

**TESTIMONY OF
REBECCA LENT, Ph.D.
DEPUTY ASSISTANT ADMINISTRATOR FOR FISHERIES
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE**

**ON THE
CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES (CITES)**

**BEFORE THE
COMMITTEE ON RESOURCES
SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS
U.S. HOUSE OF REPRESENTATIVES**

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Mr. Chairman and members of the Subcommittee, thank you for inviting me to testify before the Subcommittee on the Convention on International Trade in Endangered Species (CITES). I am Dr. Rebecca Lent, Deputy Assistant Administrator for Fisheries in the National Oceanic and Atmospheric Administration (NOAA). I appreciate the opportunity to describe to you NOAA's role in the preparations on marine species proposals, resolutions, and agenda items at the 13th Meeting of the Conference of the CITES Parties (COP13) to be convened October 2-14, 2004.

The United States Fish and Wildlife Service (FWS) of the Department of the Interior is responsible for the implementation and enforcement of CITES for animals, and the United States Department of Agriculture, Animal and Plant Health Inspection Service, is responsible for enforcement of CITES for plants.

ROLE OF NOAA FISHERIES

An increasing number of highly visible marine species under NOAA's jurisdiction are listed on CITES appendices. These include the great whales, dolphins, queen conch, giant clams, hard corals, five species of seals, whale sharks, basking sharks and seahorses. In addition, all marine turtles, whose protection under the Endangered Species Act (ESA) is shared by NOAA and FWS, are listed in Appendix I of CITES. In NOAA, responsibility for protection of these marine species has been delegated to the National Marine Fisheries Service (NOAA Fisheries).

NOAA Fisheries has actively participated in FWS' inter-agency collaborative working group to develop U.S. policy for marine species in CITES. In addition to our contribution to the development of U.S. positions for Meetings of the Conferences of the CITES Parties, NOAA has been instrumental in supporting day-to-day activities to enhance international protection for such CITES species as hard corals, queen conch, marine turtles, and whales. One important CITES-related project initiated by NOAA Fisheries, the Caribbean Fishery Management Council, and the Department of State is the development of an International Queen Conch Initiative in the Wider Caribbean. This initiative promotes a regional conservation regime for this species, whose significant international trade is regulated by CITES. Through the efforts of CITES, the

White Water to Blue Water Partnership Initiative and the Western Central Atlantic Fishery Commission of the Food and Agriculture Organization of the United Nations (FAO), is gathering momentum to provide mechanisms for improved fisheries governance for all marine fish species throughout the Wider Caribbean. NOAA and FWS also provided expertise to developing countries in both the Indo-Pacific and Caribbean to assist them in developing sustainable management plans for exports of hard corals and have developed an identification guide used internationally to help countries ensure their trade in corals is legal and sustainable.

CITES BACKGROUND

CITES is an international wildlife trade regime composed of 166 member countries—CITES focuses on controlling trade in wildlife species. Species are listed in the CITES Appendices according to their conservation status. To be listed under CITES, species must meet the test that their population is, or may be, affected by trade. Species listed in CITES Appendix I (such as whales and marine turtles), for which there is no international trade for primarily commercial purposes, are “threatened with extinction.” Appendix II species (such as queen conch, sturgeon, and stony corals) are “not necessarily threatened with extinction,” but may become so unless trade is strictly regulated. This regulation takes the form of a requirement for documentation from the country of export or re-export, monitoring of trade, and, in a few cases, national export quotas. Another form of regulation is listing in Appendix III (under which great white sharks from Australia are regulated). A country may unilaterally (without a vote) list in Appendix III any species subject to regulation within its jurisdiction for which the cooperation of other Parties is needed. Exporting range countries must issue country of origin permits for Appendix III species.

Preparations for COP13

Marine issues at COP13 will range from efforts to reopen commercial trade in large whales to considering how CITES might be used to promote the conservation and management of marine fish through regulation of their international trade in CITES Appendix II. NOAA has the expertise necessary to contribute to U.S. policy on CITES for marine species under our jurisdiction. Marine issues in which NOAA Fisheries has contributed to the preparations for COP13 include those listed below:

Species submitted by the U.S. for consideration at COP13

Humphead wrasse (*Cheilinus undulatus*) — inclusion in Appendix II

The United States submitted a proposal to list Humphead wrasse in Appendix II at COP12, which garnered a majority of votes, but failed to gain the required two-thirds majority. The species is found in coral reef and channel habitats throughout much of the Red Sea, the Indo-Pacific, and Micronesia. Humphead wrasse is particularly vulnerable to over-exploitation due to its life history, including slow growth, late maturity, long life, and complex social structure. The primary threat to the species is over-harvesting for the live reef food fish trade (LRFFT), which is driven largely by luxury food markets in Hong Kong, mainland China, and other Asian countries. Because of the difficulty in capturing live Humphead wrasse and groupers, the

LRFFT has been a principal driver in the spread of highly destructive cyanide fishing throughout the Indo-Pacific. Cyanide use is illegal in most countries and is known to cause considerable habitat damage and mortality to small, non-target reef fish and invertebrates. The Humphead wrasse is listed as “Vulnerable” in the IUCN Red List because of severe declines in sizes and numbers in Southeast Asia (attributed to the LRFFT). There is no regional management program currently in place for the LRFFT. Continued illegal and unsustainable trade, lack of coordinated management, a vulnerable life history, and the prominence of international markets suggest the Humphead wrasse qualifies for listing in Appendix II of CITES. The United States will join with the 25 Member States of the European Union and Fiji in offering this proposal.

U.S. positions on species proposals from other Parties

Although the United States has not yet published a Federal Register notice detailing our tentative positions on proposals of other Parties, the following is a description of considerations for U.S. positions:

Irrawaddy dolphin (*Orcaella brevirostris*) – transfer from Appendix II to Appendix I — Submitted by Thailand

The Irrawaddy dolphin is widely distributed through bays and some rivers from Australia to the Philippines and into eastern India. Although there are no estimates of overall population size, estimates of local population size range from several dozen animals to around a thousand from various locations. According to the Scientific Committee of the International Whaling Commission (IWC), the primary threat to this species is entanglement in gillnets. However, the IWC Scientific Committee cited live captures for the aquarium industry as a cause for concern, particularly for small freshwater or coastal dolphin populations in Southeast Asia. Furthermore, there are indications of a significant increase in the number of dolphinariums (large open-air aquaria in which dolphins are kept, both for study and to display to the public) in Asia, which will likely increase the demand for live dolphins. They recommended all live captures stop until affected populations have been assessed. We will take this information into account as we develop our position on this proposal.

Minke Whale (Okhotsk Sea – the West Pacific stock, the Northeast Atlantic stock, and the North Atlantic Central stock (*Balaenoptera acutorostrata*)) — Submitted by Japan

The United States will likely oppose this proposal. This species does not meet CITES’ criteria for transfer from Appendix I to Appendix II. According to Resolution Conf. 9.24, Annex 4, Precautionary Measures, species considered for downlisting from Appendix I to Appendix II must be subject to an appropriate management regime in order to qualify for downlisting. For some time these “appropriate enforcement controls,” as part of a Revised Management Scheme, have been discussed in the IWC. However, they have not yet been adopted. Additionally, the U.S. has concerns about potential enforcement problems, DNA registers, quotas, and legal issues in relation to this proposal. Therefore, according to Annex 4, these species should be retained in Appendix I.

Great white shark (*Carcharodon carcharias*) – inclusion in Appendix II with a zero quota — Submitted by Australia and Madagascar

Australia and the United States unsuccessfully proposed this species for listing in Appendix I at COP11. In March 2004, the CITES Animals Committee evaluated an Australian proposal to list white sharks in Appendix I and determined the species appeared to qualify for Appendix II. The current proposal provides substantial information about the species' decline in various parts of its range, and presents some compelling reasons to list the species in Appendix II. We are concerned the zero quota contained in the proposal is more restrictive than an Appendix I listing and would bar any international movement in scientific research samples or other non-commercial, non-detrimental trade.

European date mussel (*Lithophaga lithophaga*) – inclusion in Appendix II — Submitted by Italy and Slovenia, on behalf of the Member States of the European Community

This proposal seeks to help regulate international trade, document the shift in international trade, prevent illegal trade, and promote sustainable harvest methods for the species to help conserve coastal limestone rock habitat. The proponents state trade in the species is shifting from Western Mediterranean countries limiting or banning collection, use, and export of the species to northern and eastern European countries, where conservation of the species is limited. Discussions with the proponents indicate illegal trade has increased, as evidenced by confiscation of several tons of the species annually in Italy and Slovenia. Current harvest methods are considered unsustainable and destructive to the local habitat, and over-harvesting is negatively affecting the population status of this late-maturing species.

Corals in the Orders Antipatharia and Scleractinia and the Families Helioporidae, Tubiporidae, Milleporidae, and Stylasteridae — amendment of the annotation regarding fossils (Switzerland on behalf of the Animals Committee)

This proposal arose from discussions in the CITES Animals Committee, which could not reach consensus on a scientific and geological definition of fossil corals. The Animals Committee instead endorsed a list of coral products that could be considered fossils, hoping to ease confusion among customs officers and law enforcement personnel about this issue. The list distinguishes “fossil” from “non-fossil” coral rocks by their shipping method, by size, and by the presence or absence of attached invertebrate organisms. The intent of this list is to retain “live rock” (as defined by CITES) in Appendix II, while excluding all other coral rock specimens as fossils.

Although the United States originally agreed with the Animals Committee proposal in March 2004, we have since conferred with our law enforcement personnel on this issue. These discussions have raised serious concerns about the precedent, ecological risk, and enforceability of the proposed annotation. U.S. wildlife inspectors indicate many shipments of coral “live rock” are already packed in ways that would characterize them as fossils and thus exempt them from CITES controls under the proposed definition. Furthermore, inspections of coral rock shipments could become unacceptably burdensome and subjective if officials must decide

whether the brief descriptions in the Swiss proposal apply to a given shipping method or a given type of commodity.

Resolutions, Decisions, and Discussion Documents Submitted by the United States

Introduction from the Sea

Although it is seldom used, the CITES Convention contains provisions for trade in CITES-listed species taken in the marine environment outside the jurisdiction of any country (the high seas). This is described in the Convention text as “introduction from the sea.” This topic has been discussed at several recent CITES meetings in an attempt to reach agreement on a standard interpretation of terms and an internationally accepted implementation system. The parties have not yet been able to reach agreement. We note work is underway in the FAO to consider CITES marine fisheries issues, including application of the term “introduction from the sea,” and this work is expected to be completed in time to provide input to COP13. The United States supports continuing these discussions at COP13.

Resolutions, Decisions, and Discussion Documents Submitted by other Parties

Cooperation with the Food and Agriculture Organization of the United Nations — Submitted by Japan

Representatives of both the FAO and CITES have agreed, subject to approval of their respective bodies, to a Memorandum of Understanding (MOU) to manage work and coordinate ongoing activities on species of mutual interest. Article XV, paragraph 2(b), of CITES requires relevant inter-governmental bodies be consulted with regard to marine species to obtain scientific data and to ensure coordination with any conservation measures they may enforce. The United States believes the FAO is an appropriate inter-governmental body for consultation on the trade of commercially exploited marine species and recognizes the contributions the FAO has made to CITES issues in the past, including evaluating the CITES listing criteria for marine fish. At COP12, in November 2002, a document submitted jointly by the United States and Japan resulted in a decision directing the CITES Standing Committee to work with the FAO to draft an MOU between the two bodies. The decision recognized the complementary mandates of CITES and the FAO and the value of facilitating exchange of information regarding commercially exploited aquatic species. The United States has worked intersessionally, through the Standing Committee and the FAO Committee on Fisheries, to further the development of an MOU between CITES and the FAO. As marine issues gain more attention in CITES, cooperation between the two bodies will become more important and should be encouraged.

CITES listing of whale stocks and the IWC — Submitted by Japan

A Revised Management Scheme (RMS) has been pending within the IWC for several years, and the United States continues to advocate its completion. However, the resolution put forth by Japan concerning the RMS contains exaggerated language and the U.S. does not view this as helpful in the process of completing an RMS. Our position on this resolution remains undecided while we consult with other IWC member nations.

Revision of Resolution Conf. 12.4 on Cooperation between CITES and the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) regarding trade in toothfish — Submitted by Australia

Australia's proposed amendments to Resolution Conf. 12.4 would make reporting by CITES Parties to the CITES Secretariat on their use of CCAMLR *Dissostichus* Catch Documents, and the Secretariat's transmission of those reports to CCAMLR, an ongoing effort. Australia notes that the decisions calling for such reports applied only to 2003, and they see merit in continuing the practice on an annual basis. The proposal would also change references from "illicit, unregulated and unreported fishing" to "illegal, unreported and unregulated fishing (IUU)" in order to explicitly recognize IUU fishing as a threat to toothfish populations. The United States supports continued cooperation between CITES and CCAMLR.

Implementation of Decision 12.60 (Regarding Sea Cucumbers) — Submitted by Ecuador

Decision 12.60 directed the Animals Committee to prepare a discussion document on the trade and conservation of several sea cucumber species for COP13. Ecuador's paper describes the Committee's inability to meet the required deadlines for COP13, and proposes a new Decision extending the work until COP14. The United States proposed this work on sea cucumbers at COP12, and is therefore eager to see a meaningful output from the Animals Committee.

Thank you, Mr. Chairman, for your continued interest in our preparations for COP13. We look forward to working with other U.S. agencies, partner countries and non-governmental organizations to turn the decisions of the COP13 into concrete conservation accomplishments for marine species.