roberts (Cornell University) through a grant administered by AFWA, is intended to aid in the identification of full skins and skins lacking a head and tail for species in the genus *Lynx*. It is not intended to be used for pieces of furs or garments. U.S. wildlife inspectors found this guide to be a significant improvement over the existing CITES identification sheets for these species. The guide will continue to be improved and is available at www.wildfurid.com

Paper to be Published on the North American Bobcat Population

The manuscript entitled "Bobcat (*Lynx rufus*) Population Status and Management in North America: Evidence of Large-scale Population Increase" will be published in the Journal of Fish and Wildlife Management in 2010. This paper discusses the results of the 2008 national survey that revealed the bobcat range in North America to be approximately 8,708,888 km² including 6,186,819 km² (71% of range) in the United States, 1,702,545 km² (20% of range) in Mexico, and 819,524 km² (9% of range) in Canada. With the exception of

the state of Florida where bobcat decline is attributed to habitat loss, no jurisdiction in the United States or Canada reported that bobcat populations are declining. Population estimates were available for 27 of the 47 states, representing 66.4% of the total range area (3,975,301 km² of 5,986,819 km²). The current estimated bobcat population for this area is 1,419,333 to 2,638,738 bobcats. Given that population estimates are not available for 20 states representing 33.6%, or 2,011,518 km², this estimate is very conservative and significantly under represents the true population size in the United States. In 1981 using similar methodology it was estimated there were 725,000 to 1,017,000 bobcats in the U.S. (USFWS 1982). The bobcat population has clearly grown considerably since that time.

CITES 15th Conference of the Parties (CoP15)

The 15th Conference of the Parties (CoP15) convened from 13-25 March 2010 at the Convention Center in Doha, Qatar. Drawing together 1,500 participants representing more than 170 nations, intergovernmental and non-governmental organizations. There were 68 agenda items and 42 proposals to amend the CITES appendices considered during the meeting. Of interest to state fish and wildlife agencies were deliberations on bobcats, bluefin tuna, polar bears, and spiny dogfish. Apparent at this CoP is the difficulty in garnering support for down listing species no longer in need of CITES safeguards as was the case with the bobcat as well as the Zambian and Tanzanian elephant populations. This may also have played a role in failed attempts to list bluefin tuna, spiny dogfish and sharks.

Curtis Taylor (U.S. CITES Delegate representing the state fish & wildlife agencies) and the CITES Technical Work Group members stayed engaged in issues of importance to the states during the entire CoP. We were diligent in our efforts to down list the bobcat from Appendix II and prepared to intervene on the polar bear and bluefin tuna Appendix I listing proposals.

The US proposal to delist the bobcat from CITES Appendix II was principally developed by the CITES Technical Work Group on behalf of the state wildlife agencies. The 1977 Appendix II listing originated because bobcat pelts in trade are similar in appearance to other members of the *Lynx* family that are endangered in Europe. Delisting of bobcats has been an ongoing partnership effort with the USFWS since first proposed for delisting at CoP13 in 2004. Jane Lyder, Deputy Assistant Secretary for Fish and Wildlife and Parks introduced the US proposal and acknowledged that bobcat populations have been managed sustainably by state wildlife agencies for over 30 years and are not detrimentally affected by commercial trade. Curtis Taylor also presented comments on behalf of the state fish and wildlife agencies outlining the justification for delisting. Although the U.S. offered to voluntarily list bobcats on Appendix III, insuring that all pelts in international trade would be accompanied by documents attesting to origin, the final vote of 53 supporting, 46 opposing, and 15 abstaining didn't reach the 2/3 supported needed to pass.

The US proposal to elevate the polar bear to Appendix I was self described as an attempt to draw attention to climate change in this international arena. The interventions of countries in opposition stated the species did not meet the biological criteria for listing in Appendix I and emphasized that trade does not have a detrimental impact on this species. The proposal to list the polar bear on Appendix I failed by a margin of 48-62, with 11

abstentions. This proposal was contested and opposed by the state wildlife agencies. While the CITES Technical Work Group was prepared to intervene, it was not necessary because the verbal debate of the Parties was obviously against these proposals.

There was extensive heated debate concerning the proposal to list bluefin tuna on Appendix I which was ultimately rejected. Canada, while noting the sharp decline in the East Atlantic and Mediterranean bluefin tuna populations, in its intervention recalled the International Commission for the Conservation of Atlantic Tuna's (ICCAT) new measures on better fishing management and control. Canada said a CITES listing would not stop the decline, as domestic trade would continue and other parties could put a reservation on the listing. An EU-amended proposal was rejected by a vote of 43-72 with 14 abstentions. The original proposal submitted by Monaco was also rejected 20-68, with 30 abstentions.

The proposal to list the spiny dogfish in Appendix I was rejected by secret ballot, 60-67 with 11 abstentions. Because of the significant regional variability in the management and status of spiny dogfish stocks worldwide, the state fish and wildlife agencies did not support a CITES listing. The states contended there is insufficient evidence that this action on a worldwide basis is needed to protect stocks.

During the CoP, the CITES Technical Work Group also participated in a tortoise and fresh water turtle work group, sturgeon and paddlefish side event, and a trade in wildlife round table discussion.

Alternative Tagging

CITES regulates the international trade of river otter and bobcat because these common North American furbearers have a close resemblance to rare species native to other countries. For 33 years, USFWS has used a plastic pelt seal to confirm that any given bobcat or river otter pelt could be exported out of the U.S. This means that state wildlife agencies have been required to use CITES tags to mark bobcat and river otter taken in their states and exported outside of the U.S.

Beginning in 2003, the AFWA and the USFWS established a "work group" to address the CITES obligations pertaining to river otter and bobcat. The work group's final report was issued on September 15, 2005, and included the elimination of the specific requirement to use federal CITES tags for river otter and bobcat. This report continues to have the strong support of the Association's executive committee.

While a number of the work group's recommendations have already been implemented, we have not yet eliminated the unnecessary tagging of river otter and bobcat. This requirement is very costly to state agencies, is not mandated by CITES, and provides no "added value" for the sound management of these two abundant furbearers in the United States.

During the summer of 2009, the AFWA and the USFWS reached agreement on an acceptable method of eliminating the tagging requirements while fulfilling the obligations pursuant to CITES to document the legal acquisition of exported river otter and bobcat. It

was the States' understanding that this recommendation would be adopted and effective for the 2010 trapping season.

However, at the AFWA annual meeting in September 2009, the USFWS informed the States that the Service desired to postpone implementing the alternative tagging methodology previously agreed upon.

The CITES Technical Work Group will continue to push for the elimination of the tagging requirement for bobcat pelts being exported from the US. This remains an unnecessary burden on state wildlife agencies. Discussions with the USFWS on this matter are ongoing.

Amphibians & Reptiles

With the assistance of PARC and the CITES Technical Work Group, the USFWS will host a state-federal agency workshop focusing on Conservation and Trade Management of Freshwater and Terrestrial Turtles in the United States, September 21-24, 2010, in St. Louis, Missouri. The workshop is intended to build on the foundation of the meeting held in November 2009 entitled, "Applying the North American Model to Amphibians and Reptiles: Ensuring Sustainable Use" and resulting report, *State of the Union: Legal Authority over the Use of Native Amphibians and Reptiles in the United States*.

The CITES Technical Work Group met with the USFWS staff in March 2009 and discussed concerns for unsustainable and/or illegal harvest of hellbenders for the international market. Growing international demand and the trade in hellbenders coupled with other limiting factors have elevated the threat to the species' sustainability in the wild. The PARC Steering Committee had urged action be taken on behalf of this species. With the input from PARC and further consultation with the state wildlife agencies, it was concluded that implementing a CITES Appendix III listing for the hellbender [*Cryptobranchus alleganiensis* sp. (Eastern & Ozark subspecies)] was warranted and would aid in evaluating the effectiveness of current regulations or spotlight the need for enhanced collection restrictions to ensure sustainability of the species in the wild. While the USFWS is moving forward on the hellbender Appendix III listing, it may be delayed until later 2010 or early 2011. No CITES CoP action is required for this Appendix III listing so the USFWS can proceed as time permits.

TIME & PLACE OF NEXT MEETING

100th AFWA Annual Meeting, September 2010; Grand Rapids, MI

Joint State/Federal CITES Meeting & AFWA International Relations Committee