to each other and will not be injured by stacking.

(5) The shipper may carry aquatic species of amphibians (such as Necturus, Axolotls, Caecilians [Typhlonectes], Pipa and Xenopus) in a primary enclosure of two double-bagged sealed plastic bags a third full of water. The shipper shall fill the remainder with oxygen as specified by International Air Transport Association Live Animals Regulations' Container Requirements for transporting fish.

§ 14.222 Preparations before dispatch.

For those frogs, newts, salamanders, Caecilians, and toad species which require moisture, the shipper shall pack the animals in primary enclosures with sponges or balls of crushed blotting paper or foam rubber chips which the shipper shall moisten with water. The shipper may also use other dampened suitable material.

§ 14.223 General care and loading.

(a) The shipper shall not mix or combine species with other species in a single bag or compartment within the primary enclosure.

(b) Temperature. The shipper and the carrier shall take special care to avoid exposure to extreme temperatures, including the use of insulated shipping boxes. Particularly during cold weather, these animals lie dormant for prolonged periods and, therefore, neither the shipper nor the carrier shall presume the animals to be dead.

Dated: May 24, 1997.

Donald J. Barry,

Assistant Secretary, Fish and Wildlife and Parks.

[FR Doc. 97–14552 Filed 6–5–97; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

Proposals by Other Countries To Amend Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of decision.

SUMMARY: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) regulates international trade in certain animals and plants. Species for which such trade is controlled are listed in Appendices I, II, and III to CITES. Any country that is a Party to CITES may propose amendments to Appendix I or II for consideration by the other Parties.

This notice announces decisions by the U.S. Fish and Wildlife Service (Service) on negotiating positions to be taken by the United States delegation with regard to proposals submitted by Parties other than the United States. The proposals will be considered at the tenth regular meeting of the Conference of the Parties (COP10) to be held in Harare, Zimbabwe, June 9–20, 1997. This notice announces a deadline for public recommendations regarding potential reservations that could be taken by the United States on any listing decisions by the Parties at COP10. It also announces a potential amendment to the proposal submitted by the United States, and discussed in previous **Federal Register** notices, to include map turtles in Appendix II, and a revision to the proposal of the United States (also in the previous **Federal Register** notices) to include goldenseal in Appendix II.

DATES: Proposals mentioned in this notice are scheduled to be discussed along with preliminary votes by Party countries in committee on the weekdays from approximately June 11 to 17, 1997. Final votes in plenary sessions are likely on June 18 and 19, 1997, without discussion unless one-third of the Parties support the reopening of discussion on specific proposals. Any of these proposals that are adopted will enter into effect 90 days after the close of COP10 (i.e., on September 18, 1997). Public comments regarding potential reservations to be taken by the United States on listings adopted by the Parties at COP10 need to be received by the Service's Office of Scientific Authority by August 15, 1997.

ADDRESSES: Please send correspondence concerning this notice to Chief, Office of Scientific Authority; 4401 North Fairfax Drive, Room 750; Arlington, Virginia 22203. Fax number: 703–358–2276. Comments and other information received are available for public inspection by appointment, from 8 a.m. to 4 p.m. Monday through Friday, at the Arlington, Virginia address.

FOR FURTHER INFORMATION CONTACT: Dr. Charles W. Dane, Chief, Office of Scientific Authority, U.S. Fish and Wildlife Service, Washington, D.C., telephone: 703–358–1708, fax: 703–358–2276.

SUPPLEMENTARY INFORMATION:

Background

CITES regulates import, export, re-export, and introduction from the sea of certain animal and plant species. Species for which trade is controlled are included in one of three Appendices. Appendix I includes species threatened with extinction that are or may be affected by international trade. Appendix II includes species that, although not necessarily now threatened with extinction, may become so unless the trade is strictly controlled. It also lists species that must be subject to regulation in order that trade in other currently or potentially threatened species may be brought under effective control (e.g., because of difficulty in distinguishing specimens of currently or potentially threatened species from those other species). Appendix III includes species that any Party country identifies as being subject to regulation within its jurisdiction for purposes of preventing or restricting exploitation, and for which it needs the cooperation of other Parties to control trade.

Any Party country may propose amendments to Appendices I and II for consideration at meetings of the Conference of the Parties. The proposal must be communicated to the CITES Secretariat at least 150 days before the meeting. The Secretariat must then consult the other Parties and appropriate intergovernmental agencies, and communicate their responses to all Parties no later than 30 days before the meeting. Proposals submitted to the Secretariat are subsequently distributed to all Parties. The proposals submitted by the United States or cosponsored with other Parties for consideration at COP10 were addressed in the April 16, 1997, **Federal Register** (62 FR 18559). After preliminary review of other Parties' proposals received for consideration at COP10, the Service announced the proposals and invited comments on tentative negotiating positions in the April 17, 1997, **Federal Register** (62 FR 18731).

This notice announces the negotiating positions to be taken by the United States delegation on the proposals submitted by the Parties other than the United States for consideration at the forthcoming meeting of the Parties. It also announces *a potential amendment to a proposal* submitted by the United States and discussed in previous **Federal Register** notices of August 26, 1996 (61 FR 44324) and April 16, 1997 (62 FR 18559), to include all species of map turtles (genus *Graptemys*) in Appendix II, and an amendment to the proposal by the United States (also in the previous **Federal Register** notices) to include goldenseal (*Hydrastis canadensis*) in Appendix II. The decisions announced in this notice represent formal guidance to the delegation. Although it is neither

practical nor in the best interests of the United States to establish inflexible negotiating positions, the delegation will seek to obtain agreement of the Conference of the Parties with these positions unless new information becomes available (see Summary of Positions). Decisions on negotiating positions on resolutions and agenda items to be considered at COP10 are presented in a separate **Federal Register** notice.

Proposals on Map Turtles and Goldenseal by the United States

On January 10, 1997, the United States submitted a proposal to the CITES Secretariat, for consideration at COP10, to include all species of map turtles (genus *Graptemys*) in Appendix II. This proposal, like all proposals submitted by the United States, was developed through a public process and first suggested formally in an August 26, 1996, **Federal Register** notice (61 FR 44324). As a result of input received, the final proposal was modified such that three of the twelve species would be included in Appendix II only because of similarity of appearance to the other nine species. The Service's argument in reaching that position was that, even though those three species *(Graptemys geographica, G. pseudogeographica,* and *G. ouachitensis)* were common and widely distributed, their listing was necessary in order that trade in the other more vulnerable species could be effectively controlled. In subsequent discussions, the International Association of Fish and Wildlife Agencies (IAFWA) asked the Service to remove those three species from the proposal, if the range States of the other nine species agreed to take certain actions that would result in the same level of protection being achieved that was intended by the Service's proposed listing. In response, the Service developed a list of State actions it deemed necessary to fulfill the intended purpose and agreed to remove the three species from the proposal, if the States would agree to engage in dialogue about implementing the needed actions. If the range States respond positively to the Service's position, the Service will amend its proposal accordingly at COP10. Subsequently, if the envisioned protection is not afforded the nine more vulnerable species, the Service will reconsider proposing the remaining three species for inclusion in either Appendix II or Appendix III.

The proposal to include *Hydrastis canadensis* (goldenseal) in Appendix II, which was submitted to the CITES Secretariat by the United States on January 10, 1997, for consideration by the other Parties at COP10 (see 62 **Federal Register** 18559, April 16, 1997), is being revised to exclude the finished pharmaceutical products (i.e., the end-product medicinals), so the annotation would read: ''Roots, rhizomes or rootstocks, and specimens recognizable as being parts thereof, as well as powder thereof in bulk''. The listing would also have the standard exclusions such as seeds, as specified in 50 CFR Part 23.23(d).

The possibility of an amendment to not regulate all parts and derivatives of this species was presented in the proposal (Section 7.1) and the April 16, 1997 **Federal Register** (62 FR 18571). The Service believes that this lesser regulation, which would include raw powder still in the manufacturing process but not the finished products for the consumer such as capsules, is sufficient to begin a cooperative endeavor for the conservation of goldenseal. Should it be found with experience that this is insufficient regulation, a new CITES proposal to include other parts or derivatives could be presented to the Parties to consider, and would be announced in some future **Federal Register** with a similar process for comments from the public.

Comments Received

A public meeting held on April 25, 1997, provided opportunities for comments from organizations and the general public on the tentative positions published in the April 17, 1997, **Federal Register** (62 FR 18731). These meetings were attended by 33 non-Federal-government individuals, representing 24 non-government organizations, one embassy, one foreign government agency, and three private businesses. Some of these attendees did not comment, and some followed up their verbal comments with written statements. Nineteen additional organizations, one business, and five unaffiliated individuals provided substantive written comments during the comment period on species proposals.

Most of the animal proposals received comment from at least one organization. The proposals receiving the greatest attention were those on elephants, whales, brown bear, white rhinoceros, vicuña, hawksbill sea turtle, and map turtles (the amendment being considered for the U.S. proposal). Written comments on plant species were received from three organizations and one specialist in certain aspects of plants. Cumulatively, all plant proposals were addressed by commenters, with the most comments concerning one or more of the proposals on cacti.

The Service has prepared a summary of public comments entitled ''Assessment of Comments on Species Listing Proposals.'' The separate development of this document, in keeping with past practice of the Service, allows for more timely and less expensive publication in the **Federal Register**. Although biological and trade information received from individuals and organizations after the comment period expired is not referenced in this document, all such information was considered on the basis of its scientific and/or technical merit. The ''Assessment of Comments on Species Listing Proposals'' is available from the Office of Scientific Authority upon request.

Summary of Positions

As a consequence of (a) careful review and analysis of public comments and (b) new information that has become available from a variety of other sources since publication of tentative positions in the earlier **Federal Register** (62 FR 18731), some positions have been changed. Nine changes relate to animal listing proposals. Six of these (related to brown bear, vicuña, and Nile crocodile) involve negotiating positions previously ''under review'' and three (on vicuña annotations and South American curassows) involve reversals of position. Two changes involve plant listing proposals. One (on cut flowers of various families) involves a reversal of position; and one (on several taxa or groups of commonly propagated plants) involves a position formerly ''under review.'' The latter involves a detailed review and analysis prepared by the Service that will be provided to interested Parties at COP10. All changes in position since the previous notice were made on the basis of new information, including information provided through the public comment process.

The negotiating positions presented in the following table are based upon (a) the best available biological and trade information available to the Service at this time, (b) the criteria adopted at COP9 for listing species in the Appendices (Resolution Conf. 9.24), (c) Confs. 3.15 and 8.22 on ranching, and (d) Conf. 9.18 on regulation of trade in plants. Rationale for (and/or commentary on) each current position is presented in footnotes referenced in the table. In some cases, only the rationale for a position has changed from that presented in the previous notice. The bases for some positions, particularly those that have changed since the

previous notice, are further explained in the separate ''Assessment of Comments on Species Listing Proposals.''

Although this notice sets forth the negotiating positions of the United States at COP10, new information that becomes available during a COP can often lead to modifications in positions. Support or opposition to particular proposals may depend on whether certain questions about them are answered satisfactorily at the meeting. At COP10, the U.S. delegation will disclose all position changes and the rationale for them.

Species	Proposed amendment	Proponent	U.S. position
Mammals			
Order Diprotodontia:			
Burramys parvus (Mountain pygmy possum).	Deletion from Appendix II	Australia	Support.[1]
Dendrolagus bennettianus (Bennett's tree kangaroo).	Deletion from Appendix II	Australia	Support.[1]
Dendrolagus lumholtzi (Lumholtz's tree kangaroo).	Deletion from Appendix II	Australia	Support.[1]
Order Xenarthra:			
Chaetophractus nationi (Hairy armadillo).	Inclusion in Appendix I	Bolivia	Support.[1]
Order Cetacea:			
Eschrichtius robustus (Gray whale).	Transfer of the Eastern Pacific stock from Appendix I to II.	Japan	Oppose.[2]
Balaenoptera acutorostrata (Minke whale).	Transfer of the Okhotsk Sea West Pacific and the Southern Hemisphere stocks from Appendix I to II.	Japan	Oppose.[2]
Balaenoptera acutorostrata (Minke whale).	Transfer of the Northeast Atlantic and the North Atlantic Central stocks from Appendix I to II.	Norway	Oppose.[2]
Balaenoptera edeni (Bryde's whale).	Transfer of the North Pacific Western stock from Appendix I to II.	Japan	Oppose.[2]
Order Carnivora:			
Ursus arctos (Brown bear)	Transfer of all Asian and European populations from Appendix II to I.	Bulgaria and Jordan.	Oppose.[3]
Ursus arctos (Brown bear)	Transfer of all Asian and European populations from Appendix II to I.	Finland	Oppose.[3]
Panthera onca (Jaguar)	Establishment of annual export quotas for hunting trophies of zero in 1997, 1998, and 1999 and of 50 thereafter.	Venezuela	Oppose.[4]
Order Proboscidea:			
Loxodonta africana (African elephant).	Transfer of the Botswanan population from Appendix I to II, with certain annotations [5].	Botswana, Namibia, and Zimbabwe.	Under review.[6,7,8]
Loxodonta africana (African elephant).	Transfer of the Namibian population from Appendix I to II, with certain annotations [9].	Botswana, Namibia, and Zimbabwe.	Under review.[6,8,10]
Loxodonta africana (African elephant).	Transfer of the Nimbabwean population from Appendix I to II, with certain annotations [11].	Botswana, Namibia, and Zimbabwe.	Under review.[6,8,12]
Order Perissodactyla:			
Ceratotherium simum simum (Southern white rhinoceros).	Amendment to annotation 503 in the CITES Appendices) to allow trade in parts and derivatives but with a zero export quota.	South Africa	Oppose.[13]
Order Artiodactyla:			
Pecari tajacu (Collared peccary)	Deletion from Appendix II (Mexican population)	Mexico	Oppose.[14]
Vicugna vicugna (Vicuña)	Annotated transfer of certain populations to Appendix II [15].	Argentina	Oppose.[16,17,18]
Vicugna vicugna (Vicuña)	Annotated transfer of certain populations to Appendix II [19].	Bolivia	Under review. [18,20]
Vicugna vicugna (Vicuña)	Amendment to annotation 504 in the CITES Appendices to replace the words ''VICUÑANDES-CHILE'' and ''VICUÑANDES-PERU'' with the words ''VICUÑA-COUNTRY OF ORIGIN''.	Peru	Support.[21]
Vicugna vicugna (Vicuña)	Amendment to annotation 504 (in the CITES Appendices list) to allow also the countries that are members of the Vicuña Convention to utilize the term VICUÑA-PAIS DE ORIGENARTESANIA, along with the authorized trademark, on luxury handicrafts and knitted articles made of wool sheared from live vicuñas from Appendix II populations.	Peru	Oppose.[18]
Elaphurus davidianus (Père David's deer).	Inclusion in Appendix II	Argentina and China.	Support.[1]
Bison bison athabascae (Wood bison).	Transfer from Appendix I to II in accordance with precautionary measure B.2.b of Resolution Conf. 9.24, Annex 4.	Canada	Under review.[22]
Bos javanicus (Banteng)	Inclusion in Appendix I	Thailand	Support.[1,23]
Bubalus arnee (Water buffalo)	Include In Appendix I	Thailand	Support.[1]

Species	Proposed amendment	Proponent	U.S. position
Ovis ammon nigrimontana (Kara Tau argali).	Transfer from Appendix II to I	Germany	Support.[1]
Birds			
Order Galliformes:			
Pauxi pauxi (Northern helmeted curassow).	Inclusion in Appendix II	Netherlands	Support.[1]
Pauxi unicornis (Horned curassow).	Inclusion in Appendix II	Netherlands	Support.[1]
Order Gruiformes:			
Turnix melanogaster (Black-breasted buttonquail).	Deletion from Appendix II	Australia	Oppose.[24]
Pedionomus torquatus (Plains wanderer).	Deletion from Appendix II	Australia	Support.[1]
Gallirallus australis hectori (Eastern weka rail).	Deletion from Appendix II	New Zealand	Support.[1]
Order Psittaciformes:			
Amazona agilis (Black-billed parrot).	Transfer from Appendix II to I	Germany	Support.[1]
Amazona viridigenalis (Red-crowned parrot.	Transfer from Appendix II to I	Germany	Support.[1]
Cacatua sulphurea (Lesser sulphur-crested cockatoo).	Transfer from Appendix II to I	Germany	Support.[1]
Eunymphicus cornutus uvaeensis (Ouvea horned parakeet).	Transfer from Appendix II to I	Germany	Oppose.[25]
Vini kuhlii (Kuhl's lorikeet)	Transfer from Appendix II to I	Germany	Support.[1]
Vini peruviana (Tahitian lorikeet)	Transfer from Appendix II to I	Germany	Support.[1]
Vini ultramarina (Ultramarine lorikeet).	Transfer from Appendix II to I	Germany	Support.[1]
Order Coraciiformes:			
Aceros waldeni (Writhed-billed hornbill.	Transfer from Appendix II to I	Germany	Support.[1]
Order Passeriformes:			
Leiothrix argentauris (Silver-eared mesia).	Inclusion in Appendix II	Netherlands	Support.[1]
Leiothrix lutea (Red-billed leiothrix).	Inclusion in Appendix II	Netherlands	Support.[1]
Liocichla omeiensis (Omei Shan liocichla).	Inclusion in Appendix II	Netherlands	Support.[1]
Tangara fastuosa (Seven-colored tanager).	Inclusion in Appendix II	Germany and the Netherlands.	Support.[1]
Amandava formosa (Green avadavat).	Inclusion in Appendix II	Netherlands	Support.[1]
Padda oryzivora (Java sparrow	Inclusion in Appendix II	Netherlands	Support.[1]
Gracula religiosa (Hill mynah)	Include in Appendix II	Netherlands and the Philippines.	Support.[1]
Reptiles			
Order Testudinata:			
Callagur borneoensis (Painted terrapin).	Inclusion in Appendix II	Germany	Support.[1]
Eretmochelys imbricata (Hawksbill sea turtle).	Transfer of the Cuban population from Appendix I to II with certain annotations[26].	Cuba	Oppose.[14]
Order Crocodylia:			
Caiman latirostris (Broad-snouted caiman).	Transfer of the Argentine population from Appendix I to II, pursuant to resolution on ranching.	Argentina	Under review.[27]
Crocodylus niloticus (Nile crocodile).	Maintenance of the Malagasy population in Appendix II, pursuant to resolution on ranching.	Madagascar	Oppose.[28]
Crocodylus niloticus (Nile crocodile).	Establishment of an annual export quota of 1,000 skins and 100 hunting trophies from wild animals for the years 1998–2000.	Tanzania	Oppose.[29]
Crocodylus niloticus (Nile crocodile).	Maintenance of the Ugandan population in Appendix II, pursuant to resolution on ranching.	Uganda	Support.[30]
Order Sauria:			
Varanus bengalensis (Indian monitor).	Transfer of the population of Bangladesh from Appendix I to II subject to annual export quotas of 150,000 skins in 1997 and 225,000 in 1998 and 1999.	Bangladesh	Oppose.[14]
Varanus flavescens (Yellow monitor).	Transfer of the population of Bangladesh from Appendix I to II subject to annual export quotas of 100,000 skins in 1997, 1998, and 1999.	Bangladesh	Oppose.[14]
Amphibians			
Order Anura:			
Mantella bernhardi (Golden mantella).	Inclusion in Appendix II	Netherlands	Support.[1]

Species	Proposed amendment	Proponent	U.S. position
Mantella cowani (Golden mantella).	Inclusion in Appendix II	Netherlands	Support.[1]
Mantella haraldmeieri (Golden mantella).	Inclusion in Appendix II	Netherlands	Support.[1]
Mantella viridis (Golden mantella)	Inclusion in Appendix II	Netherlands	Support.[1]
Mollusks			
Class Gastropoda:			
Paryphanta spp. (New Zealand amber snails).	Deletion from Appendix II	Switzerland	Support.[1]
Other Animal Proposals			
Any Appendix II species annotated to limit the trade to certain types of specimens.	Amendment to the relevant annotations of Appendix II species annotated to limit the trade to certain types of specimens, to include the following wording: ''All other specimens shall be deemed to be specimens of species included in Appendix I and the trade in them shall be regulated accordingly''.	Switzerland	Support.[31]
Plants—General			
Araliaceae: *Panax quinquefolius* (American ginseng).	Amend the Appendix II listing of this species (*cf.* current annotation #3), to include only the following parts: ''Roots and specimens recognizable as being parts of roots''.	Switzerland	Support.[32,33]
Cactaceae spp. (Cacti): Mexican cacti	Amend the Appendix II listing for this family (*cf.* current annotation #4), to include seeds of cacti from Mexico, except those seeds obtained from artificial propagation in Production Units.	Mexico	Support.[1,6,34]
Leguminosae (Fabaceae): *Pericopsis elata* (Afrormosia), and Meliaceae: *Swietenia mahagoni* (Caribbean mahogany).	Amend the Appendix II listing of these two species (*cf.* current annotation #5), to include only the following parts: ''Logs, sawn wood, and veneer sheets''.	Switzerland	Support.[35]
Proteaceae: *Orothamnus zehyeri* (Marsh-rose).	Transfer from Appendix I to Appendix II, in accordance with precautionary measure B.2.b) of Resol. Conf. 9.24, Annex 4.	South Africa	Support.[1]
Protea odorata (Ground-rose or Swartland sugarbush).	Transfer from Appendix I to Appendix II, in accordance with precautionary measure B.2.b) of Resol. Conf. 9.24, Annex 4.	South Africa	Oppose.[14,24,36]
Scrophulariaceae: *Picrorhiza kurrooa* (Kutki).	Include in Appendix II, along with only the following parts[37]: Roots [i.e., rhizomes/rootstocks] and readily recognizable parts thereof.	India	Support.[1, 33]
Theaceae: *Camellia chrysantha,* which is *Camellia petelotii* in part (Golden-flowered camellia).	Delete from Appendix II	China	Support.[1]
Valerianaceae: *Nardostachys grandiflora* (= *Nardostachys jatamansi* misapplied) (Himalayan nard or spikenard).	Include in Appendix II, along with only the following parts[37]: Roots [i.e., rhizomes/rootstocks] and readily recognizable parts thereof.	India	Support.[1, 33]
Plants—Artificial Propagation			
Families other than Orchidaceae (Orchids).	Amend the listings of most plant families now in Appendix II (current annotations #1, #2, #4, and #8), to also exclude the following part: Cut flowers of artificially propagated plants.	Switzerland	Support.[38]
Cactaceae spp. (Cacti): (1) Hybrid Easter cactus; (2) Christmas cactus, Crab cactus; (3) Red cap cactus, Oriental moon cactus; and (4) Bunny ears cactus.	Amend the Appendix II listing for this family (*cf.* current annotation #4), to exclude artificially propagated specimens of the following hybrids and/or cultivars: (1) *Hatiora graeseri* (= *H. gaertneri H. rosea*); (2) *Schlumbergera* (= *Zygocactus*) hybrids and cultivars [sic][39] (*S. truncata* cultivars, and its hybrids with *S. opuntioides* [= *S. exotica*], *S. orssichiana,* and *S. russelliana* [= *S. buckleyi*]); (3) *Gymnocalycium mihanovichii* cultivars (those lacking chlorophyll, grafted[40]); and (4) *Opuntia microdasys.*	Denmark	Oppose.[41]
Euphorbiaceae: Succulent *Euphorbia* spp. (Succulent euphorbs): Three-ribbed milk tree.	Amend the Appendix II listing of succulent *Euphorbia* spp., with an annotation to exclude artificially propagated specimens of *Euphorbia trigona* cultivars[42].	Denmark	Oppose.[41]
Primulaceae: *Cyclamen* spp. (Cyclamens): Florist's cyclamen.	Amend the Appendix II listing of *Cyclamen* spp., with an annotation to exclude artificially propagated specimens of the hybrids and cultivars of *Cyclamen persicum,* except when traded as dormant tubers.	Denmark	Oppose.[41]

[1] The listing, uplisting, downlisting, or delisting of this taxon (or parts in the case of some plants) appears to be consistent with the relevant biological, trade, and precautionary criteria of Resolution Conf. 9.24.

[2] The United States continues to support the 1978 request from the International Whaling Commission (IWC) to take all possible measures to support the IWC ban on commercial whaling for certain species and stocks of whales and therefore opposes the transfer of this species from Appendix I to Appendix II.

[3] The proposal from Bulgaria and Jordan defers to the details presented in the proposal from Finland. Although it is clear that some of the European or Asian populations of this species not presently included in Appendix I meet the criteria for Appendix I, the United States is not convinced by the proposal that the brown bear population of Russia qualifies. The Russian population is subject to a managed sport harvest that appears to be in itself sustainable, but this population in particular is also prone to illegal take for medicinal products. Unless Russia supports the proposal and there is no compelling objection from other range states, the United States opposes the proposal as written. However, the United States would support an amended proposal that addresses specific range state populations (i.e., all members of the species within specified national boundaries) meeting the biological criteria for Appendix I, if the proposal is supported by the relevant range state(s).

[4] The proposal acknowledges that the jaguar population proposed for phased-in trophy-hunting may be the most threatened population in the country. The United States opposes this proposal without (a) a more convincing case that trophy hunting will not add to existing pressure on the jaguar population and (b) a management plan involving comprehensive population monitoring in the affected area.

[5] Annotated to allow: (a) the direct export of registered stocks of whole raw tusks of Botswana origin to one trading partner (Japan) subject to annual quotas of 12.68 t. in 1998 and 1999; (b) international trade in hunting trophies; and (c) international trade in live animals to appropriate and acceptable destinations.

[6] The proposal presents biological information that supports the proposed action.

[7] The Panel of Experts report on this proposal noted deficiencies in the record-keeping system for the ivory stockpile and showed there is no clear plan for use of ivory revenues to benefit elephant conservation. It also noted the existence of some movement of ivory through the country. The United States has concerns about these reported deficiencies and about the adequacy of trade controls in the importing country.

[8] The United States is consulting other African elephant range states to determine whether adoption of this proposal by the Parties would cause conservation concerns in other portions of the species' range.

[9] Annotated to allow: (a) the direct export of registered stocks of whole raw tusks of Namibian origin owned by the government of Namibia to one trading partner (Japan) that will not reexport, subject to annual quotas that will not exceed 6900 kg. between September 1997 and August 1998 and between September 1998 and August 1999; (b) international trade in live animals to appropriate and acceptable destinations for non-commercial purposes; and (c) international trade in hunting trophies for non-commercial purposes.

[10] Although noting there is probably some movement of ivory through the country, the Panel of Experts reported satisfactory to excellent internal management controls in Namibia and an excellent legal structure for establishing a conservation fund with ivory stock sale revenues. The Panel concluded that the proposal would likely benefit elephant conservation in Namibia. The United States has concerns about the adequacy of trade controls in the importing country.

[11] Annotated to allow: (a) the direct export of registered stocks of whole raw tusks to one trading partner (Japan) subject to annual quotas of 10 t. in 1998 and 1999; (b) international trade in hunting trophies; (c) international trade in live animals to appropriate and acceptable destinations; (d) international trade in non-commercial shipments of leather articles and ivory carvings; and (e) export of hides.

[12] The Panel of Experts noted deficiencies in trade enforcement controls in Zimbabwe, including failure to prevent illegal exports of large commercial shipments of worked ivory, and showed there is no clear plan for use of ivory revenues to benefit elephant conservation. It also noted the existence of significant movement of ivory through the country. The United States has concerns about these reported deficiencies and about the adequacy of trade controls in the importing country.

[13] While acknowledging the excellent record of the government of South Africa in restoring populations of this species, the United States is concerned about potential detrimental effects of re-opening a legal international trade in rhinoceros horn. The United States has invested considerable effort into encouraging use of alternatives to rhinoceros horn derivatives in traditional Asian medicines.

[14] The proposal does not present sufficient biological information to justify the listing, uplisting, downlisting, or delisting as proposed, based on the criteria in Resolution Conf. 9.24.

[15] Transfer of the population of the Province of Jujuy and of the semicaptive populations of the Provinces of Jujuy, Salta, Catamarca, La Rioja, and San Juan, Argentina, from Appendix I to II, with an annotation to allow only the international trade in wool sheared from live vicuñas, and in cloth and manufactured items made thereof, under the mark, ''VICUÑA–ARGENTINA.''

[16] Although the population may no longer meet the biological criteria for Appendix I, the proposal does not yet satisfy the precautionary measures of Annex 4 of Resolution Conf. 9.24. The proposal does not clearly describe a population monitoring program, does not demonstrate either local incentives for conservation or the existence of effective controls on production and export of products, and does not present sufficient detail to indicate transparency in the vicuña conservation fund.

[17] The United States is opposed to international trade in raw wool during the early phases of a vicuña downlisting, before a management plan has been implemented and shown to be effective, unless convincing safeguards are demonstrated by the proponent.

[18] The United States is concerned about the risks of large quantities of luxury handicrafts and knitted articles derived from vicuña wool leaving the countries of origin without CITES controls, because of the CITES personal effects exemption.

[19] Transfer of the populations of the Conservation Units of Mauri-Desaguadero, Ulla Ulla, and Lipez-Chicas, Bolivia, from Appendix I to II, with an annotation to allow only the international trade in cloth and manufactured items made thereof, under the mark, ''VICUÑA–BOLIVIA.''

[20] The proposal presents excellent population data and a well conceived approach to development of management plans and follow-through monitoring of the effectiveness of vicuña management in different socio-economic regimes. The United States considers this proposal to be under review until the report on exports of vicuña cloth at COP10 is presented and evaluated. Despite the quality of the proposal, the United States does not believe that trade in vicuña products from Bolivia is warranted until the proposed management plan is operational and the Parties have an opportunity to consider other than a zero quota for vicuña products, and provided that export will be limited initially to easily controlled products.

[21] The United States sees no difficulties with such a change in the labeling of approved products.

[22] Because of the remote isolation of the wild population, and because of the risk of disease spreading to captive populations if wild animals are introduced, it is highly unlikely that trade in wood bison presently in captivity would be detrimental to the survival of the species in the wild. Nonetheless, the species appears to meet the biological criteria for retention in Appendix I. The proposal remains under review, while the United States consults with Canada to obtain clarification on the species' status.

[23] The United States supports the exclusion from the proposal of introduced populations remote from the natural range, e.g., the introduced population of Australia.

[24] Although trade is not recorded, the population is so small that retention in the Appendices would seem advisable as a precautionary measure in the event illegal trade should ever occur.

[25] Because the subspecies are extremely similar and occur in the same jurisdiction, the proposed split-listing would be practically unenforceable and would be inconsistent with Annex 3 of Resolution Conf. 9.24.

[26] Annotated to allow: (a) trade in current registered stocks of shell with one trading partner (Japan) that will not re-export; and (b) export in one shipment per year, to the same partner, of shell marked in compliance with Resolution Conf. 5.16, which allows definitive identification of origin, from a traditional harvest (maximum 500 individuals per year) or from an experimental ranching program (anticipated: 50 individuals in the first year; 100 in the second year; and 300 in the third year).

[27] The United States is not convinced that the necessary trade controls (including a tagging scheme in accordance with Resolution Conf. 9.22) are in place to ensure that the ranching program will be beneficial to the species and its continuing to seek clarification from Argentina.

[28] The United States opposes the proposal on the basis that it does not provide a clear picture of the regulatory and control measures that need to be in place in order to monitor ranching operations and control trade. A modified proposal under quota provisions that would allow for export of 200 or fewer problem animals, and a quota of 3,000–5,000 ranched animals as previously allowed, would be acceptable.

[29] The United States opposes export of more than 200 nuisance animals and more than 100 sport trophies, because the reporting requirement related to the previous approval by the Parties of export of 1,000 wild-caught nuisance animals and 100 trophies does not present sufficient information to justify the level of harvest and subsequent export of wild animals outside protected areas. The IUCN Crocodile Specialist Group does not believe that the current wild harvest is sustainable and questions the accuracy of crocodile export reports.

[30] The United States supports the proposal, conditional upon Uganda agreeing to (a) monitor the effect of release of juveniles in the wild and to adjust egg collection limits if necessary; (b) clarify the manner in which the ranching program provides conservation benefits to the species; and (c) accepting a CITES Secretariat review (in consultation with the IUCN Crocodile Specialist Group) of the progress of the ranching program prior to the next meeting of the Conference.

[31] The United States believes the recommended language would help clarify annotated downlistings, such as that of the South African population of the white rhinoceros, and reduce the possibility of misinterpreting or abusing the downlisting process. However, annotation of the Appendices is a complex and confusing subject that deserves a thorough review from legal and technical perspectives. Accordingly, the United States has prepared a draft resolution on annotated downlistings, presently under internal review, and looks forward to detailed discussion at COP10.

[32] The current listing includes ''Roots and readily recognizable parts thereof''. The proposed revision is considered to be a minor change, which would clarify and keep the intent of the 1985 proposal (at COP5) to include the whole roots and the larger parts thereof, and to exclude minor pieces and processed products. Some importing Parties have found that the current annotation can be interpreted too broadly.

[33] The United States will recommend standardization of the inclusion of the parts for *Panax quinquefolius* (American ginseng), *Picrorhiza kurrooa* (Kutki), and *Nardostachys grandiflora* (Himalayan nard), with the annotation ''Roots, rhizomes or rootstocks, and specimens recognizable as being parts thereof''. This would keep the intent of the proposal of Switzerland for *Panax quinquefolius,* and the intent of the proposals of India for the other two species, while accommodating those two species' different morphology of having rhizomes or rootstocks.

[34] This proposal is considered necessary to assist enforcement of Mexican law that regulates the export of seeds collected in the wild from cacti in Mexico. The Government of Mexico, at the November 1996 meeting of the CITES Plants Committee, presented information on recent violations of Mexican law and over-collection of cactus seeds of various taxa for export to various Party countries. The United States is discussing with Mexico how they intend to administer the differentiation of seeds collected in the wild from seeds produced by artificial propagation in their Production Units (i.e., nurseries). We understand that this proposal only covers the populations of cacti in Mexico; it does not cover populations of Mexican cacti native beyond Mexico, or specimens of Mexican cacti artificially propagated elsewhere than in Mexico.

[35] These two current listings include ''Saw-logs, sawn wood, and veneers''. The proposed revision is considered to be a minor change, which would correspond to the categories and definitions of HS codes 44.03 (logs), 44.06 and 44.07 (sawn wood), and 44.08 (veneer sheets) in the Harmonized System of the World Customs Organization. The change was recommended by the CITES Timber Working Group.

[36] There are so few individuals and populations of this species known in the wild, and so few artificially propagated individuals available in cultivation, that continued inclusion of the species in Appendix I is considered to be an appropriate precaution.

[37] The proposal for this species discusses its rhizomes or rootstocks rather than botanical roots.

[38] The proposal seeks to establish a new standard exclusion for Appendix II taxa. Presently, there is no known cut-flower trade in the pertinent listed Appendix II taxa (i.e., the taxa other than orchids), either from the wild or from flowers produced by artificial propagation (nor are there any complications in any trading of their hybrids with Appendix I taxa). The conservation of species in the wild is therefore considered to be unaffected by this proposed new standing listing for Appendix II (and probably Appendix III), to which exceptions (i.e., inclusion of the cut flowers) can be made whenever warranted in future proposals for particular taxa. Although the proposal did not address the taxa of Nepal in Appendix III, which also have their listings standardized with the current annotation #1, we expect the Secretariat to encourage Nepal to accept this new exclusion for those listings as well.

[39] This proposal is considered to not include all taxa (or hybrids and cultivars) of *Schlumbergera,* but just those listed in detail in the proposal and in this FEDERAL REGISTER notice. If this proposal goes forward, the United States will seek clarification or an amendment to that more limited effect.

[40] The proposal stated that the artificially propagated grafting stocks are mostly specimens of *Hylocereus* species and *Harrisia* ''Jusbertii'', but these taxa (and any other cactus taxa that might be used as grafting stock) were not directly presented for similar exclusion. The United States will consider supporting this portion of the proposal, if an amendment to specify the taxa of the grafting stocks, for example only *Harrisia* ''Jusbertii'', *Hylocereus trigonus Hylocereus undatus* can be adopted.

[41] Although the stipulated taxa are artificially propagated extensively, the risk either to other taxa in the wild or to pertinent natural taxa needs consideration. The burden for enforcement would be significantly complicated by excluding these artificially propagated specimens. Nevertheless, minimizing or reducing the implementation burden, and the regulation of artificially propagated specimens, are worthy goals, when there is no risk to taxa in the wild.

[42] This proposal is considered not to include *Euphorbia hermentiana,* which we understand is not a synonym of *Euphorbia trigona.*

Future Actions

Amendments are adopted by a two-thirds majority of the Parties present and voting. All species amendments adopted will enter into effect 90 days after the close of COP10 (i.e., on September 18, 1997) for the United States, *unless* a reservation is entered. Article XV of CITES enables any Party to exempt itself from implementing CITES for any particular species, if it enters a reservation with respect to that species. A Party desiring to enter a reservation must do so during the 90-day period immediately following the close of the meeting at which the Parties voted to include the species in Appendix I or II. Soon after COP10, the Service plans to publish a notice in the **Federal Register** announcing the final decisions of the Parties on all proposed amendments to the Appendices. If the United States should decide to enter any reservation, this action must be transmitted to the Depositary Government (Switzerland) by September 18, 1997. The United States has never entered a reservation to a CITES listing. It would consider doing so only if evidence is presented to show that implementation of an amendment would be contrary to the interests or laws of the United States.

Comments on Possible Reservations

The Service invites comments and recommendations from the public concerning reservations that may be taken by the United States on any amendments to the Appendices adopted by the Parties at COP10. The Service's past practice has been to solicit public comments only after the COP, in the notice that announces the actions of the Parties at the COP on the proposed species amendments. However, because of the short time available for taking reservations, the Service is now soliciting comments on possible reservations on any proposed species amendment that may be adopted. Although the Service will re-solicit comments after COP10 *if time is available,* this present notice may be the only request for such comments. Recommendations or comments regarding reservations must be received by August 15, 1997. If the United States should enter any reservations, they will be announced in the same **Federal Register** notice that incorporates the listing decisions of the Parties into the Code of Federal Regulations (50 CFR Part 23).

Reservations, if entered, may do little to relieve importers in the United States from the need for foreign export permits, because the Lacey Act Amendments of 1981 (16 U.S.C. 3371 *et seq.*) make it a Federal offense to import into the United States any animals taken, possessed, transported, or sold in violation of foreign conservation laws. If a foreign country has enacted CITES as part of its law, and that country has not taken a reservation with regard to the animal or plant, or its parts or derivatives, the United States (even if it had taken a reservation on a species) would continue to require CITES documents as a condition of import. Any reservation by the United States would provide exporters in this country with little relief from the need for U.S. export documents. Importing countries that are Party to CITES would require CITES-equivalent documentation from the United States, even if it enters a

reservation, because the Parties have agreed to allow trade with non-Parties (including reserving Parties) only if they issue documents containing all the information required in CITES permits or certificates. In addition, if a reservation is taken on a species listed in Appendix I, the species should still be treated by the reserving Party as in Appendix II according to Conf. 4.25, thereby still requiring CITES documents for export of these species. It is the policy of the United States that commercial trade in Appendix I species for which a country has entered a reservation undermines the effectiveness of CITES.

This notice was prepared by Drs. Marshall A. Howe and Bruce MacBryde, Office of Scientific Authority, under authority of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: June 2, 1997.

John G. Rogers,

Acting Director.

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