



# DNREC Virtual Public Hearing

## 7 DE Admin. Code 3505 Striped Bass Commercial Fishing Seasons; Quotas; Tagging and Reporting Requirements (Docket #2023-R-F-0021)

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: 836 4525 0188 Passcode: 607330

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](https://de.gov/dnrehearings))

# Exhibits for Proposed Amendments to 7 DE Admin. Code 3505 Striped Bass Commercial Fishing Seasons; Quotas; Tagging and Reporting Requirements

- Exhibit 1. A copy of the minutes from the September 19, 2023 Advisory Council on Tidal Finfisheries meeting, which summarize the discussion of this proposal and the Council's unanimous vote to recommend that the Division of Fish and Wildlife proceed with this regulatory action.
- Exhibit 2. A copy of approved Start Action Notice # 2023-11 pertaining to the proposed amendments.
- Exhibit 3. A copy of the Regulatory Flexibility Analysis/ Regulatory Impact Statement, corresponding to the proposed action and as published in the January 1, 2024 Delaware Register of Regulations.
- Exhibit 4. A copy of Register Notice SAN # 2023-11
- Exhibit 5. The proposed amendment to 7 DE Admin. Code 3505 Striped Bass Commercial Fishing Seasons; Quotas; Tagging and Reporting Requirements, as published in the January 1, 2024 Delaware Register of Regulations.
- Exhibit 6. Proof of publication of the legal notice regarding the proposed amendments to 7 DE Admin. Code 3505 Striped Bass Commercial Fishing Seasons; Quotas; Tagging and Reporting Requirements in the January 7, 2024 Delaware State News.
- Exhibit 7. Proof of publication of the legal notice regarding the proposed amendments to 7 DE Admin. Code 3505 Striped Bass Commercial Fishing Seasons; Quotas; Tagging and Reporting Requirements in the January 9, 2024 Wilmington News Journal.
- Exhibit 8. Notice of this public hearing as it appears on DNREC's Public Hearings website.
- Exhibit 9. Notice of this public hearing as it appeared on Delaware's Statewide Calendar.
- Exhibit 10. Notice of this public hearing as it appears on the DNREC Division of Fish and Wildlife Facebook page, posted on January 26, 2024.
- Exhibit 11. Email sent to Delaware's commercial gill net permittees on January 23, 2024 notifying them of this hearing.
- Exhibit 12. Notice of this public hearing as it appears on the DNREC Public Meeting Notices Bulletin Board.
- Exhibit 13. A copy of the hearing presentation on proposed amendments to 7 DE Admin. Code 3505 Striped Bass Commercial Fishing Seasons; Quotas; Tagging and Reporting Requirements.

# 7 DE Admin. Code 3505 Striped Bass Commercial Fishing Seasons; Quotas; Tagging and Reporting Requirements

## Current Gill Net Season

- The Spring Striped Bass Gill Net Season opens February 15 and closes May 31.
- The entire period is open for drift gill netting, but anchor gill netting is only open from March 1 through May 10.
- Anchor gill netting accounts for approximately 90% of spring striped bass gill net landings.
- Anchor netting is more efficient than drift netting but also can be more destructive:
  - Striped Bass discard mortality from anchor nets was 41% vs. 8% for drift nets in Delaware Bay studies.
  - Anchor nets kill other species, including ESA-listed Atlantic Sturgeon and waterbirds.

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## Advisory Council on Tidal Finfisheries Recommends Season Change

- The Advisory Council on Tidal Finfisheries (Council) discussed modifications to the spring anchor gill net season with DNREC Division of Fish and Wildlife at its April 18 and September 19, 2023 meetings.
- DNREC Fish and Wildlife stipulated it would not support adding more anchor net days but will support changing the anchor net season dates.
- The Council passes a motion unanimously at the September meeting recommending that DNREC modify the spring anchor gill net season by adding two weeks in February and eliminating two weeks in April and May to better synchronize the spring anchor gill net season with the availability of and market for striped bass.
- Council further discusses recommendation at January 17, 2024 meeting and recommends a minor modification to the start and end dates.

# 7 DE Admin. Code 3505 Striped Bass Commercial Fishing Seasons; Quotas; Tagging and Reporting Requirements

## Proposed Change In January 2024 Register

- 1.0 It is unlawful for any commercial food fisherman using a gill net to take and reduce to possession any striped bass at any time except when said commercial food fisherman is authorized by the Department to participate in a commercial gill net fishery for striped bass established herein. A commercial food fisherman may use a gill net to take and reduce to possession striped bass during the period beginning at 12:01 A.M. on February 15 and ending at 4:00 P.M. on May 31 next ensuing. It is unlawful to use any gill net having a stretched-mesh size greater than four (4) inches to take striped bass during the period ~~February 15~~ beginning at 12:01 A.M. on April 27 and ending at 4:00 P.M. on May 31 ~~until and including the last day in February~~ unless the net is drifted. A commercial food fisherman may use a gill net to take and reduce to possession striped bass during the period beginning at 12:01 A.M. on November 15 and ending at 4:00 P.M. on December 31 next ensuing provided at least two (2) percent of the commercial allocation of striped bass for the gill net fishery, as determined by the Department, was not landed in the February - May gill net fishery. In order for a commercial food fisherman to be authorized by the Department to participate in a commercial gill net fishery, said commercial food fisherman shall have a valid food fishing equipment permit for a gill net and shall register in writing with the Department to participate in said fishery by February 1 for the February 15 - May 31 gill net fishery and by November 1 for the December gill net fishery.

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## Modification Recommended by ACTF at January 17, 2024 Meeting

- 1.0 It is unlawful for any commercial food fisherman using a gill net to take and reduce to possession any striped bass at any time except when said commercial food fisherman is authorized by the Department to participate in a commercial gill net fishery for striped bass established herein. A commercial food fisherman may use a gill net to take and reduce to possession striped bass during the period beginning at 12:01 A.M. on February 15 and ending at 4:00 P.M. on May 31 next ensuing. It is unlawful to use any gill net having a stretched-mesh size greater than four (4) inches to take striped bass during the period **beginning at 12:01 A.M. on February 15 and ending at 4:00 PM on February 19 and beginning at 12:01 A.M. on May 2]** and ending at 4:00 P.M. on May 31 ~~until and including the last day in February~~ unless the net is drifted. A commercial food fisherman may use a gill net to take and reduce to possession striped bass during the period beginning at 12:01 A.M. on November 15 and ending at 4:00 P.M. on December 31 next ensuing provided at least two (2) percent of the commercial allocation of striped bass for the gill net fishery, as determined by the Department, was not landed in the February - May gill net fishery. In order for a commercial food fisherman to be authorized by the Department to participate in a commercial gill net fishery, said commercial food fisherman shall have a valid food fishing equipment permit for a gill net and shall register in writing with the Department to participate in said fishery by February 1 for the February 15 - May 31 gill net fishery and by November 1 for the December gill net fishery.



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Thank you for joining us. We will accept comments on this matter through February 14, 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](mailto:DNRECHearingComments@delaware.gov)

or by USPS mail:

Theresa Smith, 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

[dnrec.alpha.delaware.gov/public-hearings/](https://dnrec.alpha.delaware.gov/public-hearings/)