

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF FISH AND WILDLIFE

Statutory Authority: 7 Delaware Code, Chapter 60; (7 Del.C., Ch. 60)

PROPOSED

REGISTER NOTICE #2012-02

3552 Spanish Mackerel Size Limit and Creel Limit

1. TITLE OF THE REGULATIONS:

3552 Spanish Mackerel Size Limit and Creel Limit

2. BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

Spanish mackerel (*Scomberomorus maculates*) are managed under the Omnibus Amendment to the Interstate Fishery Management Plans for Spanish Mackerel, Spot and Spotted Seatrout. The primary goal of the Omnibus Amendment is to bring the fishery management plans for Spanish mackerel, spot, and spotted seatrout under the authority of the Atlantic Coastal Fisheries Cooperative Management Act (1993), providing for more efficient and effective management and changes to management for the future.

In support of the goal, the following objectives were identified for Spanish mackerel:

1. Manage the Spanish mackerel fishery by restricting fishing mortality to rates below the threshold fishing mortality rates to provide adequate spawning potential to sustain longterm abundance of the Spanish mackerel populations.
2. Manage the Spanish mackerel stock to maintain the spawning stock biomass above the target biomass levels.
3. Minimize endangered species by catch in the Spanish mackerel fishery.
4. Provide a flexible management system that coordinates management activities between state and federal waters to promote complementary regulations throughout Spanish mackerel's range which minimizes regulatory delay while retaining substantial ASMFC, Council, and public input into management decisions; and which can adapt to changes in resource abundance, new scientific information and changes in fishing patterns among user groups or by area.
5. Develop research priorities that will further refine the Spanish mackerel management program to maximize the biological, social, and economic benefits derived from the Spanish mackerel population.

Consistent with these objectives and the goal of the Omnibus Amendment, Delaware must adopt for its recreational Spanish mackerel fishery: a 12" fork length (FL) or 14" total length (TL) minimum size limit; a 15 fish creel limit; and require that all Spanish mackerel be landed with head and fins intact. In addition, Delaware must establish for its commercial fishery a 12" fork length (FL) or 14" total length (TL) minimum size limit and a trip limit (per vessel, per day) of 3,500 lbs.

3. POSSIBLE TERMS OF THE AGENCY ACTION:

N/A

4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

§901(c & d), § 903(e) (2)a, Title 7 Delaware Code

5. OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:

N/A

6. NOTICE OF PUBLIC COMMENT:

The hearing record on the proposed changes to the Spanish mackerel regulation will be open March 1, 2012. 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 April 19, 2012 beginning at 6 pm in the DNREC Auditorium, located at the Richardson & Robbins Building, 89 Kings Highway, Dover, DE 19901.

7. PREPARED BY:

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David E. Saveikis, Director

3552 Spanish Mackerel Size Limit and Creel Limit Possession Requirements.

(Penalty Section 7 Del.C. §936(b)(2))

- 1.0 Unless otherwise authorized, it shall be unlawful for any person to possess any Spanish mackerel, (*Scomberomorus maculatus*), that measure less than fourteen (14) inches total length.
- 2.0 Unless otherwise authorized, it shall be unlawful for any recreational finfisherman to have in possession more than ~~ten (10)~~ fifteen (15) Spanish mackerel at or between the place caught and his/her personal abode or temporary or transient place of lodging.
- 3.0 Unless otherwise authorized, it shall be unlawful for any recreational finfisherman to possess any Spanish mackerel at or between the place caught and his/her personal abode or temporary or transient place of lodging without the head and fins intact.
- 4.0 Unless otherwise authorized, it shall be unlawful for any commercial finfisherman to possess or land more than 3,500 pounds of Spanish mackerel per vessel, per day.
- 5.0 Unless otherwise authorized, it shall be unlawful for any commercial finfisherman to possess any Spanish mackerel without the head and fins intact prior to selling, trading or bartering said Spanish mackerel.

4 DE Reg 1552 (3/1/01)

15 DE Reg. 1280 (03/02/12) (Prop.)