

**DATES:** The amendments set forth in this rule entered into effect and became enforceable on February 16, 1995, under the terms of CITES. Therefore, this rule is effective September 29, 1995.

**ADDRESSES:** Please send correspondence concerning this document to Chief, Office of Scientific Authority; U.S. Fish and Wildlife Service; 4401 North Fairfax Drive, room 725; Arlington, Virginia, 22203; fax number 703-358-2276. Express and messenger deliveries should be addressed to the Office of Scientific Authority; 4401 North Fairfax Drive, room 750; Arlington, Virginia, 22203. Materials received will be available for public inspection by appointment, from 8:00 a.m. to 4:00 p.m. Monday through Friday at the above address in Arlington, Virginia.

**FOR FURTHER INFORMATION CONTACT:** Dr. Charles W. Dane, Chief, Office of Scientific Authority, U.S. Fish and Wildlife Service, at telephone 703-358-1708.

**SUPPLEMENTARY INFORMATION:**

**Background**

CITES regulates import, export, reexport, and introduction from the sea of certain animal and plant species. Species for which the trade is controlled are included in three Appendices. Appendix I includes species threatened with extinction that are or may be affected by trade. Appendix II includes species that, although not necessarily now threatened with extinction, may become so unless trade in them 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 of other species). Appendix III includes species that any Party 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 CITES Party may propose amendments to Appendices I and II for consideration either at meetings of the Parties held about every 2½ years or, occasionally, by a postal vote process. The text of proposals must be communicated to the CITES Secretariat at least 150 days before such a meeting. The Secretariat must then consult the other Parties and appropriate intergovernmental agencies, and communicate responses to all Parties no later than 30 days before the meeting. Amendments are adopted by consensus

or a two-thirds majority of the Parties present and voting.

**Actions of the Parties**

The ninth meeting of the Conference of the Parties to CITES was held November 7-18, 1994, in Fort Lauderdale, Florida. Decisions of the Parties on 79 different animal proposals and 42 different plant proposals to amend the Appendices I and II were reported in a proposed rule in the Federal Register on January 3, 1995 (60 FR 73). The same Federal Register also briefly described a report by the CITES Nomenclature Committee, which was adopted by Party vote. By recommending certain changes in spelling, names of taxa, and annotations, this report resolved a multitude of questions that have arisen over the years regarding appropriate nomenclature for taxa listed in Appendix I prior to adoption of the Berne listing criteria in 1977. The report also recommended a standard taxonomic reference for mammals different from that used previously. Adoption of this report has resulted in numerous changes in the scientific names and/or listing sequences of many taxa of mammals listed in Appendices I, II, and III. Similar types of changes have become necessary for birds, because of adoption of a standard taxonomic reference for birds by the Parties at COP8 in 1992. Until now, those changes had not been incorporated into 50 CFR § 23.23. Although many of these changes are taxonomically significant, they alter neither the status under CITES of any listed animal or plant nor the attendant responsibilities of CITES Parties for regulating trade in same. A copy of the report of the Nomenclature Committee is available from the Office of Scientific Authority (see **ADDRESSES**).

Both the January 3, 1995 proposed rule (60 FR 73) and a previous notice of November 8, 1994 (59 FR 55617) requested comments from the public on whether the United States should enter reservations against any of the listing amendments. If the United States were to enter a reservation, it would be treated as a country not party to CITES with respect to trade in that particular species. However, because of the requirements of other Parties, the U.S. Lacey Act Amendments of 1981, and relevant CITES resolutions, the effect of a reservation would be limited. More comprehensive discussions of any practical effects of entering a reservation and reasons for or against entering reservations are contained in the November 8, 1994 and January 3, 1995

Federal Register notices (59 FR 55617 and 60 FR 73, respectively).

**Related Considerations**

At COP9, the Parties voted to downlist the South African population of the white rhinoceros, *Ceratotherium simum simum*, from Appendix I to Appendix II "for the exclusive purpose of allowing international trade in live animals to appropriate and acceptable destinations and hunting trophies." The effect of this annotation is that any white rhinoceros part or product not meeting the specific conditions of the annotated downlisting is subject to a "zero" quota and therefore prohibited from international trade. One consequence of this annotated downlisting is that importers of sport-hunted trophies of white rhinoceros from South Africa now require only a CITES export permit from South Africa. Issuance of the export permit requires a finding by the South African CITES Scientific Authority that the export will not be detrimental to the survival of the species. When the population was listed on Appendix I, there was an additional requirement of an import permit from the importing country, based on the importing country's own findings that (a) the specimen was not to be used for primarily commercial purposes and (b) the import was for purposes not detrimental to the survival of the species.

In September 1992, Australia submitted three proposals on plants through the postal procedures of CITES (see 57 FR 53090, November 6, 1992). Two of these proposals dealt with certain considerations for ornamental plants and were accepted by the Parties. Changes to the appendices resulting from these two amendments entered into force on April 16, 1993. With these changes, the Parties (including the United States) agreed to the following trade policies: (1) trade in artificially propagated hybrids of Appendix I plant taxa requires only a certificate of artificial propagation; (2) those hybrids' cut flowers, seeds and pollen (including pollinia), and flaked seedling cultures and tissue cultures are exempt from CITES controls; and (3) flaked seedling cultures and tissue cultures of the 11 taxa of orchids then in Appendix I were exempted from CITES controls.

The third Australian proposal had sought exclusion of certain parts and derivatives of seven tree species in Appendix II from CITES controls. Australia decided to withdraw that proposal and to refer the topic to the CITES Plants Committee. Information related to this topic is in two documents (Doc. 9.52 and Com. 9.32) that are part