



DNREC Virtual Public Hearing

**7 DE Admin. Code 3755 Lobsters (*Homarus americanus*)
(Docket #2023-R-F-0020)**

Welcome. Any visual content that is part of this hearing will appear in this window.

Computer Audio: Use the **audio connections menu** to turn audio on or off.

Telephone Audio: Dial-in Number: 1-305-224-1968

Meeting ID: 885 0576 5378 Passcode: 499825

Comments will be accepted using the DNREC Comment form, via email, or by USPS mail as noted on the hearing event page (de.gov/dnrehearings)

Proposed Amendments to 3755 Lobsters (*Homarus americanus*)

Background

- The North Atlantic Right Whale population is at a historically low level and has been listed as Endangered under the ESA.
- The federal agency overseeing recovery efforts for the North Atlantic Right Whale, NOAA Fisheries, is trying to reduce potential hazards to these whales.
- Whale entanglement in the floating lines of lobster pot gear was identified as a major hazard and an important source of whale mortality.
- NOAA Fisheries has approved several rules intended to reduce whale entanglements in lobster pot gear.

Proposed Amendments to 3755 Lobsters (*Homarus americanus*)

Actions taken by NOAA Fisheries and ASMFC

- NOAA Fisheries promulgated a rule requiring all federal lobster permit holders to install an approved device to collect and transmit spatial data to participate in the pot gear fishery in federal waters.
- Federally-permitted vessels are required to install and activate an approved device prior to beginning a trip with lobster pot gear. The device must remain on board the vessel and be powered at all times when the vessel is in the water, unless the device is authorized to power down by the principal port state.
- Addendum XXIX to the ASMFC American Lobster FMP requires all states with federal lobster permit holders to take complementary action.
- ASMFC is providing all lobster permit holders with funding for the tracking device and several years of service.

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4.1 Definitions

The following words and terms, when used in this regulation, have the following meanings unless the context clearly indicates otherwise:

“Electronic Tracking Device” means an electronic device approved by the Atlantic States Marine Fisheries Commission and used to track vessel location and collect and transmit this spatial data to the Division in compliance with Addendum XXIX to the Interstate Fishery Management Plan for American Lobster and Addendum IV to the Interstate Fishery Management Plan for Jonah Crabs.

4.2 An electronic tracking device shall be installed and activated prior to beginning a lobster fishing trip with pot gear onboard by a Delaware commercial lobster pot licensee operating any vessel named on a NOAA Fisheries limited access lobster permit, pursuant to 50 CFR § 697.4, to fish trap gear for lobsters and Jonah crabs in the Exclusive Economic Zone. All permit holders shall sign a written affidavit confirming the electronic tracking device has been installed.

4.3 The electronic tracking device shall remain onboard the vessel and powered on at all times when the vessel is in the water.

Exhibits for Proposed Amendments to 3755 Lobsters (*Homarus americanus*)

- Exhibit 1. A copy of approved Start Action Notice # 2023-10 pertaining to the proposed amendments.
- Exhibit 2. A copy of the Regulatory Flexibility Analysis/ Regulatory Impact Statement, corresponding to the proposed action and as published in the December 1, 2023 Delaware Register of Regulations.
- Exhibit 3. A copy of Register Notice SAN # 2023-10 and the proposed amendment to 7 DE Admin. Code 3755 Lobsters (*Homarus americanus*), as published in the December 1, 2023 Delaware Register of Regulations.
- Exhibit 4. Proof of publication of the legal notice regarding the proposed amendments to 7 DE Admin. Code 3755 Lobsters (*Homarus americanus*) in the December 1, 2023 Wilmington News Journal.
- Exhibit 5. Proof of publication of the legal notice regarding the proposed amendments to 7 DE Admin. Code 3755 Lobsters (*Homarus americanus*) in the December 1, 2023 Delaware State News.
- Exhibit 6. Public Hearing Notice as published on the DNREC website on Dec. 1, 2023.
- Exhibit 7. Notice of this public hearing as it appeared on Delaware's Statewide Calendar and posted December 15, 2023.
- Exhibit 8. Notice of this public hearing as it appears on DNREC's Public Hearings website.
- Exhibit 9. Email sent to Delaware's federal lobster permit holders on December 18, 2023 notifying them of this hearing.
- Exhibit 10. Notice of this public hearing as it appears on the DNREC Division of Fish and Wildlife Facebook page, posted on December 19, 2023.
- Exhibit 11. A copy of the hearing presentation on proposed amendments to 7 DE Admin. Code 3755 Lobsters (*Homarus americanus*).



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Thank you for joining us. We will accept comments on this matter through January 5, 2024.

Comments may be submitted in writing

via [DNREC Comment form](https://dnrec.alpha.delaware.gov/public-hearings/comment-form/) - <https://dnrec.alpha.delaware.gov/public-hearings/comment-form/>

via [email](mailto:DNRECHearingComments@delaware.gov)- DNRECHearingComments@delaware.gov

or by USPS mail:

Lisa Vest, Hearing Officer

DNREC – Office of the Secretary

89 Kings Highway, Dover, DE 19901

The full verbatim transcript will be posted when it becomes available.

For more information, find the event page for this hearing on the DNREC Public Hearings page

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