



STATE OF DELAWARE
**DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL**

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MEMORANDUM

TO: Lisa Vest, Regulatory Specialist

THROUGH: Patrick J. Emory, Division of Fish and Wildlife Director

FROM: John H. Clark, Fisheries Section Administrator

DATE: January 11, 2024

SUBJECT: Technical Response Memorandum – Docket #2023-R-F-0020: 7 DE Admin.
Code 3755 Lobsters (*Homarus americanus*)

The Fisheries Section has considered the public comment received regarding the proposed amendment to 7 DE Admin. Code 3801 3755 Lobsters (*Homarus americanus*) and determined that the proposed amendment should be approved as written. One written comment was received.

The written comment questioned the need for the regulation, not the content of the regulation. While we understand the commenter's concern about the efficacy of this measure, as stated in the Register Notice and at the public hearing, this proposed regulatory action is being taken because Delaware must take this action to comply with the Atlantic States Marine Fisheries Commission's Addendum XXIX to Amendment 3 to the American Lobster Fishery Management Plan (FMP). The FMP requires all states with a lobster fishery operating in federal waters to take this regulatory action because this action has been mandated by the National Marine Fisheries Service through their rulemaking process. Comments questioning the need for this regulation should have been directed to National Marine Fisheries Service during their rulemaking process.

We appreciate the comment submitted on the proposed amendment. However, we believe the proposed amendment is necessary for Delaware's lobster fishery to continue to operate and we thus urge that the regulation be adopted as written.