

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) & 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:

The Department of Natural Resources & Environmental Control (DNREC) initiated the development of regulations pertaining to Tilefish at the request of the Mid-Atlantic Fishery Management Council (MAFMC) and based on guidance from Delaware's Advisory Council on Tidal Finfisheries. Two management options were presented to the public in proposed form (18 DE Reg. 951 (06/01/15)) and a public hearing on the matter was held June 24, 2015 at 6:00 PM in the DNREC Auditorium, Dover, DE. Both management options included a commercial trip limit of 300 pounds and a recreational possession limit of no more than seven fish per person; however, one option limited the new regulation to Blueline Tilefish (*Caulolatilus microps*) and one option applied the regulation more broadly (as in Maryland and Virginia) to include both Blueline and Golden Tilefish (*Lopholatilus chamaeleonticeps*). The hearing record was closed on July 9, 2015. Following careful consideration of the hearing record, the Department has opted to adopt a Tilefish regulation that affords protections to both Blueline Tilefish and Golden Tilefish (Option 2). Additionally, to provide greater understanding to the regulated community, the Department proposes to clarify that the term "possess" pertains to individuals "aboard a vessel".

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:

No additional hearing will be held; the Department will receive written comment through November 30, 2015. Individuals may submit written comments regarding the proposed clarification to 7 DE Admin. Code 3542 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.

7. PREPARED BY:

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3542 Tilefish

1.0 Tilefish possession limits

- 1.1 It is unlawful for a recreational finfisherman to possess aboard a vessel more than seven (7) tilefish in aggregate to include blueline tilefish (*Caulolatilus microps*) or golden tilefish (*Lopholatilus chamaeleonticeps*), 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 aboard a vessel up to 300 pounds of tilefish in aggregate to include blueline tilefish (*Caulolatilus microps*) or golden tilefish (*Lopholatilus chamaeleonticeps*) 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 aboard a vessel more than 300 pounds of tilefish in aggregate to include blueline tilefish (*Caulolatilus microps*) or golden tilefish (*Lopholatilus chamaeleonticeps*).

