

# DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

## DIVISION OF FISH AND WILDLIFE

Statutory Authority: 7 Delaware Code, Sections 901(c) & (d); 903(e)(2)a

(7 Del.C., §§901(c) & (d); 903(e)(2)a)

7 DE Admin. Code 3518

### PROPOSED

#### REGISTER NOTICE #2013 - 22

#### 3518 Black Drum Size Limit; Possession Limit; Landing Limit; Dealer Limit

**1. TITLE OF THE REGULATION:**

3518 Black Drum Size Limit; Possession Limit; Landing Limit; Dealer Limit

**2. BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUE:**

The Atlantic States Marine Fisheries Commission approved an Interstate Fishery Management Plan (FMP) for Black Drum in May 2013. The plan was initiated to address a significant increase in harvest in the commercial and recreational fisheries. The FMP requires all states to maintain current regulations for black drum and ultimately adopt a coastwide minimum size limit of at least 14 inches by January 1, 2016. Delaware's current regulations include a 16-inch minimum size limit and a 3 fish recreational size limit. However, these measures as well as Delaware's commercial fishery management measures only apply to the Delaware River and Delaware Bay. Therefore, in support of the spirit of the FMP, the present action seeks to expand the applicability of Delaware's current restrictions statewide (to include all tidal waters of state). Such action will ensure compliance with the new FMP until modified through amendment or addendum.

**3. POSSIBLE TERMS OF THE AGENCY ACTION:**

None.

**4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:**

7 Del.C. §901 (c) & (d); §903 (e)(2)a

**5. LIST OF OTHER REGULATIONS THAT MAY BE IMPACTED OR AFFECTED BY THE PROPOSAL:**

N/A

**6. NOTICE OF PUBLIC COMMENT:**

The hearing record on proposed amendments to 3518 Black Drum Size Limit; Possession Limit; Landing Limit; Dealer Limit will be open September 1, 2013. Individuals may submit written comments regarding the proposed changes via e-mail to Lisa.Vest@state.de.us or via the USPS to Lisa Vest, Hearing Officer, DNREC, 89 Kings Highway, Dover, DE 19901 (302) 739-9042. A public hearing on the proposed amendment will be held on September 30, 2013 beginning at 6:00 pm in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901.

**7. PREPARED BY:**

Stewart Michels Stewart.Michels@state.de.us (302) 739-9914

David E. Saveikis, Director

#### 3518 Black Drum Size Limit; Possession Limit; Landing Limit; Dealer Limit

(Penalty Section 7 Del.C. §936(b)(2))

4.0 Definition

~~The following words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:~~

~~"Delaware Estuary" means all those tidal waters located within an area to the north of a straight line drawn between Cape May Point, New Jersey and Cape Henlopen, Delaware, but not including the tributaries of the Delaware River and Delaware Bay.~~

21.0 Size limit

~~It shall be unlawful for a person to possess a black drum (Pogonias cromis) taken from the Delaware Estuary that measures less than sixteen (16) inches, total length.~~

32.0 Possession Limits

32.1 It shall be unlawful for a recreational fisherman to take and reduce to possession more than three (3) black drum per day (a day being 24 hours) ~~from the Delaware Estuary.~~

32.2 It shall be unlawful for a commercial fisherman or a vessel, regardless of the number of licensed commercial fishermen onboard that vessel, to possess or land more than 10,000 pounds of black drum ~~taken from the Delaware Estuary~~ in any one (1) day.

43.0 Landing Limit

It shall be unlawful for a commercial fisherman to sell, trade or barter or attempt to sell, trade or barter black drum or parts of black drum ~~that are landed from the Delaware Estuary in this State~~ after a date when the Department has determined or projected that 65,000 pounds of black drum have been or will be landed in this State ~~from the Delaware Estuary~~ by the commercial fishery in a calendar year.

54.0 Dealer limit

It shall be unlawful for a food fish dealer to accept from a commercial fisherman or a vessel more than 10,000 pounds of black drum ~~harvested from the Delaware Estuary~~ in any one (1) day.

**13 DE Reg. 1352 (04/01/10)**

**17 DE Reg. 304 (09/01/13) (Prop.)**