Atlantic States Marine Fisheries Commission

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ENFORCEMENT ISSUE SUMMARY

A Compilation of Information on current issues or problems

Compiled by the Law Enforcement Committee

Of the

Atlantic States Marine Fisheries Commission

ISSUE 14-1
SHARK FINNING REGULATIONS AND ENFORCEABILITY

Prepared February 14, 2014

Addendum II to the Coastal Sharks Fishery Management Plan (FMP) was approved in May 2013, with an implementation date of January 1, 2014. This addendum changed the fin-to-carcass ratio for smoothhound sharks (smooth dogfish) to 12-to-88 (wet weight of shark fins to dressed weight of shark carcasses) to ensure consistency with the Shark Conservation Act of 2010. NOAA Fisheries is still working to interpret and implement the language contained in the Shark Conservation Act.

Since approval of Addendum II, states have been working to change their regulations through the public rulemaking process. Several papers have been brought to the attention of members of the Coastal Sharks Board. These documents assert that a fins-naturally-attached policy is the most effective way to prevent finning of sharks (removal of fin while discarding the carcass overboard). The documents also discuss the fact that identifying shark species by examining the detached fin or the dressed carcass is difficult, leaving a loophole for finning to occur and remain undetected. Members of the Board requested further Technical Committee (TC) and Law Enforcement Committee (LEC) review of the above assertions.

LEC members from NOAA, USCG and the states of Massachusetts, Rhode Island, New York, New Jersey, Delaware, North Carolina, Georgia and Florida provided input on the following questions.

Are fin-to-carcass ratio allowances for sharks that are processed at sea enforceable?

The unanimous response is that such allowances are not enforceable.

Are officers able to identify shark species adequately looking at carcasses or fins?

It may be possible (albeit very difficult) for an officer with a high level of experience or training to correctly identify shark species by examining carcasses or fins. However several members responded generally that officers are unable to make that kind of species identification

based only on an examination of separated fins, or of partially dressed carcasses without fins. Tools and training are available and have been used to assist officers in shark identification.

Can officers adequately distinguish fins or carcasses of prohibited shark species from smooth dogfish fins or carcasses?

The same answer as given above would apply. However officers are more likely to be able to distinguish carcasses of certain prohibited species from smooth dogfish.

Are there enforcement issues if fins are required to remain partially attached to the carcass?

The consensus response is that there are no enforcement issues if fins are secured naturally to the carcass. However it is important to clearly stipulate a secure means of fin attachment. This would be the preferred method for enforcement, allowing for more accurate identification of species and successful enforcement of finning restrictions or prohibitions.

Have there been any recent enforcement cases associated with shark finning/harvest in your state/jurisdiction, and do you know the outcome of those cases?

NOAA: An older federal case was recently lost on appeal regarding a fin to weight ration case in North Carolina.

USCG: Gulf of Mexico November 2013 violation for possession of shark fins without carcasses and possession of undersized sharks.
USCG: Mid-Atlantic January 2014 violation for failure to maintain shark in its proper form (finning a thresher shark) and failure to possess a valid federal permit.
NEW YORK: An older case of a seizure of prohibited shark fins from a NYC market.

FLORIDA: Four "not in whole condition" cases were written in 2013. Not in whole condition does not necessarily mean finning, as this could be removal of the head or filleting the shark.