



STATE OF DELAWARE
**DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL**
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

Office of the
Secretary

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SECRETARY'S ORDER NO: 2020-F-0016

(Extension of Emergency Order 2020-F-0002)

Pursuant to 7 Del.C. §903(h) and 29 Del.C. §10119

AUTHORITY

Pursuant to 7 *Del.C.* §903(h) and 29 *Del.C.* §10119, the Department of Natural Resources and Environmental Control adopted amendments through Emergency Order 2020-F-0002, dated February 15, 2020, to Tidal Finfish Regulation 7 DE Admin. Code 3503 *Striped Bass Recreational Fishing Seasons; Methods of Take; Creel Limit; Possession Limit* and to 7 DE Admin. Code 3504 *Striped Bass Possession Size Limit; Exceptions*. This action was taken by the Secretary without prior notice or public hearing pursuant to 29 *Del.C.* §10119.

Emergency regulations, as contained in Emergency Order 2020-F-0002, are intended as interim measures, necessary to avoid the risk of harm to public health, safety, and welfare, pending the formal adoption of regulations pursuant to the Administrative Procedures Act. Such regulations are valid for a 120-day period and are renewable for an additional sixty days. The Department is currently in the process of formally adopting final regulation amendments and additional time is necessary for completion. To retain its provisions while the amendments are being finalized pursuant to the Administrative Procedures Act, it is necessary to renew the Emergency Order for an additional 60 days, pursuant to 29 *Del.C.* §10119(3).

REASON FOR EMERGENCY ORDER

The mandatory provisions of the Atlantic States Fisheries Commission's (ASMFC's) Addendum VI to Amendment 6 to the Atlantic Striped Bass Interstate Fishery Management Plan requires a coastwide 18% reduction in striped bass removals (landings + discard mortality). The ASMFC adopted specific, prescribed coastwide management measures to meet the required 18% reduction, but these measures were not preferred for Delaware.

The Department developed two management alternatives that, if implemented by the Department, would be equivalent to the specific coastwide management measures in Addendum VI. One alternative (Option 1) provides a recreational possession limit of one striped bass and an allowable striped bass size limit of not less than 28-inches or more than 35-inches in total length; except, in the Delaware Bay, Delaware River and their tributaries during July and August, the allowable size limit is not less than 20-inches or greater than 25-inches. Delaware's authorized commercial striped bass quota is established as 142,474 pounds. The result of Option 1 measures a 1.8% reduction in commercial removals and a 20.4% reduction in recreational removals.

The other alternative (Option 2) provides a recreational possession limit of one striped bass and an allowable striped bass size limit of not less than 28-inches or more than 38-inches in total length; except, in the Delaware Bay, Delaware River and their tributaries during July and August, the allowable size limit is not less than 20-inches or greater than 25-inches. Delaware's authorized commercial striped bass quota would be 118,969 pounds. The result of Option 2 measures an 18% reduction in commercial removals and an 18.18% reduction in recreational removals.

The ASMFC's Striped Bass Management Board approved both alternatives for use at their February 4, 2020 meeting; however, at that time, there was insufficient time to promulgate regulations for either alternative through standard administrative procedures by the required April 1, 2020 implementation date. There was also a need to implement management measures by the February 15, 2020 opening of Delaware's commercial striped bass fishery to avoid jeopardizing the welfare of the striped bass resource and its dependent commercial and recreational fisheries.

The Department began the formal regulatory promulgation process with the publication of its initial proposed regulatory amendments in the June 1, 2020 *Register of Regulations*. The Department will hold a virtual public hearing on June 25, 2020. It is anticipated that the formal adoption of the regulatory amendments will be finalized prior to the expiration of this 60-day renewal period, (on or before August 14, 2020.)

EFFECTIVE DATE OF ORDER

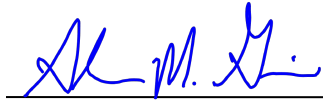
The renewal of this Emergency Order shall take effect at 12:01 a.m. on June 15, 2020, and shall remain in effect for no longer than 60 additional days. The Department's formal regulatory amendments, however, shall immediately supersede the interim regulations upon formal approval, pursuant to the Administrative Procedures Act, and 29 *Del.C.* §10115.

PETITION FOR RECOMMENDATIONS

Consistent with the requirements of 29 *Del.C.* §10119(4) the Department will receive, consider, and respond to petitions by any interested person for the reconsideration or revision of this Order. Petitions should be presented to the Office of the Secretary, Department of Natural Resources and Environmental Control, 89 Kings Highway, Dover, Delaware, 19901

ORDER

It is hereby ordered, the 9th day of June, 2020 that the attached amendments to the Regulations are adopted pursuant to 29 *Del.C.* §10119 and effective as noted above.



Shawn M. Garvin
Secretary