

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 3516

FINAL

ORDER

3516 Bluefish

Secretary's Order No.: 2026-F-0010

RE: Approving Final Regulation, pursuant to 7 Del.C. §903(e)(2)a.1, to Amend 7 DE Admin. Code 3516 Bluefish Possession Limits

Date of Issuance: May 17, 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 3516 - *Bluefish Possession Limits* to liberalize Bluefish recreational fishery regulations by adopting specified management measures approved by the Mid-Atlantic Fishery Management Council ("Council") and ASMFC's Bluefish Management Board ("Board"). Specifically, this amendment increases the possession limit from three to five Bluefish for private anglers and from five to seven Bluefish for for-hire anglers. This order is necessary to keep Delaware compliant with the ASMFC Addendum III to the Bluefish Fishery Management Plan: *The Recreational Measures Setting Process for 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 Bluefish specifications. During that meeting, the Council and Board reviewed the 2025 management track assessment, which found that Bluefish overfishing was not occurring, and while the stock was not overfished, it has not yet fully rebuilt to the biomass target reference point. Although spawning stock biomass was estimated to be about 89% of the biomass target in 2024, it was projected to reach a rebuilt status in 2025 and reach the management target by 2027. The Council and Board adopted a recreational harvest limit ("RHL") of 22.02 million pounds for 2026, and a RHL of 22.50 million pounds for 2027. Compared to 2025, these values represent an increase of approximately 40% for the RHL. This increase in the RHL led the Council and Board to approve liberalizing recreational daily possession limit regulations for 2026 and 2027 from three to five Bluefish for private anglers and from five to seven Bluefish for for-hire anglers.

The Department has the statutory basis and legal authority to act with regard to promulgation of the proposed amendments to 7 DE Admin. Code 3516 - *Bluefish Possession Limits* 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 August 12, 2025.

ORDER

In accordance with 7 Del.C. §903(e)(2)a.1, it is hereby ordered, this 17th day of May, 2026 that the above referenced amendments to 7 DE Admin. Code 3516 Bluefish Possession Limits, 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