

February 12, 2013



Peter Cooper
Highly Migratory Species Management Division
Office of Sustainable Fisheries
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

Dear Mr. Cooper:

Shark Advocates International, a project of The Ocean Foundation, appreciates this opportunity to provide written comments on shark conservation measures that make up the National Marine Fisheries Service (NMFS) proposed rule for Amendment 5 to the Atlantic Highly Migratory Species (HMS) Fishery Management Plan. These comments build upon opinions expressed at previous meetings of the NMFS HMS Advisory Panel (AP).

In general, Shark Advocates International (SAI) strongly supports NMFS efforts to reduce prevent overfishing and rebuild depleted populations of Atlantic blacknose, scalloped hammerhead, dusky, and sandbar sharks while ensuring that catch of other shark species remains sustainable. We commend NMFS for the work to explain the changes and impacts associated with this rather complex amendment in varying degrees of detail, through summaries, analyses, tables, and public presentations. We also greatly appreciated the opportunity to consider and discuss these measures with NMFS staff and other colleagues at the special HMS AP meeting held in January. We recap our positions below through an overview of supported proposals followed by associated caveats and additional requests.

Overview

SAI strongly supports most of the measures contained within the Preferred Alternative (Alternative Suite A2), including:

- **Establishing specific hammerhead shark conservation measures** for not only scalloped hammerheads, but also great and smooth hammerheads;
- **Establishing separate Total Allowable Catches (TACs)** for Atlantic blacknose, Gulf of Mexico blacknose, and Gulf of Mexico blacktip sharks;
- **Linking commercial quotas for certain shark species** commonly caught together (leading to closures for all linked quota fisheries once one linked quota is reached or 80% has been taken), as a means to minimize bycatch of species under filled quotas;
- **Extending the Charleston Bump Pelagic Longline Gear closure** by one month (February through May) to reduce mortality of severely depleted dusky sharks;
- **Establishing additional pelagic longline closures** (rather than bycatch caps) in areas identified as “hotspots” for dusky shark bycatch;
- **Modifying the Mid-Atlantic Bottom Longline Closure Area** to coincide with Atlantic States Marine Fisheries Commission Shark Plan season;
- **Adding restrictions for the bottom longline shark research fishery**, such as limited soak times and closures at times/ in areas known for high dusky shark interaction;
- **Improving angler awareness** of shark species identification techniques and regulations by enhancing outreach to the recreational community, particularly with respect to dusky and sandbar sharks;
- **Collecting additional data on recreational landings of hammerhead sharks** by mandating reporting through the HMS online non-tournament reporting system; and
- **Tightening restrictions on recreational shark take** to address continued misidentification and landing of long-prohibited, severely overfished dusky sharks.

Caveats & Additional Requests

Closures & Size Limits

As mentioned at last month's AP meeting, we appreciate the agency's science-based proposals to close areas to pelagic longlining and raise the recreational minimum size to eight feet (corresponding to female dusky shark age at maturity) in order to address the ongoing problems of bycatch mortality and illegal take of this depleted and exceptionally vulnerable species. We remain open, however, to slight amendments to these measures if viable suggestions offered at the recent HMS AP meeting and through the associated public comment period have been/are deemed equivalent through NMFS' technical analyses.

Hammerhead protections

SAI greatly appreciates that NMFS broadened the scope of hammerhead conservation measures to include great and smooth hammerhead sharks, in addition to scalloped hammerheads, based on similarity of appearance and (presumably) evidence of similar population declines.

With full acknowledgement of hammerhead sharks' high discard mortality rates, SAI continues to prefer adding all three of these hammerhead species to the NMFS HMS list of prohibited shark species (rather than establishing TACs). We reiterate that such action would represent a step toward comprehensive protection rather than a solution, and must be complemented by measures to reduce discard mortality. A hammerhead prohibition could boost the chances for meeting recovery goals, level the playing field between U.S. Atlantic pelagic fishermen and other HMS fisheries, highlight the species' vulnerability for stakeholders and the public, and ease enforcement (considering the strong demand for hammerhead fins). Certainly, dead discards remain a critical consideration; however, they would occur and may impede recovery under a scenario where a hammerhead quota is met while fishing for other species continues. Whereas SAI is genuinely heartened by the hope of rebuilding the scalloped hammerhead population within 10 years, we believe this and closely related species warrant a particularly precautionary approach.

At the very least, assuming hammerhead TACs rather than prohibitions are established, we urge NMFS to significantly reduce the level of such TACs from those proposed. We are deeply concerned that the estimated 2% reduction in hammerhead landings is seriously insufficient given past declines of more than 80% and the general vulnerability of the species.

Bycatch Research

We take this opportunity to encourage NMFS to continue to investigate measures to minimize mortality after sharks are caught (particularly limits on gear deployment, soak time, and tending) as we believe these hold promise for enhancing recovery of particularly sensitive and depleted shark species. In particular, we urge continued research on the effects of bottom longline soak time on the at-vessel mortality rate of scalloped hammerheads, in order to better quantify this species' tolerance of capture stress, and in turn inform future management.

Conclusion

SAI appreciates that NMFS is keeping to the anticipated schedule for completing a Final Amendment 5 to the Consolidated HMS FMP and related documents by Spring 2013. We look forward to the next phases of this important process to conserve some of the Atlantic's most vulnerable and depleted species.

Thank you for considering our views.

Sincerely,

A handwritten signature in black ink, appearing to read "Sonja Fordham". The signature is fluid and cursive, with the first name "Sonja" being more prominent than the last name "Fordham".

Sonja Fordham
President