

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL**

**DIVISION OF FISH AND WILDLIFE**

Statutory Authority: 7 Delaware Code, Section 903(e)(2)a.(3) (7 **Del.C.** §1903(e)(2)a.(3)  
7 **DE Admin. Code** 3512

**PROPOSED**

**REGISTER NOTICE  
SAN #2009-14**

**1. Title of the Regulation:**

Tidal Finfish Regulation No. 3512, Winter Flounder Size Limit; Possession Limit; Seasons

**2. Brief Synopsis of the Subject, Substance and Issues:**

In order to come into compliance with Addendum 1 to Amendment 1 of the Interstate Fishery Management Plan for Inshore Stocks of Winter Flounder as administered by the Atlantic States Marine Fisheries Commission, Delaware must decrease its daily recreational harvest limit and cap daily commercial landings. Specifically, Delaware must reduce its recreational daily harvest limit to two winter flounder per person per day and the daily commercial harvest limit for any commercial fishermen is capped at 50 pounds. No other changes are proposed to the minimum size of winter flounder that may be taken during the open season, or to the allowable recreational harvest season. These changes are considered necessary because the Southern New England/Mid-Atlantic winter flounder stocks are considered to be overfished, and overfishing is still occurring. Winter flounder stocks taken in federal waters or those taken by commercial fishermen in possession of a federal permit are subject to the catch restrictions currently in place for federal waters.

**3. Possible Terms of the Agency Action:**

These changes would go into effect in November, 2009 and remain in effect indefinitely unless changed.

**4. Statutory Basis or Legal Authority to Act:**

§ 903(e)(2)a.(3), 7 Delaware Code

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

This would represent an amendment to the existing Tidal Finfish Regulation (No.3512). No other regulations are affected.

**6. Notice of Public Comment:**

Individuals may address questions to the Fisheries Section, Division of Fish and Wildlife, 89 Kings Highway, Dover, DE 19901 or phone (302)-739-9914. A public hearing on these proposed regulations will be held in the Department of Natural Resources and Environmental Control auditorium at 6:00 PM on Wednesday, September 30, 2009. Individuals may present their opinions and evidence either at the hearing or in writing to Lisa Vest, Hearing Officer, DNREC, 89 Kings Highway, Dover, DE 19901, or via email to Lisa.Vest@state.de.us.

**7. Prepared By:**

Craig A. Shirey                      302-739-9914                      August 4, 2009

**3512 Winter Flounder Size Limit; Possession Limit; Seasons**

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

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

- 2.0 It shall be unlawful for any recreational fisherman to have in possession more than ~~ten (10)~~ two (2) 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 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.
- 4.0 It shall be unlawful for any non-federally licensed commercial fishermen to harvest, land or possess more than 50 pounds of winter flounder per day. Federally licensed commercial fishermen are subject to current federal winter flounder harvest, landing, and possession limits.

**8 DE Reg. 1718 (6/1/05)**

**13 DE Reg. 386 (09/01/09) (Prop.)**