

# CALENDAR OF EVENTS/HEARING NOTICES

## CALENDAR

July 2021

### DEPARTMENT OF EDUCATION

#### PUBLIC NOTICE

On March 12, 2020, Governor Carney issued a declaration of a state of emergency for the state of Delaware due to a public health threat. The State of Emergency allows all public meetings of executive branch public bodies, including the SBE, to be conducted electronically, either by means of telephone conference call or video-conference call.

In accordance with the State of Emergency, the State Board of Education is currently holding meetings electronically. The meeting information can be accessed via the public meeting calendar (<https://publicmeetings.delaware.gov/Search?q=&AnyAll=Any&AgencyID=22&StartDateInclusive=2020-08-01>). Members of the public can join the meeting via the web or telephone.

Meeting materials are available on the State Board of Education's eBoard site (<https://simbli.eboardsolutions.com/index.aspx?s=190001>). (If you are having technical difficulties accessing the site, please try a different browser.)

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### DEPARTMENT OF INSURANCE

#### Office of the Commissioner

#### PUBLIC NOTICE

#### 1404 Long-Term Care Insurance

Regulation 1404 implements 18 **Del.C.** Ch. 71 by setting forth regulations that apply to long term care insurance coverage in Delaware. The purpose of the proposed amendments is to add three additional disclosure requirements upon a rate increase at proposed new subsections 8.2.5.1.4 through 8.2.5.1.7 and to ensure that agents of record are made aware of any rate increases that insurers are imposing on their policy holders by adding proposed new subsection 8.6.

The Department is also updating formatting and internal cross-references and adding an effective date of these proposed amendments at Section 33.0.

The proposed amendments appear below and may also be viewed on the Department of Insurance website at <http://insurance.delaware.gov/information/proposedregs/>. The Department will not be holding a public hearing on the proposed amendments.

Any person may file written comments, suggestions, briefs, and compilations of data or other materials concerning the proposed amendments to the regulation. Any written submission in response to this notice and relevant to the proposed amendments must be received by the Department of Insurance no later than 4:30 p.m. EST, the 31st day of August 2021 and should be directed to:

Leslie W. Ledogar, Regulatory Specialist  
Delaware Department of Insurance  
1351 West North Street, Suite 101  
Dover, DE 19904  
(302) 674-7379  
Email: [Leslie.Ledogar@delaware.gov](mailto:Leslie.Ledogar@delaware.gov)

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**DEPARTMENT OF LABOR**  
**Division of Industrial Affairs**  
**PUBLIC NOTICE**  
**1326 Workplace Fraud Act Regulations**

The State of Delaware, Department of Labor's Division of Industrial Affairs ("the Division") hereby gives notice of its intention to adopt amended regulations pursuant to the General Assembly's delegation of authority to do so found at 29 *Del. C.* §10111(1).

The Department solicits, and will consider, timely filed written comments from interested individuals and groups concerning these proposed amended regulations. The proposed regulations will be considered at a public hearing scheduled for Monday, July 26, 2021 from 4:00 p.m. to 6:00 p.m. The deadline for the filing of such written comments will be August 10, 2021.

Delaware Department of Labor/Fox Valley Annex  
Harold Stafford Training Center  
19 E. Lea Blvd  
Wilmington, DE 19802

Members of the public may receive a copy of the proposed regulation at no charge by United States Mail by writing or calling Mr. Francis Chudzik, Division of Industrial Affairs, Delaware Department of Labor, 4425 North Market Street, Wilmington Delaware 19802, telephone number (302) 761-8174. Members of the public may present written comments on the proposed regulation by submitting such written comments to Mr. Francis Chudzik at the address of the Delaware Department of Labor as set forth above. The deadline for the filing written comments will be fifteen (15) after the public hearing, which in this case, is August 10, 2021.

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**Division of Industrial Affairs**  
**PUBLIC NOTICE**  
**1329 Delaware Contractor Registration Act Regulations**

The State of Delaware, Department of Labor's Division of Industrial Affairs ("the Division") hereby gives notice of its intention to adopt amended regulations pursuant to the General Assembly's delegation of authority to do so found at 29 **Del.C.** §10111(1).

The Department solicits, and will consider, timely filed written comments from interested individuals and groups concerning these proposed amended regulations. The proposed regulations will be considered at a public hearing scheduled for Monday, July 26, 2021 from 4:00 p.m. to 6:00 p.m. The deadline for the filing of such written comments will be August 10, 2021.

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Members of the public may receive a copy of the proposed regulation at no charge by United States Mail by writing or calling Mr. Francis Chudzik, Division of Industrial Affairs, Delaware Department of Labor, 4425 North Market Street, Wilmington Delaware 19802, telephone number (302) 761-8174. Members of the public may present written comments on the proposed regulation by submitting such written comments to Mr. Francis Chudzik at the address of the Delaware Department of Labor as set forth above. The deadline for the filing written comments will be fifteen (15) after the public hearing, which in this case, is August 10, 2021.

In accordance with procedures set forth in 29 **Del.C.**, Ch. 11, Subch. III and 29 **Del.C.** § 10111(1), the Department of Labor is proposing to promulgate regulations for the Delaware Contractor Registration Act as described in 19 **Del.C.** §§ 3601 et seq. The proposed regulations will provide guidance to entities seeking to register under the Delaware Contractor Registration Act. The proposed regulations will also provide guidance on

enforcement procedures of the Delaware Department of Labor and outline the administrative process for entities found by the Department to be in violation of the Delaware Contractor Registration Act.

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## **DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL**

### **Division of Climate, Coastal and Energy**

#### **PUBLIC NOTICE**

#### **2103 Regulations for the Green Energy Program**

The State of Delaware Green Energy Fund was created by House Bill 10 in 1999 as part of the deregulation of Delaware's electric utilities. The existing program regulations need to be revised due to changes to the program required by the legislative updates to 29 *Del. C.* §8057 enacted by S.B. 266 in 2010. Additionally, the proposed revisions to the Green Energy Program regulations will streamline the Green Energy Program application process and requirements to the benefit of Green Energy Program participants, renewable energy installers, and program staff.

A virtual public hearing (Docket #2019-R-CCE-0019) will be held on Wednesday, July 28, 2021 beginning at 6 p.m. The web link to the virtual hearing can be accessed through the DNREC Public Hearings site at <https://de.gov/dnrechearings>. If prompted for a password, please use GEFRegAmend. To access the audio portion of the virtual hearing, dial 1-408-418-9388 and enter event code 173 899 9390. Closed-captioning is available by request if made at least 7 days before the event.

Those wishing to offer verbal comments during DNREC virtual public hearings must pre-register no later than noon the date of the virtual hearing at <https://de.gov/dnrecomments> or by telephone at 302-739-9295.

The proposed amendments may be inspected online starting July 1, 2021 at [http://regulations.delaware.gov/services/current\\_issue.shtml](http://regulations.delaware.gov/services/current_issue.shtml) or in-person, by appointment only, by contacting Brett Swan by phone at 302-735-3491 or by email at [brett.swan@delaware.gov](mailto:brett.swan@delaware.gov).

The Department will accept public comment through the close of business on Thursday, August 12, 2021. Comments will be accepted in written form via email to [DNRECHearingComments@delaware.gov](mailto:DNRECHearingComments@delaware.gov), or by using the online form at <https://de.gov/dnrecomments>, or by U.S. mail to the following address:

Lisa Vest, Hearing Officer  
DNREC - Office of the Secretary  
89 Kings Highway, Dover, DE 19901

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### **Division of Fish and Wildlife**

#### **PUBLIC NOTICE**

#### **3542 Tilefish**

The Mid-Atlantic Marine Fisheries Council (MAFMC) approved Tilefish management actions that resulted in a significant increase to the 2020 and 2021 recreational possession limits for Golden and Blueline Tilefish in federal waters, imposed a recreational closed season for Blueline Tilefish and increased the daily landings limit for the commercial Tilefish fishery. Delaware's Tilefish regulation, in effect since 2016, has lower recreational possession limits than the new federal waters limits, no closed recreational season for Blueline Tilefish and a lower daily commercial landings limit. While states may maintain more conservative regulations for state waters than those approved by MAFMC for federal waters, Delaware's current recreational possession limits differing from the federal water possession limits (see the table below) has proven confusing to the angling public, which may lead to inadvertent violations by anglers harvesting Tilefish. For example, a recreational angler harvesting the federal waters possession limit of Golden Tilefish would be in violation of Delaware's regulation. Conversely, a private boat recreational angler harvesting the Delaware possession limit of Tilefish, but only keeping Blueline Tilefish would be in violation of the federal waters Blueline Tilefish possession limit. In addition, Delaware's regulation allows Blueline Tilefish harvest during the federal waters closed season. Finally, Delaware's commercial Tilefish fishery will benefit by increasing the daily landings limit for state waters from 300 pounds to the federal waters limit of 500 pounds.

Delaware's Advisory Council on Tidal Finfisheries voted unanimously recommending that Delaware's Tilefish management measures be revised to match the federal waters recreational management measures.

**Current Tilefish Recreational Possession Limits and Fishing Seasons**

Jurisdiction	Golden Tilefish	Blueline Tilefish
<b>Federal Waters</b>	8  No Closed Season	3 Private vessel; 5 United States Coast Guard uninspected for-hire vessel; 7 United States Coast Guard inspected for-hire vessel  Closed Season - November 1 through April 30
<b>Delaware Waters</b>	7 Tilefish – Any combination of Golden and Blueline No Closed Season	

The proposed amendments may be inspected online starting July 1, 2021 at [http://regulations.delaware.gov/services/current\\_issue.shtml](http://regulations.delaware.gov/services/current_issue.shtml) or in-person, by appointment only, by contacting John H. Clark, by phone at (302)739-9914 or by email at [John.Clark@delaware.gov](mailto:John.Clark@delaware.gov).

A virtual public hearing will be held following the adjournment of the public hearing on proposed amendments to 7 DE Admin. Code 3550 Cobia (SAN # 2021-02; Hearing Docket No. 2021-R-F-0007) on **Thursday, July 22, 2021, beginning at 6 p.m.** The web link to the virtual meeting is found on the DNREC Public Hearings site at <https://de.gov/dnrehearings>. If prompted for a password, please use: Fish. To access the audio-only portion of the virtual hearing, dial 1-408-418-9388 and enter event code 173 319 0455. Closed-captioning is available by request if made at least 7 days before the event.

Those wishing to offer verbal comments during DNREC virtual public hearings must pre-register no later than noon on the date of the virtual hearing at <https://de.gov/dnrecomments> or by telephone at 302-739-9295.

The Department will accept public comment through the close of business on **Friday, August 6, 2021**. Comments pertaining to the above matter will be accepted in written form via email to [DNRECHearingComments@delaware.gov](mailto:DNRECHearingComments@delaware.gov), using the online form at <https://de.gov/dnrecomments>, or by U.S. mail to the following address: Theresa Newman, Hearing Officer, DNREC-Office of the Secretary, 89 Kings Highway, Dover, DE 19901.

**Division of Fish and Wildlife**  
**PUBLIC NOTICE**  
**3550 Cobia (*Rachycentron canadum*)**

The Atlantic States Marine Fisheries Commission adopted Addendum I to the Interstate Fishery Management Plan (FMP) for Atlantic Migratory Group Cobia (FMP) in October 2020, which mandated changes to recreational *de minimis* measures.

Cobia presence in Delaware waters is sporadic, but they are targeted by anglers when known to be present. Delaware had no reported commercial or recreational Cobia landings in the three years preceding adoption of the FMP. Therefore, Delaware qualified for *de minimis* status under the 2017 FMP criteria and adopted compliant *de minimis* measures in 2020. However, Addendum I redefined the recreational *de minimis* measures, so Delaware must adopt either of the following two *de minimis* options to remain in compliance with the plan:

Delaware's proposed Cobia management options (**Bolded items** are changes to current measures)

	<b>Option 1</b> <i>De Minimis</i>	<b>Option 2</b> Nearest Non- <i>De Minimis</i> State
	Recreational	Recreational
Min. Length	<b>37"</b>	40" ( <b>only 1/vessel &gt; 50"</b> )
Possession Limit	1	1
Vessel Limit	<b>1</b>	<b>2</b>
Open Season	<b>All Year</b>	<b>June 15 - Sept. 15</b>

Option 1 reflects the *de minimis* management measures outlined in Addendum I to the FMP and Option 2 reflects the management measures in place for the nearest non-*de minimis* jurisdiction (Virginia). Addendum I does not require any changes to the commercial Cobia management measures that Delaware adopted in 2020. Adoption of either option will ensure compliance with Addendum I to the FMP, as required by the Atlantic Coastal Fisheries Cooperative Management Act (16 USC §§5101, *et seq.*). The proposed action is expected to complement federal management in a consistent manner throughout the management unit and provide for the long-term stability of the stock. Given the sporadic occurrence of Cobia in Delaware waters, it is unlikely that the proposed action will have significant, measurable, or predicible costs to the affected Delaware fisheries or their dependent businesses.

The proposed amendments may be inspected online starting July 1, 2021 at [http://regulations.delaware.gov/services/current\\_issue.shtml](http://regulations.delaware.gov/services/current_issue.shtml) or in-person, by appointment only, by contacting John H. Clark, by phone at (302)739-9914 or by email at [John.Clark@delaware.gov](mailto:John.Clark@delaware.gov).

A virtual public hearing will be held on **Thursday, July 22, 2021, beginning at 6 p.m.** The web link to the virtual meeting is found on the DNREC Public Hearings site at <https://de.gov/dnrehearings>. If prompted for a password, please use: Fish. To access the audio-only portion of the virtual hearing, dial 1-408-418-9388 and enter event code 173 319 0455. Closed-captioning is available by request if made at least 7 days before the event.

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The Department will accept public comment through the close of business on **Friday, August 6, 2021**. Comments pertaining to the above matter will be accepted in written form via email to [DNRECHearingComments@delaware.gov](mailto:DNRECHearingComments@delaware.gov), using the online form at <https://de.gov/dnrecomments>, or by U.S. mail to the following address: Theresa Newman, Hearing Officer, DNREC-Office of the Secretary, 89 Kings Highway, Dover, DE 19901.

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**DEPARTMENT OF STATE**  
**Division of Professional Regulation**  
**2700 Board of Registration for Professional Land Surveyors**  
**PUBLIC NOTICE**

The Delaware Board of Professional Land Surveyors, in accordance with 24 Del.C. §2706(a)(1), has proposed revisions to its rules and regulations. The proposed revisions to the Rules and Regulations are intended to memorialize the passing score for the Delaware Drainage exam. The Board will hold a public hearing on the proposed rule changes on September 16, 2021 at 8:30 a.m., Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904 or telephonically (call in number will be provided on the Public Meeting calendar: <https://publicmeetings.delaware.gov/#/>). Written comments should be sent to Jennifer Witte, Administrator of the Delaware Board of Professional Land Surveyors, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904, no later than October 1, 2021.

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