

CHAPTER 196
FORMERLY
HOUSE BILL NO. 180
AS AMENDED BY
HOUSE AMENDMENT NOS. 1 & 2

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO EEL FISHING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend § 1809, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1809. ~~Minimum size limit~~ Department of Natural Resources and Environmental Control; authority; regulations.

~~It shall be unlawful for any person to possess any eel that measures less than 6 inches in total length.~~

(a) The Department of Natural Resources and Environmental Control shall administer and enforce the laws and regulations of this State relating to eel fishing. The Department shall have the authority to cooperate with and assist departments, agencies and offices of this State and other states, local governments, and the federal government in the management and conservation of eels.

(b) The Department of Natural Resources and Environmental Control shall have the authority to promulgate regulations concerning eels in accordance with the Administrative Procedures Act, Chapter 101, Title 29 of the Delaware Code. Eel regulations promulgated by the Department shall be consistent with the adopted Interstate Fishery Management Plan for American Eel. Such regulations may include any of the following:

- (1) Minimum and maximum size limits.
- (2) The quantities of eels that may be taken.
- (3) The periods of time that eels may be taken.
- (4) The areas from which eels may be taken.
- (5) The gear by which eels may be taken.

Section 2. Amend § 1810, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1810. ~~Noncommercial eel fishing.~~

~~It shall be unlawful for any person to possess more than 50 eels, unless said person has been issued a valid commercial eel license or has in that person's possession a valid receipt for said eels from another person who is authorized to catch or take eels for commercial purposes.~~

§ 1810. Temporary limits.

The following limits prescribed by the Atlantic States Marine Fisheries Commission for eel on August 20, 2013 shall be in effect until the Department adopts regulations pursuant to the authority granted in §1809.

- a. Minimum mesh size for eel pots shall not be less than ½ inch by ½ inch.
- b. It shall be unlawful for any person to possess any eel that measures less than 9 inches in total length.
- c. "Commercial eel fishing gear" shall include the following items:
 - (1) A fyke net or hoop net of a diameter not exceeding 30 inches when more than 1 such net is being fished by a person;
 - (2) Eel pots when more than 2 such pots are being fished by a person;
 - (3) Any seine net with a mesh size of less than 1 inch and greater than 100 feet in total length; and
 - (4) A minnow trap when more than 2 such traps are being fished by any person.
- d. "Noncommercial eel fishing gear" shall include the following items:
 - (1) A fyke net or hoop net of a diameter not exceeding 30 inches when only 1 is in use by a person;
 - (2) Eel pots when 2 or less pots are being fished by a person;
 - (3) A seine net less than or equal to 100 feet in length;

(4) A cast net;

(5) A lift net or umbrella net less than or equal to 5 feet in diameter;

(6) A dip net less than or equal to 3 feet in diameter;

(7) Spear, arrow or gigs;

(8) A minnow trap when less than 2 are being fished by a person;

(9) Hooks and lines when an individual places, sets or tends 3 or less separate lines with any 1 line having no more than 3 hooks attached (double and treble hooks counted as 1 hook).

e. It shall be unlawful for any person to possess more than 25 eels, unless said person has been issued a valid commercial eel license or has in that person's possession a valid receipt for said eels from another person who is authorized to catch or take eels for commercial purposes.

Section 3. Amend Chapter 18, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§1811. Quota Management System Implementation.

If a fishery management plan approved by the Atlantic States Marine Fisheries Commission requires the implementation of a quota management system for commercial landings of eel, any regulations adopted by the Department of Natural Resources shall not establish such quota management system, including, but not limited to, requirements associated with setting a statewide quota management system for eels and limitations or conditions on the number or transfer of commercial eel licenses. Any such quota management system required by the Atlantic States Marine Fisheries Commission shall be implemented through legislative action.

Section 4. Amend §1801(a), Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§1801 Definitions.

~~(a) "Commercial eel fishing gear" shall include the following items:~~

~~(1) A fyke net or hoop net of a diameter not exceeding 30 inches when more than 1 such net is being fished by a person;~~

~~(2) Eel pots when more than 2 such pots are being fished by a person;~~

~~(3) Any seine net with a mesh size of less than 1 inch and greater than 100 feet in total length; and~~

~~(4) A minnow trap when more than 2 such traps are being fished by any person.~~

Section 5. Amend §1801(h), Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§1801 Definitions.

~~(h) "Noncommercial eel fishing gear" shall include the following items:~~

~~(1) A fyke net or hoop net of a diameter not exceeding 30 inches when only 1 is in use by a person;~~

~~(2) Eel pots when 2 or less pots are being fished by a person;~~

~~(3) A seine net less than or equal to 100 feet in length;~~

~~(4) A cast net;~~

~~(5) A lift net or umbrella net less than or equal to 5 feet in diameter;~~

~~(6) A dip net less than or equal to 3 feet in diameter;~~

~~(7) Spear, arrow or gigs;~~

~~(8) A minnow trap when less than 2 are being fished by a person;~~

~~(9) Hooks and lines when an individual places, sets or tends 3 or less separate lines with any 1 line having no more than 3 hooks attached (double and treble hooks counted as 1 hook).~~

Section 6. Amend §2901, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2901 Applicability.

The provisions of this chapter shall apply to the fisheries covered by Chapters 9, 18, 19, 21, 23, 24, 25, 26, 27 and 28 of this title which are or become closed to new entrants.

Approved February 02, 2016