



David E. Pierce
Acting Director

Commonwealth of Massachusetts

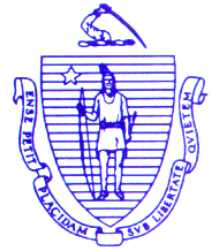
Division of Marine Fisheries

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MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFC)

THROUGH: David E. Pierce, Acting Director

FROM: Daniel J. McKiernan, Deputy Director
Jared Silva, Policy Analyst

DATE: July 31, 2015

SUBJECT: White Shark Permit Recommendation

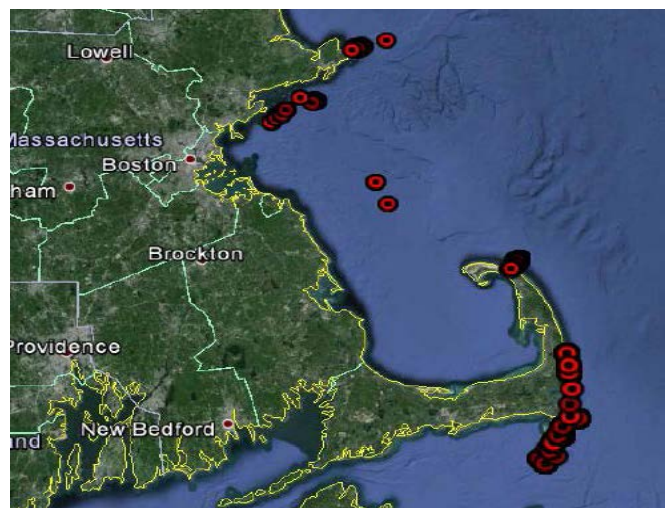
Background:

On June 5, 2015, the Division of Marine Fisheries (*Marine Fisheries*) filed emergency regulations affecting persons conducting activities on white sharks. These emergency regulations require that any person who attempts to attract or capture a white shark hold a scientific research permit issued by *Marine Fisheries*. The purpose of the action was to constrain human–white shark interactions, as these interactions increase the risk of harm to both the sharks and humans.

Prior to this action, the only regulation affecting white sharks was a prohibition on the harvest of the species.

The seasonal summertime presence of white sharks has increased in our coastal waters in recent years. In 2009, less than 5 white sharks were sighted and in 2014 more than 80 unique individual white sharks were observed in our waters by Dr. Greg Skomal and his team. Most of these sharks are large adults, who are in our waters to feed on the burgeoning population of grey seals. While these sharks have typically aggregated off the eastern coast of Cape Cod, specifically Monomoy Island where there are large populations of seals, it has become increasingly common to see these sharks in other areas of the state including off the Massachusetts North and South shores (Fig. 1).

**Figure 1. 2014 DMF Acoustic Receiver
Detections of White Sharks**



With this increased presence of white sharks in our waters during the summertime there has also been an increased public interest in these sharks. In turn, this has prompted some interest in eco-tourism and shark

research endeavors. These activities typically involve attracting sharks which alters their feeding behavior. Recent scientific studies by Dr. Austin J. Gallagher¹ conclude human-shark interactions, particularly those that affect feeding, alter the way sharks interact with humans and result in potential harm to the sharks and public safety.

Accordingly, DMF promulgated these emergency regulations to address these concerns. This action was supported by the Atlantic White Shark Conservancy, 12 Cape Cod and Island municipalities and the National Seashore, who provided written requests to *MarineFisheires* advocating for such management measures.

On July 22, 2015, *MarineFisheries* hosted a public hearing to permanently codify the emergency regulations. The public hearing was held at the Chatham Community Center. No members of the public attended. During the public comment period (July 1 – July 31), a small number of written comments were received in support of permanently codifying the emergency regulations.

Recommendation:

Accordingly, I am recommending that *MarineFisheries* adopt the emergency regulations as final regulations. As this regulation affects permitting, it does not require a vote by the Marine Fisheries Advisory Commission. However, before proceeding to promulgate this final regulation, I would like your consent.

Attachments:

Public Comment

Final Proposed Regulations

¹ Austin Gallagher and Neil Hammerschlag, “Global Shark Currency: The Distribution, Frequency and Economic Value of Shark Eco-Tourism,” Current Issues in Tourism, (2011): 1-16.

Austin Gallagher, et. al., “Biological Effects, Conservation Potential and Research Priorities of Shark Diving Tourism,” Biological Conservation, 184 (2015): 365-379.

From: [Davis, Shannon \(FWE\)](#)
To: [Silva, Jared \(FWE\)](#)
Subject: FW: Comment on White Shark Regulations
Date: Thursday, July 23, 2015 10:41:11 AM

-----Original Message-----

From: Laurie Albano [<mailto:whiteshark902@yahoo.com>]
Sent: Wednesday, July 22, 2015 10:44 AM
To: Fish, Marine (FWE)
Subject: Comment on White Shark Regulations

To Acting Director David Pierce:

I was happy to hear regulations are being proposed in regard to the growing white shark population in Massachusetts, and I'm happy to provide my comments for what they're worth.

To protect both sharks and people, I agree that it should be unlawful to attract or attempt to attract white sharks in MA unless specially permitted. Too often in the news and on social media today, people attempt to gain attention by their antics in the water. We've seen video of swimmers and divers touching and riding sharks, even hugging sharks, which, most experts agree, is wildlife harassment. And, of course, if the shark should react in a negative way to this harassment by biting the swimmer, it would likely be reported as an "attack." Sorry to say, sharks don't need further negative representation in the media. Out in California, paddleboarders were documented paddling out into known areas of white shark activity to film themselves among juvenile great whites and then bragging about it.

Public perception of sharks seems to be changing for the better and putting these regulations in place along with enforcement can only be a positive development for all. People need to realize the ocean is a wild place with wild animals. They should be discouraged from interacting with these formidable yet vulnerable predators.

The illegality of capturing or attempting to capture white sharks seems a little redundant since this animal is already federally protected from deliberate capture but reiterating that fact to Massachusetts ocean users (who may not be aware of the law) is a great idea. As a shark lover all my life, I happen to know that white sharks are federally protected (and endangered), but I would say the vast majority of people and the general public do not. They need this information.

I hope this is of some help and thank you.

Kind regards,

Laurie Albano
150 Mayfair Avenue
Floral Park, NY 11001

From: [Davis, Shannon \(FWE\)](#)
To: [Silva, Jared \(FWE\)](#)
Subject: FW: White Shark Regulation Comments / Acting Director David Pierce
Date: Thursday, July 23, 2015 10:40:51 AM
Attachments: [image004.png](#)

From: Korf, Mark [mailto:Mark.Korf@centurylink.com]
Sent: Wednesday, July 22, 2015 12:27 PM
To: Fish, Marine (FWE)
Subject: White Shark Regulation Comments / Acting Director David Pierce

Acting Director David Pierce,

Please see fit to permanently codify these emergency regulations. There is still so much yet to learn about these creatures and this regulation can help uncover some of that information.

But why stop there? Why not include other sharks such as Mako's and Thresher's? Why not all sharks?

Thank you for the work that you are doing to protect these magnificent creatures.

Mark M. Korf

Sr Enterprise Account Manager

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Proposed Final Language

6.37 Coastal Shark Conservation and Management

(4) White Shark Conservation Measures

(a) Definitions.

Attract means to conduct any activity that lures or may lure any white shark to a person or vessel by using food, bait, chum, dyes, decoys, acoustics or any other means, excluding the mere presence of persons on the water including those persons conducting commercial or recreational fishing activity.

Capture means to forcefully gain control of a white shark. Capture includes, without limitation, the restraint or detention of a white shark or any act of intrusive research performed on a white shark. Capture shall not include the incidental catch of white sharks during the course of lawfully permitted fishing activity.

Chum means fish, chopped fish, fish fluids or other organic materials disposed of in the water for the purpose of attracting white sharks.

Director means the Director of the Division of Marine Fisheries.

Intrusive Research means a procedure conducted for scientific research involving a break or a cut in the skin, the application or insertion of an instrument, the introduction of a foreign substance or object onto the animal's immediate environment, or a stimulus directed at animals that may affect white shark behavior.

- (b) Restricted Activities Related to White Sharks.** It shall be unlawful for any person to attract or capture a white shark, unless the person has been issued a special white shark project permit by the Director in accordance with 322 CMR 7.01(4).