



STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES  
AND ENVIRONMENTAL CONTROL  
89 KINGS HIGHWAY  
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Office of the  
Secretary

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MEMORANDUM

TO: Members of the Senate Environmental, Natural Resources & Energy Committee  
Members of the House Natural Resources Committee

From: Shawn M. Garvin, Secretary *Shawn M. Garvin*

Subject: Start Action Notice (SAN)

Date: *11/11/19*

Enclosed for your information is APPROVED Start Action Notice:

2019-10 to amend 7 DE Admin. Code 3502 Striped Bass Spawning Season and Area Restrictions

cc: Start Action Approval List  
Responsible Staff Member  
Public Affairs



START ACTION NOTICE #2019- 10

DOCKET # 2019-R-F-0026

1. TYPE OF ACTION:

Amend 7 DE Admin Code 3502 Striped Bass Spawning Season and Area Restrictions.

2. PURPOSE OF ACTION:

Several commercial striped bass gill net fishermen proposed adjustments to the seasonal fixed gill net exclusion area in the Delaware River to facilitate striped bass capture efficiency and to reduce drift gill net conflicts with recreational boaters and anglers. This action proposes to expand the current allowable area where fixed gill nets can be used by opening approximately 1.75 nautical miles (linear) of the Delaware River to fixed gill net fishing during the months of January through May. The current seasonal fixed gill net exclusion area extends from Liston Point (Delaware River) northward. This action would adjust the lower boundary of the exclusion area northward (upstream) to the southern shore of Appoquinimink River mouth at latitude 39°26'51.00"N and longitude 75°34'46.00"W.

The proposed action is consistent with the Atlantic States Marine Fisheries Commission's Interstate Fishery Management Plan for the Striped Bass, its amendments and addenda. The Advisory Council on Tidal Fisheries endorsed development of this action at their September 25, 2019 meeting. Striped bass landings will be unaffected by this amendment, as the commercial striped bass fishery is managed through and limited by an annual commercial quota with mandatory harvester and weigh station tagging and reporting.

3. STATUTORY BASIS:

7 Del.C. §901 (b), (c) & (d); §903 (a) & (b); §903 (e)(2)a.4; §903 (e)(2)b.3, 4 & 6

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:

This regulation was reviewed on July 13, 2016 pursuant to 29 Del.C. § 10407.

6. LIKELY AFFECTED PUBLIC:

Commercial fixed and drift gill net fishermen, participants in the commercial striped bass fishery, Delaware River recreational boaters and anglers

7. PROPOSED SCHEDULE OF ACTIVITIES:

Publication of Register Notice – December 1, 2019

Public hearing - January 2020

Effective – March/April 2020

8. REVIEW COMMITTEE:

Advisory Council on Tidal Fisheries

9. RESPONSIBLE STAFF MEMBER:

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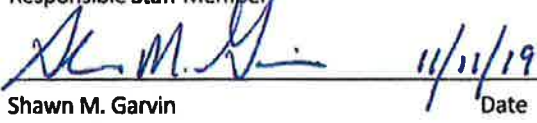
10. APPROVALS:

  
Stewart Michels  
Responsible Staff Member

Date

  
David E. Saveikis  
Director, Division of Fish & Wildlife

Date

  
Shawn M. Garvin  
Secretary

Date