



## REGISTER NOTICE

**SAN #** 2022-02

**DOCKET #** 2022-R-F-0014

1. TITLE OF THE REGULATIONS:  
Amend 7 **DE Admin. Code 3801** Shellfish Aquaculture.
  
2. BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:  
The Shellfish Aquaculture regulation, 7 **DE Admin. Code 3801**, was approved prior to the initiation of shellfish aquaculture leasing as it was required in order to establish a legal framework for the leasing of state-owned subaqueous lands for aquaculture businesses. The proposed amendments 7 **DE Admin. Code 3801** will update the regulation to incorporate current aquaculture practices, simplify compliance with the regulation for Inland Bays shellfish growers, and increase the efficiency of DNREC's administrative oversight of shellfish aquaculture leasing. Specifically, the proposed amendments include additions, modifications or deletions regarding: definitions, lease issuance and application procedures, aquaculture gear and lease area marking requirements, shellfish aquaculture species, shellfish cultivation, planting and harvesting requirements and timelines, reporting requirements, lease transfer, and prohibited activities.
  
3. POSSIBLE TERMS OF THE AGENCY ACTION:  
N/A
  
4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:  
7 **Del. C. § 2002**
  
5. OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:  
N/A
  
6. NOTICE OF PUBLIC COMMENT:  
The hearing record on the proposed changes to **3801 Shellfish Aquaculture** opens September 1, 2023 (Hearing Docket No. 2022-R-F-0014). The virtual public hearing will be held on Wednesday, September 27, 2023, beginning at 6:00 p.m. The web link to the virtual hearing can be accessed through the DNREC Public Hearings site at <https://dnrec.alpha.delaware.gov/public-hearings/>. If prompted, use Meeting ID: 875 4107 2704 Passcode: 884733. To access the audio-only portion of the virtual hearing, dial 1-646-931-3860 and enter the Meeting ID and Passcode noted above. Closed captioning is available in over 20 languages, including English and Spanish, to attendees via the Zoom platform utilized for all DNREC Public Hearings.

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. The designated page for this Pre-Registration process can be found here: <https://dnrec.alpha.delaware.gov/public-hearings/comments/registration/>

The proposed amendments may be inspected online starting September 1, 2023 at [https://regulations.delaware.gov/services/current\\_issue.shtml](https://regulations.delaware.gov/services/current_issue.shtml), or in-person, by appointment only, by contacting John Clark by phone at 302-739-9914 or by email at [John.Clark@delaware.gov](mailto:John.Clark@delaware.gov) .

Public comments will be received until close of business Thursday, October 12, 2023. 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:

Theresa Newman, Hearing Officer  
DNREC - Office of the Secretary  
89 Kings Highway, Dover, DE 19901

7. PREPARED BY:  
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*September 2021*