

## HEARING OFFICER'S REPORT

**TO:** The Honorable Gregory Patterson  
Cabinet Secretary, Department of Natural Resources and Environmental Control

**FROM:** Lisa A. Vest  
Regulatory Specialist, Office of the Secretary  
Department of Natural Resources and Environmental Control

**RE:** **Proposed Amendments to 7 DE Admin. Code 3100: *Boating***  
**(Hearing Docket No. 2025-R-F-0009)**

**DATE:** December 2, 2025

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### **I. BACKGROUND AND PROCEDURAL HISTORY:**

A virtual public hearing was held on Wednesday, October 22, 2025, at 6:00 p.m. via the State of Delaware Zoom Platform by the Department of Natural Resources and Environmental Control (“DNREC” or “Department”) to receive comment on proposed regulatory amendments to 7 DE Admin. Code 3100, *Boating* (“Amendments”). The Department’s Division of Fish and Wildlife (“DFW”) proposes to amend eight (8) sections of Delaware’s existing Boating regulations. These Amendments pertain to the compliance and enforcement of all vessels used on Delaware’s waterways. Specifically, Amendments are proposed within the following sections: 1.0 *General*; 2.0 *Definitions*; 3.0 *Vessel Registration & Numbering*; 4.0 *Casualty Reporting*; 5.0 *Water Skiing*; 6.0 *Vessel Speed*; 9.0 *Minimum Required Equipment*; and 10.0 *Boat Ramps & Parking Lots Administered by Division*.

In addition to the Amendments being proposed to the sections noted above, there are numerous clerical changes being made throughout the existing Boating regulations (i.e., updating formatting and style) to comply with the current *Delaware Administrative Code Drafting and Style Manual*. It should be noted that such changes are not substantive in nature and thus do not change the intent of the Department’s existing regulations.

The Department's proposed Amendments serve to align Delaware's boating safety measures in accordance with the safety procedures outlined by the United States Coast Guard and federal law. Specifically, the Amendments seek to raise the threshold for reportable accidents, introduce immediate notification requirements, establish no-wake buffer zones for emergency vehicles, and to update mandatory safety equipment standards. The Amendments also broaden prohibited areas for water skiing and clarify parking restrictions. Additionally, the Department has made clerical changes to clarify existing definitions, reduce ambiguity, update administrative criteria for boating registrations, and to modernize language to reflect current terminology, thus resulting in higher efficiency with DNREC's internal protocols, and a greater understanding of these regulations within the boating community. The Department notes that these Amendments are not anticipated to have a detectable impact on the environment, nor result in additional costs to the affected entities.

The following section of this Hearing Officer's Report ("Report") provides a description of each of the Amendments proposed by the DFW, as published in the State of Delaware *Register of Regulations* on October 1, 2025:

### **Section 1.0: General**

The proposed Amendments to Section 1.0 are needed to update the terminology regarding the Department's law enforcement personnel to reflect the official title of "Natural Resources Police officer." This change not only brings consistency in the terms used between the Department and Delaware's Administrative Code, but further serves to clarify the officer's jurisdiction, thus strengthening their authority in enforcement and compliance actions relating to these regulations.

## **Section 2.0: Definitions**

The proposed Amendments within Section 2.0 are needed to bring the existing regulations into compliance with federal laws, clarify multiple safety-related definitions, and to add new definitions. Specifically, the proposed Amendments to Section 2.0 will (1) introduce new terms, such as “Docking facility,” “ECOS,” “ECOS Link,” “Throwable PFD,” “Underway,” “Vessel,” and “Wearable PFD”; (2) replace “Enforcement officer” with “Natural Resources Police officer”; and (3) clarify the definition for “State of Principle Use.”

## **Section 3.0: Vessel Registration & Numbering**

The proposed Amendments within Section 3.0 are needed to modernize vessel registration requirements and align Delaware’s registration process with federal standards. Specifically, the proposed Amendments to Section 3.0 will (1) remove the application requirement for a social security number and replace it with alternative owner identifiers such as the owner’s tax identification number, or their date of birth in tandem with their driver’s license number or other unique number; (2) remove the size dimensions for the Certificate of Number (“CON”) and replace it with “pocket-sized”; (3) add that the CON must be in a hard copy or digital format; (4) add terms to identify the use of the vessel (“commercial operation,” “charter fishing,” and “documented”; (5) add terms to identify the type of the vessel’s hull (“rubber/vinyl/canvas”); (6) add terms to identify vessel type (“air boat,” “auxiliary sail,” “cabin motorboat,” “houseboat,” “inflatable boat,” “open motorboat,” “paddle craft,” “personal watercraft,” “pontoon boat,” “rowboat,” “sail only,” and “other”); (7) add terms to identify the propulsion type (“air thrust,” “manual,” “propeller,” “sail,” “water jet,” and “other”); (8) add terms to identify the drive type (“inboard,” “outboard,” “pod drive,” “sterndrive,” and “other”); (9) add terms to identify fuel type (“gas” and “electric”); and (10) replace outdated references to “Enforcement officer” with “Natural Resources Police officer.”

#### **Section 4.0: Casualty Reporting**

The proposed Amendments within Section 4.0 are needed to align the existing regulations with federal reporting requirements and to enhance public safety on Delaware waterways. Specifically, the proposed Amendments to Section 4.0 will (1) increase the reporting damage threshold from five-hundred U.S. dollars (\$500) to two-thousand U.S. dollars (\$2,000); (2) add a requirement to immediately notify the Natural Resources Police in the event that a vessel causes property damage and the property owner cannot be immediately located; and (3) replace outdated division names/agent titles with “Natural Resources Police” or “Natural Resources Police officer.”

#### **Section 5.0: Water Skiing**

The proposed Amendments within Section 5.0 are needed to reduce collisions, property damage, and injury in high-traffic waterways. This will be accomplished by adding the Chesapeake and Delaware Canal to the list of areas prohibited for water skiing.

#### **Section 6.0: Vessel Speed**

The proposed Amendments within Section 6.0 are needed to improve safety conditions for first responders to reduce potential wake-related damage or accidents. This will be accomplished by adding a slow-no-wake requirement when within one hundred (100) feet of any law enforcement or other emergency vessel with emergency lights activated.

### **Section 9.0: Minimum Required Equipment**

The proposed Amendments within Section 9.0 are needed to modernize the safety equipment standards to align the existing regulation with United States Coast Guard requirements. Specifically, the proposed Amendments to Section 9.0 will (1) add an engine cut-off switch (“ECOS”) requirement for all vessels under twenty-six (26) feet in length that are capable of developing one-hundred and fifteen (115) pounds of thrust or three (3) horsepower while on plane or above a slow-no-wake-speed, unless the operator is wearing an ECOS link; (2) include an exception for enclosed-helm vessels and older vessels not originally equipped with ECOS; (3) clarify requirements for portable and semi-portable fire extinguishers onboard a vessel; (4) explain how a semi-portable extinguisher must be fitted to cover the area of concern; (5) address other types of fire extinguishers that may be carried onboard as excess equipment; (6) simplify terminology for Personal Flotation Devices (“PFD”) by replacing Types I-V with the new terms, “wearable” and “throwable”; (7) update the old typing codes for fire extinguishers with the current manufacturer’s terms; and (8) replace outdated references to “enforcement officer” with “Natural Resources Police officer.”

It should be noted that clerical error was discovered in Subsection 9.4 of the proposed Amendments by Department staff subsequent to their publication in the October 1, 2025, edition of the *Register of Regulations*. That error, which was non-substantive in nature, was corrected by the Department and then vetted to the public at the time of the public hearing on October 22, 2025. The *revised* proposed Amendments, which are being recommended herein by this Hearing Officer to become final Amendments, reflect this correction.

## **Section 10.0: Boat Ramps & Parking Lots Administered by Division**

The proposed Amendments to Section 10.0 are needed to clarify parking regulations for Division-owned properties. Specifically, the proposed Amendments to Section 10.0 will (1) add the term “vessel” to the list of equipment that cannot be left unattended in a Division-owned parking lot in excess of forty-eight (48) hours without contacting the Natural Resources Police; (2) replace “boat trailer” with “trailer”; and (3) replace outdated division names/agent titles with “Natural Resources Police” or “Natural Resources Police officer.”

The Department has the statutory basis and legal authority to promulgate the above proposed Amendments, pursuant to 23 *Del.C.* §2114, and the general authority provided to the Department under 7 *Del.C.* Ch. 60.

Department staff, as well as members of the public, attended the public hearing held on October 22, 2025. Pursuant to 29 *Del.C.* §10118(a), the Record remained open for receipt of public comment through November 7, 2025, however, no comment was received by the Department at any time over the course of this regulatory promulgation. It should be noted that all notification and noticing requirements concerning this matter were met by the Department. Proper notice of the hearing was provided as required by law.

## **II. SUMMARY OF THE PUBLIC HEARING RECORD:**

The Record consists of the following documents:

- (1) A verbatim transcript of the public hearing, as provided by Veritext Legal Solutions;
- (2) Nine (9) documents introduced by Department staff at the public hearing held on October 22, 2025, and marked by this Hearing Officer at the time of the hearing accordingly as Department Exhibits 1-9; and
- (3) The Department’s *revised* proposed Amendments, attached hereto as Appendix “A.”

The Department's person primarily responsible for the drafting and overall promulgation of the proposed Amendments, Drew Aydelotte, developed the Record with the relevant documents in the Department's files. As noted above, the Department's *revised* proposed Amendments are attached hereto as Appendix "A" for the Secretary's review.

### **III. RECOMMENDED FINDINGS AND CONCLUSIONS:**

Based on the Record developed in this matter; I find and conclude that the Department has provided appropriate reasoning regarding the need for the *revised* proposed amendments to 7 DE Admin. Code 3100: *Boating*, and that the same are necessary to align Delaware's boating safety measures in accordance with the safety procedures outlined by the United States Coast Guard and federal law. Accordingly, I recommend promulgation of the same, in the customary manner provided by law.

Further, I recommend the Secretary adopt the following findings and conclusions:

1. The Department has the statutory basis and legal authority to act with regard to the proposed amendments to 7 DE Admin. Code 3100: *Boating*, pursuant to 23 *Del.C.* §2114;
2. The Department has jurisdiction under its statutory authority, pursuant to 7 *Del. C.* Chapter 60, to issue an Order adopting the proposed Amendments as final;
3. The Department provided adequate public notice of the proposed Amendments and all proceedings in a manner required by the law and regulations, and provided the public with an adequate opportunity to comment on the same, including at the time of the virtual public hearing held on October 22, 2025, and during the days subsequent to the public hearing (through November 7, 2025), before making any final decision;

4. Promulgation of the *revised* proposed Amendments will enable the Department to align Delaware's boating safety measures in accordance with the safety procedures outlined by the United States Coast Guard and all applicable state and federal laws, improve efficiency within the agency, and provide a greater understanding of these regulations to the boating community;
5. The Department has reviewed the *revised* proposed Amendments in the light of the *Regulatory Flexibility Act*, consistent with 29 *Del.C.* Ch. 104, and believes the same to be lawful, feasible, and desirable, that it will not establish substantive additional costs for individuals or small businesses, and that the recommendations as proposed should be applicable to all Delaware individuals or small businesses equally;
6. Further, the Department has reviewed this proposed regulatory promulgation in the light of 7 *Del.C.* §10003 and 29 *Del.C.* §10118(b)(3), and has determined that conducting such an assessment regarding the impact of this regulation on the achievement of the State of Delaware's greenhouse gas emissions reduction targets is not practical;
7. The Department's proposed Amendments, as published in the October 1, 2025, *Delaware Register of Regulations*, then *revised* to correct clerical error and fully vetted as such at the public hearing held on October 22, 2025, are adequately supported, are not arbitrary or capricious, and are consistent with the applicable laws and regulations. Consequently, they should be approved as final regulatory amendments, to go into effect ten (10) days after their publication in the next available issue of the *Delaware Register of Regulations*;
8. The Department shall submit the *revised* proposed Amendments as final regulatory amendments to the *Delaware Register of Regulations* for publication in its next available issue and provide such other notice as the law and regulation require, and the Department determines is appropriate; and



9. The Department shall serve and publish its Order on its internet site.



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LISA A. VEST  
Public Hearing Officer