

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF FISH AND WILDLIFE

Statutory Authority: 7 Delaware Code, Sections 901(b), (c) and (d); 903(a), (b), (e)(2)a.4 and (e)(2)b.3, 4 and 6 (7 Del.C. §§901(b), (c) & (d); 903(a), (b), (e)(2)a.4 & (e)(2)b.3, 4 & 6)
7 DE Admin. Code 3502

PROPOSED

REGISTER NOTICE

SAN #2019-10

Hearing Docket No.: 2019-R-F-0026



Bass (Striped Bass; Black Sea Bass) 3502 Striped Bass Spawning Season and Area Restrictions

1. TITLE OF THE REGULATIONS:

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

2. BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

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. POSSIBLE TERMS OF THE AGENCY ACTION:

N/A

4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

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

5. OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:

N/A

6. NOTICE OF PUBLIC COMMENT:

The hearing record on the proposed changes to 7 DE Admin. Code 3502 Striped Bass Spawning Season and Area Restrictions opens February 1, 2020 (Hearing Docket No. 2019-R-F-0026). A public hearing on the proposed amendment will be held on Wednesday, February 26, 2020 beginning at 6:00 PM in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901. Individuals may submit written comments regarding the proposed changes via e-mail to DNRECHearingComments@delaware.gov, or via USPS to the DNREC Hearing Officer, 89 Kings Highway, Dover, DE 19901. Public comments will be received until close of business Thursday, March 12, 2020.

7. PREPARED BY:

Stewart Michels

Email: Stewart.Michels@delaware.gov

Ph: (302)739-9914

3502 Striped Bass Spawning Season and Area Restrictions.

(Penalty Section 7 Del.C. §936(b)(2))

- 1.0 The spawning season for striped bass (*Morone saxatilis*) in Delaware shall begin at 12:01 A.M. on April 1 and continue through midnight on May 31 of each calendar year.
- 2.0 It is unlawful for any person to take and retain any striped bass during the striped bass spawning season from the Nanticoke River or its tributaries, the Delaware River and its tributaries to the north of a line extending due east beginning at and including the south jetty at the mouth of the C & D Canal, or the C & D Canal or its tributaries.
- 3.0 It is unlawful for any person to fish a fixed gill net in the Nanticoke River or its tributaries or the C & D Canal or its tributaries during the striped bass spawning season.
- 4.0 It is unlawful for any person to fish during the striped bass spawning season in the Nanticoke River or its tributaries or the C & D Canal or its tributaries with a drift gill net of multi- or mono-filament twine larger than 0.28 millimeters in diameter (size #69) or a stretched mesh size larger than five and one-half (5 1/2) inches.
- 5.0 It is unlawful for any person to fish any fixed gill net in the Delaware River north of a line beginning at ~~Liston Point (River Mile 48.06)~~ the southern shore of Appoquinimink River at latitude 39°26'51.00"N and longitude 75°34'46.00"W and continuing due east to the boundary with New Jersey during January, February, March, April or May.
- 6.0 It is unlawful for any person to fish during the striped bass spawning season defined in 3502 ~~section~~ Section 1.0 and in the areas defined in 3502 ~~section~~ Section 2.0 with natural bait using any hook other than a non-offset circle hook when said hook measures greater than three-eighths (~~3/8e~~) (3/8) inches as measured from the point of the hook to the shank of the hook.

8 DE Reg. 1169 (02/01/05)

18 DE Reg. 889 (05/01/15)

23 DE Reg. 633 (02/01/20) (Prop.)