



STATE OF DELAWARE  
**DEPARTMENT OF NATURAL RESOURCES AND  
ENVIRONMENTAL CONTROL**

RICHARDSON & ROBBINS BUILDING  
89 KINGS HIGHWAY  
DOVER, DELAWARE 19901

OFFICE OF THE  
SECRETARY

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**EMERGENCY SECRETARY'S ORDER**

**Pursuant to Paragraph F of the Governor's Sixth Modification of the Declaration of a State of  
Emergency for the State of Delaware Due to a Public Health Threat, and pursuant to  
7 Del.C. §903(h) and 29 Del.C. §10119**

**Order No: 2020-FW-0011**

**7 DE Admin. Code 3505: *Striped Bass Commercial Fishing Seasons;  
Quotas; Tagging and Reporting Requirements***

**AUTHORITY**

Pursuant to Paragraph F of the Governor's Sixth Modification of the Declaration of a State of Emergency for the State of Delaware Due to a Public Health Threat ("Governor's Emergency Declaration"), and pursuant to 7 Del.C. §903(h) and 29 Del.C. §10119, the Department of Natural Resources and Environmental Control ("Department") is adopting emergency regulatory amendments to 7 DE Admin. Code 3505: *Striped Bass Commercial Fishing Seasons; Quotas; Tagging and Reporting Requirements*. Paragraph F of the Governor's Emergency Declaration authorizes the Secretary of the Department to adopt an Emergency Order "to respond to COVID-19 concerns that implicate the natural resources of the State of Delaware." Additionally, 29 Del.C. §10119 authorizes the Department to adopt emergency regulations where an agency determines that an imminent peril to the public health, safety or welfare requires the amendment of a regulation with less than the notice required by 29 Del.C. §10115. Moreover, 7 Del.C. §903(h) authorizes the Department to adopt emergency regulations when such regulations are necessary to deal with an actual or imminent public health threat or danger to a fishing resource or habitat involving finfish.

## REASON FOR THE EMERGENCY ORDER

The mandatory business closures resulting from the national efforts to contain the COVID-19 pandemic have led to a huge decline in demand for seafood, including Striped Bass from Delaware's spring commercial fishery. Delaware's commercial spring Striped Bass fishery regulations require eligible commercial fishermen to register for the fishery and either pick up their harvest tags, which indicates that they will fish their own quota, or transfer their Striped Bass quota and associated harvest tags to another registered fishermen prior to receiving their harvest tags. Some fishermen who had picked up their harvest tags intending to fish their quotas found that the collapse of the seafood market left them with no alternatives for selling their harvest, thus they have not fished. While some fishermen who intended to fish have not done so due to the market collapse, other Striped Bass fishermen have successfully found new markets for their harvest and now would like more quota. Given these extraordinary circumstances for Delaware's commercial Striped Bass fishermen caused by the COVID-19 pandemic, the Department will allow those fishermen who had already picked up their quota and harvest tags to transfer their quotas and harvest tags to another eligible commercial fisherman through this Emergency Order. Adoption of this Emergency Order is necessary to ensure the welfare of the Striped Bass resource and its dependent commercial fisheries.

## EFFECTIVE DATE OF ORDER

It is hereby ordered, that 7 DE Admin. Code 3505: *Striped Bass Commercial Fishing Seasons; Quotas; Tagging and Reporting Requirements*, specifically, Section 7.0, which concerns the transfer of Striped Bass harvest tags, is temporarily modified as shown by strikethrough and underline as follows:

7.0 It is lawful for a commercial food fisherman who is authorized to be issued Striped Bass harvest tags by the Department to transfer said tags to another commercial food fisherman, provided ~~said transfer is made prior to said tags being issued by the Department. the~~ Department is notified of the transfer on a form provided by the Department prior to the transfer. The transferee will be responsible for reporting the transferred quota and accounting for the transferred harvest tags.

This Emergency Order shall take effect immediately upon the signing of this Order 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 13th day of April, 2020, that the above referenced amendment to 7 DE Admin. Code 3505: *Striped Bass Commercial Fishing Seasons; Quotas; Tagging and Reporting Requirements*, a copy of which is hereby attached, is adopted, pursuant to the Governor's Emergency Declaration, 7 *Del.C.* §903(h), and 29 *Del.C.* §10119, as referenced above, and supported by the evidence contained herein.



Shawn M. Garvin  
Secretary