



STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES  
AND ENVIRONMENTAL CONTROL  
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OFFICE OF THE  
SECRETARY

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**Secretary's Order No.: 2025-F-0024**

**RE: Approving Final Regulation, pursuant to 7 Del. C. §903(e)(2)a.1, to Amend 7 DE Admin. Code 3500: *Tidal Finfish*, adding new section 3517 *Spot***

**Date of Issuance: September 21, 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 creates a new section, 3517 *Spot*, amending 7 DE Admin. Code 3500: *Tidal Finfish*, as part of an effort to reduce *Spot* mortality in the recreational fishery by adopting a specified management measure approved by the ASMFC Sciaenid Management Board (“Board”). This action is necessary for Delaware to remain compliant with ASMFC Addendum III to the Omnibus Amendment for *Spot*, Spotted Seatrout, and Spanish Mackerel to the Fishery Management Plan for *Spot* (“FMP”).

At its August 5, 2025, meeting, the Board removed Delaware’s recreational *de minimis* status because Delaware recreational *Spot* landings exceeded the *Spot de minimis* threshold for five consecutive years. As a result, the FMP requires Delaware to implement the recreational 50 *Spot* possession limit as soon as possible.

The new Regulation establishes a daily possession limit of fifty (50) *Spot* that may be legally possessed by a recreational angler. Vessels with more than one angler onboard may possess up to fifty (50) *Spot* per angler, not to exceed the total number of anglers multiplied by fifty (50). Licensed Delaware fishing guides, charter boats, and head boats, may possess more than fifty (50) *Spot* between the license holder’s business location and their residence. These exceptions to the fifty (50) *Spot* provide flexibility for for-hire operations and multi-passenger vessels to maintain live *Spot* for use as bait, while ensuring that overall recreational harvest remains consistent with the management measure approved by the Board.

The Department has the statutory basis and legal authority to act with regard to promulgation of the proposed amendments to 7 DE Admin. Code 3500: *Tidal Finfish* by adding new section 3517 *Spot* 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 21st day of September, 2025 that the above referenced amendments to 7 DE Admin. Code 3500: *Tidal Finfish* by adding new section 3517 *Spot*, 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.

  
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Gregory Patterson  
Secretary