



START ACTION NOTICE # 2021-03

DOCKET # 2021-R-F-0008

1. TYPE OF ACTION:

Amend Tidal Finfish Regulations 7 DE Admin. Code 3542 Tilefish.

2. PURPOSE OF ACTION:

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. STATUTORY BASIS:

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

4. IS THIS PROPOSED REGULATORY ACTION REQUIRED AS A RESULT OF FEDERAL STATUTE OR REGULATION? IF SO, PROVIDE LINK TO FEDERAL MANDATE.

Yes. <https://www.mafmc.org/tilefish>

5. DATE OF MOST RECENT REVIEW/AMENDMENT:  
(Please indicate if review was pursuant to EO-36 OR HB 147)

Amended January 11, 2016. This review is not pursuant to EO-36 or HB 147.

6. LIKELY AFFECTED PUBLIC:

Recreational Tilefish anglers, for-hire fishing businesses that target Tilefish, and commercial Tilefish fishers.

7. PROPOSED SCHEDULE OF ACTIVITIES:

Register Notice Publication – June 2021

Public Hearing – June/July 2021

Final – September 2021

8. REVIEW COMMITTEE:

Advisory Council on Tidal Finfisheries

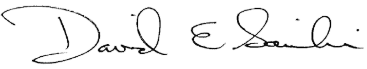
9. RESPONSIBLE STAFF MEMBER:


(name, physical address, phone and fax numbers, and e-mail address)

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10. APPROVALS:

 4/15/2021  
\_\_\_\_\_  
John H. Clark Date  
Responsible Staff Member

 4/15/2021  
\_\_\_\_\_  
David E. Saveikis Date  
Director, Division of Fish & Wildlife

 5/12/21  
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Shawn M. Garvin Date  
Secretary