

August 4, 2023

Chairman Cliff Bentz  
409 Cannon HOB  
Washington, DC 20515

Ranking Member Jared Huffman  
2445 Rayburn HOB  
Washington, DC 20515

RE: SHARKED Act--July 27, 2023 Committee on Natural Resources, Subcommittee on Water, Wildlife and Fisheries Legislative Hearing

Dear Chair Bentz and Ranking Member Huffman,

On behalf of Oceana and its 1.2 million members and supporters in the United States we write to provide feedback and concerns about H.R. 4051, Supporting the Health of Aquatic systems through Research, Knowledge, and Enhanced Dialogue Act (SHARKED Act) which focuses on potentially problematic solutions to “depredation,” the phenomenon of sharks eating fish previously hooked by commercial and recreational fishermen. Shark conservation and modern management has been a priority of Oceana’s for many years. As written, Oceana cannot support this bill. Instead of the SHARKED Act, we recommend that this subcommittee focus on the variety of much-needed improvements to the way that America’s shark populations are managed and providing adequate resources to the National Oceanic and Atmospheric Administration (NOAA) to better understand and manage America’s shark populations.

Modern, science-based fishery management under the Magnuson-Stevens Act (MSA) works, if administered responsibly and effectively. Dozens of fish species around the country have benefitted from the requirements of the Magnuson-Stevens Act. However, sharks have largely been ignored by the fishery management process and the outcomes on the water show this. More than half of all U.S. shark stocks lack the fundamental information to support proper management according to the most recent [Status of the Stocks](#) report from the National Marine Fisheries Service, the relevant agency within the National Oceanic & Atmospheric Administration (NOAA) (“Fisheries Service or “NOAA Fisheries”). Many more are mismanaged through crude tools like stock complexes that group shark species arbitrarily and not based on common biological attributes.

The SHARKED Act has two major proposals. First it will create a duplicative “Task Force” to explore the issue of shark depredation; develop ways to improve coordination and communication and education to “address” shark depredation; and identify research priorities and funding opportunities. Most alarmingly, the bill charges the Task Force to “develop recommended management strategies to address shark depredation” without any reference to current fishery law.

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Second the SHARKED Act will amend the Magnuson-Stevens Act to expand the list of existing Cooperative Research and Management Programs to include “projects to better understand shark depredation, including identifying what causes increases in shark depredation and determining how to best address shark depredation.” Improving U.S. shark management is needed but the SHARKED Act, as proposed, will do little, if anything to solve these problems facing sharks. In fact, it may make things worse. Instead of supporting a niche bill designed to respond to a perceived problem, Congress should be working on improving U.S. shark management and on-the-water outcomes for these imperiled species, including better management of “depredation.”

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As introduced, the SHARKED Act is unnecessary and duplicative of existing programs, requirements and authorities in federal fisheries management. The SHARKED Act will take limited funds and resources away from existing, under-resourced fishery science and management programs around the country. And the SHARKED Act could also allow unproven management strategies to take hold instead of science-based management that has been the heart of MSA management for decades. In the words of one witness and charter captain in last week’s House Natural Resources Subcommittee on Water, Wildlife and Fisheries hearing, this bill may open the door to “reducing the population of sharks in a sustainable way.”<sup>1</sup> This witness was likely referring to one of the provisions of the SHARKED Act, which requires the Task Force to identify research and funding opportunities for using “non-lethal deterrents” and other management strategies that may be harmful to shark populations without reference to the requirements of the Magnuson-Stevens Act.

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Instead of pursuing the SHARKED Act, Congress should first seek to improve shark management in the U.S. and ensure robust funding for shark science and management. Other legislative efforts should prioritize the threats to global shark populations, the role of the U.S. in shark management and how effective modern management can help restore and protect these key parts of the ocean ecosystem. The Magnuson-Stevens Act provides powerful tools for the U.S. to use science-based fisheries management including requirements to set meaningful catch limits (including for bycatch) and establish safeguards along these lines. If fully implemented and funded, modern shark management can restore our shark populations and help respond to a variety issues, even including depredation. However, because of mismanagement and excessive exceptions and exemptions, many shark stocks are in trouble.

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Congress should seek to ensure U.S. shark science and management are fully supported—rather than detracting from important fishery science and management priorities. In order to improve our shark populations and the management responses available for issues like depredation, we must ensure that there are updated, high-quality stock assessments and robust mechanisms to administer fishery management regulations. With respect to depredation specifically, NOAA Fisheries has clearly stated that more can be done to address depredation *if provided with*

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<sup>1</sup> Oral Testimony of Mr. Jack Graham, Captain Afishianado Charters on H.R. 4051 available at <https://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=414642> (Last accessed July 31, 2023 at 3:07:50).

resources to do this.<sup>2</sup> Congress should follow through and allow the Fisheries Service to build on the work it started in the 2022 depredation report.

We have fought too hard for too many decades to restore shark populations and end harmful shark fishing practices, and the work is far from done. Sharks are integral to healthy ecosystems because they keep prey species populations in check. Sharks also bring scuba divers, snorkelers, and others out to our waters, hoping for a chance to witness them. In Florida alone, sharks add around \$350 million in [economic impact](#) per year.

On behalf of our supporters, we are concerned by the SHARKED Act's wasteful directives and potential to harm other fishery science and management priorities. For these reasons, we urge Chairman Bentz and Ranking Member Huffman to reject this bill in favor of a comprehensive shark management and funding strategy. This broader approach will improve the science, management, and outcomes for these species rather than focusing on niche, unproven approaches that will improve management and management outcomes for all sharks, including depredation issues with other fisheries.

Oceana does not support the SHARKED Act and we appreciate the opportunity to comment and urge you to consider our perspective in this conversation.

Sincerely,

Gib Brogan,  
Campaign Director--U.S. Fisheries, Oceana

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<sup>2</sup> NOAA Report to Congress, 2022. *Interactions between bottlenose dolphins and sharks in commercial, for-hire, and private recreational fisheries in the Gulf of Mexico and South Atlantic*. NOAA Report to Congress, 2022. ([https://media.fisheries.noaa.gov/2022-08/NMFS-Assessment-Fishing-Interference-RTC-08\\_29\\_22.pdf](https://media.fisheries.noaa.gov/2022-08/NMFS-Assessment-Fishing-Interference-RTC-08_29_22.pdf))

### **The SHARKED Act is Duplicative of Existing Programs**

In many ways, both major priorities of the SHARKED Act are duplicative of existing programs and authorities in U.S. shark management. The Fisheries Service has career staff exploring the issues raised in the SHARKED Act and has already produced useful results from their work. It is important to note that as recently as 2022 the Fisheries Service produced a report at the direction of Congress entitled “*Interactions between bottlenose dolphins and sharks in commercial, for-hire, and private recreational fisheries in the Gulf of Mexico and South Atlantic*”<sup>3</sup> that explored the interactions between both bottlenose dolphins and sharks and fisheries in the Gulf of Mexico and South Atlantic that “quantified the degree to which dolphins and sharks interfere with commercial, charter, and recreational fishing and recommends non-lethal methods to deter dolphins and sharks.”<sup>4</sup>

This report concluded: “the nature, extent, frequency, and geographic locations of dolphin- and shark-fishery interactions are not fully understood. Further, “(m)ore data would be needed to improve our ability to quantify dolphin and shark interactions with fisheries. These data could be collected if additional resources were available to augment and analyze existing datasets.”

The report then went on to advise on the status of various management tools, including those specified in the SHARKED Act and to reiterate that “an enhanced, thoughtful, and collaborative approach is needed to manage the complex nature of fishery interactions with dolphins and sharks, in coordination with numerous stakeholders, including state natural resource agencies, commercial and recreational fishers, researchers and academics, and others. The Fisheries

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<sup>3</sup> NOAA Report to Congress, 2022. *Interactions between bottlenose dolphins and sharks in commercial, for-hire, and private recreational fisheries in the Gulf of Mexico and South Atlantic*. NOAA Report to Congress, 2022. ([https://media.fisheries.noaa.gov/2022-08/NMFS-Assessment-Fishing-Interference-RTC-08\\_29\\_22.pdf](https://media.fisheries.noaa.gov/2022-08/NMFS-Assessment-Fishing-Interference-RTC-08_29_22.pdf))

<sup>4</sup> NOAA Website, *Debunking Common Shark Myths*, <https://www.fisheries.noaa.gov/feature-story/debunking-common-shark-myths>

Service ends with a commitment to pursuing this issue to “*the fullest extent our resources allow.*”<sup>5</sup>

Finally, the Fisheries Service notes “we hope to identify best practices that will help fishermen to avoid unwanted interactions with sharks.”

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<sup>5</sup> NOAA Report to Congress, 2022. *Interactions between bottlenose dolphins and sharks in commercial, for-hire, and private recreational fisheries in the Gulf of Mexico and South Atlantic*. NOAA Report to Congress, 2022. ([https://media.fisheries.noaa.gov/2022-08/NMFS-Assessment-Fishing-Interference-RTC-08\\_29\\_22.pdf](https://media.fisheries.noaa.gov/2022-08/NMFS-Assessment-Fishing-Interference-RTC-08_29_22.pdf)) Executive summary page 6

### **The SHARKED Act will take funding from other fishery research priorities**

A robust cooperative fishery research program supports fishery science and management around the country by partnering scientists with members of the commercial, recreational and for-hire fisheries. These programs are guided by existing policy and guidelines including clear language in the Magnuson-Stevens Act that spells out that cooperative research “should address needs identified under this Act and under any other marine resource laws enforced by the Secretary,” and that funding should be “part of a coherent program of research focused on solving priority issues identified by the Councils” giving priority to the following projects:

- Projects to collect data to improve, supplement, or enhance stock assessments, including the use of fishing vessels or acoustic or other marine technology.
- Projects to assess the amount and type of bycatch or post-release mortality occurring in a fishery.
- Conservation engineering projects designed to reduce bycatch, including avoidance of post-release mortality, reduction of bycatch in high seas fisheries, and transfer of such fishing technologies to other nations.
- Projects for the identification of habitat areas of particular concern and for habitat conservation.
- Projects designed to collect and compile economic and social data.<sup>6</sup>

The existing cooperative research program supports many worthy fishery research projects in fisheries from New England to the Western Pacific. Adding a narrowly specific priority for depredation studies will likely alter funding streams across the country with unknown effects. It is important to note that research on shark depredation is currently provided for and the agency notes “NOAA Fisheries has funded several cooperative research studies in the Atlantic and Gulf of Mexico aimed at characterizing and reducing the extent of shark depredation in the region...collecting genetic data to identify which shark species are mostly commonly responsible for depredation events and surveying fishermen about their depredation experiences.”<sup>7</sup>

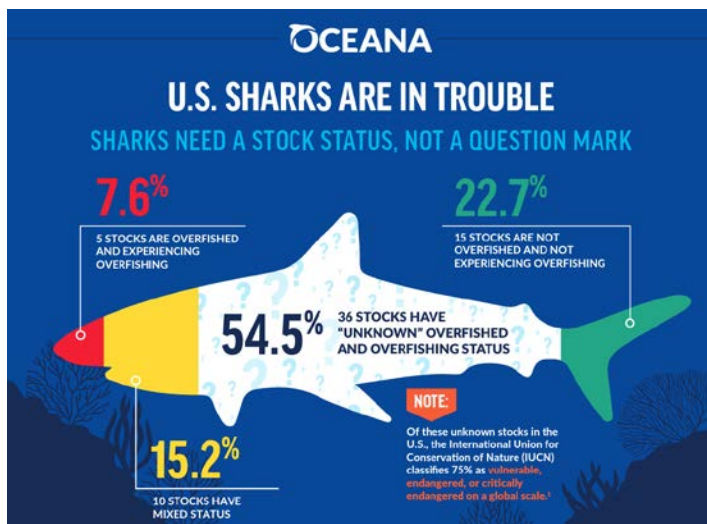
Because of the recent finding of the Fisheries Service report and the current research being conducted under MSA, both of the primary sections of the SHARKED Act are already in progress. U.S. shark management does not need this legislation to recreate the wheel that is already rolling at the Fisheries Service. Instead, Congress should focus on improving shark management in U.S. fisheries and fully funding shark science and management through the appropriations process with new funding for depredation research, management and outreach.

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1. <sup>6</sup> Magnuson-Stevens Act Section 318(c).

## The SHARKED Act will not improve failing shark management in the U.S.

U.S. management of shark populations is failing. As a group, sharks grow slowly, mature late, and then produce relatively few young. As a result, they are sensitive to overexploitation, as we have seen over the years, with global oceanic shark and ray abundance decreasing by more than [70 percent since 1970](#). To make things worse in the U.S., managers don't know the status of more than 54% of the 66 shark stocks under federal management and only 23% of U.S. shark stocks are healthy (not overfished or experiencing overfishing). The below graphic is from the 2021 Status of Stocks, but the data has not changed in the new assessment.



(Source <https://usa.oceana.org/wp-content/uploads/sites/4/Oceana-SharkFacts-9-2-Final.pdf>)

Instead of the shortsighted SHARKED Act, Congress should prioritize improving management of shark stocks and fully funding the Fisheries Service's shark assessment and research efforts instead of the wide latitude and duplicative effort offered in SHARKED Act.