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UPCOMING ISSUES AT THE TWELFTH REGULAR MEETING OF THE CONFERENCE OF THE PARTIES (COP12)

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS

OF THE

COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES

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OVERSIGHT HEARING ON UPCOMING ISSUES AT THE TWELFTH REGULAR MEETING OF THE CONFERENCE OF THE PARTIES (COP12) TO THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES)

Tuesday, September 17, 2002
U.S. House of Representatives
Subcommittee on Fisheries Conservation, Wildlife and Oceans
Committee on Resources
Washington, DC

The Subcommittee met, pursuant to notice, at 2:08 p.m., in room 1324, Longworth House Office Building, Hon. Richard Pombo presiding.

Mr. POMBO. [Presiding.] Good morning. I would like to convene today's hearing with a focus on the Twelfth Regular Meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, commonly referred to as CITES.

At this point, I would like to ask unanimous consent that the Chairman of the Subcommittee, Mr. Gilchrest's statement be entered at this point in the record, without objection, and since I am the only one here, I will not object.

[Laughter.]

Mr. POMBO. It does not work that way.

[The prepared statement of Mr. Gilchrest follows:]

Statement of the Hon. Wayne T. Gilchrest, a Representative in Congress from the State of Maryland

Good morning, I am pleased to convene today's hearing which will focus on the twelfth regular meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, commonly referred to as CITES.

CITES is the only international organization whose primary focus is the protection of plant and animal species from unregulated international trade. CITES parties meet every two years and the twelfth regular meeting of Conference of the Parties will be held this year in Santiago, Chile from November 3rd through November 15th.

At these biennial meetings, member nations can submit a number of documents for consideration by the Conference of the Parties. These documents include resolutions, agenda items, discussion documents and proposals to amend CITES Appen-

dices. We have asked our esteemed witnesses from the Department of the Interior and the National Marine Fisheries Service to discuss the proposals, resolutions, agenda items or discussion documents the United States is submitting to CITES and to inform the Subcommittee on positions taken by the United States on proposals submitted by other member nations.

There are many animal and plant species around the globe that are in need of protection from illegal trade practices and CITES is working hard to control the level of trade in these vulnerable species.

I look forward to this important discussion and I recognize the ranking Democrat, the Honorable Robert Underwood, for any opening comments he may have in this matter.

STATEMENT OF HON. RICHARD W. POMBO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. POMBO. This is an important hearing. Over the past several years, the Congress, specifically the House of Representatives, has taken a more active role in its oversight responsibilities over CITES. It is something that has an impact on the United States, on decisions that are made, on our ability to trade internationally. At the same time, it is extremely important to the protection of endangered species internationally.

I believe that the purpose of CITES is to help a sovereign nation to manage its endangered species, to recover those species, and to bring them back to the level of sustainability. The role that the United States plays in that is obviously extremely important. As a world leader on conservation issues, it is extremely important that the United States play a major role at CITES.

It is also important that we, in that role, bring back the sustainable levels of populations of a number of different species. We have had over the years a few success stories that I think you can point to CITES as being part of that in terms of bringing back those species. But we have also fallen victim, I think, to some of the international politics and how that plays out in any of these international organizations.

It is with a great deal of joy that I see our two presenters on our first panel here, because I believe they are both people that we have worked with in the past and they will do a fantastic job of leading the delegation to the upcoming CITES conference. So I welcome you here today, and I would like to recognize Mr. Craig Manson, who is the Assistant Secretary for Fish and Wildlife and Parks, U.S. Department of the Interior, and Dr. William T. Hogarth, who is the Assistant Administrator for Fisheries, National Marine Fisheries Service. I welcome you both here today.

I am going to start with Mr. Manson for your testimony here this morning, and then I will move to Dr. Hogarth. So Mr. Manson?

STATEMENT OF CRAIG MANSON, ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, UNITED STATES DEPARTMENT OF THE INTERIOR

Mr. MANSON. Thank you very much, Mr. Chairman. I want to say that we very much appreciate the interest that the Committee has shown in the CITES process. As you know, Secretary Norton has designated me to head the delegation to the Twelfth Conference of the Parties and I am pleased to be here to discuss proposals and resolutions there.

As you know, CITES includes now 160 states which are parties to the Convention, including ten new ones since COP11. It is a treaty that works. It has become one of the most effective forces in the world today for conservation of plants and animals.

The Department of the Interior, through the U.S. Fish and Wildlife Service, has the lead responsibility within the United States for implementation of CITES. We work closely with the Departments of Commerce, State, Agriculture, Treasury, Justice, the Agency for International Development, and the Office of the United States Trade Representative in implementing the Convention.

I would like to highlight several key proposals and resolutions that will be before COP12. First, the CITES Secretariat has submitted a document that includes a proposed resolution to amend the listing criteria. At COP9, the parties agreed to review the criteria again at COP12, and a procedure was adopted at COP11 to complete the review and present recommendations to COP12. The review, aimed at maintaining scientific credibility and ensuring applicability of the criteria to various groups of plants and animals on the appendices, has been a major priority. We have solicited input from the States and the scientific and conservation communities.

Not surprisingly, the new draft criteria and the process to develop them have become very controversial. Although the terms of reference for the review of the criteria specifically called for a consensus report to be developed by the chairs of the animals and plants committees for COP12, those chairs were unable to reach consensus on the revisions.

We believe that the draft criteria reflects significant effort and thought on behalf of the parties and explore many important aspects of the current listing criteria. It is our position that the parties should seek to retain the aspects of the review that can garner the support of a majority of the parties.

With regard to species proposals for COP12, we focused our efforts on species from North America. Of the 16 proposals sponsored or cosponsored by the United States, eight are for taxa native to the United States or its waters. For native species, we have worked closely with both the States and other Federal agencies to ensure that the proposals meet the CITES criteria. We also cosponsored several proposals submitted by other countries.

Since our priority is to focus on North America, we submitted no proposals for species not native to the United States that were not cosponsored with a range country. For example, we worked closely with China and India in developing several proposals to address the threat to freshwater turtles in Southeast Asia. These cooperative conservation efforts reflect scientific cooperation with our colleagues throughout the world in order to deal with and find solutions to complex conservation problems.

I will discuss a few of the key proposals submitted by other countries submitted for consideration. First, trade in African elephant parts and products has been a contentious issue at every COP. To protect African elephant populations from illegal ivory trade, the United States declared a moratorium on ivory imports in the spring of 1989. All African elephants were subsequently uplisted from Appendix 2 to Appendix 1 at COP7 that same year. The

United States continues to support aspects of the monitoring programs instituted at the previous two conferences through our African Elephant Conservation Act grant program administered by the Fish and Wildlife Service.

As in the past, several African countries have submitted proposals regarding elephants. We believe that Botswana, Namibia, South Africa, and Zimbabwe deserve much credit for maintaining healthy elephant populations, particularly in comparison to the elephant declines that have occurred in most other African countries. However, because the monitoring systems have not yet provided significant data on the effects of the ivory trade, we are concerned about the potential effects that trade could have on elephants in other countries in Africa and Asia.

Bigleaf mahogany is currently listed in Appendix 3 by several range countries in the Americas, including Costa Rica, Bolivia, Brazil, Mexico, Peru, and Colombia. Bigleaf mahogany is a species of concern for us. The United States is the largest importer of mahogany timber. As a party to CITES and in support of the President's initiative on illegal logging, we have been actively engaged in working with Brazil in particular to ensure that shipments of bigleaf mahogany imported to the United States are legal. Though we received a recommendation of a proposal to include this species in Appendix 2, we did not submit a proposal for this species. This decision was made after extensive discussion within the government and in light of previously unsuccessful efforts to list the species in Appendix 2.

Guatemala and Nicaragua have submitted a proposal for consideration to include neotropical populations of bigleaf mahogany in Appendix 2. We are evaluating the proposal, particularly for any advantages that might be gained beyond the current Appendix 3 listing.

Japan has submitted several proposals for whale species. If adopted, these proposals would reopen international commercial trade in whale products and could foster increased poaching of protected whale species. The United States continues to be strongly opposed to the downlisting of whale species, subject to the commercial whaling moratorium of the International Whaling Commission. In addition, we believe that close cooperation of the IWC and CITES must continue in order that conservation needs of whale species, both for management and control of international trade, will be met.

There is growing concern over the status of some commercially exploited marine species in addition to whales. This is reflected in the proposal submitted for consideration at COP12. A rapidly growing trade in seahorses for traditional medicines, as aquarium pets, and for curios, compounded by large-scale habitat loss, has resulted in over-exploitation of many coastal seahorse populations.

We also anticipate that the Patagonian toothfish, also known as Chilean sea bass, will be the subject of considerable debate as the parties consider whether or not the status of this Antarctic fish would be improved by an Appendix 2 listing.

That concludes my oral testimony. The Department has submitted written testimony for the record. I would be pleased to answer any questions that the Committee may have at this time.

Mr. GILCHREST. [Presiding.] Thank you very much, Judge. We appreciate that information and look forward to the question and answer timeframe.

[The prepared statement of Mr. Manson follows:]

Statement of Judge Craig Manson, Assistant Secretary for Fish and Wildlife and Parks, U.S. Department of the Interior

INTRODUCTION

I appreciate this opportunity to testify before you today regarding the Administration's preparations for the twelfth Meeting of the Conference of the Parties (COP12) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which will take place in Santiago, Chile, from November 3rd through November 15th of this year.

CITES is a treaty that works. At COP–11, 150 countries were parties to the treaty. Since then, 8 more countries have become parties. Kuwait and Bhutan will do so during COP–12, bringing the total to 160 countries. It has become one of the most effective forces in the world today for conservation of plants and animals, both in halting the trade in species which are threatened with extinction and in ensuring that trade in other vulnerable species is consistent with sustainable management and conservation. The lead responsibility within the United States for implementation of CITES rests with the Secretary of the Interior, acting through the U.S. Fish and Wildlife Service (Service). The Service works closely with the Departments of State, Commerce (National Marine Fisheries Service, in particular), Agriculture (both the Animal and Plant Health Inspection Service (APHIS) and the U.S. Forest Service), Treasury (Customs), Justice, the Agency for International Development, and the Office of the U.S. Trade Representative in implementing the Convention.

In addition, the States play a key role in the implementation of CITES, and the Service works closely with them in carrying out our CITES obligations, both in regulating trade in species which are listed in the Appendices and in preparing our submissions for the COP. In fact, after COP10, the Service developed an innovative new relationship with the States which allows designated State agency representatives to participate in our CITES deliberations on an equal basis with other Federal agencies for issues affecting native U.S. species. Non-governmental organizations also participate actively in CITES domestically, through an extensive public participation process, as well as internationally during the COPs themselves. During our COP12 preparations, we have published five Federal Register notices, held two public meetings, placed regular updates of CITES information on the Service's worldwide web pages, and undertaken countless informal consultations with interested groups representing every point of view.

As the Service testified in September 2000, we were pleased with the overall outcome of COP11. We met our goals on many key issues and reaffirmed the United States" leadership within the international conservation community. At COP11 the United States was elected Chair of the Standing Committee, Vice–Chair of the Animals Committee and was nominated by the Parties to chair the Budget Committee, which was elevated to full committee status for the first time. The United States was also selected to serve as Chair for many of the temporary working groups during the COP itself.

Included among the successes at COP11 were the rejection of attempts to reopen commercial trade in several whale and sea turtle species and the adoption of several initiatives the United States strongly supported. Our cooperative efforts with developing countries, for the benefit of species conservation, were very productive. We worked closely with India, Sri Lanka and Nepal on several proposals including one that resulted in further protection for 3 species of pangolin (*Manis* spp.), a small mammal used for leather, food and medicine. We also successfully co-sponsored proposals to include the *Mantellag* frogs of Madagascar and Asian box turtles (*Cuora* spp.) in Appendix II, both of which are heavily traded for use as pets.

A Bushmeat Working Group was created at COP11 to address the commercial bushmeat trade in Africa. The Parties, with broad support from Central and West African countries, agreed to address the need for improved enforcement of CITES provisions with regard to this trade which impacts a large array of Appendix I and Appendix II species. We supported this effort at the COP and have contributed funding to enable the working group to meet several times since COP11. The Bushmeat Working Group has facilitated communication between Central African directors of wildlife and protected areas, developed an action plan, and secured funding to implement the plan.

We also supported the establishment of a Mahogany Working Group at COP11, comprised of all range States for bigleaf mahogany (*Swietenia macrophylla*) as well as principal importing countries, including the United States. We contributed funding and actively participated in the Mahogany Working Group meeting held in Bolivia in October 2001. The Secretariat has prepared and submitted the report and recommendations of the Mahogany Working Group for consideration at COP12.

Attached to this testimony is a copy of the Federal Register notice that summarizes the proposals that the United States submitted for consideration at COP12. The Service held a public meeting on September 10th to receive comments on other country's proposals. We are currently in the process of drafting our negotiating positions and we anticipate that those draft positions will be published in the Federal Register in the next few weeks. As in the past, we will fully discuss the progress of negotiations during daily public briefings for American observers and non-governmental organizations attending COP12.

Of the numerous issues to be addressed at COP 12, there are several that we would like to highlight.

RESOLUTIONS AND OTHER AGENDA ITEMS

Contributions Made by Observers at COPs and the Rules of Procedure

CITES is unique because the text of the Convention allows non-governmental observers the right to participate in meetings and to speak on issues of interest to them. We support admission to the meeting of all technically qualified non-governmental organizations. We also support flexibility and openness in approval of documents produced by NGOs and the dissemination of these documents to delegates.

Review of the Listing Criteria

The current criteria for listing species on the CITES Appendices were adopted at COP9 in 1994, after extensive debate and review. The United States was a leader in that effort. At that time, the Parties agreed to review the criteria again at COP12 and a procedure was adopted at COP11 to complete this review and present recommendations to COP12. This review, aimed at maintaining scientific credibility and ensuring applicability of the criteria to the various groups of plants and animals on the appendices, has been a major priority for us. We have solicited input from the States and the scientific and conservation communities. We also hosted a meeting of the Listing Criteria Working Group (CWG), in conjunction with a joint meeting of the CITES Animals and Plants Committees, in December 2000, at our National Conservation Training Center in Shepherdstown, West Virginia.

Not surprisingly, the new draft criteria and the process to develop them have become very controversial. Although the terms of reference for the review of the listing criteria specifically called for a consensus report to be developed by the Chairs of the Animals and Plants Committees for COP12, the Chairs were unable to reach consensus on the revisions. The Secretariat has submitted a document that includes a proposed resolution to amend the existing listing criteria.

We believe that the draft criteria reflect significant effort and thought on behalf of the Chairmen and the Parties, and explore many important aspects of the current listing criteria. It is our position that the Parties should seek to retain the aspects of the review that can garner the support of a majority of Parties.

SPECIES LISTING PROPOSALS

Of the 16 proposals sponsored or co-sponsored by the United States, 8 are for taxa native to the United States or its waters. For native species, we worked closely with both the States and other Federal agencies, to ensure that our proposals met the CITES criteria. We also co-sponsored several proposals submitted by other countries. Since our priority is to focus on North American species first, we submitted no proposals for species not native to the United States that were not co-sponsored with a range country. We worked closely with China and India in developing several proposals to address the threat to freshwater turtles in southeast Asia. These cooperative conservation efforts reflect scientific cooperation with our colleagues throughout the world, in order to deal with and find solutions for complex conservation problems.

I will discuss a few of the key species proposals. Commercially valuable species, like whales, elephants, and mahogany, are often the most controversial as well. Please see the attached Federal Register notices for a comprehensive list of proposals.

African elephants

Trade in African elephant parts and products has been a contentious issue at every COP. In the spring of 1989, concern that African elephant populations were being devastated to supply a largely illegal ivory trade resulted in major importing countries, including the United States and the European Union, declaring a moratorium on ivory imports. All African elephants were subsequently uplisted from Appendix II to Appendix I at COP7 that same year. At COP10, elephants in Botswana, Namibia, and Zimbabwe were downlisted from Appendix I to

Appendix II and a one-time sale of ivory stockpiles was authorized. The COP10 decision also called for the establishment of systems to monitor poaching and illegal ivory trade. The Secretariat and Standing Committee, working with the World Conservation Union (IUCN) established two systems: MIKE (Monitoring Illegal Killing of Elephants), and ETIS (Elephant Trade Information System). At COP11, the Parties reached a compromise that was adopted by consensus, where South Africa's population was transferred to Appendix II, allowing trade in certain parts and products, but not ivory; Zimbabwe, Botswana, and Namibia withdrew their proposals for increased ivory trade; and Kenya and India withdrew their proposal to return all populations to Appendix I. The intent was to allow time for the Parties to improve systems for monitoring elephant populations, poaching and illegal trade. The United States continues to support aspects of these monitoring programs through our African Elephant Conservation Act grant program administered by the Service.

For COP12, Botswana, Namibia, and Zimbabwe have proposed to amend the terms of their existing downlisting annotations, which currently do not allow any further ivory trade, with annual quotas of ivory for commercial export. South Africa proposes to amend their downlisting annotation to allow for an initial sale of the Kruger National Park stockpile of ivory, and a subsequent annual quota. In addition, Zambia has proposed to transfer its elephant population from Appendix I to Appendix II, with an annotation to permit trade in up to 17,000 kg of whole tusks owned by Zambia's Wildlife Authority. Kenya and India, on the other hand, propose to return all Appendix II populations of elephants to Appendix I. We continue to believe that Botswana, Namibia, South Africa, and Zimbabwe deserve much credit for maintaining healthy elephant populations, particularly in comparison to the elephant declines that have occurred in most other African countries. However, because the monitoring systems have not yet provided significant data on the effects of the ivory trade, we remain very concerned about the potential effects any further trade could have on elephants in other countries in Africa and in Asia.

Mahogany

Bigleaf mahogany is currently listed in Appendix III by several range countries, in the Americas including: Costa Rica, Bolivia, Brazil, Mexico, Peru and Colombia. Species listed in Appendix III can be traded commercially. Once a species is added to Appendix III, the countries that list the species are required to issue permits and ensure that specimens are legally acquired; non-listing range countries must issue certificates of origin; and importing countries are required to ensure that all shipments are accompanied by the appropriate CITES documents. The issuance of Appendix III documentation is dependent on legal findings and does not include the biological determinations that are required for export of Appendix II listed species.

Proposals to include this species in CITES Appendix II were submitted at COP8 and COP10 with the United States as a co-sponsor with Costa Rica and Bolivia, respectively, and at COP9 by the Netherlands. In our April 18, 2002, Federal Register notice (67 Fed.Reg. 19207) we indicated that we did not plan to submit a proposal for this species, although we had received a recommendation to do so. This decision was taken after extensive discussion within the United States" government, and in light of the previously unsuccessful efforts to list the species in Appendix II. However, bigleaf mahogany is a species of concern for us. It is being exploited at what some scientists and non-governmental organizations believe is an unsustainable rate, illegal trade in the species is suspected to be substantial in some countries, and the U.S. is the largest importer of bigleaf mahogany timber. As a Party to CITES, and in support of the President's emphasis on combating illegal logging, we have been actively engaged in working with Brazil, in particular, to ensure that shipments of bigleaf mahogany imported into the United States are legal under CITES.

Guatemala and Nicaragua have submitted a proposal for consideration at COP12 to include the neotropical populations of bigleaf mahogany (*Swietenia macrophylla*), including logs, sawn timber, veneer, and plywood, in Appendix II. The purpose of the proposal is to promote sustainable management of bigleaf mahogany in order to help ensure its conservation and maintain trade for the future. We are evaluating the proposal, particularly for any advantages that might be gained beyond the cur-

rent listing in Appendix III. An interagency task force has been created to evaluate the Appendix II proposal, determine its impact, and consider how best to work with range countries in the conservation of this species.

Whales

Japan has submitted two proposals to downlist stocks of both Bryde's whales and minke whales from Appendix I to Appendix II. Japan has also submitted a proposed resolution that would repeal Resolution Conf. 11.4, which outlines a cooperative relationship between the International Whaling Commission (IWC) and CITES, and would establish, among other provisions, that any trade in whale species downlisted to Appndix II should be limited to trade among IWC Members. If adopted, these proposals would re-open international commercial trade in whale products, and could foster increased poaching of protected whale species. Similar proposals were defeated at the last three COPs.

The United States continues to be strongly opposed to the downlisting of whale species subject to the commercial whaling moratorium of the IWC. We believe that CITES should honor the request for assistance in enforcing the moratorium which was communicated by the IWC to CITES in 1978. In addition, we believe that the close cooperation of IWC and CITES must continue in order that the conservation needs of whale species—both for management and control of international trade—will be met. While the scientific committee of the IWC has developed the Revised Management Procedure (RMP) for setting quotas if commercial whaling were to resume, the IWC has not completed the development of a complementary and necessary Revised Management Scheme (RMS) for monitoring catch and trade of whale products. Mexico has submitted a proposed resolution that would reaffirm the complementary relationship between CITES and the IWC as a crucial element for the conservation of whale stocks. The resolution would retain whale species in the CITES appendices as they are currently listed while work continues on developing the RMS. We also note that, independent of the IWC issue, these whales do not meet several of the CITES criteria for downlisting to Appendix II.

Other Marine Species

In addition to whales, there is growing concern over the status of some commercially exploited marine species. This is reflected in the proposals submitted for consideration at COP12. There are proposals to list the whale shark (*Rhincodon typus*) and basking shark (*Cetorhinus maximus*) on Appendix II. The United States has submitted proposals to list seahorses (*Hippocampus spp.*) and humphead wrasse (*Cheilinus undulatus*) in Appendix II. A rapidly growing trade in seahorses for traditional medicines, as aquarium pets, and for curios, compounded by large-scale habitat loss, has resulted in overexploitation of many coastal seahorse populations. Humphead wrasse, extremely vulnerable to overfishing because of late maturity and other biological characteristics, are heavily exploited for the destructive live reef fish trade, primarily to supply restaurants in Hong Kong and other Asian markets.

We will be discussing this and other impacts on coral reefs and trade in coral-related species at the Coral Reef Task Force meeting on October 2nd and 3rd. I anticipate that we will develop a consensus among the Federal, State and territorial members of the Task Force as to where we should go in the future regarding coral and coral-related trade, and we will communicate that to the Parties in order to assist both in making decisions on individual species and in guiding future actions.

We anticipate that Patagonian toothfish (*Dissostichus spp.*) will be the subject of considerable debate as the Parties consider whether or not the status of this Antarctic fish would be improved by a CITES Appendix II listing. Patagonian toothfish are managed under the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) to which the United States is a Party. Because of the high market value of toothfish, also known as Chilean sea bass, and the difficulty in detecting and halting illegal fishing in remote Antarctic waters, illegal harvest is lucrative and relatively low-risk. If agreed to by the Parties, this would be the first Appendix II listing for a marine fish species that attempts to combine the regulatory regime of a regional fishery management organization with that of CITES. The Parties would need to decide on many complex implementation issues, including how the two permitting systems might work together and how to address the difficulties in making scientific findings for high seas species. These matters and others related to potential listings of high seas marine fish species have not been fully explored and such proposals have not succeeded at previous COPs.

This concludes my written testimony and I would be pleased to answer any questions you may have about CITES implementation and our preparations for COP12 in Santiago.

Mr. GILCHREST. I want to apologize for being late and thank Mr. Pombo for taking the Chair.

Dr. Hogarth?

STATEMENT OF WILLIAM T. HOGARTH, PH.D., ASSISTANT ADMINISTRATOR FOR FISHERIES, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, UNITED STATES DEPARTMENT OF COMMERCE

Mr. HOGARTH. Thank you, Mr. Chairman and Mr. Pombo. I appreciate the opportunity to testify before this Subcommittee regarding CITES and the upcoming COP12.

I am Bill Hogarth, the Assistant Administrator for Fisheries for the National Oceanic and Atmospheric Administration. I appreciate the opportunity to discuss with you some recent NOAA achievements in the CITES arena and our preparation for the next COP12.

As you just heard, the U.S. Fish and Wildlife Service of the Department of Interior has the legislative authority for the implementation and enforcement of CITES. However, several highly visible marine species that are listed in either Appendix 1 or Appendix 2 of CITES fall within the domestic jurisdiction of the Department of Commerce and NOAA based on legislative authority contained in the Endangered Species Act, Marine Mammal Protection Act, the Fur Seal Act, and the Magnuson-Stevens Fishery Conservation and Management Act. This includes great whales, dolphins, queen conch, hard corals, five species of seals, and marine turtles.

In recent conferences of the parties to CITES, some of the most contentious issues have involved marine species and the number of marine species discussed at CITES meetings is ever increasing. These issues have ranged from efforts to reopen trade in large whales and endangered hawksbill turtles to looking at ways the CITES may be used for both the conservation of sharks and other marine fisheries through regulation of international trade.

NOAA has contributed its expertise concerning marine species to discussions of these issues in numerous CITES meetings and in the day-to-day implementation of the treaty. Some of the achievements that we have at the most recent conferences of the CITES parties, our members of the delegation have led efforts to prevent the downlisting from Appendix 1 to Appendix 2 of five populations or species of great whales, which would lead to resumption of international trade in these species by CITES. We have also prevented the reopening of international trade in hawksbill turtle shells in the Caribbean. We have improved cooperation among parties to monitor and reduce illegal trade in whale meat, and we have promoted the conservation of sharks and other marine fisheries by consideration of regulation of the international trade through potential listings on Appendix 2.

We feel we have been highly effective in day-to-day activities to enhance international protection of such CITES species as hard corals, queen conch, marine turtles, and whales. One important CITES related project which we have initiated with the Caribbean Fishery Management Council is the development of an international queen conch initiative in the wider Caribbean. This prod-

uct would promote a regional conservation regime for this species, whose significant international trade is regulated by CITES.

Additionally, NOAA has provided expertise to developing countries in both the Indopacific and the Caribbean to assist them in developing sustainable management plans for exports of hard corals. We have also developed an identification guide that will be used internationally to help countries ensure that their coral trade is legal and sustainable.

Preparations for COP12, we have had input into the development of the U.S. positions for the CITES meetings which is accomplished through the CITES COP12 task force, which includes representatives from all NOAA Fisheries regional offices, science centers, and headquarters offices, as well as representatives from the Fish and Wildlife Service and Department of State. The task force evaluates recommendations for the listing of marine species and develops the United States proposals.

There are a number of marine species that will be of particular interest to the United States at the CITES meeting this fall. U.S. proposals concerning marine species include both seahorses and humphead wrasse under Appendix 2 of CITES. The U.S. also expects to oppose the Japanese proposal to transfer Northern Hemisphere minke and Byrde's whales from Appendix 1 to Appendix 2, which would reopen the international trade in whales. The position of the United States at previous COPs has been that CITES should continue to honor the request for assistance enforcing the IWC's moratorium on commercial whaling, which was communicated by the IWC to CITES in 1978.

Among the resolutions and discussion documents that will be discussed at COP12 will be the criteria for amendment of Appendices 1 and 2. In 1994, CITES revised its criteria for listing species on the CITES appendices and also called for an evaluation of whether the revised criteria are workable. NOAA Fisheries has been actively involved in the review process, including leading the interagency task force to evaluate the criteria and participating in consultations on this issue hosted by other organizations. We hope that adoption of the refined criteria will result in a more streamlined listing and deslisting process.

Mr. Chairman, in summary, I would like to note that NOAA Fisheries involvement in CITES has been ever increasing and the consideration of marine issues at CITES has been expanded. Not only are we involved with the development of U.S. listed proposals, resolutions, and discussion documents, we also play an important role in the day-to-day improvement of the implementation of the treaty.

This concludes my testimony. Once again, I thank you for the opportunity to be here today and I look forward to answering any questions you or the members of the Subcommittee may have.

Mr. GILCHREST. Thank you, Dr. Hogarth.

[The prepared statement of Mr. Hogarth follows:]

Statement of William T. Hogarth, Ph.D., Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, U.S. Department of Commerce

Mr. Chairman and members of the Subcommittee, thank you for inviting me to testify before the Subcommittee on the Convention on International Trade in En-

dangered Species (CITES). I am Dr. William T. Hogarth, Assistant Administrator for Fisheries for the National Oceanic and Atmospheric Administration (NOAA). I appreciate the opportunity to discuss with you some recent NOAA achievements in the CITES arena. I will also describe NOAA's preparation for the next Conference of the CITES Parties (COP12), including our role in attaining United States objectives concerning proposals, resolutions and agenda items concerning marine species.

The United States Fish and Wildlife Service (FWS) of the Department of the Interior is responsible for the implementation and enforcement of CITES, and the United States Department of Agriculture, Animal and Plant Health Inspection Service is responsible for enforcement of CITES for plants. FWS has an inter-agency collaborative working group in which NOAA Fisheries actively participates and contributes to United States policy on CITES.

However, several highly visible marine species that are listed in either Appendix I or II of CITES are within the domestic jurisdiction of NOAA, in the Department of Commerce. These include the great whales, dolphins, queen conch, hard corals and five species of seals. In addition, all marine turtles, whose protection under the Endangered Species Act (ESA) is shared by the two agencies, 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).

In recent meetings of the Conference of the Parties to CITES, some of the most contentious issues have involved marine species, and the number of marine species discussed at CITES meetings is ever-increasing. These issues have ranged from efforts to reopen commercial trade in large whales and endangered hawksbill turtles, to looking at ways that CITES might be used to promote the conservation and management of sharks and other marine fishes through regulation of international trade in CITES Appendix II. In addition to our responsibilities under the Endangered Species Act, NOAA is charged with the implementation of the Marine Mammal Protection Act and the Fur Seal Act with respect to the marine mammal species under our jurisdiction. We manage and sustain commercial fish species through the Magnuson–Stevens Fishery Conservation and Management Act. NOAA has contributed its expertise concerning marine species to discussions of these issues in numerous CITES meetings and by advising FWS in its implementation of the Treaty.

CITES Background

The structure of CITES is similar to that of the United States Endangered Species Act, in that species are listed according to their conservation status. In addition, in order 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 that is subject to regulation within its jurisdiction for which the cooperation of other Parties is needed. Exporting range countries must issue export or country of origin permits for Appendix III species.

NOAA CITES Achievements

NOAA has the considerable expertise necessary to contribute to United States policy on CITES for marine species under its jurisdiction. At the most recent meeting of the Conference of the Parties to CITES, NOAA members of the United States delegation provided valuable support to efforts to:

- prevent the "downlisting" from Appendix I to Appendix II of five populations or species of great whales which would have led to resumption of international trade in these species by CITES;
- prevent the reopening of international trade in hawksbill turtle shells in the Caribbean;
- improve cooperation among Parties to monitor and reduce illegal trade in whale meat; and
- promote the conservation of sharks and other marine fishes by supporting various listing proposals and monitoring other international efforts, such as the U.N. Food and Agriculture Organization's International Plan of Action for sharks.

NOAA has been highly effective in 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 that we have initiated with the Caribbean Fishery Management Council and the Department of State is the development of an International Queen Conch Initiative in the Wider Caribbean. This would promote a regional conservation regime for this species, whose significant international trade is regulated by CITES. In addition, NOAA and FWS 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 has developed an identification guide that will be used internationally to help countries ensure that their trade is legal and sustainable.

PREPARATIONS FOR COP12

NOAA's input in the development of United States positions for CITES meetings is accomplished by our CITES COP12 Task Force, which includes representatives from all regional offices, science centers and headquarters offices. The Task Force evaluates recommendations for the listing of marine species and assists FWS in the development of United States proposals. They also assist in the development of resolutions and discussion papers for consideration at the COP. After the deadline for submission of proposals and resolutions, they use their expertise to evaluate the submissions of other countries and determine United States positions.

A Federal Register notice detailing draft United States positions on all agenda items will be published in the next few weeks. A final United States position on all proposals will be determined after the public comment period.

SPECIES PROPOSALS

Prospective positions of the United States concerning marine species include the following:

Seahorses, Hippocampus spp. (Proposal of the United States)

The rapidly growing trade in *Hippocampus* species for traditional Chinese medicine and its derivatives, aquarium pets, souvenirs and curios is resulting in overexploitation of wild populations. Because of this escalating exploitation for international trade combined with the rarity of and limited reproductive potential of seahorses, the United States proposed these species for listing in Appendix II. A recent CITES-sponsored workshop endorsed the need for this listing.

Humphead, or Napoleon wrasse, Cheilinus undulatus (Proposal of the United States)

The humphead or Napoleon wrasse is a large fish found in coral reef and channel slope habitats throughout much of the Red Sea, the Indo–Pacific, and Micronesia. It is particularly vulnerable to over-exploitation due to its life history, including slow growth, late maturity, long life and complex social structure. Despite its widespread distribution, the species is uncommon throughout its range and is subject to over-fishing. Although humphead wrasse are generally found in small social units, they have historically formed large aggregations during peak reproductive periods. The targeting of wrasse and grouper spawning aggregations (mainly for the live reef food fish trade) has led to the elimination of breeding populations from some locations after two to four years of intensive fishing. This proposal is for listing of the species in Appendix II.

Black Sea bottlenose dolphin, Tursiops truncatus ponticus (Proposal of the Republic of Georgia)

The United States tentatively supports this proposal to transfer this species from Appendix II to Appendix I. Threatened by direct hunting, pollution, habitat degradation and bycatch, there are indications that many populations in this region have declined. Despite this, bottlenose dolphins from this area may potentially be taken for export to public display facilities at unsustainable levels. Although there are questions concerning whether this is a distinct sub-population, it is believed that transferring the species from its current place in Appendix II to Appendix I will assist in the conservation of this species by stopping the international portion of this potentially damaging trade.

Northern Hemisphere Minke and Bryde's whales, Balaenoptera acutorostrata and Balaenoptera edeni (Proposals of Japan)

These proposals seek to transfer these species from Appendix I to Appendix II, thus reopening international trade in whales. The United States position in past meetings of the Conference of the Parties has been that it is premature to even consider the resumption of international trade in whale products until an adequate Re-

vised Management Scheme (RMS) is adopted by the International Whaling Commission (IWC) which would prevent the resumption of the excessive harvests that occurred in the past. Furthermore, current scientific information which includes information on the distribution, stock structure and population status of both these species, and/or populations of them, is still under investigation in the Scientific Committee of the IWC. We are also concerned with the lack of transparency of the inspection scheme detailed in these proposals, as existing stockpiles of undocumented whale products could be traded illegally.

Whale shark, Rhincodon typus (Proposal of India, the Philippines)

This proposal is to add the species in Appendix II. The United States is inclined to support this proposal. NOAA personnel have gathered firsthand information on this extremely rare species, particularly information about the increasing international trade in the Indo–Pacific, with products destined for Taiwan. The species is rare and local, seasonal populations have declined drastically in some areas. Fishing effort has greatly increased due to an increase in price for this species. Sharks are more vulnerable to exploitation than are most other fishes because of their longevity, delayed maturation, and relatively low fecundity. Population size is unknown, but the species is considered to be rare. Take of whale sharks in Atlantic Ocean waters of the United States is prohibited.

Basking shark, Cetorhinus maximus (Proposal of the United Kingdom on behalf of the European Union)

The species is currently listed in Appendix III (fins and whole carcasses) by the United Kingdom. The European Union proposes to list it in Appendix II. The United States supported a similar proposal at the last CITES meeting. The main threat to basking shark populations is from fishing operations, both targeted on basking sharks and through incidental or bycatch in other fisheries. The biology of the species makes it especially vulnerable to exploitation: it has a slow growth rate, a long time to sexual maturity (ca. 12–20 years), a long gestation period (1–3 years) and a similar interval between pregnancies, low fecundity (the only recorded litter was of just six very large pups), and probable small populations. Take of basking sharks in Atlantic Ocean waters of the United States is prohibited.

Patagonian and Antarctic toothfish, Dissostichus eleginoides and D. mawsonii (Proposal of Australia)

Australia proposes that these species, both of which are known commercially as Chilean sea bass, be included in Appendix II. At present, the United States is undecided on our position on this proposal, although we acknowledge the significant contribution of CCAMLR to control trade in these species. Toothfish have been fished commercially for about 20 years, and management of the species is under the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). There are several characteristics of the life history of D. eleginoides that make the species vulnerable to over-exploitation. It is known that the accumulated harvesting of this species for international trade (by illegal, unregulated, and unreported fishing operations) has a detrimental impact, thus making the annual harvest continually exceed the level that can be continued sustainably. Australia also proposes that countries which use CCAMLR documentation can do so in lieu of CITES permits. Because of the many complex issues raised by these proposals, the United States has developed an interagency plan to be used to determine our position.

RESOLUTIONS AND DISCUSSION DOCUMENTS

In addition to listing proposals, the following are among the resolutions and discussion papers concerning marine species that will be discussed at COP12:

Criteria for amendment of Appendices I and II

In 1994, CITES revised its criteria for listing species on the CITES Appendices, and also called for an evaluation of whether the revised criteria are workable. NOAA Fisheries has been actively involved in the review process, and for marine species, led an interagency task force to evaluate the criteria and participated as part of the U.S. delegation, in consultations on this issue hosted by other organizations, such as the United Nations Food and Agriculture Organization (FAO) and CITES itself. In fact, many of the recommendations of the interagency task force to refine the listing criteria and guidelines have been incorporated into proposals by FAO and the CITES Criteria Working Group. Although NOAA Fisheries" focus has been on exploited and protected marine species, the interagency task force attempted to develop criteria that could be adapted to all marine species. The United States supports the review of the existing criteria and NOAA Fisheries personnel

will be actively involved in this discussion at COP12. We are hopeful that the review of the criteria will result in improvements to the process under which species are evaluated for inclusion in the CITES Appendices.

Cooperation between CITES and the Commission for Conservation of Antarctic Marine Living Resources (CCAMLR) regarding the trade in toothfish (Proposal of Chile)

Chile proposes, among other things, that all countries engaged in the harvest, landing, transshipment, import or export of these species voluntarily comply with CCAMLR's Catch Documentation Scheme. The United States is undecided as to our position because of the many complex issues raised by these proposals. The U.S. has developed an interagency plan to be used to determine our position.

Conservation of and trade in Dissostichus species (Proposal of Australia)

This resolution makes recommendations concerning how to ease the implementation of Australia's listing proposal for toothfish species. It proposes that CCAMLR's *Dissostichus* Catch Document (DCD) be accepted in lieu of CITES permits. The United States is undecided as to our position because of the many complex issues raised by these proposals. We have developed an interagency plan to be used to determine our position.

Synergy and cooperation between CITES and The United Nations Food and Agricultural Organization (FAO) (Proposal of Japan)

FAO collaboration with CITES through a Memorandum of Understanding (Proposal of the United States)

These resolutions propose a Memorandum of Understanding between CITES and FAO that would establish a framework for cooperation between CITES and FAO. This MOU would facilitate the implementation of recommendations concerning CITES regulation of international trade in marine fish adopted at the Eighth Session of the FAO Committee on Fisheries" Sub–Committee on Fish Trade, held in February 2002 in Bremen, Germany. The United States recognizes the contributions FAO has made in evaluating the CITES listing criteria for marine fish and supports a formal MOU between CITES and FAO to facilitate exchange of information and technical advice regarding commercially exploited fish species, increase the effectiveness of both organizations, and build fisheries and CITES enforcement capacity in developing countries.

Cooperation and synergy with the Inter–American Convention for the Protection and Conservation of Sea Turtles (Proposal of Ecuador)

This proposal, which the United States is inclined to support, among other things, calls upon the Parties to the Inter–American Convention and the Parties and Secretariat of CITES to coordinate their activities and research with regard to sea turtles and their habitats and to promote synergy to reduce unnecessary duplication of activities. The Inter–American Convention, which entered into force on May 2, 2001, is the first agreement in the world dedicated solely to the conservation of endangered sea turtles. The United States strongly supports this agreement and believes it will become a successful mechanism to protect sea turtles throughout their range in the Western Hemisphere. The National Marine Fisheries Service, together with the Department of State, played an active role in the negotiation of the Convention and the first meeting of the Conference of Parties (held in August 2002). NMFS and the Department of State will continue to closely cooperate in order to successfully implement this important Agreement. The United States also supports cooperation between CITES and other entities, such as the United Nations Environment Programme's Caribbean Environment Programme, which has been active in turtle conservation in the Wider Caribbean for more than 20 years.

Cooperation between CITES and the International Whaling Commission (Proposal of Mexico)

Mexico's resolution urges retaining whale species listed in the CITES Appendices in which they are currently listed (Appendix I) because it is premature to downlist these species while work is continuing to develop a Revised Management Scheme (RMS). The United States has supported similar resolutions at past COPs. We plan to submit an information document at COP12 detailing the status of efforts by the International Whaling Commission (IWC) to adopt an RMS to manage commercial whaling, should it be resumed. This information paper will also include a summary of actions taken at the October 14–17 meeting of the IWC which will be convened in Cambridge, United Kingdom, to make further progress on the RMS.

Controlled trade in specimens of abundant cetacean stocks (Proposal of Japan)

If adopted, this resolution would repeal Resolution Conf. 11.4 (which outlines a cooperative relationship between the IWC and CITES) and would establish that any trade in whale species downlisted to Appendix II should be limited to trade among IWC members.

The position of the United States at previous COPs has been that CITES should continue to honor the request for assistance in enforcing the IWC's moratorium on commercial whaling, which was communicated by the IWC to CITES in 1978. This request was answered by the CITES Parties in Resolution Conf. 2.9, now in consolidated Resolution Conf. 11.4, which recommends that Parties "agree not to issue any import or export permit or certificate" for introduction from the sea under CITES for primarily commercial purposes "for any specimen of a species or stock protected from commercial whaling by the International Convention for the Regulations of Whaling." While the scientific committee of the IWC has developed the Revised Management Procedure for setting quotas if commercial whaling were to resume, the IWC has not completed the development of a Revised Management Scheme (RMS) for monitoring the catch of whales. The United States has taken the position in the IWC that completion of an adequate RMS is a necessary prerequisite before consideration can be given to lifting the commercial whaling moratorium.

Furthermore, the distribution, stock structure, trends and population of many of the great whales still remain under investigation within the Scientific Committee of the IWC. Therefore, the United States has taken the position that we do not view the scientific information as sufficient to support the resumption of trade in whale species listed in CITES Appendix II and that Resolution Conf. 11.4 must stand.

Conservation and management of sharks (Proposal of Australia)

Conservation of and trade in sharks (Proposal of Ecuador)

These resolutions have much in common. The Australian document suggests that the CITES Animals Committee could, among other things, regularly review the conservation status of various shark populations and recommend listing priorities to the Parties. The Ecuadorean document recommends tighter cooperation between CITES and FAO to ensure that national management plans are developed and implemented. Both documents recommend an ongoing review of shark conservation by CITES bodies beyond COP12.

A series of Decisions and Resolutions since COP9 has prompted international discussion on sharks in both CITES and FAO fora. The net result of this activity has been FAO's adoption in 1999 of an International Plan of Action for Sharks (IPOA–Sharks), and ongoing monitoring by the CITES Parties of FAO success in this endeavor. Although the IPOA lays out specific elements for National Plans of Action (NPOAs) to conserve sharks (data collection, monitoring, stock assessment, etc.), it is purely a voluntary measure that has met with limited success in FAO member nations. Out of 87 shark-fishing nations, only two (the United States and Japan) have adopted NPOAs. Fifteen other member nations have committed to developing NPOAs, but often have made this contingent on external assistance and funding.

The United States has been a leader in both CITES and FAO in the development of shark conservation and management measures, and we will continue to look for ways to promote sustainable use of these species. We agree with the authors that national implementation of the IPOA for sharks has been thus far disappointing. We also agree that the CITES Parties should seriously discuss how to promote better national and regional shark management that could prevent the need for future shark listings under CITES. We believe that sharks are a set of species that will benefit from the increased cooperation between CITES and FAO called for in the United States discussion paper (see above).

Trade in sea cucumbers in the families Holothuridae and Stichopodidae (Proposal of the United States)

This is not a listing proposal, but rather a document to encourage discussion of the status of these species and the effects of international trade on their conservation.

Sea cucumbers are sedentary animals that are especially susceptible to over-exploitation because they are large, easily collected, and do not require sophisticated fishing techniques. They are important components of the food chain in coral reefs and associated ecosystems at various trophic levels, and they play an important role as deposit feeders and suspension feeders. Rapid declines in sea cucumber populations may have serious consequences for the survival of other species that are part of the same complex food web because the eggs, larvae, and juveniles constitute an important food source for other marine species, including crustaceans, fish, and mollusks. Sea cucumbers ingest large amounts of sediment, turning over the top layers

of sediment in lagoons, reefs, and other habitats, and allowing oxygenation of sediment layers, much like earthworms do on land. This process prevents the build-up of decaying organic matter and may help control populations of pest and pathogenic organisms, including certain bacteria and cyanobacterial mats. Over-exploitation has caused a hardening of the sea floor, eliminating habitat for other organisms. Sea cucumbers have been harvested commercially for at least 1,000 years, but the demand in Asian markets worldwide has led to a dramatic increase in international trade for food beginning in the late 1980s and early 1990s, reaching a global annual volume of about 12,000 metric tons of dried sea cucumber (120,000 tons live). Since the mid–1990s, additional markets emerged for natural health products research and home aquaria.

Establishment of a working group to analyze relevant aspects of the application of CITES to marine species (Chile)

The resolution proposes the establishment of a working group within the CITES Animals Committee to discuss various issues concerning marine species. The United States supports the goal of Chile's resolution, although we have not developed clear positions on all of the specifics and implications of such a group. The United States believes that if such a working group were to be established, its subject matter should be limited to marine fish and invertebrate species only. The United States is concerned about the workload and budgetary implications of such a Working Group and sees the broader issue of implementation of many species listings, including many non-marine species, as needing to be addressed. We will also need to study this proposal in light of increasing cooperation between CITES and FAO on marine fisheries issues.

Mr. Chairman, this concludes my testimony. Once again, thank you for the opportunity to be here today. I look forward to answering any questions you or members of the Subcommittee may have.

Mr. GILCHREST. Judge, you mentioned in your testimony about bigleaf mahogany being proposed to be listed or put on Appendix 2. What is the status of that and why was there a problem with listing it or putting it in Appendix 2? Was it with Brazil?

Mr. MANSON. It is currently listed in Appendix 3 by many of the range states, Brazil among them. Costa Rica, Mexico, Bolivia, Peru are some of the others.

The proposal that is submitted to the COP is by Guatemala and Nicaragua to include those populations in Appendix 2. Of course, you know in Appendix 2, those are species which may not yet be threatened, that are not threatened but may become so without trade controls, whereas Appendix 3 are listings by range countries that are essentially asking for cooperation of the international community to better control trade.

We are currently evaluating the Nicaraguan and Guatemalan proposal to uplist it to Appendix 2. We have not finalized a position about that. I think one of the key issues is whether or not there are advantages to putting it in Appendix 2, both for conservation and trade purposes. For example, it might be, and we have not reached a conclusion about this, that an Appendix 2 listing may provide the tools necessary to stabilize the trade in bigleaf mahogany. But these are considerations that are still under discussion.

Mr. GILCHREST. This proposal came from Nicaragua and Guatemala?

Mr. MANSON. Yes, sir.

Mr. GILCHREST. Do they have problems with their bigleaf mahogany tree population? Is that why they proposed this? Do they foresee a problem with that tree species in Brazil?

Mr. MANSON. I cannot answer specifically today the status in Guatemala and Nicaragua with the degree of certainty that you would expect. I can get you some information on that.

The problem, Brazil has been the focal point of bigleaf mahogany issues over the last year or so, and there is a great deal of confusion about the situation in Brazil. A number of shipments have come from Brazil. It is not clear whether they were legal or not. That is kind of on the management side.

Mr. GILCHREST. A number of shipments have come from Brazil to the United States?

Mr. MANSON. To the United States, right.

Mr. GILCHREST. And we are not sure whether those shipments were from licensed loggers or unlicensed loggers?

Mr. MANSON. We have had some question about the status of some of those shipments that have come from Brazil, and we have gotten contradictory answers from the Brazilians, quite frankly, about that. We are about to send a mission to Brazil to clarify that situation.

Mr. GILCHREST. Now, how did we know that those shipments of mahogany were potentially illegal? Is that caught at the port by Customs?

Mr. MANSON. That is typically where they are caught. We received from the Brazilians, as I said earlier, contradictory information about that. We received, for example, information that there were legal export permits issued for some of these shipments, and then within days or hours, in some cases, we received information that suggested—from the Brazilian government—that suggested that perhaps there had not been the proper export permits issued.

Mr. GILCHREST. What happens? Are they barged here? Are they put on a ship? Are they quarantined for a while? Are they allowed to be distributed in this country, or are they still sitting at the dock?

Mr. MANSON. There are a number of shipments that have been released because we have been able to ascertain the status. There are a smaller number of shipments that are still warehoused. The matter was the subject of litigation. There are some, as I said, that are still warehoused. When we send our mission to Brazil shortly, we will be able to ascertain, hopefully, the status of those shipments.

Mr. GILCHREST. I see. Do these come up with the raw logs or are they cut up into boards or how does mahogany get here?

Mr. MANSON. I need to consult with one of my experts on that issue about those particular shipments. I am told it is a mixture of things.

Mr. GILCHREST. You also mentioned, Judge, the international trade in certain whale species and that countries like Japan would like to open up trade in these whale species. What is the status of that and what other countries support Japan on this issue?

Mr. MANSON. Presently, as you may know, there is a moratorium on commercial whaling activities under the International Whaling Commission's convention. Japan's several proposals would change that and open that up.

I am not sure, and maybe Dr. Hogarth knows, but I am not sure which other countries are presently likely to support the Japanese proposals.

Mr. GILCHREST. Dr. Hogarth?

Mr. HOGARTH. There are quite a few, I think, like Norway, Iceland, in particular, that would be supportive of this effort. I think there are about probably 18 or 20 countries that would support such an activity.

Mr. GILCHREST. Are all those countries on the Commission?

Mr. HOGARTH. Norway is. Iceland is not at the present time. There are other members that would be supportive of this effort.

Mr. GILCHREST. Is there going to be a vote soon? Will there be a vote in November on that issue?

Mr. HOGARTH. No. We do not think so, no.

Mr. GILCHREST. I see. So the status of CITES dealing with that issue of trading internationally in whales that is now supported by Japan, Norway, Iceland, and other countries, what is the status of that issue? Is it not going to be dealt with any time soon? Will it be dealt with? Is it an issue that will be voted on any time soon?

Mr. HOGARTH. The Japanese proposal—let me just get it straight, CITES versus IWC. You are talking about CITES now, right?

Mr. GILCHREST. Yes.

Mr. HOGARTH. It will be voted on—

Mr. GILCHREST. Does CITES have anything to do with the IWC decisions?

Mr. HOGARTH. No. The IWC went to CITES and asked for the protection. The IWC has not changed its request of CITES for protection.

Mr. GILCHREST. So IWC makes the decision whether or not to have trade in certain international whale species?

Mr. HOGARTH. That is true. They asked CITES to assist them in helping with international trade for the countries.

Mr. GILCHREST. So IWC wrote a letter to CITES asking them to keep the whale population on Appendix 1.

Mr. HOGARTH. See, IWC was the one that put in the moratorium.

Mr. GILCHREST. I see.

Mr. HOGARTH. Then after they put in the moratorium on commercial harvest, then they went to CITES and asked for help or protection through international trade.

Mr. GILCHREST. So are these whale species on Appendix 1 or—

Mr. HOGARTH. Appendix 1.

Mr. GILCHREST. Appendix 1?

Mr. HOGARTH. Yes, sir.

Mr. GILCHREST. And they are not under discussion to come off Appendix 1 any time soon?

Mr. HOGARTH. The Japanese proposal is to change it from Appendix 1 to Appendix 2.

Mr. GILCHREST. Which species?

Mr. HOGARTH. Minke is one of them—

Mr. GILCHREST. I see.

Mr. HOGARTH. —and Byrde's.

Mr. GILCHREST. There are a couple of whale species that they have suggested. All right.

I have a few more questions, but I think I will get myself organized for the next round and yield to the gentleman from California, Mr. Pombo.

Mr. POMBO. Thank you. Mr. Manson, it is my understanding there are a number of positions that are still in draft form that the administration is working on. My question is, do we intend on having those positions finalized prior to the arrival in Santiago, and if so, who is involved in finalizing those positions that the administration or the delegation will take when they get to Chile?

Mr. MANSON. I expect that most, if not all, will be finalized at some point before we get to Santiago. There are interagency working groups developing proposals. Those will come up through the policy apparatus of the Departments involved and any disagreements will be resolved at a policy level involving assistant secretaries or higher, if necessary.

Mr. POMBO. Are you currently working with the range states when developing these positions that the U.S. is going to take, particularly if it is a species outside of the jurisdiction of the United States?

Mr. MANSON. Yes. There are range state dialogs, as you may know, that go on among the range states. We have been attending those range dialogs and monitoring the range dialogs, and so what happens at those range state dialogs is very important to the development of positions on behalf of the United States.

Mr. POMBO. If the range states oppose the proposal that has been put forth, how does that impact the U.S. position, and you can take anything from the mahogany issue to elephants or what have you. How does that affect your thinking or the positions that the U.S. takes?

Mr. MANSON. Well, I think it depends. For example, with respect to certain Appendix 3 species, I think we—well, we always listen very carefully to what the range states have to say. With respect to Appendix 3 species, we would be, I think, remiss if we did not give great deference to the range states. I think that on the whole, with respect to all species, there is sometimes not a unanimity among the range states about what ought to be done, in which case the range state dialog informs us but does not control our positions in any sense.

Mr. POMBO. In the past, the United States has been able to play an important role at CITES when there are differences between the range states in changing what the proposal would be. In particular, at the last meeting, I felt the U.S. delegation was able to play a very important role in negotiating, I think, a position that all of the range states could live with. Do you envision at this particular meeting that we would go into it with keeping our options open on some of these more controversial issues so that we can play that role?

Mr. MANSON. I think that that is a very appropriate role for the United States to play, particularly on the most controversial issues. I do expect that we would continue to play that sort of role. I think with respect to a couple of the issues, we will keep our options open for exactly that reason.

Mr. POMBO. Obviously, science plays a very important role in determining what should or should not be put on the list. I felt at times in the past that the science was pushed aside in terms of reaching a political decision. I would like you and Dr. Hogarth to comment on that, because it is something that is extremely impor-

tant to me. If we are going to reach sustainable levels in terms of recovery on these species or the conservation of these species, that the U.S. position rely heavily on what the science is and what information has been gathered.

When you talk about the differences between range states, many times, those differences that exist are the result of management within those individual countries that have resulted in a better position in some countries versus other countries. I think that is where we can play an important role in negotiating that. But I would like you to comment on the role science plays in determining what position the U.S. is going to take.

Mr. MANSON. Well, as I have testified in this room before, science is paramount to the decisions the administration makes on natural resources issues. That remains the case with respect to CITES as well as our domestic threatened and endangered species issues. We have, of course, as CITES requires, the scientific authority and we rely, of course, very heavily on science in developing our positions. We recognize, as I have testified with respect to our domestic Endangered Species Act, that we do not necessarily have a monopoly on good science and will seek that good science wherever it exists to help inform our positions.

Mr. POMBO. Dr. Hogarth?

Mr. HOGARTH. We try to look at everything from the scientific standpoint, and that is what we try to base the decisions on. Also, we like to make sure that, if possible, that the regional management structures can manage these species before it gets to CITES. But if CITES is necessary from a trade standpoint to help the process, we do support that. But it should be based on, the decisions on what appendix they go on and this type of thing, should be based on the science, and then we have to look at how the management and trade helps the sustainability.

Mr. POMBO. Just to, I guess, follow up on some of the comments that were made by the Chairman, in particular with the entire issue over whales and the sustainability of those populations, there is a huge difference between different species of whales and what the science is telling us, and at times, it appears that the U.S. has just lumped the entire species into one basket and taken a position versus what the science is telling us on individual subspecies.

That is something that raises a concern that I have, that we do not look at the science in individual range states, we do not look at the science on individual species, and it is much simpler to lump everything together and take an overall position than it is to actually look at the science that is out there on these different species and what our position should be individually on those species.

Mr. HOGARTH. I think one of the concerns right now, I think, with the whale management is that IWC has not done a revised management scheme, and so, therefore, our concern is that we do not know—there is no mechanism to make sure that we do not have excess harvesting and get back to the same—

Mr. POMBO. I am not going to let you get off that easy, because it is not IWC. The U.S. has not taken an active role in coming up with a revised management scheme and producing that and working with the other nations and coming up with that revised management scheme and releasing that. We have gone through years

of promises that that revised management scheme was going to be developed, and I do not believe that we have taken the active role in that. It is easy to point to the IWC or to CITES and say it is those guys over there, but it is us. We are part of that and—

Mr. HOGARTH. We are part of the process.

Mr. POMBO. —we have to take an active role.

Mr. HOGARTH. That is correct.

Mr. POMBO. Mr. Manson, you mention in your testimony that the monitoring system for elephants have not yet provided significant data on the effects of the ivory trade. What is the current status of that monitoring system and when do you expect there to be a system that you feel comfortable or that the administration feels comfortable relying on?

Mr. MANSON. The monitoring system exists and is in place. There has recently been a meeting of range states on MIKE, which is the monitoring system, as well as on ETIS, which is the Elephant Trade Information System. There has been at least one range state dialog concerning those issues, as well, and there will be another one just before the COP.

As I indicated earlier, the United States is represented at all of those range state dialogs. It may well be that as a result of what we learn at the range state dialog, and as we analyze the meetings on MIKE and ETIS, that we come to a conclusion about the adequacy of the monitoring system. I think it is somewhat premature right now to say that we are entirely comfortable with it until we complete those rounds of what are essentially consultations with the range states.

Mr. POMBO. Is the position of the U.S. that it would not approve an amendment to or a change to the status on the African elephant until you are comfortable with that monitoring system?

Mr. MANSON. I would say that I do not think we have come to that hard a conclusion at this point. I think that, again, it is very important to understand where the range states are and to hear that range state dialog before we reach any conclusion about that. There are, as I indicated earlier, the various proposals of a number of the range states to change the trade annotations and we will have to evaluate those based upon what we learn in the range state dialog.

There is a proposal from India and Kenya to uplist everything that is in Appendix 2 to Appendix 1. We most likely would oppose that proposal.

Mr. POMBO. Just a comment on that. There is a big difference between the Asian elephant and the African elephant in terms of what its sustainability is, just as there is a huge difference between the sustainability within the individual range states. Kenya has some particular problems there that they do not have in some of the other countries. Unfortunately, some political instability has been devastating to some of the populations in southern Africa, particularly Zimbabwe, that previously had been one of the huge success stories internationally.

I believe that every one of those countries needs to be treated differently and a legitimate analysis done on what they are doing in those particular countries. I think you would be doing a disservice

to the countries that have done a fantastic job of managing their wildlife if they were all lumped together.

Mr. MANSON. That is a point well taken. In my oral testimony and in my written testimony, we try to draw a distinction and recognize those states which have done a very good job as opposed to the states where African elephants in particular remain in decline. I would agree that it would not be prudent to undertake a sweeping, broad approach to any of these issues, and that is one of the concerns that I personally have about the Kenyan and Indian proposals on elephants.

Mr. POMBO. I appreciate that. I am going to yield back to the Chairman at this point. If there is another round of questions, I have additional questions.

Mr. GILCHREST. Thank you, Mr. Pombo.

Dr. Hogarth, Australia is proposing listing or putting Patagonian toothfish on Appendix 2. Your agency is developing an interagency plan to be used to determine the U.S. position. Can you tell us what NOAA's plan is and who the interagency team is? What information will be used to finalize the U.S. position?

Mr. HOGARTH. Thank you. We know and we acknowledge that CCAMLR has done a lot to control the trade of this species, so we are concerned with the position of CCAMLR. So we put together a team which includes our people and the Fish and Wildlife and we are looking at the fact of how the harvest is taking place, illegal harvest is taking place, unregulated, unreported fishing activities which are having a detrimental impact.

But Australia also as part of their proposal wants to look at changing criteria of the appendices and all that is sort of tied together—

Mr. GILCHREST. Where is the Patagonian toothfish now? I mean, is it Appendix 3? Is it anywhere at all?

Mr. HOGARTH. No.

Mr. GILCHREST. It is not listed anywhere?

Mr. HOGARTH. It is not listed anywhere.

Mr. GILCHREST. So the Australians want to jump it to Appendix 2?

Mr. HOGARTH. Appendix 2. But one of the proposals, the Chileans also have a proposal that if it went to Appendix 2, that we would use the CCAMLR documentation, permit would be used for the CITES permit. So that would help in the process. So we were trying to evaluate and look at all these proposals and make sure that CCAMLR's role in this stays solid and that we do the best job of regulating the toothfish. It is being evaluated from both the scientific and the two agencies.

Mr. GILCHREST. You are saying it is being evaluated now?

Mr. HOGARTH. Yes, sir.

Mr. GILCHREST. Can you take a guess what the U.S. position will be? Is it likely to be similar to CCAMLR's? We predict all kinds of things—

Mr. HOGARTH. I think probably more—

Mr. GILCHREST. Is it likely to be similar to CCAMLR's position?

Mr. HOGARTH. CCAMLR's, I think, yes. I would think so.

Mr. GILCHREST. And then it is likely to be put in Appendix 2?

Mr. HOGARTH. I think it needs protection, yes, sir.

Mr. GILCHREST. Is there anybody that would disagree that it needs protection?

Mr. HOGARTH. No, I think part of the disagreement is that you do not lose the role of CCAMLR in this and that you do not set up duplicate permits and things like that, that we have got a system in place and we need to utilize that, but to look further at the excessive harvest that is taking place. There is excessive harvest. We have got to control that.

Mr. GILCHREST. If this is put in Appendix 2, what enforcement mechanisms are going to be put in place to limit the trade with the Patagonian toothfish?

Mr. HOGARTH. Well, I think that is part of the discussion, is what you would put into place and what permits would you use, what would be the documentation scheme that you would utilize for the exportation and import to the U.S. You would have to look at the—we want to make sure that there is a transparent process that looks at the harvest and landing and the transshipment, and then you would have to have a process in place.

The U.S. requires the CCAMLR permit for all imports right now. So we do require that through Customs.

Mr. GILCHREST. So there is no confusion between what CITES does and what CCAMLR does?

Mr. HOGARTH. As far as the U.S. is concerned right now, we abide by CCAMLR and you have to have the permit, and we have made several cases through Customs on the importation of toothfish already, the U.S. has.

Mr. POMBO. Would the gentleman yield for a minute? There has been a debate for years. When they establish a regional monitoring body and they have the responsibility of managing fish stocks within that particular region, there are always NGO's and others that try to get species that are within that particular regional management body issued as a CITES Appendix 2 or Appendix 1. There is always a huge debate over taking what is being done regionally and putting it into the international body. It is similar to the fight that we go through when they take a State issue and we try to Federalize it.

So there is always opposition to taking some of these issues from a regional management body and putting them in CITES. Over the years that I have been involved with CITES, we have seen this happen a number of times with a huge debate that goes on between the countries, and it does not align itself the way that a lot of other issues do, because there are some that truly believe that if you have a regional management body that is trying to manage fish stocks in that area, that we should leave it that way and we should not make it an international CITES issue.

Mr. HOGARTH. CCAMLR has a catch documentation scheme. We utilize it. Some other countries utilize it. Countries that are not part of CCAMLR, CITES would be an additional step, but we would hope that they would not put a more cumbersome regulation process in place and utilize what is place and CITES would be an additional step for those who do not have the catch documentation scheme of CCAMLR. You would have that permit, but you would not—

Mr. GILCHREST. What countries are in CCAMLR, other than Australia and Chile? New Zealand?

Mr. HOGARTH. New Zealand, U.S., Canada—

Mr. GILCHREST. Canada?

Mr. HOGARTH. Let me get you back those answers, because it seems like we are not—

Mr. GILCHREST. There are 20-some countries in CCAMLR. CCAMLR has not listed Patagonian toothfish—have they done anything with the problem with Patagonian toothfish that Australia seems to think that the stock is depleted?

Mr. HOGARTH. Australia proposes that you use the catch documentation scheme of CCAMLR, but they think that they need additional restrictions that CITES would bring for those countries that are not part of CCAMLR, and that would be additional permits through CITES.

Mr. GILCHREST. What would those additional protections be if CITES—

Mr. HOGARTH. Well, it would be for countries. If you are not using the catch documentation scheme of CCAMLR for your imports, for the countries like—we use it.

Mr. GILCHREST. I see.

Mr. HOGARTH. But if you were not utilizing it, if you are not a country that is part of CCAMLR and you are part of CITES, that gives you additional protection for those countries. So you would get additional coverage for the toothfish.

Mr. GILCHREST. What is the range of the Patagonian toothfish? The South Pacific? South Atlantic?

Mr. HOGARTH. It is all of the countries, really. It is all around the world. It has got a large range.

Mr. GILCHREST. And so those countries that fish in a commercial way, I would assume they have some input into the decisions that CCAMLR and Australia. Is there any other country that agrees, that we know of now, with Australia asking that this be put in Appendix 2, if that is where they want it put?

Mr. HOGARTH. At the present time, we do not know. There has not been any discussion that we have had with others yet.

Mr. GILCHREST. So CCAMLR—

Mr. HOGARTH. We do not have the whole position straight yet.

Mr. GILCHREST. Will CITES make a decision after CCAMLR makes their decision?

Mr. HOGARTH. No, this is a separate—CITES will make its decision based on the Australia proposal. Like I say, Chile has a proposal that wants protection but says that you should use the CCAMLR permit also.

Mr. GILCHREST. Now, Chile does not want it put in CITES?

Mr. HOGARTH. That is correct. They want to use the CCAMLR process.

Mr. GILCHREST. I see.

Mr. HOGARTH. I think Chile's permit, just to make it clear, is that they want everybody to voluntarily go with CCAMLR. So if you are part of CCAMLR or not, you would adopt that, voluntarily adopt the catch documentation scheme rather than have another permit through CITES, that everybody would just voluntarily adopt the catch documentation scheme of CCAMLR.

Mr. GILCHREST. But Australia does not want that?

Mr. HOGARTH. No, Australia feels like you need to have the additional protection of CITES, due to the excessive harvest and the amount that is being shipped.

Mr. GILCHREST. Is there any species that looks like Patagonian toothfish out there?

Mr. HOGARTH. That is a good question. I am not sure. That is another question I will get an answer for you.

Mr. GILCHREST. As CITES works with all these regional, for lack of a better term, fisheries management councils, there is an early discussion in the U.S., particularly with the Magnuson Act and to a limited extent with the Atlantic State Marine Fisheries Commission, to discuss issues of the broad ecosystem management of species, and there is an ongoing pilot project now in the Chesapeake Bay with NOAA working to some extent with the Atlantic State Marine Fisheries Commission, but especially with the States of Maryland, Pennsylvania, and to some extent, Delaware, to look at an ecosystem fisheries plan for the Chesapeake Bay. It brings in a whole range of discussion of the ecological needs of the marine ecosystem and its impact in a broad way by human beings, either through pollution, fragmentation, degradation, et cetera, et cetera.

Does CITES ever have any discussion on an ecosystem view of the world's oceans, either with IWC, CCAMLR, or anybody? I guess, Mr. Manson and Dr. Hogarth, you could—and I suppose that would also include the range of African elephants and other species.

Mr. MANSON. Well, I would say that we have certainly always looked at ecosystems in our approach to all threatened and endangered species issues. Having said that, because there are different schemes of national regulation, there are different national economies within ecosystems, that is what makes the ecosystem approach a little bit different under CITES than it might be under, say, the domestic Endangered Species Act, because the artificial political and economic considerations which overlay ecosystems in international terms change the calculus a little bit, and in some cases not a little bit but quite a lot, in terms of ecosystem management. So it is not always possible to apply an ecosystem view with respect to CITES.

The other thing that I think has to be remembered is that CITES is not a generalized endangered species act for the international arena. CITES is concerned largely with the impact of trade on threatened and endangered species, and so ecosystem considerations, while important, have a different cast than they would, again, with the domestic Endangered Species Act.

Mr. GILCHREST. Dr. Hogarth?

Mr. HOGARTH. I think to a certain extent, and I agree with the Judge, to a certain extent, though, when determining sustainability of a species, they sort of look at the role of that species in the ecosystem and how the two fit together before they issue a permit. So while it is not an ecosystem management approach, they sort of look at sustainability and the role of the ecosystem and of that species as they develop the permit or decide what to do with the permitting. But it is not an ecosystem plan as you and I would probably envision, managing into the future.

Mr. GILCHREST. I guess in a fairly simplistic way, though, my question is, do people who deal in these issues, whether it is dealing with which appendix to put African elephants in what part of the country or what to do with specific whale species or Patagonian toothfish, the people who deal specifically with the international legal regime of trade to enforce U.S. law and international law, especially if CITES is dealing with CCAMLR or CITES is dealing with the IWC, you come in contact with the full range of people in the international community and why, while ecosystem management may not be a direct part of the conversation, are there people that periodically understand and have exchanges of information with ecologists that are honed to understand the specifics of that type of mechanism, who have studied for years to understand the physics of the system upon which these species have survived and evolved over millions of years? Is that any kind of consideration, at least in a peripheral sense?

Mr. MANSON. The simple answer to that is yes.

Mr. GILCHREST. That is good.

[Laughter.]

Mr. GILCHREST. I had an opportunity a few months ago to talk with some other Members of Congress to the Prime Minister of Ethiopia, and Ethiopia is racked by poverty, disease, war, and drought, and that is basically the cycle upon which they witnessed and experienced over decades. But in that conversation, since we flew over much of Ethiopia in Russian helicopters—something that I do not recommend—

[Laughter.]

Mr. GILCHREST. —I probably will not ever do it again—I noticed how degraded the landscape was, denuded of forests, erosion, and that if a simple, basic plan was put into place that followed the hydrologic cycle and there were buffers in place, much of which we do here in the United States as a matter of course, to protect their watersheds, life would come back and the health of the region, I think, would have dramatically improved.

So when we had a somewhat brief but interesting discussion on the conservation corridor, on following the hydrologic cycle, and an understanding of what Ethiopia might have looked like thousands of years ago, with lush forests and pure water, how much better the country would be. There was stunning interest in that conversation, which was thrown into the conversation about children with AIDS and a number of other things.

So I think some interesting steps can be taken in that arena as sometimes seemingly side conversations that can get at the heart of the problem.

I will yield again to the gentleman from California.

Mr. POMBO. Thank you, Mr. Chairman.

I just had a couple more questions that I wanted to ask, and then I have a series of questions that I would like to submit in writing and have those answered. Some of them are somewhat technical in nature and I think it would just be easier if I submitted those and gave you the opportunity to answer them in writing for the Committee hearing.

One issue that has come up repeatedly, and Secretary Manson, I have talked to you about this in the past, was the whole issue

of the passport issue on traveling exhibits. There are a number of different proposals that are coming up. The U.S. is developing one. Russia is developing one. I understand that the Secretariat is also developing one. Do you believe that this will all be put together for one international passport on traveling exhibits, or are we going to have three separate systems that are being developed? Do you at this point have an idea where we are headed with that, and is there a possibility that this issue could be resolved at the upcoming COP12?

Mr. MANSON. Well, we have always supported the passport system. It makes sense to alleviate the burden on individuals and governments, as well, quite frankly. There are several proposals, as you point out. The Russian proposal, we do not support. I think that it is possible that we can reach some sort of consensus at COP12 on a single system. We certainly would work toward that end.

Mr. POMBO. I think with some of the problems we have had recently, it would be to everybody's benefit if we resolved that issue. I think it would be, for the sake of the animals involved, I think it would be a lot better if we got that resolved and we had a system that we could depend on. I think it would make it a lot easier.

The final question I would ask, Mr. Manson, and you discussed this briefly earlier, we list under the domestic ESA many species that are listed under CITES. What is the purpose of doing that, and do you believe that it offers a different level of protection for the species that are listed under both? I believe that the domestic Endangered Species Act has a different purpose than CITES.

Mr. MANSON. Well, I agree with that. I think that there are different considerations when we talk about species under our domestic Endangered Species Act. There is a different scheme of regulation. There are different mechanisms to give relief to individuals who may be affected by the regulatory scheme under the domestic Endangered Species Act.

I think CITES, as I said earlier, has a different focus. It is not designed as an international endangered species act on the model that we have in the United States. So the dual listing of species under the domestic Endangered Species Act, as well as under CITES, does serve to offer different types of benefits to the species that are involved.

Mr. POMBO. I look forward to discussing that issue further with you, because in many ways, I think it complicates the issue. It is at cross purposes many times, and I feel that under the domestic Endangered Species Act, that we would be better served spending the time and energy and resources, the very limited resources that we have, protecting domestic species instead of listing international species under that Act unless there is a specific reason to list that species, which may be the case in certain migratory issues. But I look forward to talking to you further about that in the future.

I want to thank the Chairman for agreeing to hold this hearing. As I said at the opening, this is an very important issue for the United States. Many times, I think that in the past, Congress did not give it the attention that it deserves. But over the past several years, we have had a number of hearings on CITES. I have had the opportunity to attend the last two. It is my intention to attend

the upcoming conference and I look forward to working with you gentlemen in the future. Thank you.

Mr. GILCHREST. I thank the gentleman from California. I guess he has to fill out an absentee ballot to attend this next hearing.

I know Dr. Hogarth has to leave here shortly, but I just had a question, Dr. Hogarth. I guess in the past, there have been a number of times when there has been a proposal to list certain species of sharks and they have always been rejected. Can you give us some idea of why that has happened, why listing especially whale shark and basking shark proposed to CITES has not been accepted and what the status of those listings are now?

Mr. HOGARTH. I think this brings to a head the whole discussion about the role of CITES in marine species, marine fish species, particularly the fish species, and the conservation of the marine fish species here versus the regional management through the other mechanisms. I think that has been one of the things that for years has been discussed and has not been resolved. I think the Australian proposal on toothfish is probably trying to bring that to a head, as to really what the role of CITES is in the conservation of a marine fish species.

I think the two sharks, I mean, whales that are listed, you know, I think, the reasons there. The sharks, it is sort of hard to say why they have not been. We have not really had, I think, our position fully established on what we think marine fish species belong. We are trying to work with FAO through their program and CITES and trying to coordinate the two programs.

That is not a real good answer to your question because I just do not think we have gotten all the information and decided what is the best way. Do we need another process for sustainability of marine fish species where we have some of the other schemes in place to manage this?

Mr. GILCHREST. When these proposals were made to CITES about certain species of sharks to be listed, who made those proposals?

Mr. HOGARTH. I think—

Mr. GILCHREST. Was it the U.S.? Was it some other country? Was it an NGO?

Mr. HOGARTH. The one we will be finding this year will be one that is coming from the European Union to list basking sharks as Appendix 2. Both the whale and basking sharks are already prohibited in U.S. waters. India is proposing, and the Philippines, that the whale sharks be listed in Appendix 2, and they are extremely rare and are facing increased international trade in the Indopacific. We will probably support those two proposals because of the conditions of those stocks and what is around them.

There will be a conservation management proposal that is being offered by Australia, suggests that the CITES animal committee regularly review the conservation of the various shark populations and recommend listing priorities. So there is another mechanism that Australia is recommending.

Mr. GILCHREST. I see.

Mr. HOGARTH. Ecuador is also going to come forward with a conservation and trade of sharks being offered. And then these will be talked about, closer coordination between CITES and FAO. They

are being reviewed right now and are going to come up at COP12. Whether a decision will be made at that point, it is somewhat difficult to say. But I think the whale and basking shark proposals, we will support those, and I think the long-term sharks will be a discussion of how is the best way to do it.

Mr. GILCHREST. Does CITES deal with white marlin?

Mr. HOGARTH. Not yet.

[Laughter.]

Mr. GILCHREST. OK.

Mr. HOGARTH. That is next week, is it not? That is the topic of next week's discussion.

Mr. GILCHREST. Is that next week?

[Laughter.]

Mr. GILCHREST. Where is that going to be held, in Ocean City? ICCAT is not meeting in Ocean City?

Mr. HOGARTH. No, Spain.

Mr. GILCHREST. Dr. Hogarth, Judge Manson, gentlemen, thank you very much for your testimony. We look forward to working with you in the months ahead.

The hearing is adjourned.

[Whereupon, at 3:21 p.m., the Subcommittee was adjourned.]

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