

Committee on Resources

Subcommittee on Fisheries Conservation, Wildlife and Oceans

Witness Statement

**TESTIMONY OF
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NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE
ON THE
11th CONFERENCE OF THE PARTIES TO THE
CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES (CITES)
BEFORE THE
SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS
COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES
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Mr. Chairman and members of the Subcommittee, thank you for inviting me to testify on the Convention on International Trade in Endangered Species (CITES). I am Rollie Schmittten, Deputy Assistant Secretary for International Affairs of the National Oceanic and Atmospheric Administration (NOAA). This was my first CITES meeting. I led NOAA's participation in the U.S. Delegation to the 11th Conference of the CITES Parties (COP11).

The U.S. Fish and Wildlife Service (FWS) of the Department of the Interior is the lead agency and is responsible for the implementation of CITES-listed species under the Endangered Species Act (ESA). However, most marine species that are listed in either Appendix I, II or III of CITES are also within the domestic jurisdiction of NOAA, in the Department of Commerce. These include the great whales (species subject to management by the International Whaling Commission), dolphins, queen conch, giant clams, hard corals, black corals, coelacanths and six pinniped species. All marine turtles, whose protection under the ESA is shared by the two agencies, are listed in Appendix I of CITES. All sturgeon species are listed in Appendix II. In NOAA, responsibility for protection of these marine species has been delegated to the National Marine Fisheries Service (NMFS).

In recent Conferences of the Parties to CITES, some of the most contentious issues have involved marine species, and this was again the case at COP11. These controversial issues have ranged from efforts to re-open lucrative trade in large whales and endangered hawksbill turtles to looking at the ways in which the CITES process might be streamlined for the purpose of monitoring international trade in certain species of marine fish. In cooperation with the U.S. Fish and Wildlife Service, NOAA has taken a leading role in these CITES issues to ensure that CITES supports the conservation of marine species.

I welcome the opportunity to discuss with you NOAA's role in CITES and our achievements thereunder as part of the U.S. delegation to COP11.

NOAA's Role in CITES Efforts

Under the Endangered Species Act, the Secretary of the Interior and the Secretary of Commerce share responsibility for implementation of the Act for species under their respective jurisdictions. The Secretary of the Interior and the Secretary of Commerce have delegated those responsibilities to the Director, U.S. Fish and Wildlife Service, and the Assistant Administrator for Fisheries (NOAA). Responsibilities are set out in Reorganization Plan 4 of 1970 and in an August 28, 1974, Memorandum of Understanding between the two agencies.

However, the ESA provisions governing domestic implementation of CITES vest responsibilities solely with the Department of the Interior. In light of the increasing amount of time and effort being spent on marine species at CITES meetings, and NOAA's scientific expertise in this area and domestic authority for managing most marine species, the Agencies are currently seeking to conclude an MOU on this issue, as we reported to the Committee previously.

NOAA's Contribution to U.S. Achievements at COP11

NOAA has in its regional offices and science centers the considerable expertise necessary to support CITES for marine species under its jurisdiction. [Twenty-one percent of the species proposals under consideration for COP11 and a number of the resolutions offered by Parties directly relate to marine species.] At COP11, NOAA members of the United States delegation led our efforts on the following issues:

Whales - Japan proposed to transfer three species of whales under the management of the International Whaling Commission (IWC) from Appendix I to Appendix II, thus re-opening international trade. Another species was proposed for down-listing by Norway. Supporting the IWC's acknowledged international responsibility for managing whales, the United States opposed these proposals based on the IWC's continuing moratorium on commercial whaling. With the assistance of like-minded countries, all these proposals were defeated.

Hawksbill sea turtles - The government of Cuba proposed to transfer the alleged "Cuban population" from Appendix I to Appendix II. The United States, as a range State for this species, strongly opposed this re-opening of international trade in this species, which is listed as "endangered" under the U.S. Endangered Species Act and as "critically endangered" by IUCN-The World Conservation Union. DNA analysis of samples collected from hawksbill turtles inhabiting foraging grounds in Cuba reveal that 30% to 58% of these individuals did not originate on Cuban nesting beaches. Hawksbills that nest or forage in Puerto Rico and the U.S. Virgin Islands -- severely depleted populations -- are known to be genetically related to animals studied in Cuba. Cuba's proposal was narrowly defeated. Because all countries in the Wider Caribbean will be affected if trade in this species is re-opened, the CITES Secretariat has proposed to convene a range State dialogue for hawksbill sea turtles modeled after the highly successful range State dialogue for the African elephant.

Introduction from the Sea - The term "Introduction from the Sea" is found in the CITES Treaty and refers to situations where species are harvested in waters not in the jurisdiction of any country and landed in a country. Many CITES Parties would like to clarify requirements for CITES certificates for this type of trade, which will be necessary if any marine fish were listed in Appendix II of CITES. Although a resolution on this topic submitted by the government of Australia and supported by many nations, including the United States, was not adopted, the United States made considerable progress in providing clarity to terms and

procedures in the Convention dealing with implementation of CITES for listed marine species harvested on the high seas.

Synergy with the U.N. Food and Agriculture Organization (FAO) - The U.S. presented an information paper on CITES= relationship with the United Nations Food and Agriculture Organization. CITES will invite the FAO to participate in its Criteria Working Group, and will decide whether the Secretariat should attend an FAO meeting next October on illegal, unregulated, and unreported fishing.

NOAA also worked with the Fish and Wildlife Service on these additional issues:

Coral Trade - The Office of Protected Resources of NOAA/NMFS conducted an analysis on the trade in stony corals that prompted the U.S. Coral Reef Task Force to identify trade in coral reef species as a major concern to the health of coral reefs. This analysis pointed out that our country is the world leader in imports of corals for curios and, more recently, for use in home aquaria. Our role in promoting a potentially unsustainable international trade in coral reef species and allowing imports into this country without concern for their impact on coral reefs abroad is inconsistent with our desire to be a world leader in the conservation of coral reefs. At COP11, the United States helped to defeat a proposal to weaken the monitoring of international coral trade.

Sharks - Three proposals had been submitted to list species of sharks: an Appendix II listing for the whale shark, by the United States; an Appendix I listing for the great white shark, by Australia and the U.S.; and an Appendix II listing for the basking shark by the United Kingdom. Although these proposals were not adopted, discussion of the role that CITES should play in tracking international trade in shark species is sure to be on the CITES agenda in future meetings. The United Kingdom has unilaterally listed basking sharks in Appendix III of CITES, which will assist in the collection of trade data for this species.

Black Sea Bottlenose Dolphin - The U.S. and Georgia had submitted a proposal to move this population from Appendix II to Appendix I. The U.S. withdrew the proposal in favor of a referral to the Animals Committee to examine several issues (including the effect of international trade on the population and whether the sub-species is distinct) before the next COP.

Review of Listing Criteria - NOAA/NMFS has established a working group within our agency to review the CITES criteria as they relate to marine species in order to fully participate in this review. In addition, we have been active participants in recent discussions of the review which have taken place at FAO.

I appreciate the opportunity to appear before the Subcommittee today to tell you about NOAA's enthusiastic participation in CITES issues concerning marine species. I am prepared to respond to any questions members may have.

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