



STATE OF DELAWARE
**DEPARTMENT OF NATURAL RESOURCES AND
ENVIRONMENTAL CONTROL**
RICHARDSON & ROBBINS BUILDING
89 KINGS HIGHWAY
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OFFICE OF THE
SECRETARY

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EMERGENCY SECRETARY'S ORDER

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

Order No: 2023-F-0031

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

AUTHORITY

Pursuant to 7 Del.C. §903(h) and 29 Del.C. §10119, the Department of Natural Resources and Environmental Control ("Department") is adopting amendments to Tidal Finfish Regulation 7 DE Admin. Code 3505: *Striped Bass Commercial Fishing Seasons; Quotas; Tagging and Reporting Requirements* ("Regulation"). The Department is authorized under 29 Del.C. §10119 to adopt emergency regulations when an agency determines that an imminent peril to the public health, safety or welfare requires the amendment of a regulation with less than the notice required by 29 Del.C. §10115. Moreover, 7 Del.C. §903(h) authorizes the Department to adopt emergency regulations when such regulations are necessary to deal with an actual or imminent public health threat or danger to a fishing resource or habitat involving finfish.

REASON FOR THE EMERGENCY ORDER

In response to the evolving seasonal distribution of migratory striped bass and market conditions, Delaware's commercial gill net fisherman requested a modification to the dates of Delaware's spring anchor gill net season for 2024. The contingent of the coastal migratory striped bass population that spawns in the Delaware River has been entering Delaware Bay earlier in the year compared to when the current Regulation was established in the 1990s. Consequently, they become available to anchor gill netters sooner. For the past three years, the compensation offered to gill netters for early-season striped bass has been substantial. Therefore, the gill netters aim to capitalize on these conditions by focusing on catching striped bass in February rather than delaying until March. Delaware's Advisory Council on Tidal

Finfisheries approved a motion by unanimous consent to recommend that the Department undertake this management measure. The Department is implementing this management measure, as recommended by Delaware's Advisory Council on Tidal Finfisheries, through this Emergency Order until this revision to the Regulation can be completed in accordance with 29 *Del.C.* Chapter 101.

This Emergency Order revises the dates for the 2024 anchor gill net season from March 1 through May 10 to February 15 through April 26. This measure is compliant with the Atlantic States Marine Fisheries Commission's Amendment 7 to the *Interstate Fishery Management Plan for Atlantic Striped Bass* and it will result in no change to Delaware's commercial striped bass quota. The Department finds it necessary to adopt these measures pursuant to 7 *Del.C.* §903(h) and implement the revisions prior to the commencement of the 2024 anchor gill new season. Furthermore, under the procedures set forth in 29 *Del.C.* §10119, I find it necessary to enact these management measure to ensure the welfare of the commercial striped bass fishery.

EFFECTIVE DATE OF ORDER


This Emergency Order shall take effect February 15, 2024, and shall remain in effect for 120 days. At the expiration of 120 days, the Department may choose to renew this Emergency Order once for a period not exceeding 60 days, consistent with 29 *Del.C.* §10119(3).

PETITION FOR RECOMMENDATIONS

The Department will receive, consider, and respond to petitions by any interested person for recommendations or revisions of this Order. Petitions should be presented to the Fisheries Section, Division of Fish & Wildlife, 89 Kings Highway, Dover, DE 19901.

ORDER

It is hereby ordered, this 1st day of December, 2023 that the above referenced amendments to 7 DE Admin. Code 3505 Striped Bass Commercial Fishing Seasons; Quotas; Tagging and Reporting Requirements, copies of which are hereby attached, are adopted pursuant to 7 *Del.C.* §903(h) according to the procedures of 29 *Del.C.* §10119 and supported by the evidence contained herein.



For Shawn M. Garvin
Secretary