

# DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

## DIVISION OF FISH AND WILDLIFE

Statutory Authority: 7 Delaware Code, Sections 901(b), (c), and (d); and 903(a), (b), and(e)(2)a.  
(7 Del.C. §§901(b), (c), and (d) & 903(a), (b) & (e)(2)a.)  
7 DE Admin. Code 3542

### PROPOSED

#### REGISTER NOTICE

SAN # 2021-03

DOCKET # 2021-R-F-0008

#### 3542 Tilefish

1. TITLE OF THE REGULATIONS:

Amend 7 DE Admin. Code 3542 Tilefish to implement changes to the recreational and commercial daily possession limits and establish a closed recreational season for Blueline Tilefish.

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

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
Federal Waters	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
Delaware Waters	7 Tilefish – Any combination of Golden and Blueline No Closed Season	

3. POSSIBLE TERMS OF THE AGENCY ACTION:

N/A

4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

7 Del.C. §901 (b), (c) & (d); §903 (a) & (b); §903 (e)(2)a.

5. OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:

N/A

6. NOTICE OF PUBLIC COMMENT:

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.

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 eight golden tilefish (*Lopholatilus chamaelonticeps*)~~, unless otherwise authorized by the Department. It is unlawful for a recreational finfisherman to possess more than three blue-line tilefish (*Caulolatilus microps*) or golden tilefish (*Lopholatilus chamaelonticeps*) if fishing from a private vessel, more than five blue-line tilefish if fishing from a United States Coast Guard uninspected for-hire vessel, or more than seven blue-line tilefish if fishing from a United States Coast Guard inspected for-hire vessel, unless otherwise authorized by the Department.
- 1.2 It shall be unlawful for any recreational fisherman to take and reduce to possession or to land any blue-line tilefish (*Lopholatilus chamaelonticeps*) beginning at 12:01 a.m. November 1 and ending midnight April 30.
- 4.21.3 Notwithstanding the provisions of subsection 1.1, a person issued a valid commercial food fishing license may possess aboard a vessel up to ~~300~~ 500 pounds of tilefish in aggregate to include blue-line 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.
- 4.31.4 It is unlawful for a person issued a valid commercial food fishing license to possess aboard a vessel more than ~~300~~ 500 pounds of tilefish in aggregate to include blue-line tilefish (*Caulolatilus microps*) or golden tilefish (*Lopholatilus chamaelonticeps*).

**19 DE Reg. 649 (01/01/16)**

**25 DE Reg. 64 (07/01/21) (Prop.)**