

2015 Shark Finning Report to Congress



NOAA
FISHERIES

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Pursuant to the

Shark Finning Prohibition Act

(Public Law 106-557)

U.S. Department of Commerce
National Oceanic and Atmospheric Administration

**Prepared by the
National Marine Fisheries Service**



Introduction

This report describes the efforts of the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) during calendar year 2014 to implement the Shark Finning Prohibition Act and more recent shark conservation legislation. The 2000 Shark Finning Prohibition Act amended the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to prohibit the practice of shark finning by any person under U.S. jurisdiction.

The 2000 Shark Finning Prohibition Act requires NMFS to promulgate regulations to implement its provisions, initiate discussion with other nations to develop international agreements on shark finning and data collection, provide Congress with annual reports describing efforts to carry out the Shark Finning Prohibition Act, and establish research programs.

Background

The practice of shark finning and shark bycatch in some fisheries can affect the status of shark stocks and the sustainability of their exploitation in world fisheries. By 2000, global shark catches reported to the Food and Agriculture Organization of the United Nations (FAO) had tripled since 1950, reaching an all-time high of 888,000 tons. Since then, there has been about a 15 percent decrease in catches, to 765,000 tons in 2012. However, research suggests the actual number of sharks landed internationally each year is underestimated (Clarke et al. 2006). For 2013, global imports of shark fins were approximately 27,000 metric tons (mt), the largest volume since 2009. In 2013, the average value of shark fin imports decreased to \$7,230/mt, while the average value of exports decreased to \$12,637/mt. Malaysia was the largest importer and Thailand the largest exporter of shark fins for 2013. In response to concerns about growing shark harvests internationally, many countries have banned shark fishing in their waters in favor of promoting tourism opportunities. In addition, many other nations have adopted finning bans, including: Bahamas, Belize, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Maldives, Nicaragua, Palau, Panama, and Taiwan.

The MSA, as amended by the Shark Finning Prohibition Act and the Shark Conservation Act, is the Federal law governing the conservation and management of Federal fisheries in the United States. The suite of conservation and management measures required of all Federal fisheries under the MSA makes the United States a leader in the sustainable management of domestic shark fisheries. In 2014, three out of 34 U.S. shark stocks or stock complexes (8 percent) were listed as subject to overfishing, and five shark stocks (15 percent) were listed as overfished. Fifteen stocks or stock complexes (45 percent) had an unknown overfishing status, and 17 shark stocks or stock complexes (50 percent) had an unknown overfished status (Table 1).

In the United States, shark finning has been prohibited since 2000. In 2011, President Obama signed the Shark Conservation Act of 2010, which amended the High Seas Driftnet Fishing Moratorium Protection Act and the 2000 Shark Finning Prohibition Act provisions of the MSA

¹ Clarke, S., M.K. McAllister, E.J. Milner-Gulland, G.P. Kirkwood, C.G.J. Michielsens, D.J. Agnew, E.K. Pikitch, H. Nakano, and M.S. Shivji. 2006. Global estimates of shark catches using trade records from commercial markets. *Ecology Letters* 10:1115–1126.

to further improve domestic and international shark conservation measures, including even stronger prohibitions against shark finning. In addition, many U.S. States and territories have passed laws addressing the possession, sale, trade, or distribution of shark fins, including Hawaii (2010), California (2011), Oregon (2011), Washington (2011), the Commonwealth of the Northern Mariana Islands (2011), Guam (2011), American Samoa (2012), Illinois (2012), Maryland (2013), Delaware (2013), New York (2013), and Massachusetts (2014).

Domestically, the Shark Conservation Act states that it is illegal “to remove any of the fins of a shark (including the tail) at sea; to have custody, control, or possession of any such fin aboard a fishing vessel unless it is naturally attached to the corresponding carcass; to transfer any such fin from one vessel to another vessel at sea, or to receive any such fin in such transfer, without the fin naturally attached to the corresponding carcass; or to land any such fin that is not naturally attached to the corresponding carcass, or to land any shark carcass without such fins naturally attached.” These provisions improved the United States’ ability to enforce shark finning prohibitions in domestic shark fisheries. The 2010 Act also created an exemption for smooth dogfish (*Mutelis canis*) in the Atlantic “if the individual holds a valid State commercial fishing license, unless the total weight of smooth dogfish fins landed or found on board a vessel to which this subsection applies exceeds 12 percent of the total weight of smooth dogfish carcasses landed or found on board.”

The Shark Conservation Act amended the High Seas Driftnet Fishing Moratorium Protection Act in two important ways. First, it requires the Secretary of Commerce to identify a nation if two or more fishing vessels of that nation have been engaged in fishing activities or practices in international waters that target or incidentally catch sharks and if that nation has not adopted a regulatory program to provide for the conservation of sharks, including measures to prohibit removal of shark fins at sea. Second, it directs the United States to urge international fishery management organizations to which the United States is a member to adopt shark conservation measures, such as prohibiting removal of shark fins at sea. It also directs the United States to enter into international agreements that require measures for the conservation of sharks. These approaches, along with our strong domestic shark fishery management, have made the United States a leader in the conservation and management of sharks globally.

Table 1

Status of Shark Stocks and Stock Complexes in U.S. Fisheries in 2014				
Fishery Management Council (FMC)	Fishery Management Plan (FMP) or Fishery Ecosystem Plan (FEP)	Stock or Stock Complex	Overfishing	Overfished
New England FMC & Mid-Atlantic FMC	Spiny Dogfish FMP	Spiny dogfish – Atlantic coast	No	No
NMFS Highly Migratory Species Division	Consolidated Atlantic Highly Migratory Species FMP	Atlantic large coastal shark complex*	Unknown	Unknown
		Atlantic pelagic shark complex**	Unknown	Unknown
		Atlantic sharpnose shark-Atlantic	No	No

		Atlantic sharpnose shark- Gulf of Mexico	No	No
		Blacknose shark – Atlantic	Yes	Yes
		Blacknose shark – Gulf of Mexico	Unknown	Unknown
		Blacktip shark – Gulf of Mexico	No	No
		Blacktip shark –Atlantic	Unknown	Unknown
		Blue shark – Atlantic and Gulf of Mexico	No	No
		Bonnethead – Atlantic	Unknown	Unknown
		Dusky shark – Atlantic and Gulf of Mexico	Yes	Yes
		Finetooth shark – Atlantic and Gulf of Mexico	No	No
		Porbeagle – Atlantic and Gulf of Mexico	No	Yes
		Sandbar shark – Atlantic and Gulf of Mexico	No	Yes
		Scalloped hammerhead shark – Atlantic and Gulf of Mexico	Yes	Yes
		Shortfin mako – Atlantic	No	No
Pacific FMC	Pacific Coast Groundfish FMP	Leopard shark – Pacific Coast	No	No
		Spiny dogfish – Pacific Coast	No	No
		Soupin (Tope) – Pacific Coast	No	No
Pacific FMC & Western Pacific FMC	U.S. West Coast Fisheries for Highly Migratory Species & Pacific Pelagic FEP	Thresher shark – North Pacific	No	No
		Shortfin mako shark – North Pacific	Unknown	Unknown
		Blue shark – North Pacific	No	No
Western Pacific FMC	FEP for Pelagic Fisheries of the Western Pacific Region (Pacific Pelagic FEP)	Longfin mako shark – North Pacific	Unknown	Unknown
		Oceanic whitetip shark – Tropical Pacific	Unknown	Unknown
		Salmon shark – North Pacific	Unknown	Unknown
		Silky shark – Tropical Pacific	Unknown	Unknown
Western Pacific FMC	American Samoa FEP	American Samoa Coral Reef Ecosystem Multi-Species Complex	Unknown	Unknown
Western Pacific FMC	Mariana Archipelago FEP	Guam Coral Reef Ecosystem Multi-Species Complex	Unknown	Unknown
		Northern Mariana Islands Coral Reef Ecosystem Multi-Species Complex	Unknown	Unknown
Western Pacific FMC	Pacific Remote Islands Areas FEP	Pacific Island Remote Areas Coral Reef Ecosystem Multi-Species Complex	Unknown	Unknown
North Pacific FMC	Gulf of Alaska Groundfish FMP	Gulf of Alaska Shark Complex	No	Unknown
North Pacific FMC	Bering Sea/Aleutian Islands Groundfish FMP	Bering Sea/Aleutian Islands Shark Complex	No	Unknown

Western Pacific FMC	Hawaiian Archipelago FEP	Hawaiian Archipelago Coral Reef Ecosystem Multi-Species Complex	Unknown	Unknown
Totals:			3 "yes" 16 "no" 15 "unknown"	5 "yes" 12 "no" 17 "unknown"

* LCS complex assessed in 2006. Since then, species-specific assessments have been performed only on individual species.

** Pelagic sharks are now being assessed individually. The only pelagic sharks that have not had a species-specific assessment are common thresher and oceanic whitetip sharks.

2014 Accomplishments in Response to Requirements of the Shark Finning Prohibition Act Report to Congress

Section 6 of the Shark Finning Prohibition Act requires the Secretary of Commerce, in consultation with the Secretary of State, to provide to Congress an annual report describing efforts to carry out the Act. Report requirements are:

1. Include a list that identifies nations whose vessels conduct shark finning and detail the extent of the international trade in shark fins, including estimates of value and information on harvesting, landings, or transshipment of shark fins.
2. Describe and evaluate the progress taken to carry out this Act.
3. Set forth a plan of action to adopt international measures for the conservation of sharks.
4. Include recommendations for measures to ensure that the actions of the United States are consistent with national, international, and regional obligations relating to shark populations, including those listed under the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES).

NMFS' accomplishments to carry out the Act are discussed below. An appendix including detailed information on U.S. shark management and enforcement (section 1), imports and exports of shark fins (section 2), international shark efforts (section 3), 2014 NOAA research on sharks (section 4), ongoing NOAA shark research (section 5), and references (section 6) has been posted online. A copy of this report and the appendix are available online at: http://www.nmfs.noaa.gov/sfa/laws_policies/sca/shark_finning_reports.html.

Regarding the first requirement for this report, no reliable information exists to determine whether a nation's vessels caught sharks on the high seas or conducted finning. However, data on the international trade of shark fins are available from the FAO, and data on U.S. imports and exports of shark fins are available from the U.S. Census Bureau. It is important to note that, due to the complexity of the shark fin trade, fins are not necessarily harvested by the same country from which they are exported. During 2014, shark fins were imported through the following U.S. Customs and Border Protection districts: Los Angeles, Miami, and New York. In 2014, countries of origin were New Zealand and Hong Kong (see table 2.1.1 in section 2 of the appendix). The mean value of imports per metric ton has consistently declined since 2010, with a more pronounced drop between 2011 and 2012. The unit price of \$13,000 per metric ton in 2014 was well below the mean value in 2008 of \$59,000/mt. The majority of shark fins exported in 2014 were sent from the United States to Hong Kong, with smaller amounts going to China

(Taipei), China, and South Korea (Table 2.2.1). The mean value of exports per metric ton has decreased from \$93,000/mt in 2010 to \$52,000/mt in 2014, the lowest value since 2012, which was the year with the largest weight of exports, at 51 mt. Detailed information regarding imports and exports of shark fins can be found in section 2 of the appendix associated with this report.

Consistent with the second requirement for this report to Congress, all recent shark-related management, enforcement, international, and research activities in support of the Shark Finning Prohibition Act are summarized in the appendix. Sharks in Federal waters are managed under 11 fishery management plans under the authority of the MSA. The New England, Mid-Atlantic, Pacific, North Pacific, and Western Pacific fishery management councils have developed 10 of those plans. The Secretary of Commerce has developed the fishery management plan for oceanic sharks and other highly migratory species of the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea as required by the MSA.

During calendar year 2014, shark-related research took place at all six NOAA fisheries science centers and included research on data collection, stock assessments, biological information, incidental catch reduction, and post-release survival. Major management actions took place both domestically and internationally. Domestically, a final rule to list two populations of scalloped hammerhead sharks as threatened and two populations as endangered under the Endangered Species Act (ESA) was published in 2014. NMFS also issued two 12-month findings in response to petitions to list great hammerhead and dusky sharks under the ESA. In addition, violations of the Shark Finning Prohibition Act, and noncompliance with regulations designed to protect sharks, were detected, investigated, and referred for administrative prosecution in the Southeast and West Coast Enforcement Divisions. Details on specific shark management, enforcement, and education activities can be found in section 1 of the appendix, and information on 2014 shark research activities can be found in sections 4 and 5 of the appendix.

In 2014, work continued to implement the requirements of the Shark Conservation Act of 2010 through three separate rulemakings. NMFS published a final rule in January 2013, which amended the identification and certification procedures under the High Seas Driftnet Fishing Moratorium Protection Act and amended the definition of illegal, unreported, or unregulated fishing, consistent with the Shark Conservation Act. NMFS published a proposed rule in May 2013 to implement provisions of the Shark Conservation Act that prohibit any person from removing any of the fins of a shark at sea, possessing shark fins on board a fishing vessel unless they are naturally attached to the corresponding carcass, transferring or receiving fins from one vessel to another at sea unless the fins are naturally attached to the corresponding carcass, landing shark fins unless they are naturally attached to the corresponding carcass, or landing shark carcasses without their fins naturally attached. NMFS is working to finalize that rulemaking. The Shark Conservation Act included a provision that allowed for limited at-sea fin removal of smooth dogfish caught in the Atlantic within 50 nautical miles of shore. On August 7, 2014, NMFS published a proposed rule (79 FR 46217) to, among other things, implement this limited smooth dogfish exception. The comment period closed on November 14, 2014, and more than 500 comments were received.

Regarding the third requirement for this report, the United States participated in the development of and endorsed the FAO International Plan of Action (IPOA) for the Conservation and

Management of Sharks (IPOA-Sharks). The IPOA-Sharks calls on all FAO members to adopt a corresponding National Plan of Action if their vessels conduct directed fisheries for sharks or if their vessels regularly catch sharks in non-directed fisheries. In addition to meeting the statutory requirement of the Shark Finning Prohibition Act, this annual Report to Congress serves as a periodic update of information called for in both the International and National Plans of Action for sharks. Consistent with the IPOA-Sharks, the United States developed a National Plan of Action for the Conservation and Management of Sharks in February 2001. Eleven other FAO members have developed national plans of action, and a regional plan of action for the Mediterranean Sea has been developed.

Regarding the fourth report requirement, NMFS continues to work with the Department of State to promote the development of international agreements consistent with the Shark Finning Prohibition Act. The United States brings forward recommendations through bilateral, multilateral, and regional efforts. As agreements are developed, the United States implements those agreements.

Throughout 2014, NMFS participated in meetings of international regional fishery management organizations. At many of these meetings, the U.S. delegations supported or introduced proposals to strengthen international shark management. International 2014 actions included supporting regional CITES workshops in Brazil and Senegal covering topics including CITES requirements, chain of custody, species identification using several visual guides, morphological tools (iSharkFin), and genetic techniques. The International Commission for the Conservation of Atlantic Tunas (ICCAT) recommendation for Atlantic shortfin mako requires parties to improve domestic data reporting systems and provide additional information to ICCAT about how they monitor and manage catches of shortfin mako sharks. The U.S. delegations to the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC) and its Shark Working Group contributed to an updated stock assessment of blue shark in the North Pacific Ocean using two stock assessment approaches. The United States also contributed to the ISC's progress on the first stock assessment for shortfin mako shark in the North Pacific Ocean, which is expected to be completed in 2015. The Western and Central Pacific Fisheries Commission adopted a conservation and management measure (CMM) 2014-05 for sharks that regulates the kind of fishing gear carried by longline vessels to reduce unintentional shark take. Also in 2014, the ISC and the Secretariat of the Pacific Commission conducted a stock assessment for North Pacific blue shark. Oceanic whitetip sharks, three species of hammerhead sharks, porbeagle sharks, and manta rays were also added to Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora during 2013 and became effective in 2014. Also, at the 11th Meeting of the Conference of Parties of the Convention on the Conservation of Migratory Species of Wild Animals (CMS), a record number of 21 shark, ray, and sawfish species were listed on one or both of the CMS appendices. Detailed information on international shark-related efforts during calendar year 2014 is provided in section 3 of the appendix.

References and internet sources used to compile this report can be found in section 6 of the appendix, available online at

http://www.nmfs.noaa.gov/sfa/laws_policies/sca/shark_finning_reports.html