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## **CITES Notification 2023-069**

**Call for information and reporting from all Parties,  
especially transit and destination countries of totoabas (*Totoaba macdonaldi*)**

August 4, 2023

**In response to CITES Notification 2023-069 calling Parties to report on their efforts towards the implementation of [Decision 18.292](#), please see below a response from Canada.**

Prior to the Meeting of Range, Transit and Consumer States of Totoaba (*Totoaba macdonaldi*) organized by CITES in October 2021, Canada conducted an internal review, and found that limited illegal movement of Totoaba was observed in Canada.

After reviewing our files, we can confirm that no violations involving this species has been reported in Canada since 2016.

The situation regarding the illegal Totoaba fishery as well the status of the vaquita porpoise's population is very challenging and concerning. Illegal fishing and wildlife trade are complex, multifaceted issues that require effort and multilateral collaboration.

Canada commends the actions Mexico has taken to date but also recognizes that more must be done, particularly to protect the critically endangered Vaquita porpoise. In that regard, Canada could be open to exploring additional joint efforts to curb illegal activities if required, and Canada continues to be supportive of efforts to strengthen law enforcement measures where relevant.

## **The Mainland of P.R.China's Report on Conservation of and Trade in California Totoaba (*Totoaba macdonaldi*)**

### **Background**

California Totoaba (*Totoaba macdonaldi*) is distributed in the Gulf of California, Mexico, but not in China. In the 1930s, the construction of the Hoover Dam intercepted freshwater, resulting in changes in the salinity of the Gulf of California offshore, which seriously affected the survival of the California Totoaba (*Totoaba macdonaldi*). As a result, the California Totoaba has been listed on Appendix I since the signing of Convention on International Trade in Endangered Species of Wild Fauna and Flora (hereinafter as CITES) , and its commercial trade in all specimens, except those obtained from pre-convention, was banned.

In order to fully implement the Decision 18.292 (Rev.CoP19) and 19.75 concerning California Totoaba, and on the basis of a solid legal foundation for wildlife protection in China conservation, this report covers all measures taken by China between January 2020 and May 2023 for conservation of and trade in California Totoaba.

### **Legal Supervision on Totoaba**

China adheres to the principles of prioritizing protection, regulating utilization, and strengthening supervision, and improves preventive and punitive measures for wildlife protection. A legal system for wildlife protection has been formed, with the Wildlife Protection Law of the People's Republic of China and the Criminal Law of the People's Republic of China as the main body, supplemented by the Regulations of the People's Republic of China on the Management of the Import and Export of Endangered Wild Animals and Plants and relevant judicial interpretations.

Firstly, California Totoaba has been treated as a national first-class key protected animal in accordance with the law. It is prohibited to eat, manufacture, and use California Totoaba and its swim bladder to make food in China, and it is also prohibited to trade and transport California Totoaba and its swim bladder for the

purpose of eating. Secondly, China introduced "Aquatic Wildlife and its Products Value Assessment Measures" to clarify the benchmark value standard of California Totoaba, and the judicial authorities will punish the wildlife offenders according to the value of the wildlife involved. Thirdly, the penalties for wildlife crimes vary according to the circumstances of the crime. If the circumstances are particularly serious, criminals are sentenced to fixed-term imprisonment of not less than 10 years or even a life-time imprisonment, as well as a fine and confiscation of illegal specimens, illegal gains and even personal property.

### **Law Enforcement and Supervision**

China has established a CITES implementation system, which includes approval by wildlife authority, consultation by CITES Scientific Authority, certificate issuance by CITES Management Authority, inspection by Customs, and investigation by public security organizations, and implements stricter domestic law enforcement and supervision measures than that of CITES.

**1. Improving the joint law enforcement mechanism.** In 2016, The State Council of China approved the establishment of the Inter-Ministerial Joint Conference on Combating Illegal Trade in Wildlife, led by the National Forestry and Grassland Administration and attended by 27 ministries, including but not limited to the Ministry of Agriculture and Rural Affairs, the Ministry of Foreign Affairs, the Ministry of Public Security, the Ministry of Transport, the General Administration of Customs, the State Administration for Market Regulation and the Cyberspace Administration of China. Local governments at all levels have subsequently established relevant joint meeting to coordinate and promote the fight against the entire chain of illegal trade on wildlife, by holding annual meetings, formulating policies, holding joint training courses, conducting cooperative research, supervising law enforcement, organizing special actions, and strengthening international cooperation.

**2. Establishing an inter-departmental Coordination Group on CITES law enforcement.** In 2011, under the leadership of China CITES Management Authority, an inter-departmental Coordination Group on CITES Law enforcement was

established, consisting of 12 departments or bureaus from 9 ministries including forestry and grassland, agriculture, customs, public security, transportation, maritime police and postal services. In 2013, inter-provincial Coordination Groups on CITES law enforcement were established in 31 provinces, autonomous regions and municipalities. By strengthening inter-departmental joint law enforcement supervision, the national coverage of CITES law enforcement has been achieved.

**3. Carrying out law enforcement actions jointly.** China has organized a number of operations in the past years, strengthened law enforcement inspections in key areas and key places in accordance with the law, and severely cracked down on the illegal trade in CITES appendix species such as California Totoaba and its related products. Firstly, starting from 2021, the National Forestry and Grassland Administration, together with the Ministry of Agriculture and Rural Affairs, the Political and Legal Commission of the CPC Central Committee, the Ministry of Public Security, the Ministry of Transport, the General Administration of Customs, the State Administration for Market Regulation, the State Internet Information Office and other departments, organized the "Operation Breeze" and "Operation Net Shield" to crack down on the destruction of wildlife resources throughout the whole commercial chain. Secondly, anti-smuggling departments across the country have conducted special operations of "Constant Monitoring" and "Import Control at the Boarder" to crack down on the smuggling of endangered animals and plants and their products, and continue to strengthen the fight against the smuggling of endangered species. Thirdly, Chinese Customs and the Vietnamese Customs launched a regional international joint operation to combat the smuggling of drugs and endangered wild animals and plants and their products, namely the "Maelong" series of operations; and actively launched the "Thunder" series of international joint operations against the smuggling of endangered wild animals and plants with Interpol and the World Customs Organization. Fourthly, the Ministry of Agriculture and Rural Affairs has been carrying out special law enforcement actions of "China's Fisheries Administration Bright Sword Operation" for many years, taking aquatic wildlife law enforcement and supervision as one of the important contents, and severely cracking down on the illegal trade in California Totoaba swim bladder. The Ministry of Agriculture and Rural Affairs organized a special law enforcement action to severely crack down on the destruction of aquatic wildlife resources in 2023, with the California Totoaba as a

clear law enforcement focus. At the same time, China's Guangdong Province organized a special operation to crack down on the illegal trade of California Totoaba swim bladders.

### **Anti-Smuggling Investigation Measures and Cases**

The anti-smuggling department of the Chinese Customs has taken various measures to crack down on the smuggling of California Totoaba and its products in accordance with the law. Firstly, intelligence acquisition. Through various methods such as internet detection of key positions, investigation on associated collaborators, cloud data application and call list analysis, the underground smuggling network chain was discovered. Secondly, provision of evidence. Strong support was provided for the investigation work through statistics and clarification of the suspect's trajectory, boarder entry and exit records, electronic data evidence, bank transfer and analysis of the capital chain, and professional appraisal and evaluation of the items involved in the case; Thirdly, cooperate with the public security to establish a synchronized multi sector law enforcement team to achieve a full-chain attack against the smuggling, transportation, sale, acquisition, processing, resale, and repurchase of California Totoaba and its related products.

From January 2020 to May 2023, the anti-smuggling department of the Chinese Customs seized a total of 9 smuggling cases. The results showed that the cases all occurred in Guangdong, China. After verification, the California Totoaba swim bladders seized came from Mexico or the United States, and their destinations were Guangdong and or Hong Kong of China, and also Southeast Asian countries such as Vietnam. The details are as follows:

<b>No</b>	<b>Date of Seizure</b>	<b>Location of Seizure</b>	<b>Exporting country</b>	<b>Quantity of Seized Swim Bladder ( Piece )</b>
1	August 2 <sup>nd</sup> , 2020	Guangdong, China	Mexico	75
2	August 2 <sup>nd</sup> , 2020	Guangdong, China	Mexico	288
3	September 1 <sup>st</sup> , 2021	Guangdong, China	Mexico	8
4	December 2 <sup>nd</sup> , 2021	Guangdong, China	Mexico	6

5	December 2 <sup>nd</sup> , 2021	Guangdong, China	Mexico	17
6	December 10 <sup>th</sup> , 2021	Guangdong, China	Mexico	7
7	December 17 <sup>th</sup> , 2021	Guangdong, China	Mexico	2
8	December 20 <sup>th</sup> , 2021	Guangdong, China	Mexico	67
9	January 3 <sup>rd</sup> , 2022	Guangdong, China	USA	9

### **Market Surveillance and Raise of Public Awareness**

China has always attached great importance to the raise of public awareness of wildlife protection, constantly innovated means of publicity, and actively carried out popular science education campaigns on the protection of California Totoaba. Firstly, it organized and carried out market research activities for California Totoaba swim bladder, and no trading of California Totoaba swim bladders has been found in major domestic aquatic product wholesale markets or dry seafood markets.. Secondly, it carried out special publicity and educational campaigns to protect California Totoaba and combat illegal trade of California Totoaba swim bladders in Guangdong, Hainan and other places in China. Using various measures such as posters, publicity campaigns are carried out in key places such as aquatic product markets, and the awareness of the public and the industry's to protect California Totoaba and reduce the consumption demand of California Totoaba swim bladders is continuously raised. Thirdly, it carried out capacity training on implementation of CITES decisions and resolutions relates to aquatic species for many years in a row, focusing on CITES requirements and species rapid identification technology, and continuously improves the law-enforcement capacity at the grassroots level. Fourthly, China Aquatic Products Processing and Marketing Alliance launched a joint initiative with the China Cuisine Association and the China Hotel Association: Don't sale, don't buy and don't eat California Totoaba swim bladders in various dinning places and continuously raise the awareness of the public and the industry to protect California totoaba swim bladders and resist illegal consumption of California Totoaba swim bladders.

### **Summary**

During the reported period, China has a strict rule of law system and an effective regulatory system. Since the CITES decision on California Totoaba came into force in

2020, governments at all levels strictly enforced relevant laws and regulations as well as relevant CITES resolutions and decisions, carried out long-term and continuous law enforcement crackdowns, and actively carried out capacity training in CITES implementation and thematic activities for public awareness raising. The research results of major domestic aquatic product wholesale markets and dried seafood markets show that no trading of California Totoaba swim bladders has been found in China; at the same time, the public awareness of the conservation of the California Totoaba species has increased significantly.

As one of the parties of CITES, China will strictly and actively implement the relevant regulations of CITES, attach great importance to the protection of California Totoaba species as always, and continue to strengthen relevant protection, management, law enforcement and publicity and education.

**Report from Hong Kong SAR on measures and efforts in combating  
illegal trade in totoaba (*Totoaba macdonaldi*)**

**Background**

1. At the 18<sup>th</sup> meeting (CoP18), the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) adopted Decisions 18.292 to 18.295 on totoaba (*Totoaba macdonaldi*). These decisions were reviewed, discussed and revised at CoP19. This document serves to report on measures and effort made in Hong Kong SAR in the period of Jan 2020 to Apr 2023 under Decision 18.292 (Rev. CoP19) for inclusion in the national report to be submitted by China.

**Local legislation on totoaba**

2. As an Appendix I species under CITES, totoaba is regulated under the Protection of Endangered Species of Animals and Plants Ordinance (PESAPO), Cap. 586, which is the local legislation that gives effect to CITES in Hong Kong. The import, export, re-export and possession of specimens of totoaba for commercial purposes is prohibited.

3. To further deter illegal wildlife trade, PESAPO was amended in May 2018 to increase the penalties. The maximum penalties for illegal import, export, re-export or possession of specimens of Appendix I species are a fine of HK\$ 5,000,000 and two years of imprisonment on summary conviction, and a fine of HK\$10,000,000 and 10 years of imprisonment on indictment.

4. Further to the aforementioned amendment, recognizing that the deterrent to wildlife crime was still insufficient, the Organized and Serious Crime Ordinance (OSCO), Cap. 455, was amended in August 2021 to include certain offences under PESAPO in the schedule of OSCO, thereby allowing the court to pass an enhanced sentence as appropriate.

**Smuggling Cases**

5. Within the reporting period, there were 5 seizures of specimens of totoaba. All cases involved inbound consignments from either the US or Mexico. The alleged consignee of one of the cases was located in Hanoi, Vietnam. Investigation findings of the other cases revealed Hong Kong is unlikely the destination of the seized specimens. The case information has been sent out through Interpol



eco-message, WCO channel or direct communication with relevant CITES management authority.

6. The air bladder of totoaba came in both frozen and dried forms. It was common for the consignment to be declared as and concealed amongst other marine products such as fish fillet. Clothing was used to conceal the totoaba in one of the cases.

7. Except for the consignment destined for Vietnam, attempts were made by the Hong Kong Customs to conduct controlled delivery operations. One successful prosecution was made as a result (case no. 5 at para.9). The prosecutor made every effort in presenting to the Court the fact that totoaba is an endemic species in the Gulf of California, the collapse of its population due to illegal trade and the by-catch of vaquitas. In another active case (case no. 4 para.9), the Hong Kong Customs is exploring the possibility to apply for an enhanced sentence under OSCO. Legal advice from the Department of Justice is being sought.

8. The table below provides a summary of the cases from Jan 2020 to Apr 2023:

No.	Date of offence	Description	Exporting country	Quantity involved (kg)	Results/Current progress
1	4 Jun 2020	<ul style="list-style-type: none"> <li>• Frozen air bladders of totoaba found amongst frozen fish fillets in an inbound air consignment consisting of 20 foam boxes declared as “fresh fish” originated from Los Angeles, USA</li> <li>• The shipment was consigned to a company in Hong Kong</li> <li>• A controlled delivery operation was mounted and five persons were arrested</li> </ul>	USA	160.45	No prosecution as per legal advice.

No.	Date of offence	Description	Exporting country	Quantity involved (kg)	Results/Current progress
2	27 Oct 2020	<ul style="list-style-type: none"> <li>• Frozen air bladders of totoaba was found concealed under some frozen squid in an inbound air consignment consisting of 9 foam boxes declared as “fillet of frozen squid” originated from Mexico</li> <li>• The shipment was consigned to a logistic company in Hong Kong</li> <li>• The owner of the logistic company receiving the consignment for the actual consignee stated that the order was received from the Mainland</li> <li>• A controlled delivery operation was to be conducted but the actual consignee halted the delivery</li> <li>• One person was arrested</li> </ul>	Mexico	114	No prosecution as per legal advice.
3	26 Jul 2021	<ul style="list-style-type: none"> <li>• Dried fish maws of totoaba was found amongst dried fish fillet in an inbound air consignment consisting of 2 carton boxes declared as “pescado seco” originated from Mexico en route to Hanoi, Vietnam</li> </ul>	Mexico	14.44	No arrest was made .
4	20 Sep 2021	<ul style="list-style-type: none"> <li>• Frozen air bladders of totoaba found amongst frozen fish fillets in an inbound air consignment consisting of 3 carton boxes declared as “frozen fish fillet” originated from Mexico</li> <li>• A controlled delivery operation was to be conducted but it was discontinued as the actual consignee was in the Mainland</li> <li>• One person was arrested</li> </ul>	Mexico	46	Seeking legal advice on possible prosecution of the case

No.	Date of offence	Description	Exporting country	Quantity involved (kg)	Results/Current progress
5	3 Mar 2022	<ul style="list-style-type: none"> <li>• Dried fish maw of totoaba were found wrapped by a black T-shirt and mingled with a batch of assorted clothing in an inbound air consignment declared as “FAMILY FIGT.5 DENIM PANTS4 CLOTH SHIRTS.3 SWEATER3” originated from Mexico</li> <li>• The telephone number and the consignee address on the shipping document were invalid</li> <li>• A controlled delivery operation was subsequently conducted when the suspect called the courier to enquire about the status of the consignment</li> <li>• The suspect was arrested and she stated under caution that she had been given the instruction by her company to receive the consignment. The person-in-charge of the company was a Mainland Chinese</li> </ul>	Mexico	1.15	Offender convicted and sentenced to 6 months’ imprisonment

#### Market surveillance

9. The local dried seafood market of Hong Kong has been closely monitored during the reporting period. In 2020, TRAFFIC was commissioned by the Agriculture, Fisheries and Conservation Department (AFCD) to conduct a market survey targeting totoaba dried fish maw. A total of 201 market outlets in Hong Kong were surveyed and no totoaba dried fish maw was found in any of the shops. TRAFFIC also conducted a survey on online platforms in Hong Kong and did not find any totoaba fish maw available.

10. AFCD keeps the enforcement momentum by conducting inspections at local markets from time to time to detect and deter illicit trade in totoaba dried fish maw. AFCD officers carried out inspections to an average of some 460 dried seafood shops per year throughout the territory between 2020 and 2022. None of the inspected shops was found selling totoaba dried fish maw. AFCD also monitors online trading

of endangered species, including totoaba. No totoaba dried fish maw was found being sold online during the reporting period.

#### Publicity

11. After each of the interception of the above cases as well as the conviction of case no.5, the Hong Kong Customs issued a press release to remind the public of the regulations on totoaba and the seriousness of the offence. A post was also made on the social media of AFCD to teach the public how to differentiate fish maws of totoaba from maws of other species, as well as to solicit reports in case they see any suspicious fish maws on sale. (See **Annex**)

#### Summary

12. The Hong Kong Government is committed to the protection of endangered species. The controls on endangered species, including totoaba, are vigorously enforced. The seizure cases listed above showed enforcement authority's effort in combating totoaba trafficking. Case investigations revealed Hong Kong is not the end market of the illegal totoaba. Although dried fish maw is a common commodity in local market, the shop inspections and market surveyed found there was no demand of dried fish maw from totoaba. Our enforcement agents will stay vigilant as always against any possible illegal trade in totoaba dried fish maw. The effort in local market surveillance and publicity work will be carried on to detect and prevent illegal trade in totoaba.

## Annex

### 1. Press releases for the interception of totoaba cases at para.9

Case no.1:

<https://www.info.gov.hk/gia/general/202006/08/P2020060800767.htm>

Case no.2:

<https://www.info.gov.hk/gia/general/202010/31/P2020103100275.htm>

Case no.3:

<https://www.info.gov.hk/gia/general/202107/27/P2021072700421.htm?fontSize=1>

Case no.4:

<https://www.info.gov.hk/gia/general/202109/21/P2021092100562.htm>

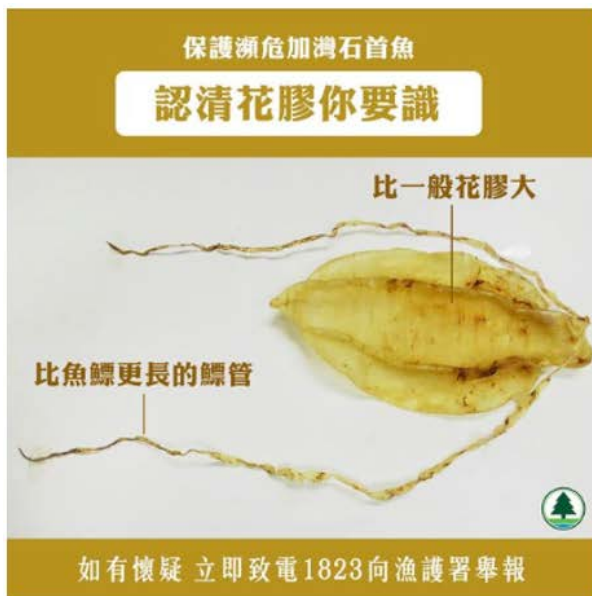
Case no.5:

<https://www.info.gov.hk/gia/general/202203/18/P2022031800496.htm?fontSize=1>

### 2. Press releases for the conviction of case no.5 at para.9:

<https://www.info.gov.hk/gia/general/202304/13/P2023041300492.htm>

### 3. Social media post on totoaba identification



漁農自然護理署 Agriculture, Fisheries and Conservation Department

9 June 2020

【真心保護瀕危加灣石首魚】

上星期海關機場檢獲大概160公斤懷疑受管制噶石首魚魚鱔，其後拘捕5名男子；案中檢獲噶魚鱔，重量同價值係歷來最大宗。

呢批魚鱔屬加利福尼亞噶石首魚(*Totoaba macdonaldi*)，係石首魚科中體型最大噶品種，主要生活喺墨西哥加利福尼亞灣(Gulf of California)水域。

由於生境被破壞同長年被過度捕撈，令佢噶數目急劇下降，加上佢噶魚鱔可以乾製成名貴花膠，現時當地噶非法捕撈活動仍然猖獗。

另外，喺同一水域生活嘅噶加灣海狗(Vaquita)，亦都因為被用噶捕撈石首魚噶漁網誤捕而大量被殺，專家估計目前全球加灣海狗少於22條。

加灣海狗以及石首魚噶現況極為嚴峻，已同時被列入國際自然保護聯盟瀕危物種紅色名錄(IUCN Red List) 極危(CR)級別。

加灣石首魚噶魚鱔係本地市場稱為「金錢鱔花膠」及「大鑿金錢膠」，比一般花膠大，獨特之處係有一對比魚鱔更長噶鰾管。而加灣石首魚屬《瀕危野生動物種國際貿易公約》附錄I列明物種，受香港法例第586章《保護瀕危動物種條例》規管，其國際間噶商業貿易已被禁止。市民如果懷疑市面上有加灣石首魚或其製品出售，請立即打1823向漁護署舉報，合力保護瀕危物種。

#AFCD #CITES #漁護署 #加利福尼亞噶石首魚 #保護瀕危動物種條例 #好好保護瀕危物種 #由我地做起 #切勿走私 #花膠

# **Implementation Status of the Totoaba Decision in the Macao Special Administrative Region**

**2023 July 7**

## **1. Background**

Totoaba has been included in Appendix I when the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) came into force, its commercial trade has been prohibited and only specimens imported before CITES came into force can be traded in commerce. To implement the requirements of Decisions No. 18.292 and No. 19.75 regarding totoaba, the Macao Special Administrative Region has adopted measures and activities and the implementation status is reflected in the report.

## **2. Illegal trade**

According to Law No. 2/2017, the Economic and Technological Development Bureau is the management authority of CITES, the Municipal Affairs Bureau is the scientific authority of CITES, while the Macao Customs is the competent authority to supervise importation and exportation.

From January 2020 to May 2023, the Macao Customs has no seizures involving totoaba (*Totoaba macdonaldi*). Moreover, the Economic and Technological Development Bureau and the Municipal Affairs Bureau have conducted sampling inspections on dried seafood shops, restaurants and catering establishments serving seafood and no cases of selling totoaba specimens was found. In conclusion, no illegal trade involving totoaba is recorded in the Macao SAR.



Picture : Government officials having inspection to the industry

### 3. Market Demand

Considering that the demand for totoaba in the market is mainly on the “fish maw” made from its swim bladder, the Economic and Technological Development Bureau and the Municipal Affairs Bureau visited a total of 80 dried seafood shops, restaurants and catering establishments serving seafood to understand the demand for swim bladder of totoaba in the local market. During the visit, 2 dried seafood shop told that they have been inquired on totoaba, indicating that there is a slight demand in the market; therefore, the Macao SAR government officials immediately reminded the interviewees of these dried seafood shops that totoaba is a CITES Appendix I species, its commercial trade is prohibited.



Picture : Government officials having visit to the dried seafood shop



#### 4. Awareness-raising activities

Being a CITES Appendix I species, the international trade of totoaba has been prohibited; according to Law No.2/2017, its local trade is also prohibited in the Macao SAR, including the purchase, proposed purchase, sale and proposed sale for commercial purposes, as well as the use for profit-making.

Though illegal trade of totoaba is found in the Macao SAR, slight demand is still existed during the visit to industry. To raise awareness of law-abiding in the industry and strengthen understanding of relevant regulations of CITES, the Macao SAR government official has also conducting awareness-raising activities, to publicize to the industry that not to import or sell totoaba swim bladders from illegal sources, in order to make efforts for the conservation of totoaba.



Picture : Government officials having public activities to the seafood restaurant

#### 5. Conclusion

There is no totoaba trade in the Macao SAR, so we are not a consumption place for totoaba. However, being a member of CITES, the Macao SAR government is committed to fulfilling its obligations by raising the industry's awareness of the illegal trade and conservation of totoaba, as well as strengthening the elimination of the supply of totoaba specimens from illegal sources and demand, preventing and combating illegal trade



in totoaba.

—END—

**From:** Barend Janse Van Rensburg  
**Sent:** Thursday, 6 July, 2023 6:51 PM  
**To:** MARIA DE LOS ANGELES CAUICH GARCIA <ma.cauich@semarnat.gob.mx>  
**Cc:** Ivonne Higuero <ivonne.higuero@un.org>; Thea Henriette Carroll <thea.carroll@un.org>; González Anaya, María Eugenia <megonzalez@sre.gob.mx>  
**Subject:** RE: Automatic reply: Informe Totoaba México

Estimados colegas,

Gracias por su correo electrónico con respecto a la información solicitada a través de la Notificación a las Partes No. 2023/069, así como con respecto a la obligación de informar dirigida a México en la Decisión 18.293, inciso f) sobre Totoaba (*Totoaba macdonaldi*).

La Secretaría está de acuerdo en que ayudaría a evitar la duplicación y sería más práctico para México proporcionar la información y los informes solicitados como parte de su informe sobre el progreso en la implementación de su "Plan de Acción de Cumplimiento", que se presentará a la Secretaría de conformidad con SC75 Recomendación a), v) sobre Totoaba (*Totoaba macdonaldi*), a más tardar el 8 de agosto de 2023.

La Secretaría permanece a su disposición según sea necesario y espera recibir el informe de México como se describe anteriormente.

Atentamente,

Ben

**Ben JANSE VAN RENSBURG** (Mr.)

Chief, Enforcement Unit / Chef, unité de lutte contre la fraude  
/ Jefe, unidad de observancia

CITES Secretariat / Secrétariat CITES / Secretaría CITES

E: [barend.vanrensburg@un.org](mailto:barend.vanrensburg@un.org)

T: +41 (0) 22 917 81 43 | <https://cites.org>



✉ CITES Secretariat, Palais des Nations, Ave. de la Paix 8-14, 1211 Genève, Switzerland

🏠 MIE, 11 Chemin des Anémones, 1219 Châtelaine-Genève, Switzerland

Convention on International Trade in Endangered Species of Wild Fauna and Flora

**From:** MARIA DE LOS ANGELES CAUICH GARCIA <[ma.cauich@semarnat.gob.mx](mailto:ma.cauich@semarnat.gob.mx)>  
**Sent:** Wednesday, 5 July, 2023 6:07 PM  
**To:** Thea Henriette Carroll <[thea.carroll@un.org](mailto:thea.carroll@un.org)>  
**Cc:** Barend Janse Van Rensburg <[barend.vanrensburg@un.org](mailto:barend.vanrensburg@un.org)>  
**Subject:** Fwd: Automatic reply: Informe Totoaba México

You don't often get email from [ma.cauich@semarnat.gob.mx](mailto:ma.cauich@semarnat.gob.mx). [Learn why this is important](#)

**Ms. Ivonne Higuero**

**Secretaria General de la Secretaría CITES.**

**PRESENTE:**

Me refiero a la Notificación a las Partes No. 2023/069 “Solicitud de información y presentación de informes a todas las Partes, especialmente los países de tránsito y destino de Totoaba (Totoaba macdonaldi)”, sobre el particular, le informo que con el objeto de optimizar recursos y evitar una duplicidad de trabajo, tanto para la Secretaría de la CITES, como para México, nuestro país en apego al inciso f) de la Decisión 18.293 (Rev. COP19), estará presentando, de no tener inconveniente para ello, durante la primera semana del mes de agosto del presente año, de conformidad con el numeral 7.5 “Totoaba (Totoaba macdonaldi): Informe de la Secretaría”, inciso a), fracción v) del SC75 SR, el informe sobre los resultados obtenidos de la implementación del “Plan de Acción de Cumplimiento del Gobierno de México para Prevenir la Pesca y el Comercio Ilegal de Totoaba, sus Partes y/o Derivados, en Protección a la Vaquita Marina”, el cual incluye la información a la que hacen referencia las Decisiones 18.292 (Rev. COP19) y 19.75 sobre Totoaba.

De antemano agradezco la atención prestada a la presente, quedando atenta a su amable respuesta.

Saludos cordiales

ATENTAMENTE



**Biol. María de los Ángeles Cauich García**  
Directora General de Vida Silvestre

Av. Ejército Nacional 223 Col. Anáhuac I Sección,  
CP. 11320, Alcaldía Miguel Hidalgo, Ciudad de México.

Secretaría de Medio Ambiente y Recursos Naturales  
Subsecretaría de Política Ambiental y Recursos Naturales  
Dirección General de Vida Silvestre

*De conformidad con el artículo segundo del “ACUERDO por el que se establecen los Lineamientos para el intercambio de información oficial a través de correo electrónico institucional, como medida complementaria de las acciones para el combate de la enfermedad generada por el virus SARS-CoV2 (COVID-19)”, publicado en el Diario Oficial de la Federación (DOF) el 17 de abril de 2020, mismo que establece que el correo electrónico institucional se utilizará preferentemente como medio de notificación de la información oficial entre los servidores públicos de las dependencias y entidades de la Administración Pública Federal, siempre que la ley o cualquier disposición normativa vigente no exija formalidad distinta en su tratamiento y efectos.*

**From:** [th1608@korea.kr](mailto:th1608@korea.kr) <[th1608@korea.kr](mailto:th1608@korea.kr)>

**Sent:** Thursday, 13 July, 2023 3:03 AM

**To:** UNOG-UNEP-CITES Info <[cites.info-cites@un.org](mailto:cites.info-cites@un.org)>

**Cc:** [cites@korea.kr](mailto:cites@korea.kr)

**Subject:** RE: 토토아바 정보 요청 공지 FW: New Notification to the Parties to CITES

Dear Secretariat,

This is to inform that the Republic of Korea does not have any information regarding totoabas as Korea doesn't catch nor trade the species who does not migrate through the waters of Korea either.

Kind regards,

Tae-hoon

보낸사람 : CITES <[no\\_reply@cites.org](mailto:no_reply@cites.org)>

받는사람 : <[cites@korea.kr](mailto:cites@korea.kr)>

받은날짜 : 2023년 6월 16일(금) 18:06:24 (GMT +09:00)

제목 : New Notification to the Parties to CITES

The following Notification to the Parties was posted on the CITES website on 16 June 2023:

Notification to the Parties N° 2023/069:

[Call for information and reporting from all Parties, especially transit and destination countries of totoabas \(Totoaba macdonaldi\)](#)

The Notification can be viewed on the page below:

<http://cites.org/eng/node/136852>

CITES Secretariat  
International Environment House  
11 Chemin des Anemones  
CH-1219 Chatelaine, Geneva  
Switzerland  
Fax: +41-22-797-34-17  
Email: [info@cites.org](mailto:info@cites.org)



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
International Affairs  
5275 Leesburg Pike, MS: IA  
Falls Church, VA 22041-3803

August 1, 2023

CITES Secretariat  
International Environment House  
11 Chemin des Anémones  
CH-1219 Châtelaine-Geneve  
Switzerland

Via email: [info@cites.org](mailto:info@cites.org)

Dear Secretariat team,

This letter provides the U.S. response to Notification to the Parties No. 2023/069, which requests Parties to submit information on the implementation of Decisions 18.292 (Rev. CoP19) and 19.75 on Totoabas (*Totoaba macdonaldi*). If you have any questions concerning the information we have provided, please feel free to contact me ([naimah\\_aziz@fws.gov](mailto:naimah_aziz@fws.gov)).

Sincerely,

Naimah Aziz, Head  
Division of Management Authority

Enclosure

CC: NMFS  
FWS OLE

## U.S. Response to Notification to the Parties No. 2023/069

### **Implementation of Decision 18.292**

18.292 (Rev. CoP19) Parties affected by illegal fishing and trafficking of totoabas, in collaboration with relevant stakeholders, are encouraged to:

- a) fully implement the measures and activities outlined in the online Meeting of Range, Transit and Consumer States of Totoaba agreed outcomes document, as relevant to them, to prevent and combat this illegal trade;**

The United States is strongly committed to implementing the measures and activities outlined in the Meeting of Range, Transit and Consumer States of Totoaba (*Totoaba macdonaldi*) outcome document. The United States has been an active participant in drafting of the Terms of Reference (TOR) and working plan for the Trilateral Enforcement Contact Group (TECG). It has been difficult to get the TOR finalized, yet we are encouraged by recent bilateral discussions. Prior to CITES CoP19, we provided Mexico with our concern regarding the vague language and lack of timeline for the TOR, and we received a response after CoP19. We provided additional changes for consideration to the updated TOR in February 2023 and now await further communications. We welcome a response from Mexico to our stated concerns, and at a recent bilateral in Geneva, U.S. Ambassador Crocker and Mexican Ambassador Francisca Mendez Escobar agreed on the importance of concurrence on the TOR.

To strengthen law enforcement and international collaboration to address illegal totoaba specimen trafficking, the United States developed a coordination and cooperation protocol for enforcement authorities working at seaports, airports and the U.S./Mexico land border. U.S. fisheries and wildlife enforcement personnel (including the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS)) and the Department of Justice have participated in joint training sessions focused on identification of totoaba swim bladders and information concerning the illegal trade. To help support measures to combat organized crime associated with totoaba trafficking, U.S. fisheries and wildlife enforcement personnel have shared information with Chinese, Mexican, and South Korean officials regarding wildlife trafficking methods and routes. Further, the United States has shared investigative information with Mexican officials when appropriate for action and will seek to jointly work these investigations.

- b) draw upon the secure law enforcement communication channels and tools provided by INTERPOL and the World Customs Organization to share information on seizures and arrests associated with totoaba specimen trafficking;**

U.S. fisheries and wildlife enforcement personnel and the Department of Justice have collaborated with our international partners to raise awareness of the illegal trade in totoaba swim bladders, enhance the detection of these species in trade, and reduce demand in overseas markets (e.g., Purple Notice under INTERPOL). FWS Office of Law Enforcement regularly shared investigative information, when appropriate, with

authorities in the Chinese, Mexican, and South Korean governments, when seizures of totoaba and arrests of their nationals have occurred. Our FWS Office of Law Enforcement's International Operations Unit (Attaché Program) stand ready to assist in investigations when requested and appropriate. U.S. Customs and Border Protection (CBP) regularly share seizure information with Mexico's National Customs Agency (ANAM).

A search of FWS Office of Law Enforcement and CBP records from 2017 to 2022 for seizures and investigations into totoaba resulted in 26 seizures amounting to over 860 confiscated items (meat and bladders). For the first half of 2023, there have been 9 seizures of totoaba swim bladders. Six of those seizures were on the same day from the same exporter based in Mexico. On April 13, 2023, CBP officers at the Area Port of Nogales seized 242 pounds (approximately 110 kilograms) of totoaba swim bladders with an estimated value of \$2,700,000 USD.

- c) **engage in awareness-raising activities on the illegal trade in totoaba, and its severe implications for the conservation of vaquitas (*Phocoena sinus*), including demand reduction campaigns, as well as activities to eliminate supply and demand for illegally sourced specimens of totoaba, taking into consideration the measures and activities outlined in the Meeting of Range Transit and Consumer States of Totoaba agreed outcomes document under the heading Opportunities to eliminate supply and demand for illegally sourced specimens of totoaba; and**

FWS posts information on seizures and prosecutions on our Office of Law Enforcement website. To increase awareness of illegal trade in totoaba, U.S. fisheries and wildlife enforcement personnel trained CBP officers working on the southern border of the United States on how to identify totoaba swim bladders. In addition, U.S. law enforcement agencies have conducted multiple border operations targeting smuggled wildlife being imported to and exported from the United States. FWS attachés continue to work with authorities in the source and destination countries in an attempt to improve capacity and political will to investigate and prosecute individuals and businesses in their regions that engage in these illegal activities.

With financial support from NMFS, Environmental Investigation Agency (EIA) produced two public reports and a film to draw the attention of international stakeholders to the totoaba trade and the plight of the vaquita. The first briefing, [Dual Extinction: The illegal trade in the endangered totoaba and its impact on the critically endangered vaquita](#), outlined EIA's initial investigative findings for the 66th CITES Standing Committee meeting in January 2016.

As we have reported previously, to help raise awareness regarding the illegal totoaba trade and its detrimental impact on the vaquita, the United States funded the publication of two reports (in multiple languages) and an interactive map of totoaba seizures/trade. These materials were presented at CITES SC66 (January 2016) and CoP17 (September/October 2016).

- d) **provide financial and in-kind support for the implementation of the study called for in Decision 18.294 (Rev. CoP19), paragraph c) to be presented before the 77th meeting of the Standing Committee.**

The United States is eager to review the findings of the study and we look forward to the Parties' discussion of the document at SC77.

### **Implementation of Decision 19.75**

19.75 Parties are encouraged to:

- a) **support efforts related to the recovery and monitoring of wild populations of totoaba and vaquita;**

NMFS has provided technical expertise in close collaboration with Mexican researchers for over 30 years related to the recovery and monitoring of wild populations of totoaba and vaquita. NMFS has participated in several vaquita abundance estimates, both visual and acoustic, in close collaboration with Mexican researchers. In addition, NMFS has participated in vaquita early necropsies to help provide life history and bycatch estimates. In collaboration with Mexican fisheries researchers, NMFS has developed and tested some alternative fishing gear.

- b) **make every effort to support Mexico in the implementation of Decision 18.293 (Rev. CoP19); and**

The United States has continued to make every effort to support Mexico in the implementation of Decision 18.293 (Rev. CoP19). U.S. fisheries and wildlife enforcement personnel designed and distributed a directory of wildlife enforcement inspectors and experts to Mexican authorities to assist in their efforts to combat the illegal trade in totoaba.

- c) **support efforts to eliminate supply of and demand for illegally sourced specimens of totoaba to address and prevent their illegal trade.**

The U.S. has utilized other domestic laws and international agreements, in addition to CITES, to address this issue:

Totoaba have been listed as an endangered species under the U.S. **Endangered Species Act** since 1979. The FWS continues to enforce the regulations and laws of the United States to support efforts to prevent illegal trade. NMFS, FWS Office of Law Enforcement, and CBP remain fully engaged in efforts to identify and intercept illegal shipments entering the United States. FWS has trained key FWS canines on the totoaba scent to assist in detection. As noted above, FWS and CBP has made several seizures of totoaba products at the U.S./Mexico border, airports, and mailing facilities. The United States submitted seized totoaba to a federal forensics laboratory for DNA verification and shared the DNA analysis of the confiscated samples with appropriate Mexican authorities



and academia. NMFS and FWS Offices of Law Enforcement have provided training to Mexican wildlife officials regarding Modus Operandi concerning the methods and practices, based on U.S. experiences, in detecting the concealment and smuggling of totoaba bladders.

Under the **United States-Mexico-Canada trade agreement** (known as the USMCA), the parties have agreed, among other things, to take measures to combat, and cooperate to prevent, the trade of wild fauna and flora taken or traded in violation of applicable law. Pursuant to ongoing USCMA environment consultations, the U.S. and Mexico have been working together closely on the matters of illegal totoaba trade, illegal fishing, and vaquita conservation, including the development of a plan of action to address these issues. The U.S. has reported previously on U.S. actions under the **Marine Mammal Protection Act** with regard to the continuing losses of vaquita as bycatch resulting from illegal gillnetting operations that target totoaba. Under the authority of the Marine Mammal Protection Act, NMFS has revoked comparability findings—the finding by NMFS that the harvesting nation for an export or exempt fishery has met the applicable conditions specified in U.S. regulations—for several Mexican fisheries within the range of the vaquita in the Upper Gulf of California.

Another U.S. law that has addressed the illegal trade of totoaba and vaquita is the **Pelly Amendment to the Fisherman's Protective Act of 1967**. This law gives the U.S. Department of the Interior, in consultation with the Department of State, the authority to hold governments accountable for diminishing the effectiveness of international conservation agreements or programs. On May 18, 2023, the Secretary of the Interior notified the President of the United States that she had certified under the Pelly Amendment that nationals of Mexico are directly or indirectly engaging in trade or taking of totoaba and vaquita which diminishes the effectiveness of protections for those species under CITES. On July 17, 2023, President Biden, in response to the certification, directed the following actions:

*(1) relevant executive departments and agencies (agencies) to convene a high-level dialogue with the Government of Mexico to discuss the steps it will take to reduce illegal trafficking of totoaba and enhance conservation of the vaquita. Through this dialogue, the United States will encourage Mexico to strengthen and implement its CITES compliance action plan and comply with all relevant CITES decisions regarding totoaba and vaquita, including expansion of enforcement efforts beyond the ZTA. The United States will also establish a schedule of at least quarterly meetings with the Government of Mexico to review its CITES Compliance Action Plan implementation, with a focus on enhanced monitoring and enforcement actions to prevent and deter totoaba fishing and trafficking, including seizures, arrests, and prosecutions. The United States will also include totoaba and vaquita enforcement matters on the agenda for the next High Level Security Dialogue with Mexico;*

*(2) relevant agencies to coordinate efforts to assist and support Mexico's compliance, anti-trafficking, anti-corruption, and other measures as appropriate. If requested by the Government of Mexico, the United States will assist Mexico with relevant training and*

*capacity building; and*

*(3) the Secretary of the Interior, in coordination with the Secretary of Commerce, Secretary of State, and the United States Trade Representative, among other agencies as appropriate, to develop an assessment by July 2024, of Mexico's enforcement actions and implementation of its CITES Compliance Action Plan.*

Additionally, President Biden has instructed the Secretary of the Interior, in coordination with the Secretary of Commerce, Secretary of State, and the United States Trade Representative, and other agencies as appropriate, to monitor Mexico's enforcement actions and progress and provide the President with a report no later than 1 year from July 17, 2023 on whether these actions have reduced the illegal harvest and trafficking of totoaba and enhanced the conservation of vaquita. The report will be used as the basis for assessing whether additional steps, including potential trade restrictions under the Pelly Amendment will be necessary.