

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF FISH AND WILDLIFE

Statutory Authority: 7 Delaware Code Section 903(e)(2)a.1 (7 Del.C. §903(e)(2)a.1)
7 DE Admin. Code 3502-3507

FINAL

ORDER

3502-3507 Bass (Striped Bass; Black Sea Bass)

Secretary's Order No.: 2026-F-0005

RE: Approving Final Regulation, pursuant to 7 Del.C. §903(e)(2)a.1, to Amend 7 DE Admin. Code 3507: Black Sea Bass Size Limit; Trip Limits, Seasons; Quotas

Date of Issuance: April 12, 2026

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 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 ("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

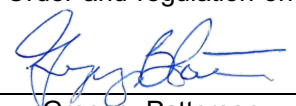
This order amends 7 DE Admin. Code 3507: *Black Sea Bass Size Limit; Trip Limits, Seasons; Quotas* to liberalize Black Sea Bass recreational fishery regulations by adopting specified management measures approved by the ASMFC's Summer Flounder, Scup, and Black Sea Bass Board ("Board") at its March 5, 2026, meeting. Specifically, this amendment extends the recreational open season by moving opening day from May 15 to May 1, eliminates the 9-day in-season closure, and reduces the legal minimum size from 13 inches to 12.5 inches. This order is necessary to keep Delaware compliant with the ASMFC Addendum XXXIV to the *Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan: Harvest Control Rule for Recreational Management of Summer Flounder, Scup, Black Sea Bass, and Bluefish*.

The "Council" and the Board met jointly on August 12, 2025, to set the 2026 and 2027 Black Sea Bass specifications. During that meeting, the Council and Board reviewed the 2025 management track assessment, which found that Black Sea Bass was not overfished, and overfishing was not occurring in 2024. The spawning stock biomass was estimated to be about 2.84 times the biomass target. The Council and Board approved an Acceptable Biological Catch of 21.34 million pounds for both 2026 and 2027, which resulted in a Recreational Harvest Limit (RHL) of 8.14 million pounds, representing a 30% increase over the 2025 RHL. This increase in the RHL led the Council and Board to approve liberalizing recreational regulations for the entire management unit by 20% for 2026 and 2027. The Southern Black Sea Bass Management Region of the management unit, which includes Delaware, was limited by the Board to 16.5% liberalization at its February 4, 2026 meeting. At the March 5, 2026 meeting, the Board agreed that the proposed management measures in this action for 2026 and 2027 will keep the region's liberalization below that level.

The Department has the statutory basis and legal authority to act with regard to promulgation of the proposed amendments to 7 DE Admin. Code 3507: *Black Sea Bass Size Limit; Trip Limits, Seasons; Quotas* pursuant to 7 Del.C. §§901 (c & d) and 903(e)(2)a.1. This specific management measure is required by the Board's action taken on March 5, 2026.

ORDER

In accordance with 7 Del.C. §903(e)(2)a.1, it is hereby ordered, this 12th day of April, 2026 that the above referenced amendments to 7 DE Admin. Code 3507: *Black Sea Bass Size Limit; Trip Limits, Seasons; Quotas*, 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