

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
DIVISION OF FISH AND WILDLIFE
Statutory Authority: 7 Delaware Code, Sections 903(e)(2) (7 Del.C. §§903(e)(2))

PROPOSED

REGISTER NOTICE
SAN# 2005-07

1. Title Of The Regulations:

Tidal Finfish Regulation 3512 Winter Flounder Size Limit; Possession Limit; Seasons. (Formerly Tidal Finfish Reg. 20)

2. Brief Synopsis Of The Subject, Substance And Issues:

The Atlantic States Marine Fisheries Commission recently approved Amendment 1 to the Interstate Fishery Management Plan for inshore Stocks of Winter Flounder. In order to come into compliance with this amendment, this proposed regulation would raise the minimum size for winter flounder (*Pseudopleuronectes americanus*) from 10 inches to 12 inches, total length and would establish a possession limit of 10 winter flounder per day (a day being 24 hours) for recreational fisherman. The above referenced plan also requires that the open season for recreational fishing be no longer than 60 days and that at least 20 continuous days must be closed in the months of March and April. Therefore it is proposed that:

Option 1 (Preferred) - It shall be unlawful for any recreational fisherman to take and reduce to possession any winter flounder before 12:01 AM February 11 or after midnight April 10 in any given calendar year.

Option 2 - It shall be unlawful for any recreational fisherman to take and reduce to possession any winter flounder before 12:01 AM February 11 or after midnight April 30 in any given calendar year. Further, it shall be unlawful for any recreational fisherman to take and reduce to possession any winter flounder between 12:01 AM March 1 and 12:00 midnight March 20 in any given calendar year.

Other options for an open fishing season may be considered as long as they include the required 20-day closure during the months of March and April and a 60-day open season.

3. Possible Terms Of The Agency Action:

N/A

4. Statutory Basis Or Legal Authority To Act:

§903(e)(2)a of 7 Del.C.

5. Other Regulations That May Be Affected By The Proposal:

N/A

6. Notice Of Public Comment:

Individuals may present their opinions and evidence and/or request additional information by writing or calling or visiting the Fisheries Section, Division of Fish and Wildlife, 89 Kings Highway, Dover, Delaware 19901, (302) 739-3441. A public hearing on this proposed amendment will be held at the Department of Natural Resources and Environmental Control Auditorium, 89 Kings Highway, Dover, DE at 7:30 PM on April 27, 2005. The record will remain open for written or e-mail comments to roy.miller@state.de.us until 4:40 PM May 2, 2005.

3512 Winter Flounder Size Limit; Possession Limit; Seasons (Formerly-Tidal Finfish Reg. 20)

(Penalty Section 7 Del.C. §936(b)(2))

1.0 It shall be unlawful for any person to possess any winter flounder, (*Pseudopleuronectes* ~~*Pleuronectes*~~ *americanus*), that measure less than twelve (12) ~~ten (10)~~ inches, total length.

2.0 It shall be unlawful for any recreational fisherman to have in possession more than ten (10) winter flounder per day (a day being 24 hours) at or between the place where said winter flounder were caught and said recreational fisherman's personal abode or temporary or transient place of lodging.

3.0 Option 1 (Preferred). It shall be unlawful for any recreational fisherman to take and reduce to possession any winter flounder before 12:01 AM February 11 or after midnight April 10 in any given calendar year.

Option 2 It shall be unlawful for any recreational fisherman to take and reduce to possession any winter flounder before 12:01 AM February 11 or after midnight April 30 in any given calendar year. Further, it shall be unlawful for any recreational fisherman to take and reduce to possession any winter flounder between 12:01 AM March 1 and 12:00 midnight March 20 in any given calendar year.

Other options for an open fishing season may be considered as long as they include a 20-day closure during the months of March and April and a 60 day open season as required for compliance with Amendment 1 to the Atlantic States Marine Fisheries Commission Winter Flounder Management Plan.

8 DE Reg. 1412 (4/1/05)