



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
& ENVIRONMENTAL CONTROL
DIVISION OF FISH & WILDLIFE
89 Kings Highway
Dover, Delaware 19901

OFFICE OF THE
DIRECTOR

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March 28, 2014

Eileen Sobeck
Assistant Administrator for Fisheries
National Oceanic and Atmospheric Administration
1315 East-West Highway
Silver Spring, Maryland 201910

Dear Ms. Sobeck,

The Delaware Department of Natural Resources and Environmental Control (DNREC) has examined the potential for Delaware's 2013 law banning the possession of shark fins (7 Delaware Code § 928A) to reduce the value of sharks landed in Delaware. DNREC is aware that Delaware's law would contradict provisions of the Magnuson-Stevens Act (MSA) as amended by the Shark Conservation Act (SCA) if it substantially reduced the value of sharks legally landed in Delaware. After our examination of this issue, we conclude that the potential for our new law to reduce the value of legally landed sharks in Delaware is minimal. Delaware's law has exceptions that will minimize its effect on Delaware recreational and commercial federal waters shark fisheries and ensure the law's compatibility with MSA and SCA.

Delaware's new law allows any person with a state or federal license or permit authorizing the landing of sharks, either commercially or recreationally, to possess the shark fins and to sell all the parts of the shark other than the fins of legally landed sharks. Anyone with a commercial license or permit can distribute the fins from the landed sharks, but may not sell them in Delaware. In addition, the law fully exempts spiny dogfish and smoothhound from the law's provisions. Furthermore, the law allows DNREC to exempt other shark species in the future from the law's provisions should DNREC determine the need to exempt other shark species.

Delaware had no commercial landings of sharks except for spiny dogfish and smoothhound in 2012. Spiny dogfish landings were 12,654 lbs. with an ex-vessel value of \$2,642 and smoothhound landings were 203 lbs. with an ex-vessel value of \$248 in 2012. Spiny dogfish and smoothhound combined were 0.23% by weight and 0.03% by ex-vessel value of Delaware's 2012 commercial landings. DNREC does not anticipate an increase in the commercial landings of sharks other than spiny dogfish and smoothhound because Delaware has little commercial effort in the Atlantic Ocean. DNREC recently changed its spiny dogfish



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regulation to allow an increase in the daily commercial catch limit and this may result in an increase in spiny dogfish landings. However, as previously stated, spiny dogfish and smoothhound are exempt from the law, thus Delaware's law should not affect their value if there is an increase in landings.

DNREC believes that the exceptions in Delaware's shark finning law will allow Delaware's shark fisheries to continue to obtain "optimum yield" from all landed sharks. Please call me at (302)739-9914 if you have further questions about Delaware's shark finning law. Thank you.

Sincerely,

John H. Clark
Fisheries Section Administrator



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910
THE DIRECTOR

APR 29 2014

Mr. John H. Clark
Fisheries Section Administrator
Delaware Department of Natural Resources
and Environmental Control
89 Kings Highway
Dover, DE 19901

Dear Mr. Clark:

Thank you for your letter regarding your assessment of the impacts to federal shark harvesters of Delaware's 2013 law banning the possession of shark fins (7 Delaware Code §928A).

Based on the information about the Delaware law set forth in your letter and the current facts regarding the scale and nature of the shark fishery in Delaware, we agree with your conclusion that Delaware State's shark fin law will have minimal impact on federally licensed and permitted shark harvesters in Delaware. As noted in your letter, Delaware had no commercial landings of sharks except for spiny dogfish and smoothhound in 2012 that had an ex-vessel value of \$2,642 and \$248, respectively. You also noted that Delaware does not anticipate an increase in commercial landings of sharks other than spiny dogfish and smoothhound, as Delaware has little commercial effort in the Atlantic Ocean. We understand that spiny dogfish and smoothhound are exempt from the law.

Based on these facts, we agree with your conclusion that Delaware's law will have minimal impact on federally licensed shark fishermen in Delaware and does not unlawfully burden their ability to achieve the benefits from federal fisheries and is therefore consistent with and not preempted by the Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Shark Conservation Act of 2010.

Please contact us if there are significant changes to the facts described in your letter, as those changes may affect our conclusions. We appreciate your willingness to work with us on this important matter.

Sincerely,

Eileen Sobeck



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THE ASSISTANT ADMINISTRATOR
FOR FISHERIES

