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# INDEPENDENT

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County of Kent, and State of De  
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February 2, 2020

*Janet LeVoy*

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Delaware State News

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Day of February A.D. 2020



*Janet LeVoy*  
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## DNREC - DIVISION OF FISH & WILDLIFE

### LEGAL NOTICE

#### Notice of Public Hearing

The Department of Natural Resources and Environmental Control (DNREC), Division of Fish & Wildlife will conduct a public hearing (Hearing Docket No.: 2020-R-F-0002) on the proposed revisions to the following regulations: 7 DE Admin. Code 3500 Tidal Finfish to include a new 3550 Cobia (*Rachycentron canadum*).

The public hearing will be held on **Wednesday, February 26, 2020, immediately following the adjournment of the public hearing on proposed amendments to 7 DE Admin. Code 3502 Striped Bass Spawning Season and Area Restrictions (Hearing Docket No. 2019-R-F-0026), which starts at 6:00 PM in the DNREC Auditorium, Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901.**

The Atlantic States Marine Fisheries Commission adopted the Interstate Fishery Management Plan for Atlantic Migratory Group Cobia (FMP) in November 2017. The most recent stock assessment indicated that Cobia biomass has declined over the past two decades, but the stock is not overfished and overfishing is not occurring. The FMP requires that states adopt the precautionary management measures contained in the FMP to prevent overfishing.

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 qualifies for de minimis status under the FMP criteria and may adopt either of the following two management options:

	Option 1		Option 2	
	Recreational	Commercial	Recreational	Commercial
Min. Length	32"	37"	40"	37"
Possession Limit	1	2	1	2
Vessel Limit	1	6	3	6
Open Season	All Year	All Year	Jun. 1 - Sep. 15	All Year

Option 1 reflects the de minimis management measures outlined in the FMP and Option 2 reflects the management measures in place for the nearest non-de minimis jurisdiction (VA). The commercial fishing management measures are identical in both options; however, the recreational management measures differ by the minimum length, maximum vessel limit and season.

Adoption of either option will ensure compliance with 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, measureable or predictable costs to the affected Delaware fisheries or their dependent businesses.

The proposed amendment may be inspected at DNREC's office located at Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901 and online as of February 1, 2020 at [http://regulations.delaware.gov/services/current\\_issue.shtml](http://regulations.delaware.gov/services/current_issue.shtml)

For additional information on this proposed regulatory promulgation, visit <https://de.gov/dnrec-hearings> or contact Stewart Michels, DNREC/DFW, 89 Kings Hwy., Dover, DE 19901; by phone at 302-739-9914; or by email at [Stewart.Michels@delaware.gov](mailto:Stewart.Michels@delaware.gov).

Persons wishing to comment on the proposed amendments may do so either orally or in written form at the public hearing on February 26, 2020. In lieu of attending the public hearing, written comment may be submitted to the Hearing Officer via the online comment form at <https://dnrec.alpha.delaware.gov/public-hearings/comment-form/>, via email to [DNRECHearingComments@delaware.gov](mailto:DNRECHearingComments@delaware.gov), or via USPS to the below address. The Department will accept public comment through the close of business on Thursday, March 12, 2020.

Theresa Newman, Hearing Officer  
DNREC - Office of the Secretary  
89 Kings Highway, Dover, DE 19901

**THIS IS THE ONLY TIME THIS NOTICE WILL APPEAR.**

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Class	5500	Created By	ROBROOKS
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The public hearing will be held on **Wednesday, February 26, 2020, beginning at 6:00 PM in the DNREC Auditorium, Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901.**

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 Finfisheries 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.

The proposed amendment may be inspected at DNREC's office located at Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901 and online as of February 1, 2020 at [http://regulations.delaware.gov/services/current\\_issue.shtml](http://regulations.delaware.gov/services/current_issue.shtml)

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