



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: 2020-F-0002

Pursuant to 7 Del.C. §903(h) and 29 Del.C. §10119

AUTHORITY

Pursuant to 7 Del.C. §903(h) and 29 Del.C. §10119, the Department of Natural Resources and Environmental Control is adopting amendments to Tidal Finfish Regulation 7 DE Admin. Code 3503 Striped Bass Recreational Fishing Seasons; Methods of Take; Creel Limit; Possession Limit and to 7 DE Admin. Code 3504 Striped Bass Possession Size Limit; Exceptions. 7 Del.C. §903(h) authorizes the Department to adopt emergency regulations involving finfish subject to Chapter 9, and in accordance with the procedures set forth in 29 Del.C. §10119.

REASON FOR THE EMERGENCY ORDER

The mandatory provisions of the Atlantic States Fisheries Commission's (ASMFC's) Addendum VI to Amendment 6 to the Atlantic Striped Bass Interstate Fishery Management Plan requires a coastwide 18% reduction in striped bass removals (landings + discard mortality). The ASMFC adopted specific, prescribed coastwide management measures to meet the required 18% reduction, but these measures are not preferred for Delaware.

The Department has developed two management alternatives that, if implemented by the Department, would be equivalent to the specific coastwide management measures in Addendum VI. One alternative (Option 1) provides a recreational possession limit of one striped bass and an allowable striped bass size limit of not less than 28-inches or more than 35-inches in total length; except, in the Delaware Bay, Delaware River and their tributaries during July and August, the allowable size limit is not less than 20-inches or greater than 25-inches. Delaware's authorized commercial striped bass quota is established as 142,474 pounds. The result of Option 1 measures a 1.8% reduction in commercial removals and a 20.4% reduction in recreational removals.

The other alternative (Option 2) provides a recreational possession limit of one striped bass and an allowable striped bass size limit of not less than 28-inches or more than 38-inches in total length; except, in the Delaware Bay, Delaware River and their tributaries during July and August, the allowable size limit is not less than 20-inches or greater than 25-inches. Delaware's authorized commercial striped bass quota would be 118,969 pounds. The result of Option 2 measures an 18% reduction in commercial removals and an 18.18% reduction in recreational removals.

The ASMFC's Striped Bass Management Board approved both alternatives for use at their February 4, 2020 meeting; however, there is insufficient time to promulgate regulations for either alternative through standard administrative procedures by the required April 1, 2020 implementation date. There is also a need to implement management measures by the February 15, 2020 opening of Delaware's commercial striped bass fishery to avoid jeopardizing the welfare of the striped bass resource and its dependent commercial and recreational fisheries.

The Department is implementing the management alternative preferred by Delaware's Advisory Council on Tidal Finfisheries (Option 1) through this Emergency Order, until both alternatives are vetted through standard administrative procedures.

This order establishes measures that are compliant with Addendum VI and are expected to reduce Delaware's total striped bass removals by 18.4% relative to 2017. Adoption of these measures by the February 15, 2020 opening of Delaware's commercial striped bass fishery through the provisions of 7 *Del.C.* §903(h) and by the procedures set forth in 29 *Del.C.* §10119, is necessary to ensure the welfare of the striped bass resource and its dependent commercial and recreational fisheries.

EFFECTIVE DATE OF ORDER

This Emergency Order shall take effect February 15, 2020 and shall remain in effect for 120 days. At the expiration of 120 days, the Department may choose to renew this Emergency Order once for a period not exceeding 60 days, consistent with 29 *Del.C.* §10119(3).

PETITION FOR RECOMMENDATIONS

The Department will receive, consider, and respond to petitions by any interested person for recommendations or revisions of this Order. Petitions should be presented to the Fisheries Section, Division of Fish & Wildlife, 89 Kings Highway, Dover, DE 19901.

ORDER

It is hereby ordered, this 12th day of February, 2020, that the above referenced amendments to 7 DE Admin. Code 3503 Striped Bass Recreational Fishing Seasons; Methods of Take; Creel Limit; Possession Limit and 7 DE Admin. Code 3504 Striped Bass Possession Size Limit; Exceptions, copies of which are hereby attached, are adopted pursuant to 7 *Del.C.* §903(h) according to the procedures of 29 *Del.C.* §10119 and supported by the evidence contained herein.


Shawn M. Garvin
Secretary