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Congress of the United States
House of Representatives
Washington, DC 20515-3303

February 16, 2012

Mr. Sam Rauch
Acting Assistant Administrator
NOAA Fisheries
1315 East West Highway
Silver Spring, MD 20910

Dear Administrator Rauch:

Thank you for the opportunity to comment on the National Marine Fisheries Service's (NMFS) proposal to transition the Atlantic shark fishery into a catch share management system. It probably comes as no surprise to you that I am the leading congressional opponent of new catch share programs on the Atlantic Coast. I have taken on this role because the Eastern North Carolina fishermen that I am so privileged to represent are nearly unanimous in their strong opposition to catch shares.

We oppose catch shares because this nation simply can't afford the tens of millions of dollars that this agency is spending on them. We oppose catch shares because their implementation takes precious resources away from far more important uses like stock assessments and cooperative research. We oppose catch shares because of the top down process that the agency and councils have frequently used to force these programs onto unwilling fishermen. But most importantly, we oppose catch shares because they've proven to be thinly veiled efforts to consolidate the fishing fleet and needlessly destroy fishing jobs and communities. That's an unacceptable outcome even during the best of economic times, and it's especially unacceptable now.

I can honestly tell you that I have not heard from a single North Carolina fisherman who supports catch shares for sharks. Instead, what I hear is that NMFS' current shark management system unfairly discriminates against North Carolina fishermen and may violate National Standard #4 of the Magnuson Act, which requires that "management measures shall not discriminate between residents of different States."

For example, the agency has a history of managing the opening and closing dates of the shark fishery in a way that benefits fishermen in Florida at the expense of fishermen in North Carolina and states to our north.

North Carolina is also negatively impacted by the way the agency administers trip limits. A 33-fish trip limit may be economical for fishermen in other areas where the resource can be harvested closer to shore, but it is not economical in North Carolina. In addition, it has come to my attention that fishermen involved in the research fishery in other states are, with the apparent approval of onboard observers, abusing the trip limit rules and engaging in re-hooking.

And in yet another inequity, at the request of federal regulators North Carolina voluntarily closed its in-state shark fishery year round from roughly 1997 to just a few years ago. I understand that similar requests were made to other states, but some states have only recently complied. So while North Carolina was taking the lead in shark conservation, and our fishermen were bearing the brunt of that leadership, other states were not sharing the burden.

The result of these various inequities is that for at least the past 15 years, North Carolina's shark harvest has been unfairly depressed relative to other states. But rather than correct these problems to restore equity to North Carolina, the agency is proposing to impose a catch share system that will make the inequity even worse. The bottom line is that there is simply no way to devise a catch share allocation that is fair to North Carolina fishermen if that allocation is based on catch history from any time in the last 15 years.

Furthermore, I find it very troubling that the push for this catch share proposal appears to be coming from the agency, not the fishermen involved in the fishery. NMFS issued an Advanced Notice of Proposed Rulemaking in September 2010 seeking public comment on catch shares for sharks. As I read the public record on the NMFS website, the agency looks to have issued this notice on its own accord and without a formal request from a broad spectrum of fishermen. Apparently, only then did NMFS receive a draft proposal for a shark catch program, and that proposal was from "regional stakeholders" in the Gulf of Mexico looking for a catch share program for the Gulf shark fishery.

There appears to be no evidence in the record of a formal proposal from fishermen on the Atlantic Coast requesting a catch share program for sharks in this region. That begs the question: Why are we here? Why is NMFS considering a move to catch shares for sharks from Maine to Texas when apparently the only formal proposal it has received was for the Gulf of Mexico? For an agency that takes every opportunity to insist that its development of catch shares is a bottom-up process driven by fishermen, this sure looks like just the opposite.

I firmly believe that NMFS should immediately terminate further efforts to catch share the shark fishery on the Atlantic Coast. As I mentioned previously, I am not aware of a single North Carolina shark fishermen who supports catch shares. If the Gulf fishermen want catch shares for sharks in that region, and if a fair vote of permit holders were to prove that, the agency should consider it. But it would be totally inappropriate for NMFS to use taxpayers' money to impose catch shares on shark fishermen from North Carolina and the Atlantic Coast who clearly do not want them. Instead, NMFS would be well advised to devote its efforts to fixing the problems with the current system so that North Carolina can once again equitably access its fair share of the shark harvest.

Thank you for your consideration of this request.

Sincerely,



Walter B. Jones
Member of Congress