

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF FISH AND WILDLIFE

Division of Fish and Wildlife

3500 Tidal Finfish

3536-3564 Equipment and Fishing Gear

3536 Fish Pot Requirements

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

- 1.0 It shall be unlawful for any person to fish, set, place, use or tend any fish pot in the tidal waters of this state unless said fish pot has two escape vents placed in the parlor portion of said pot which complies with one of the following minimum sizes: 1.375 inches by 5.75 inches; or a circular vent 2.5 inches in diameter; or a square vent with sides of 2 inches, inside measure. Pots constructed of wooden lathes must have spacing of at least 1.375 inches between one set of lathes.
- 2.0 It shall be unlawful for any person to fish, set, place, use or tend any fish pot in the tidal waters of this state unless said fish pot contains a panel (ghost panel) measuring at least 3.0 inches by 6.0 inches affixed to said pot with one of the following degradable materials:
 - 2.1 Untreated hemp, jute or cotton string of 3/16 inches diameter or smaller; or
 - 2.2 Magnesium alloy timed float release (pop-up devices) or similar magnesium alloy fasteners; or
 - 2.3 Ungalvanized or uncoated iron wire of 0.094 inches diameter or smaller.
- 3.0 It shall be lawful for a person to take and reduce to possession any food fish, except tautog, black seabass or summer flounder, when said food fish is caught in his/her crab pot provided said food fish is not otherwise illegal to possess at that time.
- 4.0 It shall be lawful for a person to take and reduce to possession any food fish, except tautog, black seabass or summer flounder, when said food fish is caught in his/her blue crab dredge provided said food fish is not otherwise illegal to possess at that time.
- 5.0 It shall be unlawful to take or attempt to take any finfish within the geographic boundaries of any permitted artificial reef site under Delaware jurisdiction by any method other than hook and line or spear. The coordinates of Delaware permitted reef sites are defined in U.S. Army Corps of Engineers permit CENAP-OP-R-200500059-1 and any updated permits subsequently issued and are depicted on NOAA charts 12304 and 12214. An Artificial Reef Guide is also available to the public upon request and on-line.

2 DE Reg. 1905 (04/01/99)

6 DE Reg. 350 (09/01/02)

10 DE Reg. 1035 (12/01/06)

15 DE Reg. 533 (10/01/11)

3561 Areas Closed to Gill Net Fishing.

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

- 1.0 It shall be unlawful for any person to fish with gill nets for food fish in areas described as follows:
 - 1.1 The Assawoman Canal from White Creek to Assawoman Bay;
 - 1.2 Indian River from Millsboro Pond dam to the first Canal marker approximately 1,000 yards down river;

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- 1.3 Masseys Ditch from Canal marker 12 in Rehoboth Bay to a line connecting the southern most part of Middle Island and the nearest point of land to the west;
- 1.4 The Lewes and Rehoboth Canal from Roosevelt Inlet to its entrance into Rehoboth Bay;
- 1.5 The Broadkill River from Roosevelt Inlet to a point up river 1,000 yards;
- 1.6 Mispillion River from the tip of the jetty up river to a line drawn perpendicularly across the Mispillion River from the Mispillion Lighthouse;
- 1.7 Cedar Creek from its entrance to the Mispillion River up river to a point 500 yards south of the Route 36 bridge;
- 1.8 The Murderkill River from the mouth up river to Webbs Landing;
- 1.9 The Fenwick Ditch from Little Assawoman Bay to the Delaware - Maryland state line.

3562 Gill Net Mesh Size Restrictions.

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

- 1.0 Unless otherwise authorized, it shall be unlawful for any commercial finfisherman to fish any gill net having a mesh size less than 3 1/8 inches, stretched measure; in the tidal waters of this State during a period beginning at 12:01 A.M. on April 1 and ending midnight on June 30, next ensuing.
- 2.0 Unless otherwise authorized, it shall be unlawful for any recreational finfisherman to fish any gill net having a mesh size less than 3 1/4 inches, stretched measure, in the Delaware River, Delaware Bay and Atlantic Ocean under the jurisdiction of this State.

3563 Electric Lights.

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

- 1.0 'Lights used for illumination for visual purposes' shall mean any light that is fixed in position anywhere directly above the hull or deck of any vessel, dock or shore area or any electric flood light less than 500 watts and fixed in position no less than ten (10) feet directly above the surface of the water. An electric flood light is any electric light that does not have a focused beam.
- 2.0 It shall be legal for any person to fish in the tidal waters of this State with the aid of 'lights used for illumination for visual purposes' in addition to the equipment and methods listed in 7 **Del.C.** §910.

3564 Spear Fishing.

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

- 1.0 Unless otherwise prohibited, it shall be lawful for any recreational fisherman while submerged in the tidal waters of this State to use a spear that is propelled by a gun or a mechanical or pneumatic device to take a species of food fish whenever a hook and line is authorized as legal fishing equipment to take said species of food fish in the Department's tidal finfish regulations.