

THE TRAFFIC REPORT



CITES Tackles Fish and Timber

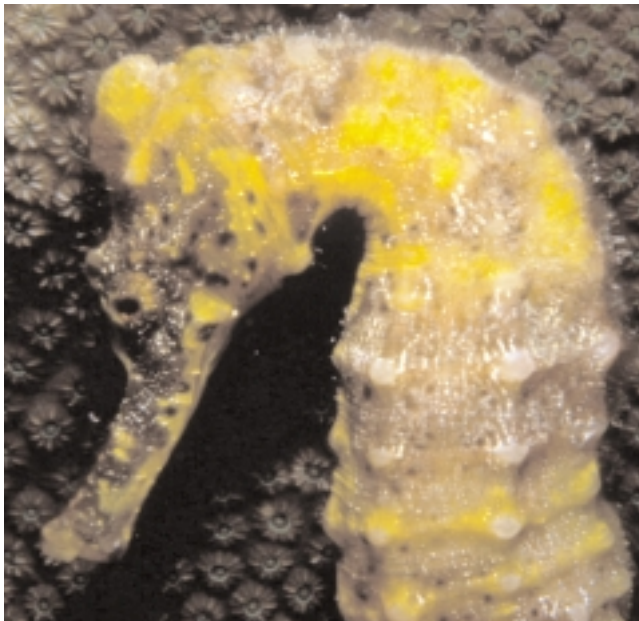
Big-leaf mahogany, whale sharks, basking sharks, and seahorses were voted new levels of trade protection at the 12th Conference of the Parties to CITES, COP 12, held in Santiago, Chile, 3-15 November 2002. Actions taken at the meeting marked a major advance in the historical scope of the convention and its conservation impact, and saw 49 species proposals considered and about 100 species added to CITES appendices.

International trade in species listed on CITES Appendix I is prohibited, except in very special circumstances, and trade in Appendix II species is strictly controlled through a system of permits. CITES, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, was enacted in 1973, and currently claims 160 member countries. The treaty helps to ensure the sustainable international trade of more than 30,000 plant and animal species.

For the first time, CITES parties moved firmly into the realm of regulating the international timber and fisheries trades. Big-leaf mahogany (*Swietenia macrophylla*), whale sharks (*Rhincodon typus*), basking sharks (*Cetorhinus maximus*), and seahorses (*Hippocampus* spp.)

were all added to Appendix II. The listing of big-leaf mahogany, which produces extremely valuable timber, came some 10 years after it was first proposed for listing, and only after intense debate and a close vote. The proposals to list the basking shark and the whale shark, which are threatened by demand for their meat and fins, were initially defeated in committee. In the last minutes of the COP, however, the proposals were reopened for consideration and the sharks gained the two-thirds majority vote needed for Appendix II listings. Thirty-two species of seahorses that are threatened by demand for traditional medicines, curios, and the

continued on page 2



ANITA G. BURNS

Seahorses have been used for generations in traditional Asian medicines to treat a variety of ailments, including respiratory disorders such as asthma, sexual dysfunctions such as impotence, and general lethargy and pain.

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—NORTH AMERICA—



aquarium trade were also approved for Appendix II listing.



BRUCE BUFFETT

Though tiger conservation efforts have shown some gains, particularly with regard to curbing the use of tiger parts in traditional medicines, demand for their parts is now shifting to include other Asian big cats, such as the clouded leopard.

The Patagonian toothfish (*Dissostichus eleginoides*), widely marketed as Chilean sea bass, was one commercial fish species that failed to gain a CITES listing. Australia had proposed the species for Appendix II listing, but withdrew its proposal under pressure from other nations involved in toothfish trade. The CITES parties did, however, adopt a resolution urging all CITES parties to voluntarily implement the catch documentation scheme adopted by CCAMLR, the Convention on the Conservation of Antarctic Marine Living Resources. The resolution also requires all CITES parties to report on their use of the catch documentation scheme to the CITES Secretariat. The resolution is not as strong a measure as an Appendix II listing, but it has the potential to help decrease illegal fishing and it represents an important step forward in using CITES to ensure the sustainability of commercially important marine species.

Always a controversial issue, and no exception at COP 12, was the resumption of trade in African elephant (*Loxodonta africana*)

ivory. Five countries — Botswana, Namibia, South Africa, Zambia, and Zimbabwe — submitted proposals to allow limited sales of existing ivory stockpiles. CITES delegates, however, found that only Botswana, Namibia, and South Africa had sufficient controls in place to oversee the trade and adequately monitor their elephant populations. These three countries will be allowed one-off sales of 20, 10, and 30 tons of ivory, respectively, once certain conditions are met. To allow time for collection of baseline data on elephant population and poaching levels, the sales will not take place before at least May 2004. In addition, the CITES Secretariat can suspend the trade at any time, if they find that either an exporting or importing country is in noncompliance, or if there is evidence that the trade is negatively affecting African elephant populations.

In addition to these developments, 26 species of Asian freshwater turtles, traded in significant quantities for regional food markets, traditional medicines, and the international pet trade, were added to Appendix II. The yellow-naped Amazon parrot (*Amazona auropalliata*), yellow-headed Amazon parrot (*Amazona oratrix*), and blue-headed macaw (*Ara couloni*) were transferred from Appendix II to Appendix I, as their populations have continued to decline in recent years. Added protection will also be provided for Asian big cats, including the leopard (*Panthera pardus*), snow leopard (*Uncia uncia*), and clouded leopard (*Neofelis nebulosa*), as a result of a resolution calling on CITES parties to take further action to control poaching and illegal trade in these species.

Overall, COP 12 made huge strides in insuring the continued sustainability of Earth's living resources, and TRAFFIC North America will continue to build on these successes.

For complete results of COP 12, visit www.cites.org, the CITES Web site.

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Photo collage: (l. to r.) scarlet macaw, Howard Buffett; bull shark, WWF/Sylvia Earle; hawkbill turtle, Anja G. Burns; American black bear, Howard Buffett; fishhook cactus, J. Atchley; tiger, WWF/Martin Harvey.

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INSPECTOR TURNS SMUGGLER

In early October 2002, Wahab Omotayo Alaga was arrested for illegally importing protected birds. Alaga was arrested at his job as a U.S. Department of Agriculture inspector at John F. Kennedy International Airport in New York. Alaga imported six African grey parrots (*Psittacus erithacus*) into the United States in March without the required export permit. The African grey parrot is protected by the U.S. Endangered Species Act, the U.S. Wild Bird Conservation Act, and CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora).



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Despite the fact that they are frequently bred in captivity in the United States, African greys continue to be taken from their natural habitat in equatorial Africa to supply the international demand for pet birds.

Alaga acquired the birds from his family in Nigeria, who took them from their nest in the wild. He also illegally imported nine gray singing finches (*Serinus leucopygius*) in 1998. Alaga has been charged with violations of the Lacey Act and with making false statements to a law enforcement officer. Both charges carry maximum penalties of five years in prison and a US\$250,000 fine for a felony conviction.

(*Environment News Service, 14 October 2002*)

SNAKEHEAD BAN

On 4 October 2002, the U.S. Fish & Wildlife Service (USFWS) added all species of snakehead fish (family Channidae) to its list of injurious wildlife, and banned the import or interstate transport of live fish or their eggs anywhere in the United States. Snakeheads are not native to the United States, but have been imported for ethnic markets and restaurants, and also for pet stores. Snakeheads have

been found in the wild recently in Maine, Massachusetts, Rhode Island, Maryland, Florida, California, and Hawaii, but have been known to reproduce only in Maryland, Florida, and Hawaii.

The fish are aggressive and highly predatory and can wreak havoc on an ecosystem, as they eat almost anything in their path, from fish to amphibians to mammals. In addition, snakeheads can survive out of water for up to three days, sometimes even moving from one body of water to another. Therefore, USFWS felt the new ban was necessary to protect native wildlife and wildlife resources. Any live snakeheads or their eggs discovered at U.S. ports of entry will be returned to the originating country or destroyed at the owner's expense unless they have the proper permits indicating that they are for scientific, medical, educational, or zoological purposes.

(*67 Fed. Reg. 62193; Environment News Service, 4 October 2002*)

BLUEFIN TUNA SEIZURE

On 3 August 2002, a Virginia Marine Patrol officer boarded the commercial scallop vessel *Kimberly and Kathryn* to monitor the offload of scallops and found that the vessel carried a large number of tuna. The skipper, John P. Jones, identified the tuna as yellowfin, but a U.S. National Marine Fisheries Service (NMFS) special agent positively identified the 71 offloaded tuna as Atlantic bluefin (*Thunnus thynnus*), all under the minimum commercial size limit of 73 inches curved fork length. The vessel also exceeded the commercial landing limit of two bluefin tuna per vessel. *Kimberly and Kathryn's* owner faces civil penalties between US\$1,000 and US\$40,000 and/or permit sanctions of between 10 and 30 days. The 3,824 pounds of bluefin tuna were donated to a local food bank.

(*NOAA press release, August 2002*)

CAVIAR SMUGGLER PLEADS GUILTY

In late August 2002, the former president and owner of Miami-based Beluga Caviar, Inc., admitted to smuggling large amounts of caviar into the United States. Viktor Tsimbal, a Russian national who had hired couriers to smuggle caviar into the United States in contravention of CITES, pleaded guilty to conspiracy, smuggling, and money laundering. Tsimbal also confessed to using false documents to smuggle more beluga (*Huso huso*) caviar from Russia in 1999 than the entire Russian export quota for that year.

Tsimbal forfeited the US\$36,000 found in his possession at the time of his arrest, and more than US\$500,000 worth of caviar, falsely labeled "Atlantic



Lumpfish Roe,” was seized from his company under a search warrant. Tsimbal admitted that the false labels were yet another component of the smuggling scheme. Tsimbal faced up to five years in prison for each of the four counts of conspiracy and smuggling, and 10 years for money laundering, as well as fines of up to US\$1 million. On November 6, the U.S. District Court for the Southern District of Florida sentenced Tsimbal to 41 months in federal prison and two years of supervised release.

(U.S. Department of Justice press release, 26 August 2002)

VICUÑA DOWNLISTING

The U.S. Fish & Wildlife Service (USFWS) has downlisted the vicuña (*Vicugna vicugna*) populations in Argentina, Bolivia, Chile, and Peru from endangered to threatened under the U.S. Endangered Species Act. The vicuña is the smallest



WWF

While efforts to conserve wild vicuña populations have achieved great success, poaching continues. It is estimated that subsistence poaching by locals, most of whom live in extreme poverty, accounts for the deaths of just over 2% of the wild vicuña population annually.

member of the camel family and lives in the Andes Mountains. Vicuñas are prized for their wool, which became so popular and valuable that, by the early-to-mid 1970s, only about 8,000 individuals remained in the wild.

USFWS decided to downlist these populations based on the conservation measures in place and the increase in vicuña numbers in these four countries. USFWS will monitor the trade in vicuña products to determine the continued effectiveness of conservation measures and will restrict or suspend vicuña imports from any country whose vicuña population is not continuing to grow.

(Environment News Service, 26 June 2002)

SHARK FIN FIASCO

On 13 August 2002, the U.S. Coast Guard boarded the Honolulu-based fishing vessel *King Diamond II* and discovered 12 tons of illegal shark fins. Shark finning was banned in 2000 by the U.S. Shark Finning Prohibition Act (SFPA), which prohibits the purchasing, landing, or possession of shark fins without shark carcasses. The vessel, which was about 350 miles southeast of Acapulco, Mexico, was seized and escorted by Coast Guard cutters to San Diego, California. Upon arrival, U.S. National Marine Fisheries Service (NMFS) agents took possession of the fins, which are being held as evidence, and interviewed the captain and crew. The National Oceanic and Atmospheric Administration (NOAA) Office of General Counsel will determine whether charges should be brought and what penalties may be imposed once they have closed the investigation. Penalties under SFPA can reach US\$120,000 for each violation, along with forfeiture of the fishing vessel and the fins.

(U.S. Coast Guard press release, 30 July 2002)

SEALSKINS SEIZED BY THE SEASHORE

In June 2002, National Oceanic and Atmospheric Administration (NOAA) law enforcement agents seized an illegal shipment of sealskins in Port Elizabeth, New Jersey. The 5,000 Cape fur seal (*Arctocephalus pusillus*) skins were valued at US\$50,000 and were on route from Namibia to Canada via the United States. The skins were to be processed in Canada before being shipped to their final destination in the markets of Europe and China. The import of marine mammals and their parts into the United States is prohibited under the Marine Mammal Protection Act of 1972, and the Cape fur seal is also listed on CITES Appendix II.

(NOAA press release, 26 June 2002)



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Fur seals are in demand not only for their skins, but also for their fat, which is used in oils and creams, and for their genitals, which are used in traditional Chinese medicine to treat sexual dysfunction.



BAD EGG

In July 2002, agents from the Florida Fish & Wildlife Conservation Commission arrested a man for possessing and attempting to sell sea turtle eggs. James O. McGriff sold a dozen of the eggs to an undercover officer for US\$30, and was then discovered to have 27 bags containing a dozen eggs each in his truck. McGriff was charged with possessing and attempting to sell a threatened species.

(CNN.com, 2 August 2002)



In many areas of the tropics, sea turtle eggs have been an important part of the local diet for generations. They are easy prey, and are often dug from their nests as soon as the mother has returned to sea.

TOOTHFISH PULLED

U.S. National Marine Fisheries Service (NMFS) agents seized over 33 tons of illegally imported Patagonian toothfish (*Dissostichus eleginoides*), marketed as Chilean sea bass, in Boston in June 2002. The agents had received information from the Australian government that the US\$275,000 haul was illegally harvested in Antarctic waters. Pending investigation, the owners of the Uruguayan *Arvisa I* could face civil penalties and criminal fines, as well as forfeiture of their catch.

(NOAA press release, 24 June 2002)

LIZARD SMUGGLER MONITORED

In June 2002, Bruce Alvin Feldhammer of San Francisco pleaded guilty to one count of attempting to smuggle mislabeled and undeclared merchandise from Australia to the United States. Feldhammer had attempted to smuggle in 14 Australian ridge-tailed monitor lizards (*Varanus storri*), which are listed on CITES Appendix II. In addition, Australian law

prohibits the commercial and private export of all of its indigenous wildlife. Feldhammer was sentenced to six months home detention and a US\$10,000 fine. The U.S. Fish & Wildlife Service and the Australian Customs Service conducted the investigation.

(U.S. Department of Justice press release, 18 June 2002)

HONOLULU BLUES FOR CORAL SMUGGLER

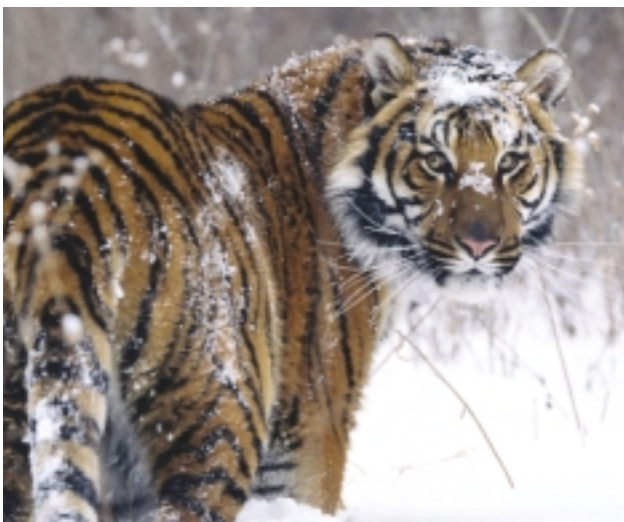
King Wong was fined US\$35,000 and ordered to pay US\$77,740 in restitution to the Hawaii Department of Land and Natural Resources for his part in a coral smuggling scheme. Wong pleaded guilty in September 2000 to one count of conspiring to traffic 100 tons of coral and live rock taken illegally from Hawaiian waters. The value of the coral, smuggled by the conspirators from 1996 to 1998, is estimated at US\$1 million.

Wong, who owns a Honolulu seafood company, packed the coral into boxes marked seafood or ceramics and shipped them to the continental United States, where others then sold and distributed the coral to aquarium suppliers.

(HonoluluAdvertiser.com, 22 June 2002)

SNOW PLOW SENTENCINGS

Four defendants indicted in Operation Snow Plow, a lengthy undercover investigation by the U.S. Fish & Wildlife Service, were sentenced in October and November 2002.



Thousands of tigers are privately held in the United States, so many that they may actually surpass the world's wild tiger population.

Timothy Laurie, who pleaded guilty to knowingly concealing the hide of a federally protected leopard that was illegally imported into the United States, was sentenced in federal court in Chicago to four months



home detention, four years probation, and 200 hours of community service. Laurie was also ordered to pay US\$10,000 to the National Fish and Wildlife Federation's Save the Tiger Fund.

George Riley was sentenced in Detroit to one year probation and ordered to pay a community service donation of US\$30,000 to the Save the Tiger Fund and the Lacey Reward Fund for receiving the hides of two endangered tigers, a misdemeanor. Riley's plea agreement also requires that he cooperate with federal officers in their ongoing investigations into the illegal wildlife trade.

Stoney Ray Elam, who pleaded guilty to two felony violations of the Lacey Act, was sentenced to one year confinement, two years probation, and ordered to pay a US\$5,000 fine to the Save the Tiger Fund. Elam, former owner of exotic animal farm PowerHouse Wildlife Sanctuary, transported two tigers and three leopards across state lines, sold them to an undercover agent for US\$4,800, and then falsified federal documents declaring the illegal sale a donation.

Timothy Dale Rivers, owner of Animals in Motion Animal Park, was sentenced to six months in prison and one year probation, and was ordered to pay US\$2,500 to the Save the Tiger Fund. Rivers admitted to illegally selling two black leopards in 1998 and to falsifying federal documents to portray the sale as a donation. Rivers also admitted his involvement in the sale of a Bengal tiger in October 1998, for which he also falsified donation forms.

These stiff sentences were handed down with the aid of TRAFFIC, which provided the judge in each case with detailed information on the devastating impacts of illegal trade on the continued survival of these endangered cats.

(USFWS press releases, October and November 2002)

AROWANA SMUGGLER UNLUCKY

A California man was indicted for importing endangered Asian arowana fish (*Scleropages formosus*) in July 2002. Lloyd Gomez conspired with Joe Lian Ho Luah of Alberta, Canada, to import and sell the fish in violation of the U.S. Endangered Species Act and falsified documents to pass them through U.S. Customs as another species. The Asian arowana, popular among collectors for its bright colors and as a symbol of luck, wealth, prosperity, and strength, can sell for up to US\$10,000 each. Gomez faces a maximum penalty of five years in prison and US\$250,000 in fines.

(USFWS press release, 25 July 2002)

CYCAD EXPERT TURNS LEAF, ADMITS GUILT

Peter Heibloem, a high profile plant expert and businessman in Queensland, Australia, was sentenced in June 2002 to three years' probation and a US\$25,000 fine for his role in a million-dollar rare plant smuggling ring. Heibloem, after months of proclaiming his innocence, entered into a plea agreement and pleaded guilty to one federal charge of conspiracy to smuggle merchandise into the United States, in exchange for 11 other charges being dropped.



LINDA R. McMAHAN

Part of the allure of the cycad is its ancient origin. Cycads are known to have existed in the Permian era, over 200 million years ago, before the existence of dinosaurs.

Heibloem runs the Eudlo Cycad Gardens and is the author of *The Cycads of Central Africa*. He was charged, along with 11 others from four continents, in one of the largest rare-plant smuggling investigations in U.S. history. The estimated value of the CITES-listed cycads and orchids smuggled in this case was more than US\$840,000.

Others charged in the case include Ernest Bouwere, Donald Joseph Wiener, Jose "Pepe" Portilla, John Baker, Ian Turner, Rolf Kyburz, Rolf Bauer, Jan Van Vuuren, Antonius Juniarto, Iwan Kolopaking, and Terrence Leung. The investigation, which ran from August 1999 through July 2001, was a cooperative effort among the U.S. Fish & Wildlife Service, the U.S. Department of Agriculture's Animal and Plant Health Inspection Service and Office of Inspector General, and their partner agencies in South Africa and Australia.

(SignOnSanDiego.com, 20 August 2001; Environment News Service, 24 July 2001)

BEAR TRAFFICKER FINED

A woman in British Columbia pleaded guilty to one charge of trafficking bear gall bladders in Fort St. John provincial court on 21 October 2002. Kyung Hee Kim was fined CA\$10,000 (US\$6,400). The maximum penalty for this offense under Canada's Wildlife Act is CA\$100,000 (US\$64,000) or one year in jail. Kim's conviction is the result of a year-long investigation and undercover operation by Fort St. John conservation officers and a Victoria-based special investigations unit. In return for Kim's guilty plea, other charges were dropped.

(British Columbia Ministry of Water, Land and Air Protection press release, 25 October 2002)

HUSTLE A BUSTLE

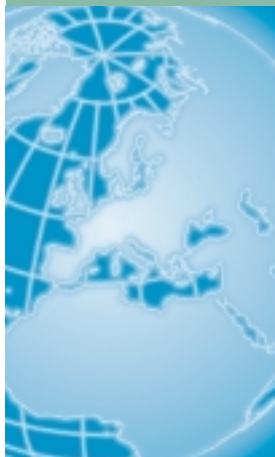
In July 2002, Trevor Roy Davies pleaded guilty to charges of exporting endangered species in violation of CITES in a Calgary provincial court. Davies had shipped a ceremonial dance costume bustle containing 32 bald eagle feathers to a U.S. resident, and the bustle was intercepted by Customs officers at the U.S.-Canada border. The court fined Davies CA\$2,000 (US\$1,275) and the bustle was forfeited to the Crown.

(Environment Canada press release, 11 July 2002)



Some Native American tribes believe that the eagle is a messenger to the Creator. Eagle feathers are worn in the hair or in a headdress during ceremonies and rituals in the belief that the Creator will take immediate notice.

International NEWS



KUWAIT AND BHUTAN ACCEDE TO CITES

Kuwait became the 159th Party to CITES when it ratified the Convention on 12 August 2002. The Convention entered into force for Kuwait on 10 November 2002. Bhutan became the 160th party when it ratified on 15 August 2002, with the Convention entering into force there on 13 November 2002. Both new Parties were able to attend the 12th meeting of the

Conference of the Parties in Santiago, Chile, and were able to exercise their voting rights during the last days.

(CITES Web site at www.cites.org)

YEMEN TRADE BAN LIFTED

On 14 January 2002, the CITES Secretariat recommended that Parties refuse any import from or export or reexport to Yemen of CITES listed species, due to concerns regarding their implementation of the treaty. In September 2002, however, Yemen informed the Secretariat of its enactment of implementing legislation that addressed these concerns. As of 4 October 2002, the recommendation to suspend trade with Yemen (Notification to the Parties No. 2002/005) was therefore withdrawn.

Similarly, a suspension of trade in CITES listed species with the United Arab Emirates (UAE) was recommended to Parties on 20 November 2001 due to UAE's inadequate implementation of the convention. Since that time, UAE has made great progress and on 15 November 2002, the CITES Secretariat withdrew the suspension (Notification to the Parties No. 2002/061).

(CITES Web site at www.cites.org, 4 October 2002)

To obtain information on specific CITES notifications, please contact the CITES Secretariat, United Nations Environment Programme, 15, chemin des Anémones, Case Postale 456, 1219 Chatelaine, Geneva, Switzerland. Email: cites@unep.ch Web Site: www.cites.org



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