CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA

Twenty-third meeting of the Animals Committee
Geneva, (Switzerland), 19-24 April 2008

RESPONSE FROM THE MANAGEMENT AUTHORITY OF THE UNITED STATES OF AMERICA TO NOTIFICATION TO THE PARTIES NO. 2007/033 ON SHARKS

1. The Annex to this document has been provided by the Management Authority of the United States of America.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

In reply refer to:
FWS/OMA FISH 3-17

Mr. Willem Wijnstekers, Secretary General
CITES Secretariat
International Environment House
Chemin des Anémones
CH-1210 Châtelaine-Geneva
Switzerland

by fax: (4122) 797 3417

Dear Mr. Wijnstekers:

Notification to the Parties No. 2007/033 requested Parties to provide information regarding the conservation of and trade in sharks for consideration by the Animals Committee at its 23rd meeting. Please find attached the U.S. response to Notification to the Parties No. 2007-033 for sharks.

We appreciate this opportunity to provide information to the Animals Committee and apologize for the delay in responding. Please contact us if we can be of further assistance regarding this matter.

Sincerely,

/s/ Robert R. Gabel

Robert R. Gabel, Chief
Division of Management Authority

cc: National Marine Fisheries Service

Notification to the Parties No. 2007/033

Information to be submitted for the consideration of the next meetings of the Animals and Plants Committees: SHARKS

1. Report on progress in identifying endangered shark species that require consideration for inclusion in the Appendices (Decision 14.104).

The status of several species of sharks was assessed recently under the requirements of the United States (U.S.) Atlantic Consolidated Highly Migratory Species Fishery Management Plan. These species include blacktip shark, *Carcharhinus limbatus*, sandbar shark, *C. plumbeus*, blacknose shark, *C. acronotus*, finetooth shark, *C. isodon*, Atlantic sharpnose shark, *Rhizoprionodon terraenovae*, and bonnethead, *Sphyrna tiburo*. Of all of these species, none appeared to warrant further consideration for inclusion in the Appendices at this time. However, an assessment of dusky sharks (*Carcharhinus obscurus*) found that the northwest Atlantic and Gulf of Mexico population has declined by at least 80% from virgin population levels. This estimate of population status would classify the U.S. Atlantic and Gulf of Mexico stock of dusky sharks as Critically Endangered according to IUCN criteria. The dusky shark was designated as a candidate for listing under the U.S. Endangered Species Act (ESA) in 1997 and has been listed as a prohibited species to fisheries (i.e. no commercial or recreational harvest permitted) in U.S. North Atlantic and Gulf of Mexico waters since 2000. Despite being prohibited, dusky sharks are regularly caught in commercial longlines targeting sharks and incidentally caught on a variety of other gears such as surface pelagic longline gear targeting tunas and tuna-like species and bottom longline gear targeting groupers and snappers. The dusky shark is also among the most highly desired species in the international shark fin trade, which could promote illegal harvest.

2. Parties landing and exporting products from shark species of concern identified by the Animals Committee (see CoP14 Doc. 59.1, Annex 3) should report on fisheries, environmental and international trade management measures adopted, levels of landing and export, and the status of these stocks and fisheries (Decision 14.108).

Of the shark species noted in Annex 3 to document CoP14 Doc.59.1 as being species of concern, the following are relevant to fisheries managed by the United States Government:

a. Spiny dogfish

Based on the existing biomass threshold, the spiny dogfish stock is not currently overfished. The current estimated stock size of mature females (>80cm) is 106,000mt. The current fishing mortality rate on fully recruited females exceeds the existing overfishing threshold and the existing rebuilding target. Despite the much lower level of landings since 2001, fishing mortality rates on fully recruited females have remained above the rebuilding mortality rate. Spawning female biomass decreased from about 260,000mt in 1989 to about 50,000mt in 1998, and remained below 100,000mt until 2005. Biomass of mature female spiny dogfish is expected to continue increasing through 2008 and 2009 as fish <80cm grow into mature size ranges. Subsequently, the biomass should decline due to the low number of recruits that were born

during 1997-2003. If recruitment returns to levels consistent with expected size-specific reproduction, the biomass should begin to rebound again by 2015.

U.S. commercial landings dominated the catch from 1979 to 2000, peaking in 1996 at about 27,000mt. Total landings have declined steadily from 22,500mt in 1998 to around 3,000-4,000mt during 2003-2005.

b. Porbeagle shark

Canada conducted stock assessments on porbeagle sharks in 2005 where the status was determined to have declined by up to 90%. Reduced Canadian porbeagle quotas in 2002 brought the 2004 exploitation rate to a sustainable level. The United States deems the Canadian porbeagle stock assessment to be the best available science and uses this assessment for U.S. domestic management purposes because northwest Atlantic porbeagle sharks are a unit stock that extends into U.S. waters. While U.S. vessels take only a small proportion of the porbeagle sharks harvested in the northwest Atlantic, in 2007, the United States proposed prohibiting the retention and harvest of porbeagle sharks to prevent fishing effort from increasing in the future and to minimize porbeagle shark mortality and bycatch, to the extent practicable. The United States is still considering this management measure and expects to make a decision in the summer of 2008.

c. Sawfishes

Smalltooth sawfish, the only sawfish species currently found in the United States, are listed as endangered under the ESA. The prohibitions of Section 9 of the ESA, in part, make it illegal for any person subject to the jurisdiction of the United States: to import into, or export from the United States; to take within the United States, the territorial sea of the United States, or on the high seas; to ship in interstate or foreign commerce in the course of a commercial activity; or to sell or offer for sale in interstate or foreign commerce any endangered wildlife. To possess, sell, deliver, carry, transport, or ship endangered wildlife that has been taken illegally is also prohibited.

d. Gulper sharks

Although gulper sharks are likely caught in deep-sea fisheries, no landings data are currently available for these sharks.

e. Requiem sharks

U.S. Atlantic shark fisheries are managed under the authority of the Magnuson-Stevens Act. In the 2005/2006 Large Coastal Shark (LCS) stock assessment, recently completed by the U.S. National Marine Fisheries Service (NMFS), it was determined that it is inappropriate to assess the LCS complex as a whole due to the variation in life history parameters, different intrinsic rates of increase, and different catch and abundance data for species included in the complex. Based on these results, NMFS changed the status of the LCS complex from overfished to unknown. We believe that the requiem shark category on the CITES list of shark species affected by trade (CoP14 Doc. 59.1, Annex 3) is somewhat analogous to the U.S. LCS complex in that species in this category should be assessed individually where possible. It is likely that many species in the requiem shark category, with the exception of blacktip and sandbar sharks, would fit the unknown category. For pelagic requiem sharks, the International Committee for the

Conservation of Atlantic Tunas (ICCAT) Sub-Committee on By-catches has conducted stock assessments for two pelagic sharks. Preliminary results for blue sharks indicate that current biomass in both the North and South Atlantic Ocean appears to be above the biomass that can support maximum sustainable yield. Current shortfin mako shark biomass may be below that producing maximum sustainable yield in the North Atlantic and above maximum sustainable yield in the South Atlantic, but results—especially for this species—were highly conditional on the assumptions made and data available. A new assessment for these species and additional requiem pelagic species is planned for 2008 under the auspices of ICCAT. (See also the response to 1.)

f. Guitar fishes, shovelnose rays
Little harvest of guitar fishes occurs in U.S. waters. No estimates are available on landings or trade.

g. Devil rays
Little harvest of devil rays occurs in U.S. waters. No estimates are available on landings or trade. In some U.S. states, devil rays are prohibited from commercial and recreational harvest.

h. Leopard sharks
In the State of California, which covers nearly all of the U.S. range of this species, nearly all harvest of leopard sharks is from recreational fishers. Estimated recreational landings were about 138t per year during the period from 1980 to 1995. Commercial landings reached a high of 46t in 1983 but have been significantly curtailed due to gillnet bans in California waters. Although current regulations and harvest levels appear to be protective of the California population of leopard sharks, in January 2006 six men were indicted by a federal grand jury with conspiracy to harvest thousands of illegal undersized (under 92cm in length) leopard sharks from the San Francisco Bay with the intent to sell them to U.S. and international pet trade distributors (http://www.usdoj.gov/usao/can/press/html/2006_02_08_leopardshark.htm). The United States is currently examining the feasibility of an Appendix-III listing to help curtail this illegal trade.

3. Shark fishing and trading entities are encouraged to identify opportunities to improve, in cooperation with FAO and relevant fishery management bodies, the monitoring and reporting of catch, bycatch, discards, market and international trade data, at the species level where possible and to establish systems to provide verification of catch information (Decision 14.115).

The United States led the development of the 1999 Food and Agriculture Organization of the United Nations (FAO) International Plan of Action for the Conservation and Management of Sharks and completed the corresponding U.S. National Plan of Action in early 2001. In 2005, the Northwest Atlantic Fisheries Organization adopted a proposal from the United States and the European Union prohibiting shark finning, encouraging the release of live sharks caught as bycatch, requiring parties to report data for all shark catches, and calling upon parties to undertake research identifying selective fishing gear and shark nursery areas. The United States played a major role in the adoption of a measure strengthening the call for parties to submit available data (on catch, effort, discard and trade) and establishing a process for ICCAT's scientific body to ensure it has the best available data to conduct upcoming shortfin mako and

blue shark stock assessments in 2008. In 2007, the United States introduced a Sustainable Fisheries Resolution at the United Nations General Assembly. The resolution calls upon regional fisheries management organizations and States with the competence to regulate fisheries in which sharks are taken directly or as bycatch to adopt and implement measures, in accordance with the precautionary approach, ecosystem approaches, and international law and guidance to further the conservation and sustainable management of sharks.

4. Provide details of commodity codes for fish products for both CITES-listed and non-listed species (Decision 14.106).

The structure of the Harmonized Tariff Schedule of the United States (HTS) is based on the international Harmonized Commodity Description and Coding System administered by the World Customs Organization.

Commodity codes specific to sharks are found in Chapter 3 of the HTS. Chapters 5, 15, 16, 21, 23, 35, 41, 42, and 64 also contain codes under which shark products may be imported into the United States.

Chapter 3, Fish and aquatic invertebrates -

0301 Live fish [no specific shark codes]

0302 Fish, fresh or chilled, excluding fish fillets and other fish meat of heading 0304
0302.65 – dogfish and other sharks
0302.65.0010 – dogfish (Squalus spp.)
0302.65.0090 – other

0303 Fish, frozen, excluding fish fillets and other fish meat of heading 0304
0303.75 – dogfish and other sharks
0303.75.0010 – dogfish (Squalus spp.)
0303.75.0090 – other

0304 Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen
[no specific shark codes]

0305 Fish, dried, salted or in brine; smoked fish; flours, meals and pellets of fish
[in addition to the tariff number below, includes many commodities that potentially contain shark without specific shark codes]
0305.59.2000 – shark fins

Chapter 5, Products of animal origin, not elsewhere specified or included

0511 Animals products not specified elsewhere or included
0511.91 Products of fish [no specific shark codes]

Chapter 15, Animal or vegetable fats and oils -

1504 Fats and oils of fish or marine mammals
1504.10 Fish liver oils
1504.10.4000 Other [no specific shark codes]
1504.20 Fats and oils and their fractions, of fish, other than liver oils
1504.20.0060 Other [no specific shark codes]

Chapter 16, Preparations of meat, of fish or of aquatic invertebrates –

1603 Extracts and juices of meat, fish or aquatic invertebrates [no specific shark codes]
1603.00.9090 Other [no specific shark codes]

1604 Prepared or preserved fish [no specific shark codes]

Chapter 21, Miscellaneous edible preparations

2103 Sauces and preparations
2103.90.0020- Derived or prepared from fish [no specific shark codes]

2104 Soups and broths
2104.10.0040 - Based on fish or other seafood [no specific shark codes]

Chapter 23, Residues and waste from the food industries; prepared animal feed

2301 Flours, meals and pellets of fish [no specific shark codes]

Chapter 35, Glues

3503 including isinglass; other glues of animal origin
3503.00.0010- Fish glue [no specific shark codes]

Chapter 41, Raw hides and skins (other than furskins) and leather

4103 Other raw hides and skins
4103.90.1190 Other [no specific shark codes]
4103.90.2000 Other [no specific shark codes]

4106 Tanned or crust skins of other animals
4106.91 and **4106.92** Other [no specific shark codes]

4113 Leather further prepared after tanning or crusting of other animals
4113.90 Other [no specific shark codes]

4115 Composition leather with a basis of leather or leather fiber [no specific shark codes]

Chapter 42, Articles made of leather, including handbags and similar containers

4202 Trunks, suitcases, handbags, etc. made of leather or composition leather
4202.11 Trunks, suitcases, briefcases [no specific shark codes]
4202.21 Handbags [no specific shark codes]
4202.31 Articles of a kind normally carried in the pocket or handbag [no specific shark codes]
4202.91 Golf bags, travel, sports, and similar bags [no specific shark codes]

4203 Leather and composition leather apparel and clothing [no specific shark codes]

4205 Other articles of leather or of composition leather [no specific shark codes]

Chapter 64, Footwear

6403 Footwear with outer soles of rubber, plastics or leather and uppers of leather [no specific shark codes]

6405 Other footwear [no specific shark codes]
6405.10 With uppers of leather or composition leather [no specific shark codes]

In addition to the HTS tariff number for commodities under its jurisdiction, the U.S. Food and Drug Administration requires product codes. An online system allows traders to create product codes to more specifically describe certain commodities. Codes can be created to identify shark generically for certain fish or seafood commodities.

The U.S. Fish and Wildlife Service (FWS) requires a wildlife declaration to be filed with detailed species information as part of its import/export enforcement. HTS tariff numbers are flagged to identify commodities subject to FWS declaration requirements. Such shipments cannot be released by U.S. Customs and Border Protection until the FWS requirements are satisfied. Because of the lack of specificity of some tariff numbers, it is not always clear which shipments require a FWS declaration. In such cases, the tariff numbers are subject to screening and targeting to find undeclared wildlife. A U.S. Government inter-agency import/export screening system is under development which will require traders to file either FWS-created product codes or certain data elements, including scientific name, with their customs entry in order to determine if a FWS declaration is required.