



START ACTION NOTICE # 2020-04

DOCKET # 2020-R-F-0015

1. TYPE OF ACTION:

Amend Tidal Finfish Regulations 7 **DE Admin. Code** 3503 Striped Bass Recreational Fishing Seasons; Methods of Take; Creel Limit; Possession Limit and 7 **DE Admin. Code** 3504 Striped Bass Possession Size Limit; Exceptions.

2. PURPOSE OF ACTION:

The mandatory provisions of the Atlantic States Fisheries Commission's (ASMFC's) Addendum VI to Amendment 6 to the Atlantic Striped Bass Interstate Fishery Management Plan require a coastwide 18% reduction in striped bass removals (landings + discard mortality). The ASMFC adopted specific, prescribed coastwide management measures to meet the required 18% reduction, but these measures are not preferred for Delaware. Delaware developed two management options that were approved by the ASMFC (see Table) that, if implemented by the Department, would be equivalent to the specific coastwide management measures in Addendum VI. Option 1 results in a 1.8% reduction in commercial removals and a 20.4% reduction in recreational removals. Option 2 results in an 18% reduction in commercial removals and an 18.18% reduction in recreational removals.

Fishery	Open Season	Lawful Size	Pos. Lmt.	Annual Quota
Option 1				
Recreational	All year	28" - < 35"; except 20"- 25" in DE Riv, Bay & their tribs from Jul 1 - Aug 31	1	N/A
Commercial Gill Net	Feb 15 - May 31 (Mar 30 in Nant R.); Nov 15 - Dec 31	≥ 28"; except ≥20" in DE River, Bay & their tribs. from Feb 15 - May 31 or from Nanticoke River & its tribs Feb 15 - Mar 31	N/A	135,350 lbs.
Commercial H&L	Apr 1 - Dec 31	28" min. size limit	N/A	7,124 lbs.
Option 2				
Recreational	All year	28" - < 38"; except 20"- 25" in DE Riv, Bay & their tribs from Jul 1 - Aug 31	1	N/A
Commercial Gill Net	Feb 15 - May 31 (Mar 30 in Nant R.); Nov 15 - Dec 31	≥ 28"; except ≥20" in DE River, Bay & their tribs. from Feb 15 - May 31 or from Nanticoke River & its tribs Feb 15 - Mar 31	N/A	113,021 lbs.
Commercial H&L	Apr 1 - Dec 31	28" min.	N/A	5,948 lbs.

The ASMFC's Atlantic Striped Bass Management Board approved both options for use at their February 4, 2020 meeting; however, there was insufficient time to promulgate regulations for either option through standard administrative procedures by the required April 1, 2020 implementation date. There was also a need to implement management measures by the February 15, 2020 opening of Delaware's commercial striped bass fishery to avoid jeopardizing the welfare of the striped bass resource and its dependent commercial and recreational fisheries. Therefore, the Department implemented Option 1 preferred by Delaware's Advisory Council on Tidal Finfisheries through an emergency order.

Because the recreational and commercial measures within the two management options are inextricably linked, the measures of Option 1 must be maintained throughout calendar year 2020. However, if Option 2 is selected as the

preferred option following public comment and consideration of the evidence, it will be implemented for calendar year 2021.

3. STATUTORY BASIS:

7 Del.C. §901 (b), (c) & (d); §903 (a), (b) & (e)(2)b.

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

Yes. <http://www.asmfc.org/uploads/file/ACFCMA.pdf>

5. DATE OF MOST RECENT REVIEW/AMENDMENT:

Amended December 1, 2016

6. LIKELY AFFECTED PUBLIC:

Recreational anglers, for-hire recreational and commercial striped bass fishery participants, bait and tackle shops, and seafood processors and dealers.

7. PROPOSED SCHEDULE OF ACTIVITIES:

Register Notice Publ. – June 2020

Public hearing – June 2020

Final – August 2020

8. REVIEW COMMITTEE:

Advisory Council on Tidal Finfisheries

9. RESPONSIBLE STAFF MEMBER:

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10. APPROVALS:



4/29/20
John Clark
Date
Responsible Staff Member



4/29/2020
David E. Saveikis
Date
Director, Division of Fish & Wildlife



5/13/20
Shawn M. Garvin
Date
Secretary