



STATE OF DELAWARE
**DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL**
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3550 Cobia (*Rachycentron canadum*)

Secretary's Order No.: 2025-F-0019

RE: Approving Final Regulation, pursuant to 7 *Del.C.* § 903(e)(2)a.1, to Amend 7 DE Admin. Code 3550 Cobia (*Rachycentron canadum*)

Date of Issuance: June 16, 2025

Effective Date of the Amendment: 48 hours following publication of this Secretary's Order and regulation on the Department's website: <https://de.gov/dnrecorders>

Under the authority vested in the Secretary of the Department of Natural Resources and Environmental Control ("Department" or "DNREC"), pursuant to 7 *Del.C.* §903(e)(2)a.1, and all other relevant statutory authority, the following findings of fact based on the record, reasons and conclusions are entered as an Order of the Secretary in the above-referenced regulatory amendment.

Notwithstanding 29 *Del.C.* Ch. 101 (which sets forth the standardized procedures whereby a state agency shall promulgate regulations), the Department also has the statutory authority under 7 *Del.C.* §903(e)(2)a.1 to promulgate certain regulations in order to adopt a specified management measure for finfish, subject to 7 *Del.C.* Ch.9, *Finfishing in Tidal Waters*, by the issuance of a Secretary's Order. The Department is allowed to follow this abbreviated regulatory promulgation process only in instances where the management measures are specified by, and ensures compliance or maintains consistency with, a fisheries management plan or rule established by the Atlantic States Marine Fisheries Commission ("ASMFC"), the *Atlantic Coastal Fisheries Cooperative Management Act*, the Mid-Atlantic Fishery Management Council, or the National Marine Fisheries Service.

Whenever the Department promulgates a regulation pursuant to 7 *Del.C.* §903(e)(2)a.1, it shall also (1) publish on its website a public notice with a copy of the Secretary's Order and final regulation that implements the specific management measure; and (2) file the Secretary's Order and regulation that implements the specified management measure in the next available issue of the *Delaware Register of*

Regulations. The final regulation becomes effective 48 hours after the Department has published the aforementioned public notice on its website, as mandated by 7 *Del.C.* § 903(e)(2)a.2.

Background, Procedural History and Findings of Fact

This order amends 7 DE Admin. Code 3550 *Cobia (Rachycentron canadum)* as part of an effort to reduce Cobia mortality in the recreational and commercial fisheries by adopting management measures approved by the ASMFC Coastal Pelagics Management Board (“Board”). Specifically, this amendment adjusts the recreational daily possession limit to align with the requirements of ASMFC Addendum II to Amendment 1 of the Atlantic Cobia Interstate Fishery Management Plan (“FMP”).

The Board determined that the Northern Cobia Management Region, which includes Delaware, was likely to exceed its target Cobia harvest in 2025 unless management action was taken to reduce harvest. In response, Delaware implemented an increase to the minimum possession size for Cobia from —37 to 43 inches—for both recreational and commercial fishermen, effective February 25, 2025. At that time, based on the prevailing interpretation of Addendum II, Delaware also increased the recreational daily possession limit from one to two Cobia, applying the changes to both individuals and vessels.

Subsequently, ASMFC clarified that Addendum II to the FMP increases in the recreational vessel possession limit to two Cobia while that the recreational individual daily possession limit remained unchanged, at one Cobia. Accordingly, this Order therefore revises Delaware’s recreational individual daily possession limit from two Cobia to one, consistent with ASMFC guidance.

In combination with the increased minimum size limit and the seasonal restrictions on harvest for non-*de minimis* states (NC, VA, and MD), the one Cobia possession limit is anticipated to reduce harvest for the region by over 20% in 2025 and 2026. This amendment is necessary to maintain Delaware’s compliance with ASMFC Addendum II to Amendment 1 of the Atlantic Cobia Interstate FMP.

The Department has the statutory basis and legal authority to act with regard to promulgation of the proposed amendment to 7 DE Admin. Code 3550 *Cobia (Rachycentron canadum)* pursuant to 7 *Del.C.* §§ 901 (c & d) and 903(e)(2)a.1.

ORDER

In accordance with 7 *Del.C.* § 903(e)(2)a.1, it is hereby ordered, this 16th day of June, 2025 that the above referenced amendments to 7 DE Admin. Code 3550 *Cobia (Rachycentron canadum)*, a copy of which is hereby attached, are supported by the evidence contained herein and are hereby adopted. The above referenced amendment shall take effect 48 hours following publication of this Secretary's Order and regulation on the Department's website in accordance with 7 *Del.C.* § 903(e)(2)a.2.



Gregory Patterson
Secretary