

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL
CONTROL**

DIVISION OF FISH AND WILDLIFE

Statutory Authority: 7 Delaware Code, Section 903(e)(2)(a), (7 Del.C. §903(e)(2)(a))
7 DE Admin. Code 3553

PROPOSED

PUBLIC NOTICE

START ACTION NOTICE #2007-18

1. TYPE OF ACTION:

Amend Tidal Finfish Regulation 3553. River Herring Creel Limit

2. PURPOSE OF ACTION:

The stocks of blueback herring (*Alosa aestivalis*) and alewife (*Alosa pseudoharengus*), both commonly referred to as river herring, are currently in steep decline throughout the Atlantic coast. Concern over the status of these stocks has prompted four states to close their river herring fisheries entirely. A significant harvest by recreational fishermen has recently developed in the spawning areas where river herring concentrate (at the base of spillways and dams) and are easily exploited. Most are captured using nets and transported alive to use as live bait for striped bass. The current regulation is insufficient to protect remaining stocks of river herring from over-exploitation and is difficult to enforce. The existing regulation is a possession limit that allows for multiple trips per day with no daily cap on landings. We are proposing to amend the current regulation from a possession limit to a daily creel (harvest) limit, and to reduce that limit from 25 river herring per person to 10 fish per person per day. This action would be consistent with the intent of the current Fisheries Management Plan for Shad and River Herring, and should protect stocks from overfishing until new requirements are adopted by the Atlantic States Marine Fisheries Commission Management Board for Shad and River Herring. River herring are currently managed under Amendment 1 to the Fisheries Management Plan and Technical Addendum #1 with the goal to protect, enhance, and restore East Coast migratory spawning stocks of shad and river herring to achieve stock restoration and maintain sustainable levels of spawning stock biomass. One of the stated objectives in the Plan is to prevent increases in fishing mortality by maintaining existing or implement more conservative regulations for hickory shad and river herring fisheries.

3. STATUTORY BASIS:

7 Delaware Code §903(e)(2)(a), and Chapter 15.

4. LIKELY AFFECTED PUBLIC:

Recreational fishermen

5. PROPOSED SCHEDULE OF ACTIVITIES:

Public hearing – January 24, 2008, 7:00 p.m. at the Univ. of DE, CMS, Lewes, DE
Effective date – March 2008

6. REVIEW COMMITTEE:

Advisory Council on Tidal Finfisheries

7. RESPONSIBLE STAFF MEMBER:

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8. APPROVALS:

Responsible Staff Member Date

Division Director Date

3553 River Herring Creel Limit

(Penalty Section 7 **Del.C.** 936(b)(2))

Unless otherwise authorized, it shall be unlawful for any person to have in possession, except a person with a valid Delaware commercial food fishing license, more than ~~twenty five (25)~~ **ten (10)** blueback herring and/or alewife (*Alosa aestivalis* and/or *Alosa pseudoharengus*), collectively known as river herring, ~~at or between the place caught and his/her personal abode or temporary or transient place of lodging;~~ or unless said person has a valid bill-of-sale or receipt for said river herring that indicates the date said river herring were received, the number of said river herring received and the name, address and signature of the commercial food fisherman who legally caught said river herring; or a bill-of-sale or receipt from a person who is a licensed retailer and legally obtained said river herring for resale.

8 DE Reg. 1315 (03/01/05)

11 DE Reg. 899 (01/01/08) (Prop.)