

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL  
CONTROL**

**DIVISION OF FISH AND WILDLIFE**

Statutory Authority: 7 Delaware Code, Section 2701  
(7 Del.C. §2701)  
7 DE Admin. Code 3214

**PROPOSED**

**REGISTER NOTICE SAN# 2012-21**

**3214 Horseshoe Crab Annual Harvest Limit**

**1. TITLE OF THE REGULATIONS:**

3214 Horseshoe Crab Annual Harvest Limit

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

This action extends the effective date of Delaware's annual horseshoe crab quota allocation through April 30, 2013. This regulatory modification is required for Delaware to be compliant with Addendum VI to the Atlantic State's Marine Fisheries Commission's Interstate Fishery Management Plan for Horseshoe Crab. Addendum VI extends the provisions of Addendum V through April 30, 2013. The addendum prohibits the directed harvest and landing of all horseshoe crabs in Delaware from January 1 through June 7, and female horseshoe crabs from June 8 through December 31. Delaware's annual harvest is restricted to 100,000 male horseshoe crabs per year. If Delaware's annual horseshoe crab quota allocation is exceeded in any calendar year, the overage is deducted from the following year's quota allocation.

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

Delaware is required to comply with specific Fishery Management Plans approved by the Atlantic States Marine Fisheries Commission. Failure to do so could result in complete closure of a specific fishery in Delaware.

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

7 Delaware Code, Chapter 27 §2701 (7 Del. C. §2701)

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

This would represent an amendment to the existing Horseshoe Crab Annual Harvest Limit (No. 3214). No other regulations are affected.

**6. NOTICE OF PUBLIC COMMENT:**

Individuals may present their comments or request additional information by contacting the Fisheries Section, Division of Fish and Wildlife, 89 Kings Highway, Dover, DE 19901, (302) 739-9914. A public hearing on these proposed amendments will be held on November 23, 2010 at 7:00 P.M. in the DNREC Auditorium, 89 Kings Highway, Dover, DE 19901. The record will remain open for written comments until 4:30 PM, November 30, 2010.

**7. PREPARED BY:**

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**3214 Horseshoe Crab Annual Harvest Limit**

(Penalty Section 7 Del.C. §2705(b))

- 1.0 The annual harvest limit for horseshoe crabs taken and/or landed in the State shall be 100,000 male horseshoe crabs for a period of one year beginning ~~January 1, 2009~~ extending from November 1, 2010 through April 30, 2013 or whatever the Atlantic States Marine Fisheries Commission has approved as

~~Delaware's current annual quota, whichever number is less. The annual harvest limit of 100,000 male horseshoe crabs may be extended for a second year if approved by the Atlantic States Marine Fisheries Commission. No female horseshoe crabs may be taken/landed at any time.~~

- 2.0 When the Department has determined that the annual horseshoe crab quota has been met, the Department shall order the horseshoe crab fishery closed and no further horseshoe crabs may be taken during the remainder of the calendar year.

**7 DE Reg. 220 (8/1/03)**

**10 DE Reg. 1029 (12/01/06)**

**11 DE Reg. 685 (11/01/07)**

**12 DE Reg. 975 (01/01/09)**

**14 DE Reg. 406 (11/01/10) (Prop.)**