

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
DIVISION OF FISH AND WILDLIFE

Statutory Authority: 7 Delaware Code, Sections 901(c & d) and 903(e)(3) (7 Del.C. §§901(c & d) and 903(e)(3))

PROPOSED

REGISTER NOTICE #2015 - 03
3500 Tidal Finfish
3542 Tilefish

1. TITLE OF THE REGULATION:

3542 Tilefish

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

Blueline tilefish (*Caulolatilus microps*) is an ocean dwelling, deep water species that is susceptible to overexploitation due to its long-lived, sedentary nature. The species is federally managed from North Carolina through Florida by the South Atlantic Fishery Management Council (SAFMC) through the amended Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic (1983).

The SAFMC sharply reduced the Annual Catch Limits in 2014 based on results from the 2013 coastwide stock assessment, which indicated the blueline tilefish was overfished and overfishing was occurring. The harvest reductions in the South Atlantic resulted in the commercial sector targeting blueline tilefish in unregulated Mid-Atlantic States, primarily New Jersey. Reported landings from Virginia and northward increased from approximately 11,000 pounds annually (average 2005-2013) to about 217,000 pounds in 2014. Most of these fish were caught in federal waters off the coast of Delmarva. Additionally, Northeast vessel trip reports from the recreational for-hire sector indicated that blueline tilefish landings significantly increased in the areas from approximately Cape Hatteras to mid-New Jersey (Federal Statistical Areas 616 - 636). Virginia and Maryland, although not SAFMC member states, enacted the SAFMC blueline tilefish regulations this year in response to the 2014 landings. The Mid-Atlantic Fishery Management Council (MAFMC) then formally requested that all member states consider adopting incidental commercial trip limits and recreational bag limits that mirror current Virginia and Maryland state regulations. This request was followed by an emergency meeting of the MAFMC in which the council voted to request that the National Marine Fisheries Service (NMFS) implement emergency rules to restrict commercial and recreational landings of blueline tilefish in the Mid-Atlantic.

Consistent with the MAFMC's request and input from Delaware's Advisory Council on Tidal Finfisheries, this action proposes two options for a new tilefish regulation. Both options include a commercial trip limit of 300 pounds and a recreational possession limit of no more than seven fish per person; however, one option limits the new regulation to blueline tilefish and one option applies the regulation more broadly (as in Maryland and Virginia) to include both blueline and golden tilefish (*Lopholatilus chamaelonticeps*).

3. POSSIBLE TERMS OF THE AGENCY ACTION:

None.

4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

§901(c & d), §903(e)(3), Title 7 **Delaware Code**

5. LIST OF OTHER REGULATIONS THAT MAY BE IMPACTED OR AFFECTED BY THE PROPOSAL:

N/A

6. NOTICE OF PUBLIC COMMENT:

The hearing record on the proposed addition of a new 7 **DE Admin Code** §3542 Tilefish will be open June 1, 2015. 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 June 24, 2015 beginning at 6:00 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

3542 Tilefish

OPTION 1

1.0 Blueline tilefish possession limits

- 1.1 It is unlawful for a recreational finfisherman to possess more than seven (7) blueline tilefish (*Caulolatilus microps*), unless otherwise authorized by the Department.
- 1.2 Notwithstanding the provisions of subsection 1.1, a person issued a valid commercial food fishing license may possess up to 300 pounds of blueline tilefish in any number, provided said tilefish were taken using gear for which said person was lawfully permitted under 7 **Del.C.** §915.
- 1.3 It is unlawful for a person issued a valid commercial food fishing license to possess more than 300 pounds of blueline tilefish.

OR

OPTION 2

1.0 Tilefish possession limits

- 1.1 It is unlawful for a recreational finfisherman to possess more than seven (7) tilefish in aggregate to include blueline tilefish (*Caulolatilus microps*) or golden tilefish (*Lopholatilus chamaelonticeps*), unless otherwise authorized by the Department.
- 1.2 Notwithstanding the provisions of subsection 1.1, a person issued a valid commercial food fishing license may possess up to 300 pounds of tilefish in aggregate to include blueline tilefish (*Caulolatilus microps*) or golden tilefish (*Lopholatilus chamaelonticeps*) in any number, provided said tilefish were taken using gear for which said person is lawfully permitted under 7 **Del.C.** §915.
- 1.3 It is unlawful for a person issued a valid commercial food fishing license to possess more than 300 pounds of tilefish in aggregate to include blueline tilefish (*Caulolatilus microps*) or golden tilefish (*Lopholatilus chamaelonticeps*).

18 DE Reg. 951 (06/01/15) (Prop.)