



STATE OF DELAWARE
**DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL**

OFFICE OF THE
SECRETARY

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SECRETARY'S ORDER

Pursuant to 29 Del. C. §10119

Order No. 2015-F-0020

AUTHORITY:

Pursuant to 29 Del. C. § 10119, the Department of Natural Resources and Environmental Control is adopting amendments to Tidal Finfish Regulation 3507 without prior notice or public hearing to assure that Delaware's recreational black sea bass season is consistent with the federal recreational black sea bass season and to avoid the actual and imminent danger to this fishing resource and its associated businesses. 7 Del.C. §903 (h) authorizes the Department to adopt emergency regulations when such regulations are necessary to deal with an actual or imminent public health threat or danger to a fishing resource or habitat involving finfish.

REASON FOR THE EMERGENCY ORDER

Delaware's recreational black sea bass fishery is presently closed by regulation from January 1 through May 18 and September 19 through October 17. A federal regulation was published on March 25, 2015 that will open the black sea bass season on May 15, 2015. Therefore, if Delaware does not use an emergency order to open its recreational black sea bass season on May 15, 2015, the date the federal recreational black sea bass season will open, Delaware's recreational black sea bass season will open on May 19, 2015 as previously established through the normal regulatory process. This will prevent Delaware anglers from fishing the crucial first four days, including the critical first weekend, of the federal black sea bass season, causing an economic danger to our fishing resource businesses, such as charter boats, bait shops and tackle dealers that depend on this fishery.

A black sea bass management region extending from Delaware through North Carolina is formally recognized by Addendum XXI of the Atlantic States Marine Fisheries Commission's summer flounder, scup, and black sea bass Interstate Fisheries Management Plan, approved in 2011, and was delineated based on shared biological and fishery characteristics among the states in this region. Delaware's black sea bass regulations, as per the management plan, are kept consistent with federal regulations. Consequently, Delaware's rule-making process typically begins when the federal regulations are published. The federal rule opening the recreational black

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sea bass season in federal waters was published, March 25, 2015 and will open federal waters on May 15, 2015. Delaware's normal regulatory process takes four months, so Delaware will not be able to maintain consistency with federal regulations unless an emergency order is issued to open our black sea bass recreational fishery on May 15, 2015. All other states in our management region have already stated their intent to open their seasons on May 15, 2015, thus Delaware anglers and associated businesses will be denied this angling and economic opportunity if Delaware does not also open its season on May 15, 2015.

Therefore, this Emergency Order changes the date in the relevant regulation, 7 DE Admin Code 3507, from a closure period of January 1 through midnight May 18 to a closure period from January 1 through midnight May 14, allowing the season to open on May 15 consistent with the federal regulation.

EFFECTIVE DATE OF ORDER

This Emergency Order shall take effect at 12:01 a.m. on May 5, 2015 and shall remain in effect for 90 days.

PETITION FOR RECOMMENDATIONS

The Department will receive, consider and respond to petitions by any interested person for recommendations or revisions of this Order. Petitions should be presented to the Fisheries Section, Division of Fish and Wildlife, 89 Kings Highway, Dover, Delaware, 19901.

ORDER

It is hereby ordered, the 5 day of May 2015 that the above referenced amendment to Tidal Finfish Regulation 3507 (12.0), a copy of which is hereby attached, are adopted pursuant to 7 Del.C. §903 (h) and supported by the evidence contained herein.

Date: _____

5/5/15



David S. Small, Secretary
Department of Natural Resources
And Environmental Control