

August 15, 2011

Rosemarie Gnam, Chief
Division of Scientific Authority
U.S. Fish and Wildlife Service
4401 North Fairfax Drive, Room 750
Arlington, VA 22203



Dear Dr. Gnam:

On behalf of our organizations, we appreciate this opportunity to offer information regarding potential U.S. proposals to amend Appendices I and II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in preparation for the sixteenth Conference of the Parties (CoP16) to be held in March 2013 in Thailand.

Our comments relate to shark and ray candidate species (hammerheads, oceanic whitetips, porbeagles, spiny dogfish, and devil rays). These species are all traded internationally in substantial quantities and subject to persistent demand that drives targeted fisheries and retention of bycatch. All are particularly vulnerable to overexploitation due to insufficient fishing controls and exceptionally low reproductive capacity, and have been highlighted as species of concern by the CITES Animals Committee.

Proposing the listing of these shark and ray species under Appendix II holds great promise for:

- improving data on the extent of fisheries and trade
- sparking complementary fisheries management measures, and ultimately
- ensuring that international trade is held to sustainable levels.

As you know, all of the shark species we suggest for consideration have been previously proposed or supported for listing by the U.S. The associated proposals have been analyzed and endorsed by the CITES Secretariat, TRAFFIC and IUCN (International Union for Conservation of Nature).

Our organizations and close colleagues were strong proponents of the U.S. and European Union (EU)-led proposals to list commercially valuable shark species under CITES Appendix II at CoP15 in Qatar. Of course, we were deeply dismayed by the outcome of the meeting. Since that time, however, nearly 80,000 scuba divers from more than 70 countries have voiced related concerns through a Project AWARE petition that asks CITES Parties, including the U.S., to:

- Heed all available scientific advice for limiting shark catches
- Protect shark species listed by IUCN as Endangered or Critically Endangered
- Set precautionary shark fishing limits (where no advice exists)
- Ensure all sharks are landed with their fins naturally attached
- Work with other countries to prepare and promote shark listing proposals for CoP16, and
- List shark species proposed at CoP15 on CITES Appendix III before CoP16.

We are hopeful that this solid demonstration of support for shark fishing and trade measures will help build the political will needed to ensure decisive action for sharks at CoP16.

Hammerhead sharks (Family Sphyrnidae)

After careful consideration, we request that the U.S. once again propose CITES Appendix II listing for hammerhead sharks, as a top priority.

As you may recall, scalloped hammerheads (*Sphyrna lewini*) and great hammerheads (*Sphyrna mokarran*) are considered more threatened than all other pelagic and semi-pelagic shark species; these two species are categorized by IUCN as Endangered on a global scale. To meet the strong demand for shark fin soup, scalloped hammerhead fins are traded from around the world to Asia along with those of the sharks proposed by the U.S. as look-alike species, such as smooth hammerhead (*Sphyrna zygaena*). In terms of alternative economic value, we note that Great Barrier Reef divers ranked hammerheads far above all other shark species, including whale sharks, as top underwater attractions¹. Information on the status and trade of hammerhead sharks contained within the U.S. proposal for CoP15 was comprehensive (we need not repeat excerpts here). We are confident that an updated proposal would provide a strong case for listing these exceptional species.

Since CoP15, we have been encouraged by the number of hammerhead protection proposals offered at various meetings of the Regional Fishery Management Organizations (RFMOs), and yet deeply disappointed by the final results of these efforts. For example, such proposals (originally intended to prohibit retention) were ultimately rejected by the Indian Ocean Tuna Commission (IOTC) and the Inter-American Tropical Tuna Commission (IATTC). As you likely recall, the final hammerhead retention ban adopted by the International Commission for the Conservation of Atlantic Tunas (ICCAT) exempts developing countries on a condition that these Parties ensure that hammerhead fins are not traded. We are concerned that ICCAT lacks the mandate, resources, and expertise to regulate trade in sharks; CITES action is needed to achieve the goals of this measure. We also point out that hammerhead sharks are largely coastal and therefore likely not as well protected by RFMO actions as oceanic species might be.

We continue to also support listing of non-hammerhead look-alike species (dusky and sandbar sharks), as proposed by the U.S. last year, but recognize that opposition to including these species from many CITES Parties may necessitate limiting the scope of the next proposal to hammerhead species.

Oceanic whitetip sharks (*Carcharhinus longimanus*)

We also urge the U.S. to consider resubmitting an updated proposal to include oceanic whitetip sharks in CITES Appendix II. This species remains globally Threatened and subject to international trade, particularly for fins. As with the case above, threats to this species have been well documented in the U.S. proposal for CoP15.

We are pleased that ICCAT and IATTC have recently adopted binding measures to prevent the retention of this species and recognize that these developments may reduce interest in CITES listing. We remain concerned, however, that compliance with and application of these bans depends on national actions and to date is inadequate. Moreover, a similar retention ban was rejected by the IOTC, leaving the species virtually unprotected throughout a large portion of its range. It also bears repeating that CITES measures and fishery management action should ideally complement each other to thereby enhance the chances for effective conservation.

¹ Australian Government. Department of the Environment, Water, Heritage, and Arts. *Marine and Tropical Sciences Research Facility*. "The Direct Value of Sharks to the Marine Tourism Industry." www.rtrc.org.au (accessed August 15, 2011).

Porbeagle sharks (*Lamna nasus*)

As you know, Germany has contested the CoP15 outcome regarding the EU proposal to list porbeagle sharks under CITES. It appears that the Committee decision to include this species in Appendix II would have prevailed had Germany's vote to oppose reopening of the associated debate been recorded. Together with our colleagues, we are encouraging Germany to ensure reintroduction of an updated EU porbeagle listing proposal at CoP16.

Porbeagle meat is still considered very high quality, particularly in Europe, while fins continue to also fetch good prices. The porbeagle is categorized by IUCN as Vulnerable globally. Whereas the EU has recently set their porbeagle Total Allowable Catch limit at zero, European populations remain Critically Endangered, according to IUCN. U.S. and EU proposals to provide international protection for this highly migratory shark through the Northwest Atlantic Fisheries Organization and ICCAT, respectively, have failed, leaving porbeagles vulnerable to overfishing on the high seas.

The U.S. National Marine Fisheries Service (NMFS) lists porbeagle shark as a "species of concern." The U.S. is a range state with species-specific porbeagle management and yet the porbeagle population off the U.S. east coast remains seriously depleted with an IUCN classification of Endangered, thanks in large part to continued fishing pressure in Canadian and international waters. For these reasons, we urge the U.S. to consider joining forces with the EU to co-sponsor a proposal to include porbeagle sharks in Appendix II at CoP16.

Spiny dogfish sharks (*Squalus acanthias*)

Despite setbacks at CoP15 and Atlantic fishery management improvements, we re-assert that spiny dogfish warrant inclusion in CITES Appendix II. Given that the U.S. is a major exporter of spiny dogfish and recognizing U.S. leadership in bringing CITES attention to sharks, we encourage the U.S. to consider exploring the possibility of co-sponsoring such a proposal with the EU.

Beyond their general biological vulnerability, spiny dogfish are often at additional risk due to the tendency for directed fisheries to target large, mature females. Spiny dogfish are classified by IUCN as Vulnerable globally; the Northwest and Northeast Atlantic populations remain in the Endangered and Critically Endangered categories, based on documented declines in reproductive biomass. Strong, persistent demand for spiny dogfish meat, primarily from Europe, continues to drive targeted fisheries around the world, most of which are ineffectively managed. Spiny dogfish fins also enter international trade for use in shark fin soup.

Recent substantial increases in the quotas for U.S. Atlantic spiny dogfish fisheries may well prove premature as they were fueled by news of a recovery that NMFS scientists actually predict to be short-lived. Pending Marine Stewardship Council certification of U.S. spiny dogfish fisheries threatens to increase demand and, in turn, once again expose the regulatory problems that stem from poor coordination between U.S. state and federal management regimes as well as the lack of a bilateral agreement regarding the population shared with Canada.

The strong interest in dogfish fishing coupled with the lack of reliable mechanisms for ensuring effective conservation measures throughout the species' range argue for international intervention. In particular, an Appendix II listing for spiny dogfish would help ensure that U.S. and Canadian fisheries do not squander progress toward recovery in the Northwest Atlantic.

Devil rays (Family Mobulidae)

This family, which includes the manta ray (*Manta birostris*), has been highlighted by the CITES Animals Committee as a “taxonomic group that contains a significant proportion of species subjected to unregulated, unsustainable fishing pressures, leading to severe stock depletion, and whose high value products enter international trade in large numbers.”

These rays are as biologically vulnerable as the shark species discussed above (female manta rays are thought to have just one pup every two to three years) and yet subject to significantly fewer restrictions on fishing and trade.

Whereas there are currently no manta ray fisheries in U.S. waters, this and related species have been seriously overfished in other parts of the world. A relatively new demand for devil ray gill rakers (which are exported to Asia for use in Chinese medicine) has sparked oft-unsustainable fisheries off Mexico, the Philippines, Indonesia, Sri Lanka and elsewhere. Populations in the Gulf of California, off the west coast of Mexico, and south of China have been classified by IUCN as Threatened and yet data of all kinds are lacking.

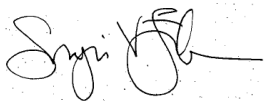
Scientists working in Indonesia report increasing value and trade of devil ray gill rakers. Devil rays caught accidentally by Indonesian gillnetters targeting tuna are now almost always kept. Meat is dried and salted for human consumption, while ray cartilage is traded for use as filler in shark fin soup. On the other hand, estimates of direct revenue from manta-based ecotourism in the Maldives top \$8 million². We are deeply concerned about the threats to devil rays and encourage the U.S. to consider promoting CITES action for these vulnerable species.

Conclusion

We remain grateful for U.S. leadership in international conservation of sharks and rays and urge consideration of CITES listing proposals for hammerheads, oceanic whitetip sharks, porbeagles, spiny dogfish, and devil rays. We look forward to working with the U.S. government throughout preparations for CoP16.

Thank you for considering our views.

Sincerely,



Sonja V. Fordham
President
Shark Advocates International



Jenny Miller Garmendia
Executive Director
Project AWARE Foundation

² Charles R. Anderson et al. “Extent and Economic Value of Manta Ray Watching in Maldives.” *Tourism in Marine Environments* 7, no. 1 (2011): 15-27 (13).