



1. TYPE OF ACTION:

Amend 7 **DE Admin. Code** 3505 Striped Bass Commercial Fishing Seasons; Quotas; Tagging and Reporting Requirements.

2. PURPOSE OF ACTION:

Delaware's commercial striped bass fishery is allocated through an annual quota in accordance with the Atlantic States Marine Fisheries Commission's (ASMFC) Interstate Fishery Management Plan for Atlantic Striped Bass. Delaware's annual commercial striped bass quota allocation is apportioned by regulation to two gear types – commercial gill net (GN) and commercial hook and line (HL). These are managed as separate fisheries, with different size limits, seasons and allocations in an effort to maximize fishing opportunities for each fishery, minimize dead discards and prevent growth overfishing. Eligible participants in each fishery are provided with an allotment of tags based on the number of participants, predicted size of the fish and annual quota. Tags are used to assist the Department with quota tracking and accountability. During the period 1990 - 96, 90% of Delaware's quota was allocated to the GN fishery and 10% was allocated to the HL fishery. In 1997, to better ensure full use of Delaware's quota, the striped bass allocation to the GN fishery was increased to 95%, but the less efficient commercial HL fishery was kept at 10% to maintain individual H&L quotas. This over-allocation improved quota attainment as the GN fishery routinely landed its 95% while the HL fishery, for various reasons, never landed more than 3% of the quota. Despite the over-allocation, Delaware did not have any quota overages during 1997 through 2017 because quota could not be transferred between the GN and HL fisheries.

The recent adoption of 7 **Del. C.** §903A provides for the transfer of striped bass quota (tags) between the GN and HL fisheries. This resulted in improved landing efficiency and, ultimately, a commercial quota overage in 2018. To prevent subsequent overages, the Department is ending over-allocation of the quota and is proposing two alternative allocation strategies. Option 1 would allocate 90% of Delaware's striped bass commercial quota to the gill net fishery and 10% to the H&L fishery. This option would match the proportions used prior to 1997. Historically, this option resulted in an underutilization of the quota. Option 2 would allocate 95% of Delaware's striped bass commercial quota to the gill net fishery and 5% to the H&L fishery. Option 2 is the allocation strategy recommended by the Advisory Council on Tidal Fin Fisheries as a way to better ensure full use of Delaware's quota.

In addition, the Department proposes to adjust the required registration date to participate in the commercial HL fishery from March 15 to February 1 to align with the commercial GN fishery and better accommodate tag transfers.

3. STATUTORY BASIS:

7 **Del. C.** §901 & §903 (a), (b), (e), (f) & (i)

4. IS THIS PROPOSED REGULATORY ACTION REQUIRED AS A RESULT OF FEDERAL STATUTE OR REGULATION? IF SO, PROVIDE LINK TO FEDERAL MANDATE.

No.

5. DATE OF MOST RECENT REVIEW/AMENDMENT:

The Tidal Finfish Regulations were most recently amended July 1, 2018.

6. LIKELY AFFECTED PUBLIC:

Participants in the commercial striped bass fishery and seafood buyers

7. PROPOSED SCHEDULE OF ACTIVITIES:

Register Notice Publication – October 1, 2018

Public Hearing – November/December 2018

Effective date –December 2018 / January 2019






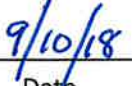
8. REVIEW COMMITTEE:

The Advisory Council on Tidal Fin Fisheries

9. RESPONSIBLE STAFF MEMBER:

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10. APPROVALS:

 _____ Stewart Michels Responsible Staff Member	 _____ Date	 _____ David E. E Saveikis Director	 _____ Date
 _____ Shawn M. Garvin Secretary	 _____ Date		