



START ACTION NOTICE (SAN)

SAN # 2023-10

DOCKET # 2023-R-F-0020

1. TYPE OF ACTION AND THE REGULATION NUMBER AND NAME:

This action proposes to amend **7 DE Admin. Code 3755 Lobsters (*Homarus americanus*)**.

2. PURPOSE OF ACTION:

This action is being proposed to comply with the Atlantic States Marine Fisheries Commission's Addendum XXIX to Amendment 3 to the American Lobster Fishery Management Plan, which requires all vessels with federal lobster permits to install and maintain an electronic tracking device that will transmit location data while the vessel is in the water. The FMP is requiring the electronic trackers because the trackers are now required by a NOAA Fisheries federal regulation intended to reduce interactions between fishing boats and gear and the endangered North Atlantic Right Whale.

3. STATUTORY BASIS:

7 Del. C. § 1902

4. IS THIS PROPOSED REGULATORY ACTION REQUIRED AS A RESULT OF FEDERAL STATUTE OR REGULATION? IF SO, PROVIDE LINK TO FEDERAL MANDATE.

Yes, compliance with Atlantic States Marine Fisheries Commission fishery management plans is required by the Atlantic Coastal Fisheries Cooperative Management Act, CFR Title 50 Chapter VI Part 697 (<https://www.ecfr.gov/current/title-50/chapter-VI/part-697>).

5. DATE OF MOST RECENT AMENDMENT/REVIEW (please indicate if review was pursuant to 29 Del.C. §10407):

The Lobster Regulation was last amended on September 11, 2019.

6. LIKELY AFFECTED PUBLIC:

Lobster harvesters who have federal lobster pot permits.

7. PROPOSED SCHEDULE OF ACTIVITIES:

Register Notice publication – December 2023

Public hearing – December 2023/January 2024

Effective date – March 2024

8. REVIEW COMMITTEE:

Council on Shell Fisheries

9. RESPONSIBLE STAFF MEMBER (name, physical address, phone number and e-mail address):

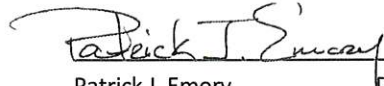
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10. APPROVALS:

 10/5/2023

John H. Clark Date
Responsible Staff Member

 10/5/2023

Patrick J. Emory Date
Director, Division of Fish and Wildlife

 10/17/23

Shawn M. Garvin Date
Secretary

September 2021