

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL  
CONTROL**

**DIVISION OF FISH AND WILDLIFE**

Statutory Authority: 7 Delaware Code, Section 903(e)(2)(a) (7 **Del.C.** §903(e)(2)(a))  
7 **DE Admin. Code** 3581

**PROPOSED**

**PUBLIC NOTICE**

**SAN #2006-20**

**1. Title of the Regulations:**

Amend – Spiny Dogfish; Closure of Fishery

**2. Brief Synopsis of the Subject, Substance and Issues:**

This action would re-open the spiny dogfish (*Squalus acanthias*) commercial fishery in accordance with the Atlantic States Marine Fisheries Commission's Interstate Management Plan for Spiny Dogfish as amended and in accordance with federal law, whichever is more restrictive. It has been determined that over-fishing of this stock is no longer taking place and that there is significant biomass available for harvest. Other states have re-opened their commercial fisheries for spiny dogfish recently. The State of Delaware is proposing that no vessel may land in Delaware more than 600 pounds per day of spiny dogfish during either of the two federal quota periods; May 1 through October 31, and November 1 through April 30. We are also proposing that if federal limits are more restrictive than Delaware limits, then federal limits apply in Delaware waters for closure periods on the daily take and landing of spiny dogfish per vessel. When federal waters are closed to the taking of spiny dogfish, Delaware's fishery also shall be closed.

**3. Possible Terms Of The Agency Action:**

N/A

**4. Statutory Basis Or Legal Authority To Act:**

Chapters 15, and §903(e)(2)(a), and §903(f) of 7 **Delaware Code**.

**5. Other Regulations That May Be Affected By The Proposal:**

This would amend regulation 3581 Spiny dogfish; Closure of fishery (formerly Tidal Finfish Reg. 27)

**6. Notice Of Public Comment:**

A Public Hearing is scheduled for February 21, 2007 at 6:30 PM, DNREC auditorium, Dover, DE. Comments for the hearing record should be addressed to Lisa Vest, Hearing Officer, Office of the Secretary, Delaware Department of Natural Resources and Environmental Control, 89 Kings Highway, Dover, DE 19901 or by email to Lisa.Vest@state.de.us.

**7. Prepared By:**

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Email address: Roy.Miller@state.de.us

**3581 Spiny Dogfish; Closure of Fishery (Formerly Tidal Finfish Reg. 27)**  
(Penalty Section 7 **Del.C.** §936(b)(2))

**1.0** It shall be unlawful for any commercial fisherman to harvest, land or possess any spiny dogfish, *Squalus acanthias*, in Delaware except in those sizes, seasons, and quantities permitted in accordance with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Spiny Dogfish as amended, or federal law administered by the National Marine Fisheries Service, whichever is more restrictive. It shall be

unlawful to commercial harvest, land or possess spiny dogfish during any time when adjoining federal waters are closed to the taking of spiny dogfish. It shall be unlawful for any person to possess the fins from any spiny dogfish prior to landing said spiny dogfish unless said fins are naturally attached to the body of said spiny dogfish. All spiny dogfish landed in Delaware for commercial purposes must be reported through the normal state reporting system.

**4 DE Reg. 1859 (5/1/01)**

**10 DE Reg. 1285 (02/01/07) (Prop.)**