

**Fish and Wildlife Service****Convention on International Trade in Endangered Species (CITES) Notification; Recommendations From CITES Secretariat Regarding Prohibitions of Trade in Certain Animal Species From Several Countries**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of Information No. 24.

**SUMMARY:** This is a schedule III notice. This notice supersedes paragraph J of Notice of Information Number 23 published in the **Federal Register** on December 7, 1994 (59 FR 63101), and adds import restrictions to those addressed in Notice of Information Number 23. Wildlife subject to this notice is subject to detention, refusal of clearance or seizure, and forfeiture if imported into the United States. Violators may also be subject to criminal or civil prosecution.

On January 20, 1995, the CITES Secretariat issued Notification to the Parties No. 833 urging Parties to suspend imports of certain animal species from the following twelve countries: Argentina, Azerbaijan, China, Indonesia, Latvia, Lithuania, Madagascar, Peru, Republic of Moldova, Solomon Islands, Ukraine, and the United Republic of Tanzania. That Notification superseded Notification to the Parties No. 800, which was implemented by the Fish and Wildlife Service (Service) in Notice of Information 23. Several of the import suspensions in Notification to the Parties No. 833 were identical to Notification to the Parties No. 800, three were in addition, and one suspension was removed. The restrictions on imports of *Rana tigerina* and *Rana hexadactyla* from India, announced in Notice of Information No. 23, paragraph D, continue in effect even though India is no longer addressed by the Standing Committee recommendations on significant trade in Appendix II species. The Secretariat has indicated that India prohibits the harvesting and export of these species. It recommends that the parties continue to prohibit the import of such species from India. This notice fully implements those changes.

Notification was based on a decision made by the CITES Standing Committee during a meeting held in November, 1994, which asked CITES Party countries to suspend imports in certain animal species from the affected countries, and was in addition to decisions made by the Standing Committee in its meeting on April 21, 1994 (published in the **Federal Register**

on December 7, 1994). All of these actions were authorized by CITES Resolution Conference 8.9, adopted at the Eighth Meeting of the Conference of the Parties in Kyoto, Japan, in 1992, which established a procedure for developing remedial actions and calling for implementation by party countries through import suspensions, if voluntary compliance by exporting countries is not satisfactory, and were strongly endorsed in discussions at the Ninth Meeting of the Conference of the Parties in Fort Lauderdale, Florida, in November, 1994.

**DATES:** This notice is effective on May 19, 1995, and will be effective until further notice. The new import measures announced in this notice shall apply to shipments of wildlife which have a date of export fifteen (15) days after the effective date of this Notice. The import restrictions in Notice of Information No. 23, other than the one lifted herein, remain in effect.

**ADDRESSES:** Dr. Susan S. Lieberman, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 N. Fairfax Dr., room 420C, Arlington, VA 22203, regarding Notifications to the Parties, or Frank S. Shoemaker Jr., Special Agent in Charge, Investigations, U.S. Fish and Wildlife Service, Division of Law Enforcement, 4401 N. Fairfax Drive., room 500, Arlington, VA 22203, for enforcement actions.

**FOR FURTHER INFORMATION CONTACT:** Dr. Susan S. Lieberman, U.S. Fish and Wildlife Service, Office of Management Authority, telephone (703)358-2093, regarding Notifications to the Parties, or Frank S. Shoemaker Jr., Special Agent in Charge, Investigations, U.S. Fish and Wildlife Service, Division of Law Enforcement, telephone (703) 358-1949, for enforcement actions.

**SUPPLEMENTARY INFORMATION:** Article IV, paragraph 2(a) of the CITES treaty allows commercial and noncommercial trade in species listed in CITES Appendix II. Export permits for such trade may be issued only if a designated Management Authority of the country has determined that the specimens were legally acquired, and if a designated Scientific Authority of that country has advised the Management Authority that the export will not be detrimental to the survival of the species. Article IV, paragraph 3 goes on to require that exports of Appendix II species be limited in any way necessary to ensure that the population level of a species is consistent with that species' role in its ecosystem and that the population level of that species be maintained well above the level where it might qualify for inclusion in Appendix I.

Over the past decade, the CITES party countries have become increasingly concerned that certain Appendix II species are subject to particularly high volumes of trade without sufficient biological data for Scientific Authorities to make the necessary judgments that exports are not detrimental to the species, as required by Article IV. In 1983, CITES parties adopted a resolution at the Fourth Conference of the Parties in Gaborone, Botswana, acknowledging that many parties are not effectively implementing Article IV and thus risk losing the benefits of continued availability of these resources. This resolution, Conf. 4.7, established a project to identify Appendix II species involved in significant levels of international trade, and to develop and negotiate with exporting and importing countries whatever measures were necessary to bring trade down to levels consistent with Article IV.

In 1987, at the Sixth Conference of the Parties in Ottawa, Canada, parties charged the newly established CITES Animals Committee with the task of establishing a list of Appendix II species being significantly affected by trade, reviewing all available information, and formulating remedial measures for these species. The CITES Secretariat coordinated or contracted for studies to develop lists of mammal, bird, and reptile species and collect relevant information about these species, in cooperation with the World Conservation Union (formerly the International Union for the Conservation of Nature and Natural Resources). The Service cooperated with and provided financial support for a number of these studies.

At the Eighth Conference of the Parties in 1992, in Kyoto, Japan, CITES parties adopted a resolution developed by the CITES Animals Committee which recognized that substantial trade in wild-caught animals was still going on contrary to the provisions of Article IV, and that necessary remedial measures were not being properly implemented. This resolution, Conf. 8.9, established a formal process for the Animals Committee to develop remedial measures, including "zero quotas" (that is, temporary trade bans) when appropriate; for the Secretariat to communicate these recommendations to the exporting countries; and, where exporting countries do not satisfactorily implement the measures, for the CITES Standing Committee to call on parties to suspend imports of these species from the offending countries until they are in compliance. All of these actions were strongly endorsed in committee and

plenary discussions at the Ninth Meeting of the Conference of the Parties in Fort Lauderdale, Florida, in November, 1994.

During meetings of the Animals Committee between the Eighth and Ninth Meetings of the Conference of the Parties, attended by representatives of the Service, remedial measures were developed and subsequently communicated to exporting countries by the Secretariat. The Standing Committee reviewed reports from the Secretariat of compliance and noncompliance with these remedial measures during three meetings in 1993 and 1994. The Service represented the United States in these meetings, with the Department of State. During the Standing Committee meetings in Geneva, Switzerland, in March, 1994, and Fort Lauderdale, Florida, in November, 1994, the Standing Committee directed the Secretariat to issue a formal notice calling for a suspension of trade in particular Appendix II species from certain CITES parties.

Accordingly, on April 21, 1994, the Secretariat issued Notification to the Parties number 800, calling for a suspension of imports of certain species from twelve countries. Implementation of these restrictions was necessary to stop trade considered to be detrimental to the survival of the species and thus in contravention of the requirements of CITES Article IV. CITES parties failing to implement these trade suspensions would be contributing to the decline of the affected species, and would be subject to formal citation in the CITES Infractions Report and possible censure by the CITES Conference of the Parties.

Pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531-1544), the U.S. Fish and Wildlife Service is granted the authority to detain, refuse clearance of, or seize any fish or wildlife or plants that are imported into the United States in violation of CITES. Regulations contained in 50 CFR 14.53(c) indicate that refusal of clearance of imported wildlife is warranted if there are reasonable grounds to believe that documentation for the clearance of such wildlife is not valid. Similarly, regulations contained in 50 CFR 23.12(a)(2) require that all imports of Appendix II wildlife into the United States be accompanied by a valid foreign export permit or re-export certificate, unless an exemption applies. The Service agrees with Notification to the Parties numbers 800 and 833 and believes that any permits issued for the indicated species by the affected countries are not valid because required findings of "non-detriment" and/or lawful acquisition have not been

credibly demonstrated by the exporting countries in light of the significant trade level in particular Appendix II species.

Notification to the Parties number 833 incorporates all of the recommendations of Notification to the Parties number 800, with the following changes: (1) The trade suspension for ball pythons from Togo is lifted; (2) the trade suspension for the United Republic of Tanzania is amended to include six additional species; (3) a trade suspension is implemented for several species from Madagascar; and (4) a trade suspension is implemented for two butterfly species from Solomon Islands.

The subjects of this notice are as follows:

#### A. Subject

Togo: ban on imports of specimens of ball python (*Python regius*).

#### Source of Foreign Law Information

CITES Secretariat Notification to the Parties No. 833, issued on January 20, 1995, calls on Parties to lift the suspension of imports of *Python regius* specimens from Togo.

#### Action by the Fish and Wildlife Service

Since the publication of Notice of Information No. 23 (59 FR 63101), the Secretariat has received information from the Management Authority of Togo relating to its implementation of the recommendations of the Animals Committee on significant levels of trade in *Python regius*. The Secretariat is satisfied that Togo has initiated the action necessary to implement these recommendations. Therefore, the Standing Committee's recommendation to the Parties to suspend imports of specimens of *Python regius* is hereby withdrawn, and shipments of specimens of *Python regius* may be imported into the United States, directly or indirectly, from Togo, as long as all applicable CITES requirements and Service import requirements are met.

#### B. Subject

United Republic of Tanzania: ban on imports of specimens of Brown-headed Parrot (*Poicephalus cryptoxanthus*), Brown Parrot (*Poicephalus meyeri*), Red-bellied Parrot (*Poicephalus rufiventris*), Fischer's Turaco (*Tauraco fischeri*), Leopard tortoise (*Geochelone pardalis*), and Sand boa (*Eryx colubrinus*).

#### This is a Schedule III Notice

Wildlife subject to this notice is subject to detention, refusal of clearance, or seizure and forfeiture if imported into the United States.

#### Source of Foreign Law Information

CITES Secretariat Notification to the Parties No. 833, issued on January 20, 1995, calls on Parties to suspend imports of Brown-headed Parrot (*Poicephalus cryptoxanthus*), Brown Parrot (*Poicephalus meyeri*), Red-bellied Parrot (*Poicephalus rufiventris*), Fischer's Turaco (*Tauraco fischeri*), Leopard tortoise (*Geochelone pardalis*), and Sand boa (*Eryx colubrinus*) specimens from the United Republic of Tanzania.

#### Action by the Fish and Wildlife Service

Based on information received, the United Republic of Tanzania has not satisfactorily implemented the recommendations of the CITES Standing Committee. Specifically, the Management Authority of the United Republic of Tanzania must advise the CITES Secretariat of the following: The biological basis for determining that exports of specimens of *Poicephalus cryptoxanthus*, *Poicephalus meyeri*, *Poicephalus rufiventris*, *Geochelone pardalis*, and *Eryx colubrinus* will not be detrimental to the survival of the species; the establishment and level of an annual export quota for *Tauraco fischeri*; the legal protection status of *Geochelone pardalis*; and the status of wild populations of *Eryx colubrinus* in the United Republic of Tanzania. Therefore, in accordance with the responsibility of the United States under CITES, and effective immediately and until further notice from the U.S. Fish and Wildlife Service, no shipments of specimens of Brown-headed Parrot (*Poicephalus cryptoxanthus*), Brown Parrot (*Poicephalus meyeri*), Red-bellied Parrot (*Poicephalus rufiventris*), Fischer's Turaco (*Tauraco fischeri*), Leopard tortoise (*Geochelone pardalis*), and Sand boa (*Eryx colubrinus*) may be imported into the United States, directly or indirectly, from the United Republic of Tanzania, unless an exemption in CITES Article VII applies. This is in addition to the import prohibitions of Notice of Information No. 23, paragraph L, (59 FR 63101, 63104-05). Furthermore, the Wild Bird Conservation Act of 1992 already prohibits the importation of specimens of Brown-headed Parrot (*Poicephalus cryptoxanthus*), Brown Parrot (*Poicephalus meyeri*), Red-bellied Parrot (*Poicephalus rufiventris*), and Fischer's Turaco (*Tauraco fischeri*) without the required permits being issued by the Service.

#### C. Subject

Madagascar: ban on imports of specimens of Vasa Parrot (*Coracopsis*

vasa), Chameleons (*Chamaeleo spp.*)(except *Chamaeleo lateralis*, *Chamaeleo oustaleti*, *Chamaeleo pardalis* and *Chamaeleo verrucosus*), and Day geckos (*Phelsuma spp.*)(except *Phelsuma laticauda*, *Phelsuma lineata*, *Phelsuma madagascariensis*, and *Phelsuma quadriocellata*).

*This is a Schedule III Notice*

Wildlife subject to this notice is subject to detention, refusal of clearance or seizure, and forfeiture if imported into the United States.

*Source of Foreign Law Information*

CITES Secretariat Notification to the Parties No. 833, issued on January 20, 1995, calls on Parties to suspend imports of Vasa Parrot (*Coracopsis vasa*), Chameleons (*Chamaeleo sp.*)(except *Chamaeleo lateralis*, *Chamaeleo oustaleti*, *Chamaeleo pardalis* and *Chamaeleo verrucosus*), and Day geckos (*Phelsuma sp.*)(except *Phelsuma laticauda*, *Phelsuma lineata*, *Phelsuma madagascariensis*, and *Phelsuma quadriocellata*) specimens from Madagascar.

*Action by the Fish and Wildlife Service*

Based on information received, Madagascar has not satisfactorily implemented the recommendations of the CITES Standing Committee. Specifically, the Management Authority of Madagascar must advise the CITES Secretariat of the following: The biological basis for determining that exports of *Coracopsis vasa*, *Chamaeleo sp.* (except *Chamaeleo lateralis*, *Chamaeleo oustaleti*, *Chamaeleo pardalis*, and *Chamaeleo verrucosus*), and *Phelsuma sp.* (except *Phelsuma laticauda*, *Phelsuma lineata*, *Phelsuma madagascariensis*, and *Phelsuma quadriocellata*) will not be detrimental to the survival of the species; the suspension of exports of *Chamaeleo sp.* and *Phelsuma sp.* (except those species previously indicated) pending the establishment of scientifically-based sustainable harvest quotas; evidence that CITES implementation is improving by regular submission of copies of export permits issued; evidence to indicate that export permits will only be issued that indicate the species involved in a given consignment; and evidence to confirm the implementation of a system to verify the identification of specimens of *Chamaeleo sp.* and *Phelsuma sp.* in consignments before they are exported. Therefore, in accordance with the responsibility of the United States under CITES, and effective immediately and until further notice from the U.S. Fish and Wildlife Service, no shipments of specimens of Vasa Parrot (*Coracopsis*

*vasa*), Chameleons (*Chamaeleo sp.*)(except *Chamaeleo lateralis*, *Chamaeleo oustaleti*, *Chamaeleo pardalis* and *Chamaeleo verrucosus*), and Day geckos (*Phelsuma spp.*)(except *Phelsuma laticauda*, *Phelsuma lineata*, *Phelsuma madagascariensis*, and *Phelsuma quadriocellata*) may be imported into the United States, directly or indirectly, from Madagascar, unless an exemption in CITES Article VII applies. In addition, the Wild Bird Conservation Act of 1992 already prohibits the importation of specimens of Vasa Parrot (*Coracopsis vasa*) without the required permits being issued by the Service.

**D. Subject**

Solomon Islands: ban on imports of specimens of Bird Wing Butterflies (*Ornithoptera urvillianus*) and (*Ornithoptera victoriae*)

*This is a Schedule III Notice*

Wildlife subject to this notice is subject to detention, refusal of clearance or seizure, and forfeiture if imported into the United States.

*Source of Foreign Law Information*

CITES Secretariat Notification to the Parties No. 833, issued on January 20, 1995, calls on Parties to suspend imports of Bird Wing Butterfly (*Ornithoptera urvillianus*) and (*Ornithoptera victoriae*) specimens from the Solomon Islands.

*Action by the Fish and Wildlife Service*

Based on information received, the Solomon Islands has not satisfactorily implemented the recommendations of the CITES Standing Committee. Specifically, the Management Authority of the Solomon Islands must advise the CITES Secretariat of the following: the biological basis for determining that exports of *Ornithoptera urvillianus* and *Ornithoptera victoriae* will not be detrimental to the survival of the species. Therefore, in accordance with the responsibility of the United States under CITES, and effective immediately and until further notice from the U.S. Fish and Wildlife Service, no shipments of specimens of Bird Wing Butterflies (*Ornithoptera urvillianus*) and (*Ornithoptera victoriae*) may be imported into the United States, directly or indirectly, from the Solomon Islands, unless an exemption in CITES Article VII applies.

Dated: May 15, 1995.

**George T. Frampton,**

*Assistant Secretary for Fish and Wildlife and Parks.*

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**Minerals Management Service**

**Outer Continental Shelf, Central and Western Gulf of Mexico Oil and Gas Lease Sales 157 and 161**

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Availability of the proposed notices of sale.

Gulf of Mexico Outer Continental Shelf (OCS); Notice of Availability of the Proposed Notice of Sale for proposed Oil and Gas Lease Sales 157 in the Central Gulf of Mexico, and proposed Oil and Gas Lease Sale 161 in the Western Gulf of Mexico. This Notice of Availability is published pursuant to 30 CFR 256.29(c), as a matter of information to the public.

With regard to oil and gas leasing on the OCS, the Secretary of the Interior, pursuant to section 19 of the OCS Lands Act, as amended, provides the affected States the opportunity to review the proposed Notice of Sale.

The proposed Notices of Sale of proposed Sales 157 and 161 may be obtained by written request to the Public Information Unit, Gulf of Mexico Region, Minerals Management Service, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394, or by telephone at (504) 736-2519.

The final Notices of Sale will be published in the **Federal Register** at least 30 days prior to the date of the bid opening.

Bid opening is scheduled for early 1996 for proposed Sale 157, and mid-1996 for proposed Sale 161.

Dated: May 2, 1995.

**Cynthia Quarterman,**

*Director, Minerals Management Service.*

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**INTERNATIONAL TRADE COMMISSION**

[Investigations Nos. 701-TA-365-366 (Preliminary) and 731-TA-734-735 (Preliminary)]

**Certain Pasta From Italy and Turkey**

**AGENCY:** International Trade Commission.