

1 Public Hearing Revisions to Delaware Wildlife
2 Regulations (7DE Admin Code 3900)

3
4 Docket No. 2023-R-F-0013

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7 Moderated by Lisa Vest
8 Wednesday, December 13, 2023
9 6:00 p.m.

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14 Dover, DE 19901
15 (302) 735-3600

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List of Attendees:

Lisa Vest, Hearing Officer

Ashley Kennedy, Community Present

Robert Hossler, Community Present

Virginia Jackson, Administrative Specialist

M. Fox, Community Present

Courtney Emerson, Community Present

Bryanna Lisiewski, Community Present

Steve Kendus, Community Present

The Captain, Community Present

Tanesha Perry, Administrator Specialist DNREC

Joseph Rogerson, Presenter with DNREC

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P R O C E E D I N G S

THE HEARING OFFICER: Good evening.

The time is now 6 p.m. It is Wednesday, December 13, 2023, and we are going to go ahead and start tonight's proceedings.

I want to thank everybody for taking their time out of their busy Christmas schedules and holiday plans to join us. We are here this evening, as the screen says, to provide the formal platform for the Department to present its proposed amendments to the State of Delaware Wildlife Regulations.

For those that may not recognize me, my name is Lisa Vest. And Secretary Garvin has designated me to serve as the hearing officer for tonight's proceedings.

Pursuant to DNREC standard hearing protocol, this meeting is being conducted virtually. While there are no physical sign-in sheets any more to speak of, the Zoom platform does generate an attendance sheet so the Department can keep track of those who have joined us here tonight, whether they're here to offer comment or just tune in to see what the proposed amendments are.

And again I thank everyone for taking

1 the time out of their busy schedules to be here.

2 Before I set the parameters for
3 tonight's proceedings, I do want to turn it over to
4 Virginia Jackson. Virginia is an administrative
5 specialist with the Office of the Secretary at DNREC.
6 And she has a brief run-through of how you can best
7 utilize the platform that Zoom has for us tonight,
8 specifically with closed captioning capabilities.

9 So, Virginia, you can take it away when
10 ready.

11 MS. JACKSON: Thank you. Good evening,
12 everyone. My name is Virginia Jackson. I'm the
13 administrative specialist with the Office of the
14 Secretary, here to assist the hearing officer tonight.

15 I'd like to make sure everyone is aware
16 that the Zoom platform we're using has the ability for
17 closed captioning in multiple languages. To start
18 closed captioning, if you're using a computer, at the
19 bottom of your screen you should see a "show captions"
20 button. If you do not see the "show captions" button,
21 you may have to select the three dots that say "more."

22 Once you find your "show captions"
23 button, you should click the carrot pointing up, which
24 will bring up your translation options. You can

1 select your preferred language from there. If your
2 preferred language is not listed, you can select
3 "more," and all of the languages will be listed.

4 If you're on a smartphone, at the
5 bottom of your screen, select the "captions" button
6 indicated by "CC." If your preferred language is not
7 listed at the bottom, you may have to select the three
8 dots that say "more." You should then select "meeting
9 settings" with the gear icon next to it. Once the
10 settings page comes up, located at the very bottom,
11 select "translation language."

12 From there, you'll be able to select
13 your preferred language. Then select "done" at the
14 top right corner, and then "done" again. If the
15 captions are not automatically popping up yet, you may
16 need to select the "captions" again, and select "show
17 captions."

18 Now I'll turn it back over to Hearing
19 Officer Lisa Vest.

20 THE HEARING OFFICER: Thanks, Virginia.

21 As I said before, I just have a few
22 introductory remarks. And then I will be turning the
23 floor, so to speak, over to Joe Rogerson. He will be
24 giving the presentation about the details of the

1 proposed amendments to the wildlife regs for us
2 tonight. Following that, we do have two people who
3 have pre-registered to offer live comment tonight, and
4 we will then turn to that once Joe is done with his
5 presentation.

6 I would encourage everybody to check
7 out DNREC's website. Under the "administrative law"
8 section, you can find the public hearings pages. If
9 you click on "public hearings," you can just go
10 chronologically down the list of all the hearings that
11 are currently up for the Department's consideration.
12 This one is, I believe, the second to the top. They
13 go in chronological order.

14 Everything that you're going to be
15 seeing tonight, as well as those that have offered
16 comment already, those comments are posted on that
17 webpage. The presentation is posted on that webpage,
18 and once we get the transcript from the court
19 reporter, that will be put on the page as well. So
20 there's a lot of information. You can look at it at
21 your leisure, and I would encourage everybody to scan
22 that out when you have a chance.

23 When I am setting the parameters, it's
24 important to note that this is a formal legal hearing.

1 It is not a public workshop; it's not a public
2 information session. It is a formal legal event. The
3 purpose of tonight's hearing is not to advocate for or
4 against these proposed amendments to these
5 regulations. It's not meant to advocate for anybody.
6 Rather, it's just to offer a platform where the
7 Department can show the presentation that you're about
8 to see, and also for those who want to offer comment
9 to do so live if they have pre-registered to do so.

10 All public comments made to DNREC
11 regarding this matter, whether they come in verbally
12 tonight live at the hearing or whether they come in
13 writing -- as I've said before, some have already
14 offered comment and they're posted on the webpage. Or
15 if they offer comment following tonight's hearing,
16 they all bear the same weight. And they'll all be
17 considered by Secretary Garvin prior to his making a
18 determination in this matter.

19 In order to accommodate those who do
20 wish to offer comment in writing following tonight's
21 hearing, the record will not close at the conclusion
22 of tonight's proceedings, but rather, it is going to
23 remain open through January 12, 2024.

24 And again, while commenters that are

1 offering their comments live tonight are limited to
2 three minutes verbally, there is no limit to the
3 amount of comment that you can put in writing and
4 offer to the Department should you wish to do so. So
5 again, I would encourage you to do that if you wish.

6 The following protocols apply to all
7 DNREC public hearings. I'm going to run through them
8 briefly.

9 Number one, all comment received must
10 be limited to the subject matter at hand tonight,
11 which, of course, are the proposed amendments to the
12 Delaware wildlife regs. All comments pertinent to the
13 subject matter of this hearing will be incorporated
14 into the record and will be posted on the hearing
15 webpage dedicated to this matter.

16 Number two, as I've mentioned
17 previously, in order to accommodate everybody that may
18 wish to offer comment, the record will remain open
19 through January 12th, for those who wish to do so.

20 Number three, there is only one
21 authentic record of this proceeding tonight, and it is
22 the official court reporter's verbatim transcript.
23 Again, as soon as we receive that from the court
24 reporter, it will be posted on the hearing page as

1 well.

2 Number four, the statutory purpose of
3 the hearing tonight is to build the record with regard
4 to these proposed amendments. The record, consisting
5 of the transcript of the hearing tonight, all written
6 comments, all exhibits, and eventually the hearing
7 officer's report, will be reviewed by Secretary
8 Garvin. The Secretary will ultimately issue an answer
9 following that review process, and that order will
10 contain his decision and his reasonings therefor.

11 Lastly, it's important to note that no
12 decision has already been made about these regs or
13 their proposed amendments, nor is any decision going
14 to be made tonight. Again, we are here tonight to
15 make sure that the public has an avenue to check out
16 what this proposed amendment is -- or amendments are,
17 rather, and also to receive comments to those who have
18 pre-registered to do so.

19 That being said, I am going to turn the
20 reins, so to speak, over to Joe Rogerson. He is with
21 the Department's Division of Fish and Wildlife. And
22 he has a presentation for you, quite detailed,
23 actually, that's going to go down the line and talk
24 about each one of these proposed amendments.

1 So, Joe, when you're ready, you can
2 take it away.

3 MR. ROGERSON: Good evening, Lisa. Can
4 you hear me?

5 THE HEARING OFFICER: I can hear you.

6 MR. ROGERSON: Perfect.

7 Good evening, everyone. My name is Joe
8 Rogerson. I'm a program manager with the Species
9 Conservation and Research Program within the Delaware
10 Division Fish and Wildlife. And I was asked to come
11 tonight to present to you our proposed changes to our
12 wildlife regulations, and I'm going to go through
13 those.

14 So how do we get here? The proposed
15 regulations were made available in the State Register
16 on November 1st. They included information about
17 providing public comments, which also opened at that
18 point in time. So we've been receiving comments prior
19 to the meeting tonight.

20 When the regulations were put in the
21 register, we noticed a couple typos when they were
22 transcribed. And so corrections were made to those on
23 November the 3rd, and those are what have been
24 available since then.

1 So as part of the process to amend
2 regulations, the Department is conducting this public
3 hearing, and so that we can review the proposed
4 revisions. After tonight, as Lisa said, the public
5 written comment period will remain open until January
6 12th.

7 So I'm going to run through all of the
8 sections within 3900 Wildlife of DNREC's
9 Administrative Code and highlight where we're making
10 changes.

11 I'm not going to touch on the numerous
12 grammatical formatting revisions and edits we've made.
13 It's been quite some time since we've modified these
14 regulations, and there's some new processes and
15 organizational structure that they follow now. So
16 there's numerous changes related to that. But I'm
17 going to touch on the changes that were actually
18 substantive to the process.

19 So the first one is, we're going to
20 define "auxiliary markers" for the purposes of
21 releasing game birds. We're going to create a
22 definition of "direct supervision" for youth hunters:
23 within 30 yards of direct line of sight while hunting.
24 We will create a definition of "furbearers" to include

1 beavers, coyotes, red and gray fox, mink, muskrats,
2 nutria, opossums, otters, raccoons, skunks, and
3 weasels.

4 We will define what "pen-raised
5 released quail" are. We will clarify what a "baited
6 field" is. An area will be considered baited for ten
7 days after the removal of bait. We will add chukar
8 partridge and Hungarian partridge to the list of
9 liberated game species.

10 Within Section 2.0, we're proposing to
11 add crossbows to the list of approved methods of take
12 for hunting. Also within 2.0, we're proposing to
13 allow .17 rimfire rifles and smaller muzzleloaders to
14 the taking of raccoons and possums.

15 We propose to clarify both bullfrogs
16 and green frogs can be harvested by hand. Clarify the
17 type of ammunition approved for Sharp's rifles while
18 deer hunting. We propose to clarify the types and
19 features of foothold traps allowed, specifically as it
20 relates to the jaw thickness of said traps.

21 We propose to clarify what rifles can
22 be used for hunting squirrels: no pellet guns.
23 Requiring snapping turtle trappers to report their
24 harvest at the end of the season.

1 Within Section 3.0, this is the federal
2 laws and regulations adopted. We're proposing to
3 rename the old squaw duck to long-tailed duck, as it's
4 referred to now.

5 We're also proposing to clarify that
6 only youth hunters are allowed to hunt waterfowl
7 during the special youth waterfowl seasons.

8 Previously, Delaware included non-ambulatory hunters
9 using a wheelchair for mobility to participate in this
10 season, but that was not allowed by the U.S. Fish and
11 Wildlife Service.

12 Within 4.0, we're considering closing
13 the diamondback terrapin season. We're considering
14 allowing green frogs to be harvested with bullfrogs,
15 and clarify that the daily bag limit for these species
16 would be 24 in aggregate. Crow depredation
17 requirements are now consistent with federal
18 regulations; we're proposing to simplify those.

19 We're looking to extend the gray
20 squirrel season one week later, which would now close
21 the second Saturday in February. We're also looking
22 to establish a chukar partridge season, which would
23 coincide with the pheasant season dates.

24 Also within 4.0, seasons of the

1 regulations, we are proposing to close the wild
2 bobwhite quail season. As such, though, we're
3 considering allowing landowners with sufficient
4 suitable habitat, a minimum of 40 acres, and
5 implementing beneficial quail management practices, to
6 apply for a wild bobwhite quail hunting permit, to
7 promote quail management on their properties.

8 Also related to quail, we're proposing
9 to establish a pen-raised released quail season. The
10 dates considered are the Monday before Thanksgiving
11 through the second Saturday in February. And the
12 Division will evaluate the wild bobwhite quail season
13 closure every three years.

14 Also within 4.0, or seasons, there are
15 some changes proposed related to trapping. We're
16 considering adjusting the trapping season dates for
17 raccoons and possums in Kent and Sussex Counties to
18 coincide with the New Castle County season dates.
19 This means they'll open two weeks earlier and close
20 five days earlier.

21 We're also proposing to allow raccoon
22 hunters to chase raccoons, no harvest, one month
23 earlier, to now open on August 1st to allow additional
24 training opportunities and reduce the number of

1 firearm deer seasons in which raccoon hunters are
2 currently not allowed to hunt at night with the aid of
3 a dog, and clarify the hunting hours for such. We're
4 also looking to open the red fox season a month
5 earlier to now open on November 1st, which is
6 consistent when the red fox hunting season opens now.

7 More proposed trapping season changes.
8 We're looking to adjust the weather criteria used to
9 justify a muskrat season extension to account for
10 large snowfall events. February snowfall of 20 to 32
11 inches would extend the muskrat season one or two
12 weeks, respectively.

13 We're also looking to establish
14 trapping season dates for mink and otter to coincide
15 with the current muskrat season dates. We also looked
16 to eliminate the annual bag limit for beaver, an
17 overabundant species here in the state.

18 Moving on to another section of our
19 regulations, 5.0 is where you'll find the wild turkey
20 regs. We want to clarify the possession of wild
21 turkeys, that it would require a permit; establish
22 criteria if turkeys escape captivity; and prohibit the
23 taking of live wild turkeys or their eggs from the
24 wild. Our hunter ed program asked us to clarify the

1 types of courses accepted for fulfillment of the
2 turkey-specific hunter education requirements and
3 include online courses.

4 We're also considering to clarify the
5 size of shot allowed for turkey hunting. We're
6 considering nothing larger than 4 shot to promote
7 technical advancement of shot shells and maintaining
8 human safety considerations. Also proposing to
9 clarify the prohibition of hunting turkeys using bait
10 or dogs.

11 Few more things related to turkeys.
12 Eliminate the requirement to wear camouflage while
13 turkey hunting. And currently, it's prohibited to
14 wear the colors of red, white, and blue. We're to
15 clarify that those would not pertain -- or that
16 prohibition would pertain to external garments only.

17 We're also looking to formally
18 establish the season dates for wild turkey hunting
19 within our regulations, and establish a registration
20 procedures for hunters to report their harvest via an
21 automated registration system, similar to how our
22 current deer registration is, once these regulations
23 have been adopted and the system has been created.

24 7.0 is where you'll find our deer

1 regulations. One of the things we're proposing is to
2 clarify that the harvest report card must be in a
3 hunter's possession at all times when hunting deer.
4 And when a deer is not in the hunter's possession, a
5 carcass tag with the deer registration number and
6 harvest date must be affixed to the animal.

7 Another proposed change is to remove
8 the restriction of hunting game other than deer with
9 the aid of dog during the firearms deer seasons. To
10 minimize risk associated with chronic wasting disease
11 occurring in Delaware, we're proposing to restrict the
12 import of selected deer parts from high-fenced and
13 captive facilities.

14 Also within 7.0, or deer seasons, we're
15 proposing to simplify the firearm deer seasons by
16 combining the either sex, antlerless, and special
17 youth/disabled seasons as "shotgun seasons". By doing
18 so, it will allow straight-walled pistol caliber
19 rifles and handguns to be used during all seasons when
20 it is legal to harvest deer with a shotgun.

21 We're also proposing to clarify that
22 antlered deer may be harvested with archery equipment
23 throughout the entire archery and crossbow seasons.
24 And then clarify that the archery and crossbow seasons

1 close on January 31st or the last day of the January
2 muzzleloader season, whichever is later.

3 More changes to the proposed deer
4 seasons. We're proposing to restore the October
5 antlerless deer season to only three days per week by
6 eliminating the current Monday opening -- or Mondays
7 that it's open, therefore providing a
8 Friday-through-Sunday season to promote "opening day
9 effects" to help maximize harvest of antlerless deer.

10 We're also proposing to establish a
11 special -- a second special shotgun season for youth
12 and non-ambulatory hunters to occur the last Saturday
13 and Sunday weekend in September.

14 In 8.0, you'll find our regulations
15 governing lands and waters administered by the
16 Division. We're proposing to clarify that motorized
17 vehicles may only be on established and maintained
18 roads, and prohibit speeding and reckless driving on
19 these roads.

20 We're also proposing to prohibit the
21 use of radio-controlled drones, boats, and other
22 vehicles, or to launch model rockets on lands and
23 waters administered by the Division without a permit
24 from the Director.

1 We want to clarify that horses and
2 bikes may only be used on roads and trails that have
3 been designated by the Division. We're proposing to
4 prohibit the use of metal detectors, on lands
5 administered by the Division, without a permit.

6 More changes within 8.0: for the
7 purposes other than hunting, trapping, or fishing,
8 we're proposing to expand the hours of entry on lands
9 administered by the Division to be a half hour before
10 sunrise to a half hour after sunset, to promote
11 additional wildlife watching opportunities.

12 We're proposing to restrict fishing on
13 state wildlife areas to avoid conflicts with hunting
14 seasons. It will be unlawful to fish from September
15 1st to January 31st and Monday to Saturday during the
16 spring turkey season. Some ponds will remain open,
17 those that are designated specifically for fishing
18 opportunities. And these specific ponds will be
19 indicated on wildlife area maps.

20 We want to clarify that shotguns and
21 muzzleloaders with rifled barrels can be used for deer
22 hunting on the Chesapeake and Delaware Canal. And
23 clarify that all users of state wildlife areas must
24 follow area map rules, not just those people that are

1 hunting or trapping on these locations.

2 More changes within 8.0: we're
3 proposing to prohibit crabbing and fishing on any
4 dike, water control structure, or within any
5 impoundment found on lands administered by the
6 Division.

7 We want to clarify that non-resident
8 hunters are allowed to participate in deer drives
9 conducted on lands administered by the Division where
10 deer driving is permitted.

11 We want to prohibit the release of
12 domestic or wild animals onto lands administered by
13 the Agency unless they are lawfully permitted during
14 dog training activities.

15 Moving on to Section 9.0, which is our
16 wildlife theft prevention. We want to add and clarify
17 various offenses for which informants may receive
18 rewards through the Wildlife Theft Prevention Fund, if
19 they provide tips that result in the arrest and
20 conviction of the violator.

21 Within our nuisance wildlife regs,
22 which is Section 10, we want to include rabbits in the
23 list of wildlife that may be controlled without a
24 permit, when causing damage within the limits of

1 residential or commercial areas of incorporated cities
2 or towns, if the individual were using box or cage
3 live traps.

4 We also propose to clarify who needs a
5 nuisance wildlife control operator permit, under which
6 conditions a company needs to register for a permit,
7 and under what conditions an individual needs to be
8 trained and certified for these programs.

9 We will also -- are proposing to
10 require nuisance wildlife control operators to abide
11 by all conditions of the permit that's provided by the
12 Agency once they've gone through their training
13 program.

14 Section 14.0 is where you'll find
15 information about falconry. We're proposing to extend
16 the hunting season from the 28th of February to March
17 31st for falconers, and clarify the types of game
18 species, specifically rabbits and squirrels and
19 others, that may be taken by the aid of a falcon.

20 Section 15 is where you'll find the
21 collection or sale of native wildlife. We want to
22 clarify which species of wildlife may be possessed,
23 bought, and sold, under which circumstances. Example,
24 rabies vector species: coyotes, foxes, groundhogs,

1 possums, skunks, raccoons, may not be possessed due to
2 concerns with rabies.

3 We also need to update the common and
4 scientific names of the list of reptiles and
5 amphibians that could be possessed, similar to the
6 long-tailed duck that I spoke about in the beginning
7 of the presentation. There have been some changes out
8 there since the regs were done last time.

9 16.0 is where you'll find information
10 about endangered species. We're proposing to add the
11 saltmarsh sparrow to the state endangered species list
12 based on numerous criteria that it meets under current
13 conditions. And this species is forecasted to not
14 likely persist beyond the year 2050.

15 We're proposing to add the carpenter
16 frog to the state endangered species list based on
17 multiple criteria that it meets, including only
18 occurring at four known locations within the state.

19 And then we're also proposing to add
20 the tri-colored bat to the state endangered species
21 list. This species has been significantly impacted by
22 white-nose syndrome, and is currently being proposed
23 to be listed as a federal endangered species -- listed
24 in the federal endangered species list.

1 17.0 would be a section related to
2 transferring harvested game, such that all transferred
3 game and non-native/invasive wildlife must have a tag
4 attached, signed by the hunter, stating their address;
5 the total number of species harvested; and the date
6 such animals were killed.

7 However, the transfer procedures for
8 harvested deer and turkey shall follow the
9 requirements described by regulation of the Department
10 in previous regulations, which states the registration
11 number shall be indicated on the possession tag that
12 is affixed to the animal.

13 19.0 will be a new section related to
14 permits. We're proposing to establish a regulation
15 prohibiting the violation of terms and conditions as
16 outlined in permits that are issued the Division.

17 20.0 is where you find information
18 about game bird releases. We are proposing to require
19 anyone releasing gamebirds into the wild to obtain a
20 permit from the Division and provide the release
21 location. All birds released must be properly marked
22 according to Division criteria, as to identify them
23 from wild birds.

24 21.0 is information about guide

1 licenses. We'd like to clarify when holders of a
2 guide license are required to submit an annual report.
3 What the proposed change would be, would make that to
4 be July 1st of each year.

5 We also would like to clarify the
6 criteria for which a non-resident can be prevented
7 from obtaining a guide license if they're guiding snow
8 goose hunters, consistent with resident guides. For
9 example, non-residents could not have been convicted
10 of wildlife violations for the previous three years if
11 they wanted to receive a non-resident guide license in
12 Delaware, which is the same requirement we currently
13 have for residents.

14 22.0 is information about our hunter
15 and trapper license exempt number. We're proposing to
16 clarify the rules for obtaining these numbers,
17 including requiring a separate LEN number for each
18 activity: one for hunting, one for trapping. If
19 you're going to do both, you would get a number for
20 each.

21 We're proposing to make it unlawful to
22 obtain more than one hunting license or trapping LEN
23 in the same license year. So you couldn't get two
24 trapping LENs or hunting LENs. And we're proposing to

1 make it unlawful to obtain a LEN after purchasing a
2 hunting or trapping license for the same activity. So
3 you couldn't purchase a hunting license and then
4 obtain another LEN.

5 23.0 is information about non-native
6 and invasive wildlife. We want to clarify the types
7 of traps allowed to take coyotes, and extend the
8 trapping season one month earlier to open November 1st
9 instead of December 1st, which would be similar to the
10 proposed changes for red fox.

11 We want to clarify that any nutria
12 captured in the state are not to be released alive.
13 And we'd like to change the phrase "feral swine" to
14 "free-roaming swine," to reflect more accurately what
15 most of these animals are, and restrict landowners
16 from knowingly harboring free-roaming swine on their
17 properties.

18 24.0 would be a brand-new section,
19 proposed to be added to the regulations, titled
20 Wildlife Management Zone Boundaries. We're proposing
21 to define the boundaries of Delaware's 18 wildlife
22 management zones based on the roads and the geographic
23 features used to define those now.

24 As part of the website that Lisa talked

1 about in the beginning, for the public hearing and all
2 the information related to this process, we have 11
3 exhibits presented that have been relevant to this
4 entire process. And here is a list of those exhibits.

5 And with that, Lisa, I'm finished with
6 my component of the presentation now.

7 THE HEARING OFFICER: Okay. Thank you,
8 Joe, for all of that information. For record-keeping
9 purposes right now, to clarify, are the exhibits that
10 are on the screen now the same as those that have been
11 posted on the hearing page dedicated to this matter?

12 MR. ROGERSON: Yes, they are.

13 THE HEARING OFFICER: And have they
14 been changed or altered in any way since their
15 posting?

16 MR. ROGERSON: They have not.

17 THE HEARING OFFICER: Very good. Let
18 the record reflect that DNREC Exhibits 1 through 11
19 are hereby incorporated into the formal hearing
20 record.

21 (DNREC Exhibit 1 through Exhibit 11
22 were marked for identification.)

23 Does the Division of Fish and Wildlife
24 have anything further they wish to offer at this time?

1 MR. ROGERSON: We do not.

2 THE HEARING OFFICER: Excellent. Okay.
3 Thank you again, Joe, for that presentation.

4 And again, as I mentioned previously,
5 there's a lot of information that Joe just went
6 through. And if anyone wishes to review it prior to
7 making written comments, they certainly can do so.
8 It's already up on the webpage, and everyone can take
9 a look at that at their leisure.

10 We're going to turn our attention now
11 to the live portion comment of tonight's hearing. As
12 I mentioned previously, DNREC's protocol is that
13 members of the public can certainly offer live comment
14 if they wish to do so. They have to pre-register;
15 it's all up on the webpage. And tonight we have two
16 people that have volunteered to offer comment. The
17 first one is going to be Martin Willis.

18 Mr. Willis, I believe that the ladies
19 in the background are searching for you to make sure
20 that you can be unmuted. And just let me know when
21 you can speak.

22 MS. PERRY: Mr. Willis, can you raise
23 your hand?

24 Because I don't see anyone named Mr.

1 Willis.

2 THE HEARING OFFICER: He may not be
3 here. We can go back to him. I believe I saw the
4 other person, Ashley Kennedy, come in.

5 Ms. Kennedy, are you here? Can you
6 hear me?

7 MS. KENNEDY: Yes. I am here. Can you
8 hear and see me okay?

9 THE HEARING OFFICER: Your camera is
10 turned off during the commenting, but you should see
11 your name and a three-minute timer. It should begin
12 as soon as you start speaking. So whenever you're
13 ready, you can provide us with your comments.

14 MS. KENNEDY: Perfect. Well, thank you
15 for the opportunity to speak. My name is Ashley
16 Kennedy, and I am speaking on behalf of the Board of
17 Delaware Audubon.

18 Delaware Audubon is a 501(c)(3)
19 nonprofit organization and a statewide chapter of the
20 National Audubon Society. Delaware Audubon is
21 dedicated to developing a better appreciation of our
22 natural environment and working for species and
23 habitat conservation with a special focus on birds.

24 We applaud DNREC for taking on a

1 much-needed revision of outdated hunting regulations,
2 and we appreciate proposed changes that would
3 encourage hunters to use safer alternatives to lead
4 shot. Toxicity from lead ammunition is responsible
5 for millions of deaths annually in birds and other
6 wildlife in the United States. That information is
7 from the Cornell Wildlife Health Lab.

8 We are heartened to see language under
9 Section 5, wild turkeys, and specifically under 5.3,
10 method of take, that allows smaller shot to be used.
11 And we hope that this change will encourage use of
12 Tungsten Super Shot, TSS, in lieu of lead shot.

13 However, the wording the of the
14 proposed regulation change could be improved upon for
15 clarity and safety. The current wording for 5.3.1
16 reads "It shall be unlawful for any person to use any
17 firearm to hunt wild turkeys except a 10-, 12-, 16-,
18 or 20-gauge shotgun loaded with shot no larger than
19 size 4," without specifying what kind of shot may be
20 used.

21 Because TSS has a higher density than
22 lead shot, a smaller pellet can deliver the same
23 amount of energy of much larger lead pellets. TSS
24 provides a tighter pattern and improved penetration,

1 so Number 9 TSS is equivalent to Number 5 lead shot.
2 We believe that smaller shot sizes such as 7, 8, and
3 9, should only be legal if using TSS and should
4 certainly not be allowed with lead shot.

5 In addition to the toxicity risk posed
6 by lead ammunition, use of smaller lead pellets would
7 likely result in more injured birds when a clean kill
8 is not attained. We urge you to follow the example
9 set by other states, such as Indiana and Maine, and
10 revise the proposed text to specify that smaller shot
11 sizes are only permitted with TSS.

12 Thank you very much for your time and
13 consideration.

14 THE HEARING OFFICER: Thank you, Ms.
15 Kennedy.

16 I'll ask right now, once again, if we
17 can find Mr. Willis. I'm wondering if it might be a
18 typo because Mr. Willis spoke at another hearing
19 recently. And this may have just been a mis-click on
20 his part, but certainly if he is in the audience, we
21 can hear his comments now.

22 Do we see him at all?

23 MS. PERRY: Do not.

24 THE HEARING OFFICER: Okay. Yeah. I

1 would honestly be surprised because I know that Mr.
2 Willis is not a hunter. But anyway, let me go on and
3 say some concluding remarks.

4 Mr. Willis, if you do come in or if you
5 are out there, you can certainly feel free to offer
6 comment in writing as anyone else can, but we're just
7 going to go ahead and move to close right now.

8 Again, when the court reporter gets the
9 transcript to the Department, we will have it
10 immediately posted on hearing webpage that's dedicated
11 to this matter. The comment that Ms. Kennedy just
12 gave, of course, will be included in the transcript.

13 And again, I would encourage anybody
14 that wishes to make their considerations known for the
15 record and for the Secretary's consideration, go ahead
16 and offer your comment. It is unlimited, the amount
17 of comment that you can put in writing to the
18 Department.

19 Comments may be submitted through the
20 comment form link on the hearing page, via email to
21 dnrehearingcomments@delaware.gov, or via the old U.S.
22 Postal Service at the physical address for DNREC
23 that's indicated on the hearing page and all of the
24 public notices that have been issued in this matter.

1 It should be noted that written
2 comments to DNREC may not be submitted via social
3 media devices such as Twitter, Facebook, YouTube, or
4 standardized text messaging.

5 And again, all comment, whether it came
6 in prior the hearing, at the hearing, or at any point
7 between now and at the close of the period on January
8 12th, it all bears the same weight. It'll all be
9 incorporated into the hearing record, and it will be
10 given to the Secretary for his consideration prior to
11 a determination is made in this matter.

12 Again, I want to thank everybody for
13 tuning in tonight. Go check out that hearing page;
14 there's a lot of stuff on there.

15 Have a great holiday season, and this
16 hearing is adjourned.

17 (Whereupon, at 6:34 p.m., the
18 proceeding was concluded.)

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CERTIFICATE

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I, Heidi Schoentube, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



Heidi Schoentube
Notary Public in and for the
Commonwealth of Pennsylvania

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CERTIFICATE OF TRANSCRIBER

I, DAVID SHAHVERDIAN, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



DAVID SHAHVERDIAN

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