

June 11, 2012



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 comment on potential 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 regular meeting of the Conference of the Parties (CoP16) to be held in March 2013.

Overview

As we have discussed, our organizations are working closely with Wildlife Conservation Society and Shark Trust toward our shared goal of securing CITES protections for several commercially valuable, highly traded sharks and rays. We offer our comments, as requested, on species the U.S. is considering for listing proposals, and also take this opportunity to highlight our interest in key related species which may be the subject of other Parties' proposals. Our concerns and requests are detailed below. In general, we respectfully urge the U.S. to:

- update and reissue a proposal to list oceanic whitetip sharks in CITES Appendix II;
- work with other Parties to ensure the submission of a sound proposal to include scalloped, great, and smooth hammerhead sharks in Appendix II;
- actively support other Parties' efforts to list porbeagle sharks as well as manta and devil rays under CITES Appendix II; and
- work to ensure that all the world's sawfishes (currently undergoing taxonomic changes) are protected under CITES Appendix I, as proposed by the U.S. in 1997 and 2007.

All of these species are particularly vulnerable to overexploitation due to exceptionally low reproductive capacity and insufficient fishing controls, and have been highlighted as species of concern by the CITES Animals Committee. With the exception of sawfish, these species are traded internationally in substantial quantities and subject to persistent demand that drives targeted fisheries and retention of bycatch. As you know, all of the *shark* species that we consider to be high priorities for listing proposals (oceanic whitetips, hammerheads, and porbeagles) 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, IUCN (International Union for Conservation of Nature), and the Food and Agriculture Organization (FAO) ad hoc review panel.

Shark Advocates International, a project of The Ocean Foundation, aims to safeguard sharks through sound conservation policy.

Project AWARE Foundation is a growing movement of scuba divers protecting the ocean planet – one dive at a time.

Supporting work in more than 35 countries, Humane Society International is one of the only international organizations working to protect all animals.

WildAid is the only organization that focuses on reducing demand for endangered species through targeted consumer education initiatives.

Oceanic whitetip sharks (*Carcharhinus longimanus*)

We respectfully urge the U.S. to resubmit an updated proposal to include oceanic whitetip sharks in CITES Appendix II, as a matter of priority. This slow growing species remains globally threatened by overfishing, according to the IUCN, and subject to international trade, particularly for fins. Threats to this species have been well documented in the U.S. proposal for CITES CoP15 and need not be excerpted here. We will stress, however, that the distinctive fins of oceanic whitetip sharks are more readily identifiable in trade than most, if not all, other shark species. This characteristic should significantly ease implementation of CITES controls.

We are pleased that several Regional Fishery Management Organizations (RFMOs) -- namely the International Commission for Conservation of Atlantic Tunas (ICCAT), the Inter-American Tropical Tuna Commission (IATTC), and the Western and Central Pacific Fisheries Commission (WCPFC) – have recognized the exceptional vulnerability of oceanic whitetip sharks and adopted measures to prevent the retention of this species since CITES CoP15. We remain concerned, however, that compliance with and application of these bans depends on national actions that are to date seriously lacking and cannot be considered to amount to sufficient protection. Moreover, a similar retention ban was rejected by the Indian Ocean Tuna Commission (IOTC), leaving the species virtually unprotected throughout a large portion of its range. Also, as explained by the U.S. government many times in the past, and asserted in the *Report of the FAO/CITES workshop to review the application and effectiveness of international regulatory measures for the conservation and sustainable use of elasmobranchs*, CITES and fishery management measures should complement each other to enhance effective conservation. In particular, listing on CITES Appendix II could strengthen monitoring and implementation of current and future RFMO measures aimed at oceanic whitetip sharks.

With world-class shark fishery science and management programs, and a solid track record in international shark conservation, the U.S. is well positioned to lead the way toward much needed CITES safeguards for the oceanic whitetip shark. We also encourage a concerted effort to find strong co-sponsors for such an effort, and offer our assistance in this regard.

Hammerhead sharks (several *Sphyrna* species)

In past comments, we have requested that the U.S. once again propose CITES Appendix II listing for hammerhead sharks, as a top priority. Since that time, several Central American countries have expressed interest in developing and spearheading such a proposal. We strongly support these and other Parties' aspirations for assuming a leadership role to help promote shark conservation at CITES. We urge the U.S. to continue to assist these efforts and to consider co-sponsorship of a hammerhead listing proposal.

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 as top underwater attractions¹. Information on the status and trade of hammerhead sharks contained within the U.S. proposal for CoP15 was comprehensive. We are confident that an updated proposal would provide a strong case for listing these exceptional species.

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.rrrc.org.au (accessed August 15, 2011).

Since CoP15, we have been encouraged by the number of hammerhead protection proposals offered at various meetings of RFMOs, and yet deeply disappointed by the final results of these efforts. Such proposals (originally intended to prohibit retention) were rejected by IOTC and IATTC (although the EU has re-issued the proposal for the upcoming annual IATTC meeting). As you likely recall, the final hammerhead retention ban adopted at ICCAT exempts developing countries on a condition that these Parties ensure that hammerhead fins are not traded. As with other RFMOs, ICCAT lacks the mandate, resources, and expertise to regulate international 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. CITES controls can help to fill policy gaps and thereby contribute significantly to comprehensive hammerhead conservation programs.

Porbeagle sharks (*Lamna nasus*)

Together with our European colleagues, we continue to encourage Germany's efforts to secure EU support for an updated Appendix II listing proposal for porbeagle sharks, and appreciate U.S. efforts to support this initiative.

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 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 (NAFO) and ICCAT, respectively, have failed, leaving porbeagles vulnerable to continued 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 work closely with Germany and the EU to ensure reintroduction and adoption of a porbeagle listing proposal at CoP16.

Manta and devil rays Subfamily *Mobulinae*

These species have 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.”

Manta and devil rays are at least as biologically vulnerable as the shark species discussed above (female manta rays are thought to have just one pup every two to three years). Whereas there are currently no U.S. fisheries for these species, they have been seriously overfished in other parts of the world. Demand for meat (for human consumption) and a substantially increased interest in gill rakers (which are exported to Asia for use in Chinese medicine) has sparked what are typically unsustainable fisheries off Mexico, the Philippines, Indonesia, Sri Lanka, Africa and elsewhere. Global catch of these rays reported to the Food and Agriculture Organization almost quadrupled in just seven years (from 900 to over 3300 metric tons from 2000 to 2007).²

² A. Marshall., M.B. Bennett., G. Kodja, S. Hinojosa-Alvarez, F. Galvan-Magana, M. Harding, G. Stevens, and T. Kashiwagi. 2011. *Manta birostris*. In: IUCN 2011. IUCN Red List of Threatened Species. Version 2011.2. <www.iucnredlist.org>. Downloaded 2 May 2012.

Overfishing of manta rays, in particular, squanders the significant economic potential of eco-tourism. Operations that facilitate diving and swimming with mantas are increasingly profitable and bring significant economic benefits to tropical islands and coastal communities across the globe, such as the Maldives, Mozambique, and Hawaii. Night diving and snorkeling excursions alone generate an estimated US\$3.4 million annually for the Hawaiian economy. A recent study estimates the worldwide value of manta-based tourism and filming at US\$100 million per year.³

Giant and reef manta rays have been classified as Vulnerable by IUCN. Manta rays are protected in Florida, Hawaii, Western Australia, New Zealand, Maldives, Philippines, Mexico, Ecuador, and Yap, but migrate into unprotected waters of other countries and the high seas⁴. The giant manta is the only species in this Subfamily that is subject to international agreements (2011 listing under the Convention on Migratory Species); there are no RFMO measures for manta or devil rays.

Based on these concerns, we urge the U.S. to take every opportunity over the coming months to encourage other Parties' interest in proposing manta and mobula species for CITES listing, and to actively promote such action should sound proposals be submitted.

Freshwater sawfish *Pristis microdon*

As you know, sawfish are among the most endangered fish in the world. Based on the IUCN classification of all sawfish species as Critically Endangered, coupled with the threats posed by international trade, we were strong supporters of the 2007 U.S. proposal to list sawfish under CITES Appendix I and deeply disappointed that the freshwater sawfish (*Pristis microdon*) was put instead on Appendix II.

In 2011, Australia's Department of Sustainability, Environment, Water, Population and Communities issued a revised non-detriment finding⁵ concluding that, "it is not possible to conclude with a reasonable level of certainty that any harvest of *P. microdon* for export purposes would not be detrimental to the survival or recovery of the species". According to this finding, data indicate that Australia's freshwater sawfish population has suffered significant decline, fragmentation, range retraction. The species "continues to be at risk from the impacts of fishing (commercial, recreational, Indigenous, domestic and international illegal unregulated and unreported fishing) and habitat modification."

Accordingly, our organizations have been encouraging Australia to propose up-listing *P. microdon* to Appendix I in response to these alarming findings. At the same time, a scientific paper in press proposes to reclassify *P. microdon* as *P. pristis*, a species already listed under CITES Appendix I. Considering that the U.S. led the groundbreaking work to protect sawfishes under CITES and recognizing the complexities presented by these developments, we urge the U.S. to closely follow these issues and to work with Australia toward the CITES action best suited for ending commercial trade in these Critically Endangered species.

³ S. Heinrichs, M. O'Malley, H. Medd, and P. Hilton. 2011. *Manta Ray of Hope: Global State of Manta and Mobula Rays*. Manta Ray of Hope Project (www.mantarayofhope.com).

⁴ Marshall *et al.* *op. cit.*

⁵ <http://www.environment.gov.au/biodiversity/wildlife-trade/publications/nfd-freshwater-sawfish.html> . (viewed May 7, 2012).

Conclusion

We remain grateful to the U.S. for spearheading international shark and ray conservation and hopeful that the U.S. will again play a leadership role in efforts to include oceanic whitetip and hammerhead sharks in CITES Appendix II, and will actively support other Parties' proposals to list porbeagles and manta/devil rays (also under Appendix II). We look forward to working with the U.S. government throughout preparations for CITES CoP16.

Thank you for considering our views.

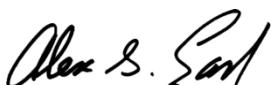
Sincerely,



Sonja Fordham
President
Shark Advocates International



Rebecca Regnery
Deputy Director, Wildlife
Humane Society International



Alex Earl
Executive Director
Project AWARE Foundation



Peter Knights
Executive Director
WildAid