



**NOAA
FISHERIES**



2014 Shark Finning Report to Congress

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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 2013 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 high shark bycatch in some fisheries has led to growing concern about the status of shark stocks and the sustainability of their exploitation in world fisheries. Global shark catches reported to the Food and Agriculture Organization of the United Nations (FAO) have tripled since 1950 reaching an all-time high in 2000 of 888,000 tons. Since then, there has been about a 15 percent decrease in catches, to 765,000 tons in 2012 (FAO 2014). However, research suggests actual numbers of sharks landed annually internationally is underestimated (Clarke et al. 2006). In response to concerns about growing shark harvests internationally, more than 10 countries have banned shark fishing in their waters in favor of promoting tourism opportunities. In addition, Palau, Maldives, Bahamas, Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama, the Dominican Republic, Taiwan, and many other nations have adopted finning bans.

The MSA is the Federal law governing the conservation and management of Federal fisheries. Along with a suite of conservation and management measures required of all Federal fisheries, including shark fisheries, by the MSA, the Shark Finning Prohibition Act, and the Shark Conservation Act, the United States has been established as a leader in the sustainable management of domestic shark fisheries and the global conservation of sharks. The United States has some of the strongest shark management measures worldwide. In 2013, three out of 34 U.S. shark stocks or stock complexes (9 percent) were listed as subject to overfishing and five shark stocks (15 percent) were listed as overfished. Eighteen stocks or stock complexes (53 percent) had an unknown overfishing status and 19 shark stocks or stock complexes (56 percent) had an unknown overfished status (Table 1).

In the U. S., 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 to further improve domestic and international shark conservation measures, including even stronger prohibitions against shark finning. In addition, several 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 U.S.’s 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 U.S. to urge international fishery management organizations to which the U.S. is a member to adopt shark conservation measures, such as prohibiting removal of shark fins at sea. It also directs the U.S. to enter into international agreements that require measures for the conservation of sharks.

Table 1

Status of Shark Stocks and Stock Complexes in U.S. Fisheries in 2013				
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	No	No
		Atlantic small coastal shark complex	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	No	No
		Bonnethead – Atlantic	No	No
Dusky shark – Atlantic	Yes	Yes		

		Finetooth shark – Atlantic	No	No
		Porbeagle – Atlantic	No	Yes
		Sandbar shark – Atlantic	No	Yes
		Scalloped hammerhead shark – Atlantic	Yes	Yes
		Shortfin mako – Atlantic	No	No
Pacific FMC	Pacific Coast Groundfish FMP	Leopard shark – Pacific Coast	Unknown	Unknown
		Spiny dogfish – Pacific Coast	Unknown	No
		Soupin (Tope)- Pacific Coast	Unknown	Unknown
Pacific FMC & Western Pacific FMC	U.S. West Coast Fisheries for Highly Migratory Species & Pacific Pelagic FEP	Thresher shark – North Pacific	Unknown	Unknown
		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 Island 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” 13 “no” 18 “Unknown”	5 “yes” 10 “no” 19 “Unknown”

2013 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 U.S. 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.

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), 2013 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 2013, shark fins were imported through the following U.S. Customs and Border Protection districts: Los Angeles, Miami, and New York. In 2013, countries of origin (in order of importance based on quantity) were New Zealand, China, and Hong Kong. Shark fins were also imported in smaller numbers from Spain, South Africa, and Indonesia (see table 2.1.1 in section 2 of the appendix). The mean value of imports per metric ton has consistently declined since 2008 with a more pronounced drop between 2011 and 2013. The unit price of \$12,000 per metric ton (mt) in 2013 was well below the mean value in 2008 of \$59,000/mt. The majority of shark fins exported in 2013 were sent from the U.S. to Hong Kong, with smaller amounts going to China (Taipei), China, and Turkey (Table 2.2.1). The mean value of exports per metric ton has decreased from \$56,000/mt in 2008 to \$49,000/mt in 2009, the lowest value since 2007, with the largest weight of 77mt. 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. 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. In July 2013, NMFS published a final rule to implement Amendment 5a to the 2006 Consolidated Atlantic Highly Migratory Species Fishery

Management Plan, which maintained the rebuilding of sandbar sharks, implemented a rebuilding plan for scalloped hammerhead and Atlantic blacknose sharks, established total allowable catches and commercial quotas for Gulf of Mexico blacknose and blacktip sharks, and established new recreational shark fishing management measures.

During calendar year 2013, shark-related research took place at all six science centers and included research on data collection, quality control, stock assessments, biological information, incidental catch reduction, and post-release survival. Major management actions took place both domestically and internationally. Domestically, a proposed rule to list four populations of scalloped hammerhead sharks as threatened and two populations as endangered under the Endangered Species Act also published in 2013. NMFS also conducted stock assessments, and issued three 90-day findings in response to petitions to list great hammerhead, dusky, and whale sharks. 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 Northeast, Southeast, and Pacific Islands. Details on specific shark management, enforcement, and education activities can be found in section 1 of the appendix, and information on 2013 shark research activities can be found in Sections 4 and 5 of the appendix.

In 2013, work continued to implement the requirements of the Shark Conservation Act of 2010. 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 developing regulations to modify the smooth dogfish fishery regulations, to be consistent with the Shark Conservation Act.

Regarding the third requirement, the U.S. participated in the development of and endorsed the FAO International Plan of Action (IPOA) for the Conservation and Management of 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, 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 Act. The U.S. brings

forward recommendations through bilateral, multilateral, and regional efforts. As agreements are developed, the U.S. implements those agreements.

Throughout 2013, 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. Topics supported by the U.S. included increasing biological sampling efforts and research, requiring fins to be attached for incidentally caught sharks, stock assessments, and stock status updates. International 2013 actions included endorsement of the North Pacific blue shark stock assessment by the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean. The International Scientific Committee also developed stock status conclusions and conservation advice based on the blue shark assessment, and endorsed a plan to conduct a shortfin mako shark stock assessment in 2014–2015. The Western and Central Pacific Fisheries Commission adopted a conservation and management measure prohibiting the retention of silky sharks. Oceanic whitetip sharks, three species of hammerhead sharks, porbeagle sharks, and manta rays were also added to Appendix 2 of the Convention on International Trade in Endangered Species of Wild Fauna and Flora during 2013. Detailed information on international shark-related efforts during calendar year 2013 is provided in Section 3 of the online 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_finnying_reports.html.