



1. TYPE OF ACTION:

Amend 7 **DE Admin Code** 3700 Shellfish to add a new 3723 Jonah Crab and amend 3755 Lobsters (Homarus americanus), 3756 Lobsters - Pot Design, 3757 Lobsters - Pot, Season And Limits For Commercial Lobster Pot License, and 3758 Possession Of V-notched Lobsters Prohibited

2. PURPOSE OF ACTION:

The Atlantic States Marine Fisheries Commission (ASMFC) approved an Interstate Fishery Management Plan (FMP) for Jonah Crab under the authority of the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA 1993). The goal of the FMP is to support and promote the development and implementation, on a continual basis, of a unified coastal management program for Jonah Crab, which is designed to promote conservation, reduce the possibility of recruitment failure, and allow full utilization of the resource by the United States industry. Consistent with the mandatory elements of the FMP and its addenda this action proposes to:

- Establish incidental and directed landing permits based upon certain criteria;
- Establish Jonah Crab incidental bycatch limits;
- Establish a Jonah Crab minimum carapace width of 4 ¾ inches with no tolerance;
- Establish conditions and limits on the retention of Jonah Crab claws;
- Prohibit the retention of egg-bearing female Jonah Crab; and
- Establish a recreational possession limit of 50 Jonah Crabs per person per day.

This action also proposes to adopt provisions requiring the mandatory removal of lobster pots from February 1 through March 31 in accordance with Addendum XVII to Amendment 3 of the ASMFC's FMP for American Lobster. This action also clarifies that two escape vents are necessary on lobster pots where circular style vents are used and requires that egg-bearing female lobster be V-notched and immediately released.

Finally, consistent with regulation formatting guidelines, this action proposes to reformat the existing regulations pertaining to American Lobster by consolidating 3756 Lobsters - Pot Design; 3757 Lobsters - Pot, Season And Limits For Commercial Lobster Pot License, and 3758 Possession Of V-notched Lobsters Prohibited under existing regulation - 3755 Lobsters (Homarus americanus). The proposed reformatting is not intended to change meaning.

3. STATUTORY BASIS:

7 **Del. C.** §§1902(a), 1501, 1503, 2505 and 2507

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.asafc.org/uploads/file/ACFCMA.pdf>

5. DATE OF MOST RECENT REVIEW/AMENDMENT:

The existing 7 **DE Admin Code** 3755, 3756, 3757 and 3758 were reviewed by the Division of Fish & Wildlife November 9, 2016 pursuant to 29 **Del.C.** §10407.

6. LIKELY AFFECTED PUBLIC:

Lobster and Jonah Crab harvesters, shellfish dealers and consumers

7. PROPOSED SCHEDULE OF ACTIVITIES:

Register Notice Publication – April 2019

Public Hearing – April/May 2019

Effective Date – June/July 2019

8. REVIEW COMMITTEE:

Advisory Council on Shell Fisheries

9. RESPONSIBLE STAFF MEMBER:

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10. APPROVALS:

 2/1/19

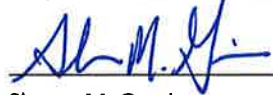
Stewart Michels
Responsible Staff Member

Date

 2/1/19

David E. Saveikis
Director, Division of Fish & Wildlife

Date

 2/25/19

Shawn M. Garvin
Secretary

Date