

**2009 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

98th AFWA Annual Meeting, September 2008; Saratoga Springs, NY

Joint State/Federal CITES Meeting & AFWA International Relations Committee

European Commission, USA, & Canada *Lynx rufus* Look-alike Meeting, October 2008; Brussels, BE

74th North American Wildlife & Natural Resource Conference, March 2009; Washington DC

Joint State/Federal CITES Meeting & AFWA International Relations Committee

Paddlefish Range State Directors Meeting

MAFWA Furbearer Resources Working Group, April 2009; Frankfort, KY

CITES 24th Animals Committee Meetings, April 2009; Geneva, CH

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

CITES Technical Work Group also conducted business via three conference calls in 2008

CITES TECHNICAL WORK GROUP REPRESENTATIVES

Carolyn Caldwell- MAFWA (Ohio Division of Wildlife)

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

Buddy Baker- SEAFWA (South Carolina Department of Natural Resources)

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

Bob Broscheid- WAFWA (Arizona Game & Fish Department)

Curtis Taylor- U.S. CITES Delegate & International Relations Committee Chair (West Virginia
Division of Natural Resources)

Don MacLauchlan- Association of Fish & Wildlife Agencies

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 species covered by CITES 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 32 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) Several paddlefish related issues emerged including a request from the European Commission in 2008 for information concerning the conservation status and management measures for paddlefish; a workshop with Fisheries Chiefs and the USFWS was held in January to discuss management measures to ensure the sustainability of paddlefish harvest and domestic and international trade in the species; and a meeting of the range state Directors and the USFWS was held in March 2009 as a first step in developing an understanding of the diverse issues associated with the paddlefish and a commitment to continuing a dialogue. 2) Three members of the CITES Technical Work Group were part of the U.S. delegation that met with representatives of the European Commission and Canada on October 29, 2008 to discuss possible problems of illegal trade of the Eurasian Lynx (*Lynx lynx*) and Iberian Lynx (*Lynx pardinus*). 3) The USFWS has used a plastic pelt seal to confirm that any given bobcat or river otter pelt could be exported out of the US.; Significant progress is being made to implement a new procedure for the 2010 hunting and trapping seasons that will mean tagging is no longer required by the USFWS; States should review and revise, if necessary, their regulatory language prior to the 2010 hunting and trapping seasons. 4) Cornell University researchers are developing improved Lynx identification materials for full pelts, furs lacking ear tufts and tails, as well as a hair identification for use by custom officers. 5) A national survey to assess the status of bobcat throughout its North American range was initiated in 2008 and the results will be published later this year by Nathan Roberts of Cornell University. 6) The MAFWA, NEAFWA, and WAFWA CITES Technical Work Group members and Don MacLauchlan (AFWA) represented the state fish and wildlife agencies at the CITES 24th Animals Committee meeting held in April 2009. 7) Comments were solicited from the range states of the six turtle species being considered by the USFWS for possible inclusion in the CITES Appendices during the 2010 Conference of the Parties. 8) The 5-year non-detriment nationwide finding for the export of river otter (*Lontra Canadensis*) was distributed to the states in August 2008 and the revised 5-year non-detriment finding for bobcat (*Lynx rufus*) will be completed within a year. and 9) A National Conservation Need proposal was submitted by the International Relations Committee for the CITES Technical Work Group to continue to represent the state wildlife agencies on CITES. The NCN was selected and a subsequent multi-state grant application was submitted.

DIRECTOR ACTION ITEMS

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

DIRECTOR INFORMATION ITEMS

Paddlefish

The USFWS received a letter in June 2008 from the European Commission's (EC) Scientific Review Group requesting information on the conservation status and management measures for paddlefish (*Polyodon spathula*) in the U.S. The EC had reviewed the CITES Annual Report data for species with high levels of trade, and noted that U.S. paddlefish were in that category.

In January 2009, Jack Buckley (NEAFWA CITES Technical Work Group representative) helped facilitate and conduct a paddlefish workshop with the USFWS and state Fisheries Chiefs in Memphis, Tennessee. The purpose of the workshop was to discuss management measures to ensure the sustainability of paddlefish harvest and domestic and international trade in the species. The information obtained at this workshop was used to submit the final report to the EC in March 2009 on the status, conservation, and harvest management of paddlefish in the United States.

The CITES Technical Work Group, as part of a continuing effort on paddlefish management, organized a meeting at the 74th North American Wildlife & Natural Resource Conference among the range state Directors and the USFWS. The meeting was attended by a majority of range state Directors, USFWS Regional Directors from the Midwest and Southeast, the USFWS Chief of the CITES Scientific Authority, and the USFWS 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 U.S. and internationally, and volatile allocation politics. This meeting was a solid first step in developing an understanding of the diverse issues associated with this species and a commitment to continuing a dialogue. A coordinated and proactive solution to paddlefish management will demonstrate to the international community the effectiveness of the U.S.'s approach to resource management and highlight the importance of state authority.

***Lynx rufus* Look-alike Issue: Actual or Hypothetical**

Three members of the CITES Technical Work Group were part of the U.S. delegation that met with representatives of the European Commission and Canada in Brussels on October 29, 2008 to discuss possible problems of illegal trade of the Eurasian Lynx (*Lynx lynx*) and Iberian Lynx (*Lynx pardinus*). Fifteen countries met in an all-day session. The primary impetus for the meeting as directed by the CITES Animals Committee was to address the look-alike issue with Lynx and to discern if the concerns about *Lynx pardinus* and *Lynx lynx* entering trade as *Lynx rufus* is actual or hypothetical. Discussions revealed that the majority of the illegal poaching of Eurasian and Iberian Lynx is related to predator control to protect livestock and game animals (deer) and the subsequent sale of the Lynx pelts is secondary. No documented incidents were reported of Eurasian or Iberian Lynx being entered into trade as *Lynx rufus*.

The States' delegation presented the latest bobcat population data showing its population and range are increasing throughout the United States (except in Florida) and strict controls are in place that regulates the take. Hearing concerns from EC Lynx range countries enhanced the CITES Technical Work Group's understanding of the threats to their species in the genus.

Discussions with the EC participants were encouraging and the idea of a CITES Appendix III listing evolved from the day's discussions. Several European participants commented that an Appendix III listing may be a viable solution to safeguard the Eurasian lynx while at once lessening the burdensome trade regulations for *Lynx rufus* within the U.S.

The outcome of the meeting and recommendations were presented by the United States to the CITES 24th Animals Committee.

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 32 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. Significant

progress is being made to implement a new procedure for the 2010 hunting and trapping seasons that will save time and money while still fulfilling the requirements of CITES.

These procedures will apply only to bobcat or river otter being exported from the U.S. There are no federal requirements (tagging or otherwise) for bobcat or river otter that stay in the United States. The proposed change will mean tagging is no longer required by the USFWS. It will be the responsibility of the fur buyer, including any brokers or traders, to maintain complete records of the origin of the furs they buy. These records must accompany all bobcat and river otter all the way to the location where they are actually exported out of the U.S. For an exporter to receive a "CITES Export Permit" these records will be required. The permit applicant will be required to sign a legally binding certification statement confirming that the records accompanying the bobcat or river otter are truthful.

Some state wildlife agencies may wish to continue to require tags. In these cases, tags must be purchased and distributed by the state agency. States should review and revise, if necessary, their regulatory language prior to the 2010 hunting and trapping seasons.

Barring unforeseen complications, a formal announcement of this alternative tagging proposal will be unveiled at the AFWA Annual Meeting in September. Outreach to state wildlife agencies, trappers, and fur dealers will follow shortly thereafter.

Improved Lynx ID Manual

The USFWS in collaboration with Cornell University researchers, are developing improved Lynx identification materials for full pelts, furs lacking ear tufts and tails, as well as a hair identification. These materials will be designed for and tested by custom officers representing several countries later this summer. The completed Lynx identification materials will be available for global use by the 15th Conference of the Parties (March 2010).

North American Bobcat Population Survey

As you may recall, a national survey to assess the status of bobcat throughout its North American range was initiated in 2008 through an on-line survey distributed to the lower 48 state wildlife agencies as well as Canada and Mexico. It was designed to best replicate the approach used previously (1981) but it also addressed bobcat range expansion and changes in bobcat density. The ultimate goal is to revise the CITES Appendix II delisting proposal and to provide an "updated" national and North American bobcat population estimate.

Results of the survey reveal that the bobcat range in North America is 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). This population has clearly grown considerably since that time. The results of this survey will be published later this year by Nathan Roberts of Cornell University.

CITES 24th Animals Committee Meeting

The MAFWA, NEAFWA, and WAFWA CITES Technical Work Group members and Don MacLauchlan (AFWA) represented the state fish and wildlife agencies at the CITES 24th Animals Committee meeting held April 20-24, 2009.

The Animals Committee discussed 22 agenda items, including but not limited to: the review of significant trade in Appendix II species; ranching (review of source code "R"); international expert workshop on non-detriment findings; period review of animal species included in the CITES Appendices (periodic review of Felidae- *Lynx spp.* and look-alike issues); and sturgeons and paddlefish. Nine working groups formed to further discuss matters related to overarching topics.

Sturgeon and Paddlefish (AC24 Docs 12.1 & 12.2):

A member of the AFWA CITES Technical Work Group participated in a two-day Sturgeon and Paddlefish Working Group. The working group focused on stock assessment methodology currently being used by Caspian Sea countries. This methodology is used to assess the status of sturgeon stocks with a specific reference to the results of a workshop conducted by the Food and Agricultural Organization and CITES last year. The work group included representatives from the Caspian range states (Iran, Russian Federation, and Azerbaijan), China, Turkey, Saudi Arabia, Caviar Importers, U.S. Fish and Wildlife Service, and Institute for Ocean Conservation Science. The working group reached consensus supporting the conclusion and recommendations of the FAO/CITES report and recommended future steps to improve assessment methodology with a specific timeline. The Animals Committee subsequently adopted the recommendations of the work group. The result may be relevant to future management of paddlefish by moving toward a benchmark methodology for stock assessment of sturgeon and paddlefish.

Periodic Review of the Felidae - *Lynx spp.* and Look-alike Issues (AC24 Doc 10.3):

This document was introduced by the United States during the Plenary Session and followed by an intervention presented by an AFWA CITES Technical Work Group member. The introduction by the U.S. combined with the intervention showed significant progress over the past year including: a revised 2008 bobcat population estimate; the Brussels meeting with range countries revealed no documented cases of trade of Eurasian or Iberian lynx disguised as *Lynx rufus*; an improved Lynx identification manual is being developed by researchers at Cornell University; and that a CITES Appendix III listing ensures the "Certificate of Origin" document would accompany all exported *Lynx rufus* pelts. The Humane Society International (HSI) followed with the comment that a CITES Appendix III listing would require all bobcat range countries (U.S., Canada, & Mexico) to list *Lynx rufus* as an Appendix III species for the exported pelts to have the proper documents. Fortunately, the Secretariat immediately rebutted HSI saying he was incorrect and that any exporting country of *Lynx rufus* would need "Certificate of Origin" documentation and that all range countries did not need to individually list the bobcat as a CITES Appendix III for that to occur. There were no additional comments or interventions.

While the AFWA CITES Technical Work Group was prepared for this to be sent to a work group, the Animals Committee Chair closed the matter and stated that progress was good and he looked forward to a proposal at the 15th Conference of the Parties.

Mexico provided a verbal presentation of an Information Document (AC24 Inf 10) on the results of the *Lynx rufus* status assessment in Mexico. The Mexican representative stated the bobcat has a broadly distributed population and they do not believe it is threatened in Mexico. He thanked AFWA for financial support of their field work.

CITES CoP15 Preliminary Proposals

The USFWS generated a preliminary list of species NGOs had requested be considered for the 2010 15th Conference of the Parties to CITES in Appendix II or III. In January 2009 the USFWS sought feedback from the States and asked the CITES Technical Work Group to assemble the States' input before they developed an official position on six reptile proposals (Smooth softshell *Apalone mutica*, Spiny softshell *Apalone spinifera*, Common snapping turtle *Chelydra serpentina*, Spotted turtle *Clemmys guttata*, Diamondback terrapin *Malaclemys terrapin*, and Florida softshell *Apalone ferox*).

The CITES Technical Work Group solicited comments in the form of a spreadsheet questionnaire from the range states of the six turtle species proposed for inclusion in CITES. The input we solicited through the questionnaire directly related to the information needed for the USFWS's species assessment template. We received a 68% overall response rate. Response rates were higher in cases for individual species with smaller state distributions. The USFWS is currently evaluating the States' input and we anticipate further dialogue before a final decision is made.

The CITES Technical Work Group met with the USFWS staff in March 2009 to discuss issues of importance to the states. One item discussed was concern 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. After 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.

An Appendix III listing is the least restrictive of the three CITES Appendices; however anyone planning to export these animals from the United States must apply for a "Certificate of Origin" or export permit. An Appendix III listing can be put in place unilaterally by the United States to monitor trade in our native wildlife. An Appendix III listing provides a mechanism to assess the international trade of the species and helps to ensure that export activities are not adversely impacting wild populations.

Domestic trade in CITES listed species is not affected under Federal law. CITES requirements only apply when the species are being exported, imported, or re-exported across international borders. However, information generated through the Appendix III permit process and export data compiled will allow the states to determine if international trade is a real or perceived threat.

CITES Technical Work Group Funding

A National Conservation Need proposal was submitted by the International Relations Committee for the CITES Technical Work Group to continue to represent the state wildlife agencies on CITES. The NCN was selected and a subsequent multi-state grant application was submitted. This grant will allow the Technical Work Group to maintain consistent oversight of and participation in CITES without the added burden and uncertainty of obtaining financial assistance from each regional association for continued involvement.

TIME & PLACE OF NEXT MEETING

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

Joint State/Federal CITES Meeting & AFWA International Relations Committee