

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 3900: *Wildlife***
(Hearing Docket No. 2025-R-F-0011)

DATE: December 2, 2025

I. BACKGROUND AND PROCEDURAL HISTORY:

A virtual public hearing was held on Wednesday, August 27, 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 3900, *Wildlife* (“Amendments”). The Department’s Division of Fish and Wildlife (“DFW”) proposes to amend eight (8) sections of Delaware’s existing Wildlife regulations pertaining to the management and conservation of wildlife, including activities involving hunting and activities authorized on Division-owned lands. Specifically, amendments are being proposed within the following sections: 2.0 *Method of Take*, 3.0 *Federal Laws and Regulations Adopted*, 4.0 *Seasons*, 5.0 *Wild Turkeys*, 7.0 *Deer*, 8.0 *General Rules and Regulations Governing Land and Waters Administered by the Division*, 20.0 *Game Bird Releases*, and 23.0 *Non-native/Invasive Wildlife*.

In addition to the Amendments being proposed to the sections noted above, there are numerous clerical changes being made throughout the existing Wildlife regulations (i.e., updating formatting and style) to comply with the current *Delaware Administrative Code Drafting and Style Manual*.

The Department's proposed Amendments serve to provide additional hunting opportunities in Delaware, such as the expansion of current seasons, the removal of age restrictions, and the elimination or modification of harvest reporting requirements. Other proposed Amendments clarify appropriate seasons to use certain types of firearms and allow the use of motorized carts to transport game or equipment.

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 August 1, 2025:

Section 2.0: Method of Take

The proposed Amendments within Section 2.0 are needed to revise existing ambiguous language contained therein, specifically, to clarify the seasons for which muzzleloaders may be used to harvest deer.

Section 3.0: Federal Laws and Regulations Adopted

The proposed Amendments within Section 3.0 are needed to bring Delaware's existing regulations into compliance with federal laws. Specifically, the proposed Amendments to Section 3.0 will allow all hunters under the age of sixteen (16) to participate during the special youth hunts for waterfowl and migratory gamebirds.

Section 4.0: Seasons

The proposed Amendments within Section 4.0 are needed to adjust existing seasons and remove certain harvesting requirements. Delaware's existing regulatory language in this Section is outdated, as it reflects past restrictions of Sunday hunting for game birds; that law was amended several years ago by Delaware's General Assembly. The Department's proposed changes would provide hunters with more weekend hunting opportunities.

Additionally, the removal of present mandatory reporting requirements is reflective of the Department's shift towards collecting harvest information through alternative means. The proposed Amendments to Section 4.0 will (1) allow crow hunting on Fridays, Saturdays, and Sundays from the fourth Friday in June through the last Sunday in March; and (2) eliminate the gray fox harvest reporting requirement.

Section 5.0: *Wild Turkeys*

The proposed Amendments within Section 5.0 are needed to extend existing seasons, remove erroneous text regarding harvest reporting, and to modify age restrictions for youth hunts. As is the case in the previous Section, the existing regulatory language in Section 5.0 is outdated, as it reflects past restrictions of Sunday hunting for game birds; as noted previously, that law was amended several years ago by the General Assembly. Additional outdated regulatory language defining turkey harvesting requirements will be removed to reflect the shift towards electronic reporting. Specifically, the proposed Amendments to this Section will (1) clarify that the turkey season will now end on Sunday instead of Saturday; (2) eliminate obsolete turkey harvest reporting requirements; and (3) allow all hunters under the age of 16 to participate in the special youth hunts for turkeys.

Section 7.0: *Deer*

The proposed Amendments within Section 7.0 are needed to modify age restrictions for youth hunts. Specifically, the proposed changes will allow all hunters under the age of 16 to participate in the special youth hunts for deer.

Section 8.0: General Rules and Regulations Governing Land and Waters Administered by the Division

The proposed Amendments within Section 8.0 are needed to allow motorized electric carts, wagons, or wheelbarrows to transport hunting and fishing equipment or game and fish on lands administered by the Division, provided they are not ridden or used to transport any person. The Department notes that anyone using such equipment must walk during the duration of its use.

Section 20.0: Game Bird Releases

The proposed Amendments within Section 20.0 are needed to revise erroneous text regarding the differentiating number of gamebirds released, specifically, to clarify which permit an individual would need in such instances.

Section 23.0: Non-Native/Invasive Wildlife

The proposed Amendments within Section 23.0 are needed to extend existing seasons, and to remove certain harvesting requirements to reflect the Department's shift towards collecting harvest information through alternative means. Specifically, the proposed Amendments to this Section will (1) extend the coyote hunting season from July 1 to June 30; and (2) eliminate the coyote harvest reporting requirement.

The Department has the statutory basis and legal authority to promulgate the above proposed Amendments, pursuant to 7 Del.C. §§102(a), 103(a) and (b), 801, 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 August 27, 2025. Comments were received from the public by the Department at the time of the public hearing, as well as during both the pre- and post-hearing phases of this promulgation. Pursuant to 29 Del.C. §10118(a), the Record remained open subsequent to the date of the public hearing for receipt of public comment through September 12, 2025.

At the request of this Hearing Officer, the Department's subject matter experts in the DFW provided a Technical Response Memorandum ("TRM"), for the benefit of the Record generated in this matter. The Department's TRM, dated October 1, 2025, is discussed in greater detail below. 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 held on August 27, 2025, as provided by Veritext Legal Solutions;
- (2) Eight (8) documents introduced by Department staff at the public hearing held on August 27, 2025, and marked by this Hearing Officer at the time of the hearing accordingly as "Department Exhibits 1-8";
- (3) Comments received from the public by the Department in this matter, as posted on the hearing web page dedicated to this proposed regulatory promulgation; and
- (4) Technical Response Memorandum from Rob Hossler, Wildlife Biologist, DFW, dated October 1, 2025.

The Department's person primarily responsible for the drafting and overall promulgation of the proposed Amendments, Rob Hossler, as noted above, developed the Record with the relevant documents in the Department's files.

III. RECOMMENDED FINDINGS AND CONCLUSIONS:

Currently pending before the Department is the adoption of the proposed amendments to 7 DE Admin. Code 3900, *Wildlife*. As noted previously, the proposed Amendments concern eight (8) sections of Delaware's existing Wildlife regulation pertaining to the management and conservation of wildlife, including activities involving hunting and activities authorized on Division-owned lands.

Additionally, the Department is also taking this opportunity to make numerous clerical changes throughout the existing Wildlife regulations (i.e., updating formatting and style) to comply with the current *Delaware Administrative Code Drafting and Style Manual*. For ease of review, the Department's proposed Amendments are attached hereto as Appendix "A" and are expressly incorporated herein.

Subsequent to the close of the public comment period on September 12, 2025, the Department's staff in the DFW reviewed all of the comments received from the public in this matter and, at the request of this Hearing Officer, provided a TRM, dated October 1, 2025, in response to the same. A copy of the Department's TRM is attached hereto as Appendix "B" and is expressly incorporated herein.

As the TRM notes, the Department received a total of sixteen (16) comments from the public in this matter (fifteen individuals and one organization). Of those 16 comments, four (4) were not germane to this specific proposed promulgation, as those comments concerned legislation pertaining to youth and firearms. Many of the comments received by the Department in this matter voiced support of the Department's proposed Amendments. Comments were also received in opposition to the Amendments, specifically, to the proposed changes in Sections 8.0 and 23.0. The following section of this Report addresses the areas of concern mentioned in the public comments received in this matter and provides the DFW's responses to the same.

1. Section 8.0: General Rules and Regulations Governing Land and Waters Administered by the Division

The DFW received several comments in opposition to the permitting of motorized carts, wagons, or wheelbarrows utilized to transport equipment or harvested game on lands administered by the Division. Specifically, concerns were raised that the use of such devices would lead to an increased hunting presence and the disturbance of state wildlife areas (which already receive significant pressure by hunters).

One commenter stated that it was inappropriate to allow such motorized devices while restricting the use of other motorized conveyances (such as e-bikes). Another commenter indicated that such devices should only be permitted to haul game, to minimize environmental impacts on the state wildlife areas.

In response to these comments, the DFW does not believe that permitting the use of motorized carts, wagons, or wheelbarrows will increase hunter numbers on state wildlife areas, as they anticipate individuals who might use such devices are likely already hunting in these public areas. Rather, the Division believes that permitting such devices may assist in retaining participation from the aging hunting population. Additionally, the Division does not believe that the use of such devices will lead to environmental impacts on our public areas, as they are extremely slow (unlike an e-bike), and any noise disturbance would be comparable to an individual dragging out a harvested deer or carrying in hunting equipment.

2. Section 23.0: Non-native/Invasive Species

The majority of the comments received in this matter concerned the proposed extension of the coyote hunting season from its current length of six months to year-round. The Department noted in its TRM that they anticipated the increased public feedback on this particular proposal, as the DFW received extensive feedback when the coyote regulations were first established in 2014. Five (5) of the comments received by the Department on Section 23 were in support of the extension of the hunting season, while six (6) individuals opposed it. Those in support of this proposal believed that extending the coyote season would allow hunters to better manage this invasive/non-native species and help prevent impacts to native wildlife while increasing hunting opportunities. One commenter stated that coyotes should be eradicated from Delaware because they are an invasive/non-native species, while another commenter supported the expansion of the hunting season because they had seen coyotes in their suburban 55+ community and, being disabled, feared for both their and their pet's safety.

The commenters in opposition to the year-round extension of the coyote hunting season voiced numerous reasons for the same. Several commenters noted that coyotes, as predators of deer, may help to control Delaware's deer population and reduce agricultural crop damage. Other comments referenced the importance of predators like coyotes in maintaining healthy ecosystems. One commenter believed that coyotes are not a threat to pets or livestock; rather, their presence may help to create a balance of nature in Delaware. Another commenter mentioned the role predators play in preventing the transmission of diseases such as Chronic Wasting Disease ("CWD") in deer, while one commenter expressed frustration with the Department for expanding hunting seasons to generate more revenue.

The most extensive comments originated from the *Northeast Regional Director of the Humane World for Animals* (formerly known as the *Humane Society of the United States*). This organization strongly opposed the extension of the coyote hunting season to year-round and the elimination of the requirement for coyote hunters and trappers to report their kills. In support thereof, the organization cited studies asserting that year-round hunting of coyotes does not reduce the population; rather, it could potentially increase it by disrupting the species' social structure (thereby encouraging more breeding and migration). The organization further stated that research has shown that the year-round hunting of coyotes does not prevent livestock conflicts, and could even exacerbate them, again, based on the disruption of coyote pack structure. Additionally, they stated that the year-round hunting of coyotes would not result in an increased population of game animals, especially deer, as coyote populations are not limiting deer numbers. Lastly, the organization declared that the indiscriminate hunting of coyotes would remove an ecologically important species from the landscape, leading to the orphaning and starvation of dependent young.

In response to these comments, the TRM notes that extensive scientific studies conducted in Pennsylvania (as well as research done by the DFW in collaboration with the University of Delaware) have shown that coyotes are not significant predators of deer in the Mid-Atlantic region. Unlike in New England areas, the Mid-Atlantic region does not typically have sufficient deep snow for an extended period (thus making deer more vulnerable to coyote predation).

Additionally, unlike many southern states, deer in the Mid-Atlantic region have a synchronous breeding cycle, where the fawning season is relatively short. Consequently, most fawns have been born and are mobile enough to escape predation by the time coyotes become aware that fawns are available. Therefore, it is the DFW's opinion that coyotes are not a significant predator of deer in Delaware, and as such, the expansion of their hunting season is not being proposed to increase or decrease deer populations.

The DFW further notes in the TRM that some of the comments made by above organization are counterintuitive, such as their position that expanding the hunting season will likely increase the coyote population in Delaware. For example, they state that an increased harvest will cause a disruption of the coyote's social structure (thus leading to increased breeding); however, they also state that a year-round hunting season will also increase the mortality of young coyotes. In practice, Pennsylvania and other nearby states have had year-round coyote hunting seasons for decades with little impact, positively or negatively, to the statewide coyote population. One point the DFW does agree with is that there is over a century's worth of data showing that hunting, trapping and even extensive predator control methods (i.e., bounties and poisoning) will not control coyotes on a landscape or even a statewide level. Ultimately, what will determine how many coyotes are in Delaware are the coyotes themselves.

The TRM further states that the proposed expansion to the hunting season is not intended to better manage the species on a statewide level, but rather to improve management of coyotes at the local or land parcel level. Increasing hunting opportunities for landowners can be very effective in reducing local numbers of coyotes, as year-round hunting pressure provides more opportunities for harvest and can cause coyotes to abandon an area. Moreover, the TRM notes that, although DNREC has had a year-round coyote depredation order since 2014, it is only intended for use when there is an imminent threat of injury to people, livestock, or pets.

Currently, there is no legal means for a landowner to remove coyotes from their property outside the current September – February hunting season in the absence of such an imminent threat as noted above. The proposed year-round coyote hunting season will provide these landowners with another wildlife management tool, similar to the DFW’s deer damage program that provides landowners a mechanism to protect their agricultural crops.

Although the DFW is proposing to eliminate the reporting requirement for hunter and trapper harvested coyotes, the Department believes this information can be accurately calculated through their annual hunter and trapper harvest surveys, which are currently used to estimate the harvest of all other furbearers like red foxes, raccoons, muskrats and opossums. After eleven years of the Department gathering coyote harvest data, the DFW believes that the reporting requirement is unnecessary, and that by switching to the annual harvest surveys, the Department will be better able to compare harvest and population trends of coyotes with those of other furbearers (which would be important if population trends of these mesocarnivores were to be effected by a disease outbreak or a change in furbearers hunting or trapping pressure).

Finally, the TRM states that it is important to note that the reported coyote harvest in Delaware has remained stable and very low since the DFW established a coyote hunting and trapping season and a depredation order in 2014. During the four-year period between 2020-2023, the reported harvest has been 8, 4, 5 and 12 individual coyotes, respectively. The DFW does not anticipate a year-round hunting season to significantly increase harvest numbers; however, as previously noted, it will allow landowners an additional wildlife management tool and increased hunting opportunities.

Based on the Record developed in this matter; I find and conclude that the Department has provided appropriate reasoning regarding the need for the proposed Amendments as set forth above. 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 3900: *Wildlife*, pursuant to 7 *Del.C.* §§102(a), 103(a) and (b), and 801;
2. The Department has jurisdiction under its statutory authority, pursuant to 7 *Del. C.* Ch. 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 proposed Amendments, including at the time of the virtual public hearing held on August 27, 2025, and during the days subsequent to the public hearing (through September 12, 2025), in order to consider all public comment on the same before making any final decision;
4. Promulgation of the proposed Amendments will enable DNREC to provide additional hunting opportunities in Delaware with the expansion of current seasons, the removal of age restrictions, and the elimination or modification of harvest reporting requirements. Additionally, the proposed Amendments will clarify the appropriate seasons to use certain types of firearms and allow the use of motorized carts to transport game or equipment. Lastly, the proposed Amendments further serve to provide minor administrative updates to correct grammar and misspellings, and to bring the existing Wildlife regulations into current formatting style.
5. The Department has reviewed the 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; and

7. The Department's proposed Amendments, as published in the August 1, 2025, *Delaware Register of Regulations*, then fully vetted to the public at the public hearing held on August 27, 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 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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Attachments:

Appendix A: Proposed Amendments to 7 DE Admin. Code 3900, *Wildlife*

Appendix B: DFW TRM (10/01/2025)