

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA



Joint sessions of the 26th meeting of the Animals Committee and
20th meeting of the Plants Committee
Dublin (Ireland), 22-24 March 2012

Non-detriment findings

PROGRESS REPORTS FROM PARTIES (DECISION 15.23)

1. This document has been prepared by the Secretariat.
2. At the 15th meeting of the Conference of the Parties (CoP15, Doha, 2010), in response to Decision 14.50, the Animals and Plants Committees presented a review of the International Expert Workshop on Non-Detriment Findings held in Cancún, Mexico, from 17 to 22 November 2008 (see document CoP15 Doc. 16.2.2). The Conference accepted the Committees' proposal to consider the report of the Cancún workshop as the discussion paper on this subject requested in Decision 14.50.
3. As a result of this report, the Conference of the Parties adopted these two Decisions:

15.23 Directed to Parties

Parties are encouraged:

- a) *to consider the outputs of the International Expert Workshop on Non-Detriment Findings (Cancún, November 2008) to enhance CITES Scientific Authorities' capacities, particularly those related to the methodologies, tools, information, expertise and other resources needed to formulate non-detriment findings;*
- b) *taking into account Resolution Conf. 10.3, to prioritize activities such as workshops on capacity building to better understand what non-detriment findings are and how to enhance the ways to formulate them; and*
- c) *to report their findings regarding paragraphs a) and b) above at the 25th and 26th meetings of the Animals Committee and 19th and 20th meetings of the Plants Committee.*

15.24 Directed to the Animals and Plants Committees

The Animals and Plants Committees shall:

- a) *review feedback received from Parties on the outputs from the International Expert Workshop on Non-Detriment Findings and advise on a path forward on how best to use the outputs to assist Scientific Authorities in the making of non-detriment findings;*
- b) *prepare a discussion paper for consideration at the 16th meeting of the Conference of the Parties (CoP16) with options on how to use the workshop outputs, including, if considered appropriate, a draft resolution on the establishment of non legally binding guidelines for the making of non-detriment findings;*

- c) *review the non-detriment finding training materials used by the CITES Secretariat when conducting regional capacity-building workshops and provide advice for their improvement; and*
 - d) *taking account of the results of the International Expert Workshop on Non-Detriment Findings (Cancún, November 2008) and the responses to Notification to the Parties No. 2009/023 of 8 June 2009:*
 - i) *establish the mechanism for reporting from the Parties on their findings in an open and intersessional process;*
 - ii) *prepare draft guidance on the making on non-detriment findings at their 25th and 19th, and 26th and 20th meetings respectively;*
 - iii) *submit this draft guidance to the Secretariat to be conveyed to Parties for comment in a Notification to the Parties; and*
 - iv) *review comments received from Parties and prepare revised draft guidance as a tool for making non-detriment findings for submission and consideration at CoP16.*
4. The Committees provided guidance for Parties submitting reports under Decision 15.23 in Notification to the Parties No. 2011/004 of 6 January 2011.
 5. The results of the Cancún workshop and the responses to Notification to the Parties No. 2009/023 referred to in Decision 15.24, paragraph d), are found in document CoP15 Doc. 16.2.2, Annexes A and B respectively.
 6. In relation to the call for reports envisaged in paragraph c) of Decision 15.23, the Secretariat issued Notification 2010/027 of 24 August 2010 calling for information to be submitted for the 19th meeting of the Plants Committee (Geneva, April 2011) and 25th meeting of the Animals Committee (Geneva, July 2011). The responses received can be found in the Annex to document [PC19 Doc. 10.2 \(Rev. 1\)](#). The Secretariat issued a request for further submissions for consideration at the present meeting in Notification No. 2011/049 of 10 November 2011. The replies received from Australia, Canada, European Union and its Member States, India, Japan and the United States of America can be found in the Annex to the present document in the language in which they were submitted.
 7. The Committees are invited to make use of the information mentioned in paragraphs 5 and 6 of the present document when preparing their draft guidance as a tool for making non-detriment findings, for submission and consideration at CoP16.

RESPONSES TO NOTIFICATION NO. 2011/049 OF 10 NOVEMBER 2011
IN RELATION TO NON-DETRIMENT FINDINGS
(in the language in which they were received)

AUSTRALIA

Notification to the Parties No. 2011/049 paragraph f) i) A: While Australia appreciates the outcomes of the *International Expert Workshop on Non-Detriment Findings*, as noted in Australia's response to Notification to the Parties No. 2009/023 (see below) Australian legislation specifies the matters that must be considered and/or demonstrated to determine non-detriment. Further actions as proposed in Annex A to document CoP15 Doc. 16.2.2 are not considered necessary for Australian non-detriment findings.

Notification to the Parties No. 2011/049 paragraph f) i) B: An Oceania Capacity Building Workshop is currently scheduled to be held prior to the 62nd Standing Committee meeting as per Decision 15.21. It is envisaged that non-detriment findings will be a core agenda item of this meeting.

Notification to the Parties No. 2011/049 paragraph f) ii): The Australian CITES Scientific Authority (terrestrial) responded to the questionnaire in Notification to the Parties No. 2009/023 in August 2009. The information provided in that response remains unchanged except for the contact details. An updated version of that questionnaire is at Attachment A.

The Australian CITES Scientific Authority (marine) provides the following additional information regarding the methodologies, tools, information, expertise and other resources needed to formulate non-detriment findings (NDF):

In terms of formulating NDFs for marine species, Australia implements a risk-based approach to the information required to underpin an assessment. Under this approach, the level of information required to inform a NDF will vary depending on the biological vulnerability of the species, its global, national and local status, the level of harvest and other risks posed to the species, and the degree of certainty associated with these factors.

Information fields considered by the Australian CITES Scientific Authority for Marine Species in making NDF assessments include:

- relevant scientific literature concerning species biology, life history, distribution and population trends;
- details of any ecological risk assessments conducted;
- scientific surveys conducted at harvest locations and related sites that the species could recruit from (i.e. demonstrated important habitat that has been protected from harvest and other impacts)
- stock assessments;
- historical catch rates including explanations of any reduction in take (i.e. reduced effort, or became harder to find);
- information on all sources of mortality, such as recreational or Indigenous fishing, and any important ecological disturbances that affect the CITES listed species; and
- the management arrangements for the species, including harvest levels and adaptive management techniques.

The burden of proof required to make a NDF is higher for more vulnerable or rare species, or for those species with a relatively high level of harvest or mortality from all sources, or if there is significant uncertainty associated with any of these factors.

One of the more problematic species groups with respect to the implementation of NDFs thus far has been in relation to corals. As indicated in recent Australian submissions regarding coral species included in the Review of Significant Trade, there are substantial unresolved issues regarding coral taxonomy, as well as inherent difficulties associated with coral identification and ability to accurately estimate population size and trends to species level fidelity usually required by CITES. Often, coral surveys have historically been conducted as percentage cover surveys and do not identify coral to the species level. Most coral surveys conducted in Australian waters are reported to family level, which makes determining a robust NDF for a specific coral species difficult. This combined with the extent of coral reefs in Australian waters means that an increased importance is placed within NDFs on targeted population information in concert with precautionary, adaptive management frameworks to ensure harvest of coral species remains within sustainable limits.

Attachment A

QUESTIONNAIRE

Please mark or circle the options as required

Party Name	Australia
Name and contact details of respondent	Yvette Blackman Wildlife Trade Assessments Department of Sustainability, Environment, Water, Population and Communities GPO Box 787 Canberra ACT 2905 Australia

1. What are the principal taxa that your country exports:	
a) Trees	No
b) Perennials	No
c) Succulents and cycads	Yes (exotic cycads)
d) Geophytes and epiphytes	Yes (exotic orchids)
e) Mammals	No
f) Birds	No
g) Reptiles and amphibians	Yes (crocodiles)
h) Fish	No
i) Aquatic invertebrates	Yes (corals)
j) Other	Yes (butterflies)
2. Do you currently use the IUCN guidelines when making non-detriment findings http://data.iucn.org/themes/ssc/our_work/wildlife_trade/citescop_13/CITES/CITES-guidance-prelims.pdf	YES NO
If so, please indicate to what extent and under what circumstances. If not, why?	Australian legislation specifies the matters that must be considered and/or demonstrated to determine non-detriment.
3. Apart from the IUCN guidelines, do you use other information or guidance in making non-detriment findings?	YES NO
Please specify	Australian legislation: The <i>Environment Protection and Biodiversity Conservation Act 1999</i>

4. Do you find that the outcomes of the NDF Workshop (see citations and hyperlinks above) are a useful addition to the available guidance for making non-detriment findings?	YES	NO
Please comment		
5. The summary report (http://www.cites.org/eng/com/AC/24/E24-09-01.pdf) of the workshop identified a number of common aspects in making non-detriment findings. Do you agree that the summary report has identified these concepts adequately? (Please respond Yes/No for each of the below items a-h and please indicate if there are other significant matters not covered by the list below)	YES	NO
a) Geographical scope of the non-detriment finding	YES	NO
b) Level of confidence in the non-detriment finding	YES	NO
c) Risk analysis	YES	NO
d) Regulation of the harvest	YES	NO
e) Monitoring and adaptive management	YES	NO
f) Identification of the specimen	YES	NO
g) Origin of the specimen	YES	NO
h) Capacity building and information sharing	YES	NO
Please offer additional comments as necessary		
6. Taking into account that the problems with making non-detriment findings may vary from taxon to taxon, which of the following challenges do you find overall to be the most problematic in making non-detriment findings?	("1" means "least problematic" and "4" means "most problematic")	
Determining that there is sufficient information available to support the non-detriment findings	2	For rare marine species this is probably more problematic than the other options.
Assessing the level of risk associated with the non-detriment finding	1	
Assessing whether or not the level of regulation of harvest practices is sufficient or, if not, what additional regulation is required	4	
Evaluation of the effects of harvest and subsequent adaptation of the non-detriment finding	3	
Please elaborate		
7. Which of the following components of the non-detriment finding workshop outcomes did you find most useful	("1" counts as "most important" and "3" as "least important")	
Summary report (http://www.cites.org/eng/com/AC/24/E24-09.pdf)	3	
Taxonomic Working Group reports (http://www.cites.org/eng/com/PC/18/E-PC18-14-02.pdf and http://www.cites.org/eng/com/AC/24/E24-09-01.pdf); and	1	
Case studies (see: http://www.conabio.gob.mx/institucion/cooperacion_internacional/TallerNDF/taller_ndf.html)	2	
Please offer comments		

8. What additional guidance beyond the non-detriment finding workshop outcomes (refs) and other previously existing material, such as the IUCN guidelines, could be provided that you would consider useful for making non-detriment findings?	
9. Do you have additional information to that provided in the workshop reports (such as case studies, national or regional guidelines, experience) that would assist other scientific authorities in making non-detriment findings?	No

CANADA

Notification to the Parties No. 2011/049 paragraph f) i) B.: Non-detriment Findings, report on workshops.

Please refer to Canada's response to Notification 2010/027.

Notification to the Parties No. 2011/049 paragraph f) ii): Non-detriment Findings, formulation of Non-detriment Findings

Please refer to Canada's response to Notifications 2010/027 and 2009/023.

EUROPEAN UNION AND ITS MEMBER STATES

Germany is about to run a R&D project on capacity building for making non-detriment findings in CITES plant species.

The UK Scientific Authority for plants has worked with range States to help build capacity to carry out NDF's for plants. The most recent of these is CITES Project No S302 "Improving Implementation of CITES for *Galanthus woronowii* and *Cyclamen coum* from Georgia". In this project the UK Scientific Authority worked with CITES Georgia and Microsoft Research, *inter alia*, to develop a NDF system for these taxa. The results of this work was reported to the CITES Plants Committee in Document PC19 Doc. 10.5. A full report of this project is lodged with the CITES Secretariat. The results of the Cancun process were found to be very useful in this project, in addition being involved in the Cancun NDF workshop gave the project team the confidence to design an NDF process to fit a national system. We feel that Parties carrying out NDF's and doing similar projects to design NDF systems to work effectively would greatly benefit from exposure to a wide range of case studies of such projects, dedicated NDF manuals designed to fit particular plant groups and interactive training with other CITES workers who have addressed issues of making NDF processes fit to local situations. This would build up a baseline of work which would then be available to all Parties.

We hope that the Cancun process can continue further developing guidance on NDFs that can be made freely available to all Parties and that can form the core of a Resolution to the Conference of the Parties. The Intersessional Working established by PC19 (Chaired jointly by the UK and Canada) will also look at these NDF issues and report back to PC20 and AC26.

INDIA

F.No. 4-31/2011 WL
Government of India
Ministry of Environment & Forests
(Wildlife Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110003, India
Dated: 06.01.2012

Mr John Scanlon,
Secretary General, CITES Secretariat,
Geneva, Switzerland

Sub: Information to be submitted for the 20th meeting of the Plants Committee and the 26th meeting of the Animals Committee-reg.

Dear Mr Scanlon,

Kind attention is invited to the notification no. 2011/049 dated 10th November 2011 on the subject above, whereby Parties were requested to provide the information for forthcoming meetings of Animals Committee and Plants Committee. In this regard, information related to India is as follows:

f) Non-Detriment Findings

i) The workshop on Strengthening CITES implementation capacity organized by CITES Secretariat and the Protected Areas and Wildlife Bureau, Philippines in June 2010 was found to be very useful and hence it was suggested by the Indian Team to the organizers to conduct the similar kind of workshop at national level involving more participants from various enforcement agencies and scientists in India. With funding support of CITES Secretariat, a two-day National Level Training Workshop in India was organised with following objectives.

1. Strengthening CITES implementation capacity to ensure sustainable wildlife management and non-detrimental findings in India.
2. Orientation towards identification of Indian faunal and floral species listed in CITES Appendices.

About 25 participants and resource persons attended this workshop. Leading experts in the fields of wildlife forensics, taxonomy and trade were invited for this workshop as resource persons. Similarly, a two-day training cum-consultation workshop on NDF study for Red Sanders (*Pterocarpus santalinus*) was also conducted at Tirupati, Andhra Pradesh on 26th and 27th February 2011 by the Andhra Pradesh State Forest Department in collaboration with Ministry of Environment and Forests, Government of India and the Wildlife Institute of India. About 25 officials and scientists participated in the workshop.

In general, all participants of both workshops opined that the checklist prepared by CITES for NDF is handy. However, it needs some revision especially on aquatic animals such as fishes. The participants felt that it would be better to have 'Effective prevention method for illegal bycatch, whether it is 'high confidence, medium confidence, low confidence, no confidence or uncertain' in the checklist of NDF. Participants also emphasized on the importance of generating data on the species listed in various Appendices of CITES to make a successful NDF in India.

ii) A questionnaire regarding NDF using the questionnaire issued with Notification to the Parties No. 2009/023 of 8 June 2009 is enclosed for kind information (**Annexure III**).

Questionnaire regarding NDF

(Notification to the Parties No. 2009/023 of 8 June 2009)

Please mark or circle the options as required

Party Name	INDIA
Name and contact details of respondent	DIRECTOR, INSTITUTE OF FOREST GENETICS AND TREE BREEDING, COIMBATORE (Scientific Authority of India)

1. What are the principal taxa that your country exports:		
a) Trees		✓
b) Perennials		✓
c) Succulents and cycads		✓
d) Geophytes and epiphytes		✓
e) Mammals		✓
f) Birds		✓
g) Reptiles and amphibians		✓
h) Fish		✓
i) Aquatic invertebrates		
j) Other		
2. Do you currently use the IUCN guidelines when making non-detriment findings http://data.iucn.org/themes/ssc/our_work/wildlife_trade/citescop13/CITES/CITES-guidance-prelims.pdf	YES ✓	NO
If so, please indicate to what extent and under what circumstances. If not, why?		
3. Apart from the IUCN guidelines, do you use other information or guidance in making non-detriment findings?	YES	NO ✓
Please specify		
4. Do you find that the outcomes of the NDF Workshop (see citations and hyperlinks above) are a useful addition to the available guidance for making non-detriment findings?	YES ✓	NO
Please comment		

5. The summary report (http://www.cites.org/eng/com/AC/24/E24-09-01.pdf) of the workshop identified a number of common aspects in making non-detriment findings. Do you agree that the summary report has identified these concepts adequately? (Please respond Yes/No for each of the below items a-h and please indicate if there are other significant matters not covered by the list below)	YES <input checked="" type="checkbox"/>	NO
a) Geographical scope of the non-detriment finding	YES <input checked="" type="checkbox"/>	NO
b) Level of confidence in the non-detriment finding	YES <input checked="" type="checkbox"/>	NO
c) Risk analysis	YES <input checked="" type="checkbox"/>	NO
d) Regulation of the harvest	YES <input checked="" type="checkbox"/>	NO
e) Monitoring and adaptive management	YES <input checked="" type="checkbox"/>	NO
f) Identification of the specimen	YES <input checked="" type="checkbox"/>	NO
g) Origin of the specimen	YES <input checked="" type="checkbox"/>	NO
h) Capacity building and information sharing	YES <input checked="" type="checkbox"/>	NO
Please offer additional comments as necessary		
6. Taking into account that the problems with making non-detriment findings may vary from taxon to taxon, which of the following challenges do you find overall to be the most problematic in making non-detriment findings?	("1" means "least problematic" and "4" means "most problematic")	
Determining that there is sufficient information available to support the non-detriment findings		3
Assessing the level of risk associated with the non-detriment finding		2
Assessing whether or not the level of regulation of harvest practices is sufficient or, if not, what additional regulation is required		3
Evaluation of the effects of harvest and subsequent adaptation of the non-detriment finding		3
Please elaborate		

7. Which of the following components of the non-detriment finding workshop outcomes did you find most useful	{"1" counts as "most important" and "3" as "least important"}
Summary report (http://www.cites.org/eng/com/AC/24/E24-09.pdf)	1
Taxonomic Working Group reports (http://www.cites.org/eng/com/PC/18/E-PC18-14-02.pdf and http://www.cites.org/eng/com/AC/24/E24-09-01.pdf); and	1
Case studies (see: (http://www.conabio.gob.mx/institucion/cooperacion_internacional/TallerNDF/taller_ndf.html))	1
Please offer comments	
8. What additional guidance beyond the non-detriment finding workshop outcomes (refs) and other previously existing material, such as the IUCN guidelines, could be provided that you would consider useful for making non-detriment findings?	-
9. Do you have additional information to that provided in the workshop reports (such as case studies, national or regional guidelines, experience) that would assist other scientific authorities in making non-detriment findings	No

JAPAN

Japan's Comment on Non-detriment findings in accordance with Decision 15.23

1. General comments

(1) Japan believes that too complicated NDF procedures will discourage the CITES Science Authorities to apply, therefore the procedures should be simple as much as possible and should be applicable for all the taxonomic groups.

The NDF procedures for each taxonomic groups proposed by IEW includes both procedures which are applicable for all taxonomic groups and for certain taxonomic groups. Japan considers that if a particular procedure for a certain taxonomic group is needed, the reason should be clearly explained..

(2) At the beginning stage, NDF procedure may not require detailed data on subject species, and should be an adaptive management process to utilize available information and to improve the management through monitoring and further data-gathering. Conducting such monitoring and data-gathering may become easy by incorporating with harvest activities.

Information required for making NDF should be for judging if the levels of catch and trade are tolerant for the survival of the species and the maintenance of its role in the ecosystems, and may not necessarily detailed information required in scientific studies.

For example, the information required may not exact population size, structure and change, but relative abundance and its trend. Also the information may not necessary to cover the species' whole range, but a particular area where the species is harvested. To avoid burdening range states excessively, it is important that NDF guidelines should specify minimal information needed to make NDF, or should be described from such view point.

(3) Conservation of CITES-listed species through sustainable use based on NDF should be entrusted to a country of origin under cooperation of the Parties, and the NDF guidelines should be made as a technical support to encourage range states for the sustainable utilization.

In this light, a legally-binding procedure for making NDF should not be newly established in accordance with the future discussions on NDF.

2. Specific comments for commercially exploited aquatic species

The discussion at IEW was lacking the viewpoint of fisheries sectors, since few experts from fisheries management organizations, including FAO, participated in the workshop. Therefore it is not appropriate to apply the output of IEW directly to commercially exploit aquatic species. The establishment of NDF guidelines for commercially exploited aquatic species needs wide-ranged expertise of fisheries, including not only biological information of living marine resources but also the theory of management measures as well as social and economic information of fisheries communities.

In this regard, FAO should take the initiative to draft the guidelines for such species, as it is the only global organization that has expertise on fisheries and fisheries management. Additionally, opinions of regional fisheries management organizations, especially those of developing country like SEAFDEC, should be sufficiently took into account.

UNITED STATES OF AMERICA



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



January 6, 2012

In Reply Refer To:
FWS/DMA/TRE

Mr. John Scanlon
Secretary-General
CITES Secretariat
International Environment House
Chemin des Anemones
CH-1219 Chatelaine-Geneve
Switzerland

VIA EMAIL: info@cites.org

Dear Mr. Scanlon:

This letter responds to paragraph f) of Notification to the Parties No. 2011/049 of November 10, 2011. Please note we have already responded to paragraphs c), d), e), and g) in our letters to you dated December 15, 2011, and December 22, 2011.

Regarding paragraph f) i) A., we have considered the outputs of the International Expert Workshop on Non-Detriment Findings (the Workshop) (Annex A to document CoP15 Doc. 16.2.2) and find the following:

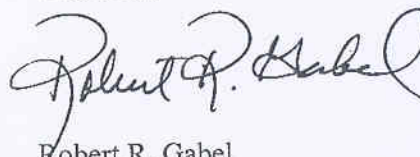
- The Workshop successfully met its objectives to analyze and summarize different approaches and paths followed by Scientific Authorities during the non-detriment finding (NDF) decision-making process, to provide Parties with elements that enhance their understanding of what NDFs are and how they can be formulated. We believe the underlying concepts and theories produced by the Workshop can be broadly applied as non-prescriptive guiding principles for the making of non-detriment findings.
- The NDF, at its core, is the rationale for a decision made by the Scientific Authority to advise the Management Authority whether import or export of a CITES-listed species is or is not detrimental. Guiding principles for making NDFs could assist Parties in articulating and strengthening the rationales for these NDFs. We believe that any guidance on NDFs should assist Parties and strengthen science-based decision making rather than be prescriptive, one-size-fits-all requirements, or serve as a measure of the adequacy of a Party's decision, particularly when a species is under consideration in the Review of Significant Trade process.

Regarding paragraph f) i) B., the Scientific Authority of the United States provided expertise to two capacity-building workshops sponsored by our Department of Interior's International Technical Assistance Program (ITAP). ITAP conducted a one-week workshop in Morocco for approximately 30 CITES Scientific Authority representatives from throughout the Middle East and North Africa. The training was delivered cooperatively by the capacity-building unit of the CITES Secretariat and the U.S. Scientific Authority. Workshop topics included functions of the Scientific Authority, production systems, making non-detriment findings, setting quotas, significant trade reviews, and listing criteria. Training materials were translated into Arabic and made widely available to Arabic speakers through the CITES Secretariat. The U.S. Fish and Wildlife Service also strengthened CITES through a Central American Regional NDF workshop in collaboration with the United States National Marine Fisheries Service and the CITES Secretariat. The workshop was attended by 40 participants from CITES offices in 11 countries. Expert contributions were provided by the International Union for the Conservation of Nature, CORALINA (Colombia), CONABIO (Mexico), TRAFFIC, the CITES Secretariat, and Central American Commission for Environment and Development. For additional information on the Central American Free Trade Agreement-Dominican Republic Environmental Agreement and its achievements, please see <http://www.caftadr-environment.org/index.htm>. We also provided an expert speaker to the CITES Master's Course in 2010 and 2011.

Regarding paragraph f) ii), the United States provided information on methodologies, tools, information, expertise, and other resources needed to formulate NDFs to the Animals and Plants Committees in response to Notification 2009/023, using the questionnaire. A copy of that response is attached. We are enclosing with this letter the broad principles that guide the making of NDFs in the United States, as an additional tool for consideration.

If you have questions regarding the information we have provided, please contact Dr. Rosemarie Gnam, Chief, Division of Scientific Authority, at 703-358-1708 or via email: rosemarie_gnam@fws.gov; or me at 703-358-2095 or via email: rodny_gabel@fws.gov.

Sincerely,



Robert R. Gabel
Chief, Division of Management Authority

Enclosure

cc: Sr. C. Ibero, Chair of the Animals Committee
Sra. M. Clemente, Chair of the Plants Committee

Guiding Principles for the Making of Non-Detriment Findings in the United States

Purpose

Articles III and IV of the Treaty require that, before we issue a CITES document, we find that a proposed export or introduction from the sea of Appendix-I or -II specimens is not detrimental to the survival of the species and that a proposed import of an Appendix-I specimen is for purposes that would not be detrimental to the survival of the species.

Types of detriment

Detrimental activities, depending on the species, could include, among other things, unsustainable use and any activities that would pose a net harm to the status of the species in the wild. For Appendix-I species, it also includes use or removal from the wild that results in habitat loss or destruction, interference with recovery efforts for a species, or stimulation of further trade.

General factors

The applicant must provide sufficient information for us to make a finding of non-detriment. We consider whether:

- Biological and management information demonstrates that the proposed activity represents sustainable use.
- The removal of the animal or plant from the wild is part of a biologically based sustainable-use management plan that is designed to eliminate over-utilization of the species.
- If no sustainable-use management plan has been established, the removal of the animal or plant from the wild would not contribute to the over-utilization of the species, considering both domestic and international uses.
- The proposed activity, including the methods used to acquire the specimen, would pose no net harm to the status of the species in the wild.
- The proposed activity would not lead to long-term declines that would place the viability of the affected population in question.
- The proposed activity would not lead to significant habitat or range loss or restriction.

Additional factor for Appendix-II species

In addition to the general factors above, we consider whether the intended export of an Appendix-II species would cause a significant risk that the species would qualify for inclusion in Appendix I.

Additional factors for Appendix-I species

In addition to the general factors above, we consider whether the proposed activity:

- Would not cause an increased risk of extinction for either the species as a whole or the population from which the specimen was obtained.
- Would not interfere with the recovery of the species.
- Would not stimulate additional trade in the species. If the proposed activity does stimulate trade, we will consider whether the anticipated increase in trade would lead to the decline of the species.

How we make our findings

We base the non-detriment finding on the best available biological information. We also consider trade information, including trade demand, and other scientific management information. We make a non-detriment finding in the following way:

- We consult with the States, Tribes, other Federal agencies, scientists, other experts, and the range countries of the species.
- We consult with the Secretariat and other Parties to monitor the level of trade that is occurring in the species.
- Based on the factors above, we evaluate the biological impact of the proposed activity.
- In cases where insufficient information is available or the factors above are not satisfactorily addressed, we take precautionary measures and would be unable to make the required finding of non-detriment.

Risk assessment

We review the status of the species in the wild and the degree of risk the proposed activity poses to the species to determine the level of scrutiny needed to make a finding. We give greater scrutiny and require more detailed information for activities that pose a greater risk to a species in the wild. We consider the cumulative risks, recognizing that each aspect of international trade has a continuum of risk (from high to low) associated with it as follows:

- *Status of the species*: From Appendix I to Appendix II.
- *Origin of the specimen*: From wild-collected to born or propagated in a controlled environment to bred in captivity or artificially propagated.
- *Source of the propagule used to grow the plant*: From documentation that the plant was grown from a non-exempt seed or seedling to documentation that the plant was grown from an exempt seed or seedling.
- *Origin of the species*: From native species to nonnative species.
- *Volume of legal trade*: From high to low occurrence of legal trade.
- *Volume of illegal trade*: From high to low occurrence of illegal trade.
- *Type of trade*: From commercial to noncommercial.
- *Genetic status of the specimen*: From a purebred species to a hybrid.
- *Risk of disease transmission*: From high to limited risk of disease transmission.
- *Basis for listing*: From listed under Article II (1) or II (2) (a) of the Treaty to listed under Article II (2) (b).

Quotas for Appendix-I species

When an export quota has been set by the CoP for an Appendix-I species, we consider the scientific and management basis of the quota together with the best available biological information when we make our non-detriment finding. We contact the Scientific and Management Authorities of the exporting country for further information if needed.

CITES Notification No. 2009/023

Questionnaire: Results of the International expert workshop on non-detriment findings

United States Scientific Authority Response

August 31, 2009

Party Name	United States of America
Name and contact details of respondent	Dr. Rosemarie Gnam, Chief, Division of Scientific Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 110, Arlington, Virginia 22203, USA; fax (703) 358-2276; e-mail rosemarie_gnam@fws.gov

1. What are the principal taxa that your country exports:	
a) Trees	Some U.S. exports for <i>Taxus</i> extract
b) Perennials	X
c) Succulents and cycads	X
d) Geophytes and epiphytes	X
e) Mammals	X
f) Birds	X

g) Reptiles and amphibians	X	
h) Fish	X	
i) Aquatic invertebrates	Some U.S. exports for coral	
j) Other		
2. Do you currently use the IUCN guidelines when making non-detriment findings http://data.iucn.org/themes/ssc/our_work/wildlife_trade/citescop13/CITES/CITES-guidance-prelims.pdf	YES	NO
		X
If so, please indicate to what extent and under what circumstances. If not, why?		
<p>The U.S. Scientific Authority does not use the IUCN guidelines on a regular basis when making non-detriment finding (NDF) determinations. The IUCN guidelines are provided to new biologists so that they become familiar with the NDF determination process. U.S. Scientific Authority staff use a variety of resources and information to make scientifically-based NDF determinations. Such as: obtaining and assessing research results, field inventories, population assessments, and scientific literature; monitoring State harvest levels and exports of CITES-listed species; contacting State and Federal resource agencies that are directly responsible for the management of animal and plant species within their jurisdictions; contacting species experts, specialists groups, academia researchers, and other CITES Scientific Authorities.</p>		
3. Apart from the IUCN guidelines, do you use other information or guidance in making non-detriment findings?	YES X	NO
Please specify		
<p>Recognizing the variation of CITES-listed taxa, the U.S. Scientific Authority uses a wide range of information and resources to make scientifically-based NDF determinations. To obtain the latest information on the status and biology of a particular species, we contact State and Federal resource agencies that are directly responsible for the management of animal and plant species within their jurisdictions. We obtain and assess research results, field inventories, population assessments, and scientific literature. As appropriate, we contact species experts, specialists groups, academia researchers, and other CITES Scientific Authorities. We also monitor U.S. State harvest levels and exports of CITES-listed species.</p>		
4. Do you find that the outcomes of the NDF Workshop (see citations and hyperlinks above) are a useful addition to the available guidance for making non-detriment findings?	YES X	NO
Please comment		
<p>Yes. The results of the nine Working Groups provided practical methodologies and useful information in making NDF determinations and emphasized many of the same general principles used by the U.S. Scientific Authority in making NDF determinations. For example, the U.S. Scientific Authority completes risk assessment determinations to ascertain the degree of scrutiny for making a particular non-detriment determination. That is, less resilient species will receive greater scrutiny than more resilient species or species that are captive-bred or artificially propagated.</p>		
5. The summary report (http://www.cites.org/eng/com/AC/24/E24-09.pdf) of the workshop identified a number of common aspects in making non-detriment findings. Do you agree that the summary report has identified these concepts adequately? (Please respond Yes/No for each of the below items a-h and please indicate if there are other significant matters not covered by the list below)	YES X	NO
a) Geographical scope of the non-detriment finding	YES X	NO
b) Level of confidence in the non-detriment finding	YES	NO X

c) Risk analysis	YES X	NO
d) Regulation of the harvest	YES X	NO
e) Monitoring and adaptive management	YES X	NO
f) Identification of the specimen	YES	NO X
g) Origin of the specimen	YES X	NO
h) Capacity building and information sharing	YES X	NO
Please offer additional comments as necessary.		
(f) Identification of the specimen, references could be provided for resources currently available on the CITES Web site (e.g., the List of standard references, CITES Species Identification Manuals), or other such Web-based resources.		
6. Taking into account that the problems with making non-detriment findings may vary from taxon to taxon, which of the following challenges do you find overall to be the most problematic in making non-detriment findings?	("1" means "least problematic" and "4" means "most problematic")	
	Export	Import
Determining that there is sufficient information available to support the non-detriment findings. Comment: The NDF process can be constrained by time. For imports, the process is facilitated if there is an establish network of reliable contacts for information gathering.	2	2
Assessing the level of risk associated with the non-detriment finding Comment: The NDF process is facilitated if you understand the species in trade as well as the specific industry.	2	2
Assessing whether or not the level of regulation of harvest practices is sufficient or, if not, what additional regulation is required. Comment: The NDF process is facilitated if you contact range states and have a good understanding of the industry of the specimens of CITES-listed taxa in trade.	2	2
Evaluation of the effects of harvest and subsequent adaptation of the non-detriment finding Comment: It is a time challenge to monitor trade.	3	3
Please elaborate. Overall, the non-detriment finding process can be challenged by insufficient time for gathering information and making necessary resource contacts. For CITES exports, we can access resources and specialists, as necessary, to obtain sufficient information to make a NDF determination. For import requests, depending on the country of export, it can be more difficult to obtain necessary information, (e.g., regulation of harvest, population assessments).		

7. Which of the following components of the non-detriment finding workshop outcomes did you find most useful	("1" counts as "most important" and "3" as "least important")
Summary report (http://www.cites.org/eng/com/AC/24/E24-09.pdf)	2
Taxonomic Working Group reports (http://www.cites.org/eng/com/PC/18/E-PC18-14-02.pdf and http://www.cites.org/eng/com/AC/24/E24-09-01.pdf); and	1
Case studies (see: (http://www.conabio.gob.mx/institucion/cooperacion_internacional/Taller_NDF/taller_ndf.html))	3
<p>Please offer comments:</p> <p>The Workshop and subsequent results completed Decisions 14.49-14.51: International expert workshop on non-detriment findings.</p> <ul style="list-style-type: none"> • The summary report provided a good background and overview of the Workshop, and summary of the nine Working Group reports, including “common aspects” or key elements to consider for making NDF determinations (i.e., a-h in question no. 5). • The results of the nine Working Groups provide practical methodologies and general guidelines useful for making taxa specific NDF determinations. As well as many of the results can be applied to other taxa, but will not fit every case perfectly. • The Working Group reports emphasized the need for flexibility and adaptability in evaluating CITES-listed taxa and making NDF determinations. • Although the case studies are important resources which provide useful information, some of the case studies need additional information and editing. 	
<p>8. What additional guidance beyond the non-detriment finding workshop outcomes (refs) and other previously existing material, such as the IUCN guidelines, could be provided that you would consider useful for making non-detriment findings?</p> <ul style="list-style-type: none"> • The Summary Report included several suggestions from the Working Group reports, such as the Secretariat maintaining a Web site for posting NDFs, greater communication among Scientific Authorities, regional collaboration among Scientific Authorities of shared taxa, and in country capacity building. • If the Secretariat creates a Web site for posting NDFs, it should be on a volunteer basis only, include a variety of CITES listed taxa-both, positive and negative findings, and include supporting information. • We support the recommendation that Scientific Authorities of regionally shared taxa (cross political boundaries) implement a collaborative approach in making NDFs for such taxa. • We strongly support the suggestion that the Secretariat maintain a Web site of taxa specific experts. The expert list would include contact information of individuals that Scientific Authorities could contact regarding specific CITES-listed taxa. 	
<p>9. Do you have additional information to that provided in the workshop reports (such as case studies, national or regional guidelines, experience) that would assist other scientific authorities in making non-detriment findings?</p> <p>Not at this time.</p>	