



STATE OF DELAWARE  
**DEPARTMENT OF NATURAL RESOURCES AND  
ENVIRONMENTAL CONTROL**  
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DOVER, DELAWARE 19901

OFFICE OF THE  
SECRETARY

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**Secretary's Order No.: 2020-F-0038**

**RE: Approving Final Regulation, pursuant to 7 Del. C. § 903(e)(2)a.1, to Amend 7 DE Admin. Code 3502: *Striped Bass Spawning Season and Area Restrictions* and 7 DE Admin. Code 3503: *Striped Bass Recreational Fishing Seasons; Methods of Take; Creel Limit; Possession Limit***

**Date of Issuance: December 23, 2020**

**Effective Date of the Amendment: January 1, 2021**

Under the authority vested in the Secretary of the Department of Natural Resources and Environmental Control ("Department" or "DNREC"), pursuant to 7 Del. C. § 903(e)(2)a.1, and all other relevant statutory authority, the following findings of fact based on the reasons and conclusions are entered as an order of the Secretary in the above-referenced regulatory amendment.

Notwithstanding 29 Del. C. Ch. 101 (which sets forth the standardized procedures whereby a state agency shall promulgate regulations), the Department also has the statutory authority under 7 Del. C. § 903(e)(2)a.1 to promulgate certain regulations in order to adopt a specified management measure for finfish, subject to 7 Del. C. Ch. 9, *Finfishing in Tidal Waters*, by the issuance of a Secretary's Order. The Department is allowed to follow this abbreviated regulatory promulgation process only in instances where the management measures are specified by, and ensures compliance or maintains consistency with, a fisheries management plan or rule established by the Atlantic States Marine Fisheries Commission, the Atlantic Coastal Fisheries Cooperative Management Act, the Mid-Atlantic Fishery Management Council, or the National Marine Fisheries Service.

Whenever the Department promulgates a regulation pursuant to 7 *Del. C.* § 903(e)(2)a.1, it shall also (1) publish on its website a public notice with a copy of the Secretary's Order and final regulation that implements the specific management measure; and (2) file the Secretary's Order and regulation that implements the specified management measure in the next available issue of the Delaware *Register of Regulations*.

### **Background, Procedural History and Findings of Fact**

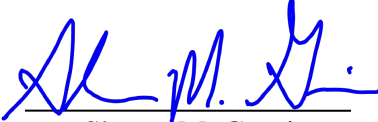
This order amends 7 DE Admin. Code 3502: *Striped Bass Spawning Season and Area Restrictions* and 7 DE Admin. Code 3503: *Striped Bass Recreational Fishing Seasons; Methods of Take; Creel Limit; Possession Limit* as part of an effort to reduce Striped Bass catch and release mortality in the recreational fishery by adopting a specified management measure approved and mandated by the Atlantic States Marine Fisheries Commission's ("ASMFC") Atlantic Striped Bass Management Board. Specifically, this order mandates the use of non-offset circle hooks when fishing with bait for the recreational Striped Bass fishery beginning on January 1, 2021. This order is required for Delaware to remain compliant with Addendum VI to Amendment 6 to the Interstate Fishery Management Plan for Atlantic Striped Bass.

The 2018 benchmark Striped Bass stock assessment and peer review conducted by the Northeast Regional Stock Assessment Workshop found that Striped Bass are overfished and overfishing is occurring. Approximately 90% of Striped Bass removals were attributed to the recreational fishery and recreational removals attributed to catch and release mortality were estimated to be as high as 50% of total recreational removals in recent years. Non-offset circle hooks have been shown to reduce release mortality of recreationally caught Striped Bass.

The Department has the statutory basis and legal authority to act with regard to promulgation of the proposed amendments to 7 DE Admin. Code 3502: *Striped Bass Spawning Season and Area Restrictions* and 7 DE Admin. Code 3503: *Striped Bass Recreational Fishing Seasons; Methods of Take; Creel Limit; Possession Limit*, pursuant to 7 *Del. C.* §§ 901(c) & (d) and 903(e)(2)a.1. This specific management measure is required to be implemented by January 1, 2021, pursuant to ASMFC Atlantic Striped Bass Management Board action.

## ORDER

In accordance with 7 *Del. C.* § 903(e)(2)a.2, it is hereby ordered, this 23<sup>rd</sup> day of December, 2020, that the above referenced amendments to 7 DE Admin. Code 3502: *Striped Bass Spawning Season and Area Restrictions* and 7 DE Admin. Code 3503: *Striped Bass Recreational Fishing Seasons; Methods of Take; Creel Limit; Possession Limit*, a copy of which is hereby attached, are supported by the evidence contained herein and are hereby adopted. The above referenced amendments shall take effect January 1, 2021.



Shawn M. Garvin  
Secretary

Attachment: Reg. Amendments to 7 DE Admin. Code 3502: *Striped Bass Spawning Season and Area Restrictions* and 7 DE Admin. Code 3503: *Striped Bass Recreational Fishing Seasons; Methods of Take; Creel Limit; Possession Limit*

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