



START ACTION NOTICE # 2021-02

DOCKET # 2021-R-F-0007

1. TYPE OF ACTION:

This action proposes to amend 7 DE Admin. Code 3550 Cobia to implement changes to the minimum size, vessel limit and season depending on the option chosen.

2. PURPOSE OF ACTION:

The Atlantic States Marine Fisheries Commission adopted Addendum I to the Interstate Fishery Management Plan (FMP) for Atlantic Migratory Group Cobia (FMP) in October 2020, which mandated changes to recreational *de minimis* measures.

Cobia presence in Delaware waters is sporadic, but they are targeted by anglers when known to be present. Delaware had no reported commercial or recreational Cobia landings in the three years preceding adoption of the FMP. Therefore, Delaware qualified for *de minimis* status under the 2017 FMP criteria and adopted compliant *de minimis* measures in 2020. However, Addendum I redefined the recreational *de minimis* measures, so Delaware must adopt either of the following two *de minimis* options to remain in compliance with the plan:

Delaware’s proposed Cobia management options (**Bolded items** are changes to current measures)

| | Option 1 <i>De Minimis</i> | Option 2 Nearest Non- <i>De Minimis</i> State |
|------------------|--------------------------------------|---|
| | Recreational | Recreational |
| Min. Length | 37” | 40” (only 1/vessel > 50”) |
| Possession Limit | 1 | 1 |
| Vessel Limit | 1 | 2 |
| Open Season | All Year | June 15 - Sept. 15 |

Option 1 reflects the *de minimis* management measures outlined in Addendum I to the FMP and Option 2 reflects the management measures in place for the nearest non-*de minimis* jurisdiction (Virginia). Addendum I does not require any changes to the commercial Cobia management measures that Delaware adopted in 2020.

Adoption of either option will ensure compliance with Addendum I to the FMP, as required by the Atlantic Coastal Fisheries Cooperative Management Act (16 USC §§5101, *et seq.*). The proposed action is expected to complement federal management in a consistent manner throughout the management unit and provide for the long-term stability of the stock. Given the sporadic occurrence of Cobia in Delaware waters, it is unlikely that the proposed action will have significant, measurable, or predicible costs to the affected Delaware fisheries or their dependent businesses.

3. STATUTORY BASIS:

7 Del. C. §901 & §903(a), (b) & (e)

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:

(Please indicate if review was pursuant to EO-36 OR HB 147)

The Tidal Finfish Regulations were most recently amended effective May 11, 2020. The most recent action was not pursuant to EO 36 or HB 147.

6. LIKELY AFFECTED PUBLIC:

The likely affected public are recreational anglers (private and for-hire) and the associated businesses.

7. PROPOSED SCHEDULE OF ACTIVITIES:

Register Notice publication – June 2021

Public hearing – June/July 2021

Effective date – August 2021

8. REVIEW COMMITTEE:

The Advisory Council on Tidal Finfisheries

9. RESPONSIBLE STAFF MEMBER:

(name, physical address, phone and fax numbers, and e-mail address)

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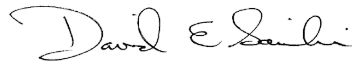
10. APPROVALS:



John H. Clark
Responsible Staff Member

4/13/2021

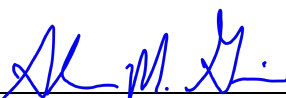
Date



David E. Saveikis
Director, Division of Fish & Wildlife

4/13/2021

Date



Shawn M. Garvin
Secretary

5/12/21

Date