

Department of Natural Resources and Environmental
Control (DNREC)
Regulations Governing State Parks
(7 DE Admin. Code 9201)

Docket No. 2025-R-P-0017

Moderated by Lisa Vest, Hearing Officer
Wednesday, August 5, 2026
6:00 p.m.

Remote Proceeding
89 Kings Highway
Dover, DE 19901

Reported by: Carlo Florio
JOB NO.: 8288088

A P P E A R A N C E S

List of Attendees:

Kristie Wyatt, Paralegal, Delaware Department of
Natural Resources and Environmental Control (DNREC)

Theresa Smith, Delaware Department of Natural
Resources and Environmental Control (DNREC)

Grant Melville, DNREC (by videoconference)

Matthew Ritter, DNREC (by videoconference)

Kevin-Scott van Vlijmen, Public Commenter (by
videoconference)

Christopher Zarebicki, Public Commenter (by
videoconference)

Kelly Poper, Public Commenter (by videoconference)

Tyler Devereux, Public Commenter (by videoconference)

Spencer Wonder, Public Commenter (by videoconference)

Matt Martyniak, Public Commenter (by videoconference)

Martin Lessner, Public Commenter (by videoconference)

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C O N T E N T S

Ms. Wyatt

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E X H I B I T S

NO.	DESCRIPTION	ID/EVD
Exhibit 1	Start Action Notice #2025-09	26/27
Exhibit 2	Regulatory Flexibility Analysis/Regulatory Impact Statement	26/27
Exhibit 3	Register Notice SAN #2025-09 Published July 1, 2026, Delaware Register of Regulations	26/27
Exhibit 4	Proof of Publication of the Legal Notice in the June 28, 2026, Wilmington News Journal	26/27
Exhibit 5	Proof of Publication of the Legal Notice in the June 29, 2026, Delaware State News	26/27
Exhibit 6	Public Hearing Notice	26/27
Exhibit 7	Notice of This Public Hearing as it Appears on the Delaware Public Meeting Calendar on June 16, 2026	26/27
Exhibit 8	Notice of This Public Hearing as it Appears on DNREC's Public Hearings Website	26/27

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Exhibit 9	Email Sent to the Natural	
4		Advisory Areas Council	
5		Notifying Them of This	
6		Hearing	26/27
7	Exhibit 10	Email Sent to the Open Space	
8		Council Notifying Them of	
9		This Hearing	26/27
10	Exhibit 11	Email Sent to the Parks and	
11		Recreation Council Notifying	
12		Them of This Hearing	26/27
13	Exhibit 12	Email Sent to the Friends,	
14		Partners, and Supporters of	
15		Delaware State Parks	
16		Notifying Them of This	
17		Hearing	26/27
18	Exhibit 13	Notice of This Public Hearing	
19		as it Appears on the Delaware	
20		State Parks Facebook Page,	
21		Posted on July 1, 2026	26/27

1	E X H I B I T S (Cont'd)		
2	NO.	DESCRIPTION	ID/EVD
3	Exhibit 14	Notice of This Public Hearing	
4		as it Appears in the Delaware	
5		State Parks July Newsletter	
6		Email	26/27
7	Exhibit 15	A Copy of the Hearing	
8		Presentation on Proposed	
9		Amendments to 7 DE Admin.	
10		Code 9201 Regulations	
11		Governing State Parks	26/27
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1 P R O C E E D I N G S

2 THE HEARING OFFICER: Good evening. I
3 want to thank everybody for coming out tonight and
4 virtually attending with us. We are now on the record
5 as it is 6 p.m. And we're going to go ahead and start
6 tonight's proceedings.

7 The date is Wednesday, August 5, 2026.
8 And we are here today to provide the platform for
9 DNREC to conduct its virtual public hearing regarding
10 the proposed regulatory amendments to 7 Delaware
11 Admin. Code 9201, which are the regulations governing
12 Delaware State Parks.

13 For those that may not know me or
14 recognize me, my name is Lisa Vest, and Secretary
15 Patterson has appointed me to serve as hearing officer
16 for tonight's proceeding.

17 I have a few introductory remarks,
18 after which time I will be turning the floor over to
19 Department personnel.

20 Parks has a brief presentation.
21 That'll get incorporated into the record that we're
22 building tonight.

23 The presentation after tonight's
24 hearing will be posted on the hearing page dedicated

1 to this matter. So you can always go back and look at
2 it and review it on your own time.

3 There is a lot of information on that
4 hearing page. There will also be some exhibits that
5 later on we'll incorporate into the record. And
6 there's just a lot of information in general about the
7 proposed action that you're going to hear about
8 tonight.

9 And it's all on the hearing web page,
10 and I would encourage everyone to go there and check
11 it out.

12 We have a court reporter here tonight.
13 They will be preparing a verbatim transcript of the
14 hearing pursuant to DNREC's statutory requirement to
15 do so. And as always, as soon as we get that
16 transcript from Veritext, it'll be placed on the
17 hearing page as well.

18 And again, I encourage everybody to
19 look at it. There's a lot of information, and it's
20 completely normal to forget half of it by the time
21 we're done tonight. So go check that out.

22 Before we go any further tonight, it's
23 important to set the parameters for what we're here
24 for tonight.

1 The purpose of this hearing is to build
2 the hearing record regarding this proposed action. We
3 provide the legal platform for the public to learn
4 about the Department's proposed reg. amendments. And
5 we also have the opportunity tonight to gather live
6 comment from members of the public that have
7 preregistered to do so.

8 The public's comments and concerns
9 regarding any proposed action are very important to
10 the Department. The comments, as they come in, are
11 incorporated into the hearing record. And the way
12 that we get them into the record is by the public
13 taking their time to sign up, offer to do so.

14 And again, we greatly appreciate it.
15 However, we do need to note that all comments that
16 come in to be incorporated into the hearing record
17 must be related solely to the subject matter of
18 tonight's hearing, which again, are the proposed
19 regulatory amendments.

20 It should also be noted that all public
21 comments made to DNREC regarding this matter, whether
22 they come in verbally tonight at the hearing or if
23 they come in in writing, either beforehand or after
24 the hearing. They all bear the same weight, and

1 they'll all be considered equally by Secretary
2 Patterson prior to making a decision in this matter.

3 I also want to make sure everyone
4 realizes that only comments submitted directly to
5 DNREC and entered by the hearing officer into the
6 hearing record in this matter will be posted on the
7 hearing page and considered by the Department as part
8 of this overall process.

9 It's important to note that DNREC has
10 not partnered with any additional organizations or
11 websites to assist with the acceptance of comments.
12 So please, no matter what you see online or anywhere
13 else, only submit comments to DNREC directly.

14 Pursuant to our protocols regarding our
15 public hearings, we have a pre-registration page that
16 the public can visit and sign up so that we know
17 you're out there, and we can recognize you and unmute
18 you when the time comes for public comment.

19 For those that have pre-registered --
20 we have about 15 people that went online to
21 preregister and offer their comments tonight at the
22 hearing. When that time comes -- it'll be after the
23 presentation. Each person is given three minutes of
24 time to offer their comment.

1 If by any chance you don't get through
2 your comments or you are unable to finish them all
3 within that three minutes, it's okay. The record is
4 not closing for public comment at the conclusion of
5 tonight's proceedings. Actually, it's going to be
6 open all the way up through August 20th.

7 So again, all comments bear the same
8 weight. It doesn't matter if they come in tonight or
9 if they come in in writing. And there is no
10 difference in how they are measured, whether they came
11 in last week or whether they come in at the last
12 minute on August 20th. They all bear the same weight.

13 DNREC appreciates the comments. And we
14 would encourage everyone to do so if that's what you
15 wish to do.

16 And while commenters tonight are
17 limited to just three minutes of time, there is no
18 limit on what you can offer us in writing. So that's
19 another plus as well.

20 As always, DNREC hearings serve as a
21 formal legal platform, and those offering comment must
22 do so in a respectful manner. DNREC has a zero-
23 tolerance policy for disparaging comments, offensive
24 language, and any type of personal attacks.

1 I have to say that. We are proud to
2 say that we've never had to deal with it, but I just
3 want to throw it out there.

4 Once again, the presentation that
5 you're about to see tonight, along with all the other
6 documentation that will be entered into the record,
7 it's all posted online so the public can look at it.
8 And there is a wealth of information out there, and I
9 would encourage you to do so.

10 Real quickly, I just have to go through
11 a couple protocols.

12 One, as I've mentioned before, all
13 comment received tonight must be limited solely to the
14 subject matter of tonight's hearing.

15 Two, in order to ensure that everyone
16 who wishes to offer comment for the record is
17 accommodated, we are not going to close the record,
18 but rather, it's going to be extended through
19 August 20th. So again, you'll have plenty of time if
20 you wish to offer comment.

21 Number three, there is only one
22 authentic recording of this proceeding, and it is the
23 official court reporter's transcript. And as soon as
24 we get that from the court reporter, it will be posted

1 along with all the other documentation on the hearing
2 page.

3 It usually takes about a week to get
4 it. So probably by this time next week, hopefully
5 it'll be up.

6 The statutory purpose of the hearing
7 tonight is to build the record with regard to this
8 proposed regulatory action.

9 The record -- that'll consist of the
10 transcript of this hearing, all comments that have
11 been received by the Department, all exhibits, and
12 eventually a report summarizing this whole process --
13 will be given to Secretary Patterson.

14 He will review the record in its
15 entirety, and then he will make his final decision in
16 this matter. There is no decision that has been made
17 to date regarding this matter.

18 Again, we are here to provide the
19 platform for people to offer comment. For the public
20 to learn about what these proposed amendments are. So
21 no decision's already been made. No decision will be
22 made tonight. It's just an open platform to gather
23 the record.

24 That being said, I am now going to turn

1 it over to Department staff. Kristie is a paralegal
2 with the Division of Parks, and she has a presentation
3 explaining what it is that the Department is
4 proposing.

5 So Kristie, when you're ready, you may
6 begin.

7 MS. WYATT: Thank you, Lisa.

8 Good evening. My name is Kristie
9 Wyatt, and I serve as a paralegal with the Delaware
10 Department of Natural Resources and Environmental
11 Control Division of Parks and Recreation.

12 Thank you for attending today's public
13 hearing regarding proposed amendments to 7 Delaware
14 Administrative Code 9201 Regulations Governing State
15 Parks.

16 The purpose of this hearing is to
17 provide a condensed review of proposed changes to our
18 regulations and receive public comment on the
19 amendments before a final decision is made by DNREC
20 Secretary Gregory Patterson.

21 Following the presentation, members of
22 the public who have previously registered will have an
23 opportunity to provide comments for the record.

24 The current version of the rules and

1 regulations have been in effect since 2019, although
2 the last comprehensive review and a change became
3 effective in 2004.

4 Since that time, changes in Delaware
5 law, evolving recreational uses, new technologies, and
6 operational experiences have highlighted the need to
7 update the regulations.

8 In early 2025, the Division began a
9 comprehensive review of Regulation 9201 to improve
10 clarity, ensure consistency with current state
11 statutes and practices, and address issues that have
12 emerged over the past decade.

13 A regulatory advisory committee
14 consisting of representatives from stakeholder groups
15 and the public met to review the proposed revisions.
16 The draft regulation was also reviewed by the
17 Department's Office of the Secretary and the Deputy
18 Attorney General before publication in the Delaware
19 Register of Regulations.

20 Many of the proposed amendments
21 throughout the regulation are editorial in nature.
22 These include correcting grammar, updating
23 terminology, replacing outdated agency titles,
24 renumbering sections, and improving readability as

1 seen presented on the current slide.

2 These editorial revisions do not change
3 the intent or application of the regulation and will
4 not be discussed individually this evening. Instead,
5 this presentation will focus on substantive policy
6 changes proposed throughout the regulation.

7 Beginning with Section 1.0,
8 Definitions. The Division proposes a comprehensive
9 update to the terminology used throughout the
10 regulation.

11 Existing definitions have been revised
12 to reflect current Delaware code. Obsolete
13 definitions have been removed, and several new
14 definitions have been added to support new provisions
15 contained elsewhere in the regulation.

16 These additions include definitions for
17 electric bicycles, marijuana, magnet fishing, obscene,
18 pop-up events or takeovers, possession limits, surf
19 fishing reservations, and several other operational
20 terms, all of which can be seen on the current slide.

21 Updating these definitions provides
22 consistency throughout the regulation and ensures
23 terminology aligns with current laws and park
24 operations.

1 Section 2.0, General Information,
2 contains relatively few policy changes. Most
3 revisions update references to current organizational
4 titles, clarify the Division's authority to establish
5 park policies, and modernize administrative language
6 throughout the regulation.

7 Section 3.0 addresses use restrictions
8 and trespassing. Most of the revisions within this
9 section are organizational; however, two substantive
10 amendments are proposed.

11 First, the regulation clarifies that
12 campgrounds and marina facilities may not be used as a
13 person's principal residence or as a base of
14 operations for conducting business without written
15 authorization from the director.

16 Second, the Division proposes
17 establishing a new statewide regulation on magnet
18 fishing within Delaware State Parks. The language as
19 proposed in July register can be seen on the current
20 slide.

21 After publication and further review,
22 the proposed language has been updated and will be
23 addressed later in the presentation.

24 Section 4.0 governs campground

1 operations. Revisions clarify that overnight
2 occupancy and use of campground facilities must be
3 consistent with the intended purposes of those
4 facilities. For instance, this addresses overnight
5 stays by individuals outside of designated campground
6 or overnight facility rentals.

7 Section 7.0 addresses water sports and
8 swimming activities. One substantive amendment
9 addresses swimwear requirements. Rather than creating
10 separate standard for attire, this revision aligns the
11 regulation using the term "obscene," which is defined
12 in existing Delaware Code in Title 11,
13 Subsection 1364.

14 Section 9.0 addresses surf fishing
15 vehicles. Outside of Section 9.3.3.4, which updates
16 language regarding the transfer of low-digit surf
17 plates, all other amendments are to memorialize
18 current surf fishing permit requirements and
19 practices, including the reservation system to which
20 no changes were made.

21 Other memorializations include current
22 equipment requirements, terminology, vehicle
23 identification provisions, and the voiding of numbered
24 low-digit plates issued before 2015, and those plates

1 purchased from unauthorized vendors.

2 Section 10.0 addresses vehicle
3 regulations. Revisions within this section are
4 proposed to ensure consistency with current Delaware
5 motor vehicle laws.

6 Section 12.0 addresses bicycles, which
7 now include electric bicycles, also known as e-bikes.
8 The regulation is amended to address the recent
9 changes to Delaware law recognizing e-bikes as
10 bicycles.

11 The proposed -- the proposal authorizes
12 the use of Class 1 and Class 2 electric bicycles on
13 designated park roads, signed bicycle paths, and
14 designated multi-use trails where bicycle use is
15 permitted. Higher class e-bikes would remain
16 prohibited on trails.

17 The amendments also establish a maximum
18 speed limit of 15 miles per hour for bicycles
19 operating on park trails and prohibits operating
20 bicycles on park trails and roadways with earplugs or
21 headsets covering both ears.

22 This provision is intended to improve
23 visitor safety, reduce user conflicts on shared use
24 trails, and provide a consistent standard for state

1 parks.

2 Finally, the regulation clarifies that
3 roller skates, skateboards, roller skis, and similar
4 equipment may be used only on designated sign bike
5 paths and multi-use paths.

6 15.0 addresses conduct-related
7 amendments.

8 Disorderly conduct provisions remain
9 largely unchanged. However, the proposal replaces the
10 previous indecent exposure language with the term
11 "obscene" as it is an existing definition in Title 11
12 of Delaware Code, which specifically addresses crimes
13 and criminal procedures for the state of Delaware.

14 This proposal also creates two entirely
15 new provisions regarding signage. The first provision
16 would prohibit displaying signs, flags, banners, or
17 similar materials that contain obscene content.
18 Again, the term as defined as Delaware Code as
19 previously stated.

20 The second part of this change is
21 stated on the slide as initially proposed. Following
22 publication and further review, updates have been made
23 and will be addressed later in this presentation to
24 reflect the new proposed changes.

1 Section 17.0 addresses property
2 violations. The only notable clarification includes
3 cremated remains, or cremains, being added to the list
4 of prohibited items which cannot be disposed of on
5 lands administered by the Division.

6 Section 18.0 governs public assemblies,
7 meetings, demonstrations, and the distribution or
8 posting of printed materials. The only notable change
9 is that the applications for a Division special use
10 permit must now be submitted at least 14 days in
11 advance of the proposed event rather than 7.

12 Section 20.0 governs alcoholic
13 beverages and drugs. Several amendments update this
14 section to reflect changes in Delaware law regarding
15 marijuana use.

16 The proposed changes establish
17 provisions that align Division regulations with
18 current state statutes while providing clear
19 enforcement authority within state parks.

20 Section 21.0 addresses hunting,
21 fishing, and wildlife management. Several substantive
22 amendments modernize hunter registration procedures to
23 reflect the Division's current electronic registration
24 system and operational practices.

1 The regulation also expressly prohibits
2 the use of drones, remote-controlled aircraft, and
3 similar devices for deploying fishing bait while on
4 lands or waters administered by the Division.

5 Section 22.0 addresses rates, fees and
6 charges. Revisions clarify that the Division's
7 schedule of rates/fees is maintained separately from
8 this regulation and may be updated annually through
9 the Department's established fee setting process.

10 Finally, Section 23.0 addresses
11 facility rentals and special events.

12 The proposal memorializes the current
13 practice that campground reservations, facility
14 reservations, and similar Division-issued reservations
15 may not be sold, transferred for profit, or otherwise
16 resold. These amendments are intended to prevent
17 reservation scalping.

18 The regulation also establishes new
19 enforcement authority regarding unauthorized pop-up
20 events or takeovers.

21 These provisions prohibit individuals
22 or organizations from advertising, organizing, or
23 hosting large gatherings that significantly disrupt
24 park operations or substantially exceed the attendance

1 represented during the permitting process.

2 The amendments provide the Division
3 with clearer authority to address events that create
4 safety concerns, traffic congestion, damage resources,
5 or unreasonable impacts on other park visitors.

6 Following the publication of the
7 proposed regulatory amendments through the registrar's
8 office on July 1st, 2026, several additional
9 administrative and non-substantive corrections were
10 identified to improve clarity, consistency,
11 formatting, and accuracy.

12 These revisions, as seen on the
13 following slide, include formatting and grammatical
14 corrections throughout multiple sections of the
15 regulation; updates to the definitions of "designated
16 sensitive areas," "driver's license," "obscene," and
17 "possession limit"; adding clarifying language to
18 9.7.1 regarding reservation requirements; adoption of
19 gender neutral language in 10.9; restoration of
20 previously omitted language in Section 15.2; and
21 revisions to Section 21.4 to clarify that hunting
22 registration permits are issued through the Division
23 of Fish and Wildlife's online permitting portal.

24 None of these revisions alter the

1 intent or substance of the proposed regulations but
2 are intended to ensure the regulations are accurate,
3 internally consistent, and clearly written.

4 During this presentation, it was stated
5 that Section 3.8 and 15.11 were reviewed after
6 publication and additional changes are being proposed.

7 Regulation 3.8 regarding magnetic
8 fishing has been changed substantially from what was
9 originally proposed.

10 After publication and additional review
11 by both natural and cultural resource concerns, along
12 with the existing regulations, the Division is now
13 proposing language to read as follows:

14 "Magnet fishing is permitted on lands
15 administered by the Delaware Division of Parks and
16 Recreation unless otherwise posted.

17 "Possession or use of tools or devices
18 specifically designed for magnet fishing in a posted
19 'no magnet fishing' area shall be deemed prima facie
20 evidence of a violation of this regulation and will be
21 confiscated, held as evidence, and be subject to
22 forfeiture upon conviction."

23 The Division determined restrictions to
24 identified areas were not needed at this time. If

1 there are concerns that arise around any particular
2 waterway, the Division would properly sign the area
3 similar to what is done for no parking or no fishing.

4 As previously addressed in the
5 presentation, after further review, clarifying
6 language was added to Section 15.11 to read as
7 follows:

8 "While on lands administered by the
9 Division, no person shall place, install, erect,
10 affix, or leave any banner, poster, campaign sign, or
11 similar displays on Division-owned land, buildings,
12 structures, facilities, or other property.

13 "This does not apply to political
14 messages or flags displayed on a person's clothing,
15 vehicle, watercraft, tent, or other personal property
16 provided such items are not affixed to or installed on
17 Division property."

18 Again, this change does not alter the
19 intent or substance of the proposed regulation, but
20 clarifies to address concerns raised through the
21 public comment process.

22 Finally, the current slide shows our
23 exhibits which are being entered as part of the record
24 in regard to this regulatory hearing.

1 (Exhibits 1 through 15 were marked for
2 identification.)

3 This concludes the overview of the
4 proposed amendments to 7 Delaware Administrative Code
5 9201 Regulations Governing State Parks.

6 The Department appreciates and thanks
7 the Regulatory Advisory Committee, partner
8 organizations, and members of the public who
9 participated during the development of these proposed
10 amendments.

11 At this time, I will turn control over
12 to our hearing officer, Lisa Vest, to begin the public
13 portion of the hearing for the record.

14 THE HEARING OFFICER: Okay. Thank you
15 very much, Kristie.

16 Just some housekeeping super quick
17 here. The slides that are up presently, are they
18 listing the same exhibits as those that are posted on
19 the hearing page?

20 MS. WYATT: Yes, ma'am.

21 THE HEARING OFFICER: And have they
22 been changed or altered in any way after their
23 posting?

24 MS. WYATT: No, ma'am.

1 THE HEARING OFFICER: Okay. Very well.

2 Let the record reflect that exhibits as
3 identified within the Department's PowerPoint now
4 as -- that are the same as those posted on the hearing
5 page dedicated to this matter. Let the record reflect
6 that all are hereby entered into the hearing record.

7 (Exhibits 1 through 15 were received
8 into evidence.)

9 Does the Department have anything
10 they -- else that they wish to say at this time?

11 MS. WYATT: No, ma'am.

12 THE HEARING OFFICER: Thank you very
13 much.

14 Kristie, you can stop sharing your
15 screen at this point because we're going to move into
16 the comment portion.

17 We will put up a final slide at the
18 conclusion of the hearing that has some information as
19 a reminder of how people can forward their written
20 comments.

21 Like I said, there is a lot of
22 information in that presentation. So again, it's all
23 going to be posted on the hearing page. I would
24 encourage everybody to check it out.

1 We are now going to turn to the
2 individuals that have pre-registered to offer comment
3 live tonight at these proceedings. Again, don't worry
4 if you missed the comment period or you weren't aware
5 of it. It's perfectly fine.

6 Like I said, each person that signed up
7 tonight has three minutes to talk, but there is
8 absolutely no limit that exists if you want to submit
9 your written comments. And the record is remaining
10 open through August 20th to receive written comments
11 on this matter.

12 So feel free to sit back, listen to the
13 comments that have come in. And over the next couple
14 of weeks, check out all the information on the hearing
15 page, review the transcript when it comes in, and
16 you'll be in a great position to offer additional
17 comments should you wish to do so.

18 And again, they all bear the same
19 weight regardless of whether they come in tonight or
20 they come in on the final day.

21 Again, as a reminder, the comment
22 received must be related to the subject matter of
23 tonight's hearing, which are the proposed amendments.

24 When you are identified, the system

1 will take you off of mute. There will be a timer that
2 will be up there as a visual aid to help each speaker
3 gauge how much time is left.

4 There is three minutes allotted per
5 commenter. The time will start when the commenter
6 starts speaking. There is no sharing or yielding of
7 time. Each person gets three minutes and three
8 minutes only.

9 Again, as I mentioned previously, while
10 the Department appreciates all comments, there is a
11 zero tolerance in effect for disparaging comments,
12 offensive language, or personal attacks.

13 Should comments start to fall into such
14 unfortunate categories, I would interrupt with a
15 warning. And if the disrespectful tone were to
16 continue, the commenter will automatically be re-muted
17 and removed from the meeting.

18 Again, I don't anticipate that, but I
19 just have to put it out there. This is a formal legal
20 proceeding to create the record. And as such, it must
21 be given respect by all in attendance.

22 That being said, we are going to start.

23 What I'm going to do is I'm going to
24 say the name of the commenter that's going to be

1 coming first. And then I'll say "next up," kind of
2 like a batting order, if you will, so that way
3 everybody knows that they can get their thoughts
4 gathered and get ready to offer comment.

5 And I apologize in advance because I am
6 sure I am going to not say this first commenter's last
7 name correctly, but first up is Kevin-Scott van
8 Vlijmen.

9 I am sorry in advance, Kevin. But you
10 will be first.

11 And again, there's no specific order.
12 No one should take any meaning out of how the
13 commenters are arranged. It's just the order in which
14 they signed up to speak tonight.

15 So Kevin will be first. Thereafter,
16 when he's done, the next commenter is Christopher
17 Zarebicki. And following Christopher will be Sarah
18 Anderson. And we'll just keep that going until we get
19 through the list.

20 So Kevin, can you hear me? Are you
21 present?

22 MR. VAN VLIJMEN: Yes, ma'am. I am.
23 How are you?

24 THE HEARING OFFICER: Excellent.

1 Excellent. Welcome. You should see the timer on your
2 screen, and it will begin when you begin speaking.

3 MR. VAN VLIJMEN: All right. And,
4 Lisa, before -- before my three minutes are used, can
5 I ask the Department a question?

6 THE HEARING OFFICER: You can offer it
7 so that it can be captured on the transcript, but
8 there is no Q&A tonight.

9 MR. VAN VLIJMEN: No Q&A. Okay. All
10 right. Yeah, I would -- I would like to put a
11 question out there, at least to be part of the record.

12 THE HEARING OFFICER: Sure.

13 MR. VAN VLIJMEN: This is specifically
14 regarding the -- the proposed regulations on bait
15 deployment on DNREC controlled or enforced beaches. I
16 would really like to understand what the actual true
17 safety concerns are that are trying to be addressed
18 here versus the complaints.

19 THE HEARING OFFICER: Very good.

20 MR. VAN VLIJMEN: So am I -- do I have
21 my three minutes now, or is this part of it?

22 THE HEARING OFFICER: No, you can --
23 you -- it will -- it'll begin when you start talking.

24 Your question that you just did is

1 captured for the record now. And once this is all
2 done and the comment period closes, the Department
3 will review all comments and provide a response
4 document for the record. So absolutely, it's not
5 going to take away from your three minutes.

6 MR. VAN VLIJMEN: Excellent. Okay.
7 I'm willing to take my three minutes now.

8 THE HEARING OFFICER: Okay.

9 MR. VAN VLIJMEN: Thank you.

10 THE HEARING OFFICER: You may begin.

11 MR. VAN VLIJMEN: Thank you, Lisa.

12 All right. DNREC and those officiating
13 this, I come to you as someone who has been shark
14 fishing on the East Coast here from land for over
15 10 years. I have fished New Jersey all the way down
16 the East Coast, and I have seen how this fishery has
17 developed.

18 I've also seen the -- the strain that
19 is put on those who share the beaches. Clearly, we're
20 not the only users of these beaches.

21 That being said, I would like to remind
22 you that of all of Delaware, we have about 62 miles of
23 shoreline. Out of that, approximately 18 miles is
24 managed by DNREC; 15 miles by municipal; and about 22

1 miles, the most of it, is already conserved; with
2 another 7 miles approximately being private.

3 You control approximately 29 percent of
4 the available shoreline to the public. We have over
5 216,000 anglers approximately that visit or should I
6 say that interact with our shoreline every single
7 year. Fifty-eight percent, approximately, of those
8 are out of state.

9 By restricting this type of deployment
10 of bait, you've even had comments from shark
11 management and conservation groups saying that this is
12 not the way to enforce this fishery and that they urge
13 this to be managed better.

14 I understand that enforcement is
15 difficult. But that being said, there is a right way
16 in my time of doing this that I have found to do this
17 and to handle sharks correctly versus not.

18 Across the northern shore board, we are
19 noticing that shark populations are increasing.
20 Management populations are increasing for especially
21 the protected brown sharks and sand tigers, and we're
22 on an upward scale.

23 I believe that banning this is going to
24 cause more problems for us versus finding a way to

1 educate the public that, yes, there are sharks and
2 always will be on our shoreline. They prefer to swim
3 close to shore to feet.

4 And especially one of our most
5 populated sharks, the sand bar, is called that for a
6 reason because it travels in that sandbar. This is
7 not to fearmonger, but we need to make people aware
8 that there is a way to responsibly do this.

9 So what I recommend is that we work
10 together, not the social media people who are giving
11 shark fishing a bad name, but the true people who've
12 been doing this.

13 Let's create a real enforcement:
14 perhaps a permit system; perhaps a -- perhaps
15 something we would even be glad to pay for, just like
16 in Florida, where you have to do an education course
17 on how to handle these fish correctly.

18 By tagging with NOAA, I have seen --
19 before it was outlawed, which there should be another
20 public message that you are not allowed to tag without
21 a scientific permit, these protected species -- that
22 these fish can survive catch and release efforts; that
23 there is a way to do this responsibly and not.

24 And banning this is going to take money

1 from the bait stores that rely heavily now on this --
2 and there's only a few left -- and it'll cause more
3 problems than it will good because it will force
4 people to do this if you completely ban this even
5 further away from enforcement.

6 Let's give people a reason to pursue
7 this, but correctly and with education.

8 THE HEARING OFFICER: Okay. Thank you,
9 sir. As always, the Department appreciates your
10 comment.

11 Next up will be Christopher Zarebicki.
12 Following him, it will be Sarah Anderson. And
13 following Sarah, it will be Joseph Heath.

14 So, Mr. Zarebicki, are you there and
15 can you hear me?

16 MR. ZAREBICKI: Yes.

17 THE HEARING OFFICER: Excellent. Well,
18 welcome. Your timer will start when you begin
19 speaking.

20 MR. ZAREBICKI: Thank you for your time
21 today.

22 My name is Christopher Zarebicki, a
23 Delaware resident. My comments tonight are
24 specifically in regards to 21.6.3, updated language to

1 include the prohibition of any person or persons
2 paddling bait into the water for the purpose of
3 fishing.

4 I've been participating in surf fishing
5 on the drive-on beaches in Delaware for over four
6 decades. To the point as a kid, I remember on
7 holidays needing binoculars to see the closest car
8 next to my family.

9 This isn't just an activity for my
10 family, but it's a lifestyle. We've invested
11 thousands of dollars and time in equipment, always
12 wear a U.S. Coast Guard approved life vests, and
13 prioritize safety.

14 Responsible anglers should not lose a
15 long enjoyed recreational opportunity because of
16 hypothetical risks. Regulations should address unsafe
17 behavior, not eliminate an entire activity practiced
18 responsibly by many.

19 There is little evidence that a
20 complete ban is necessary. Before removing public
21 access, DNREC should demonstrate documented incidents
22 showing that current regulations cannot adequately
23 address the problem. Education and enforcement are
24 better than prohibition.

1 If safety is a concern, consider
2 mandatory life jackets while deploying baits, high
3 visibility floats marking deployed lines, clear rules
4 requiring immediate retrieval of lines if conflicts
5 arise, increased enforcement against unsafe operators.

6 Most shark anglers are conservation-
7 minded. Modern land-based shark fishing emphasizes
8 catch and release, proper handling techniques, and
9 minimizing stress on the fish. Many participants are
10 among the strongest advocates for shark conservation.

11 Kayaks are used safely by many anglers
12 on Delaware surf fishing beaches. When operated
13 responsibly with proper equipment and experience, a
14 kayak is simply another tool used to deploy bait.

15 Existing laws already prohibit reckless
16 behavior. If someone operates unsafely or creates
17 hazards, those individuals should be cited rather than
18 banning everyone who follows the rules.

19 Delaware's drive-on surf fishing
20 beaches are a unique recreational resource. They
21 provide opportunities that attract residents and
22 visitors who purchase permits and support local
23 businesses through spending on fishing gear, bait,
24 fuel, food, and lodging. A ban would unfairly affect

1 responsible anglers.

2 Good policies should be based on
3 measurable risk. If safety is a concern, decisions
4 should be based on documented incidents and evidence
5 showing that existing regulations and enforcement are
6 insufficient, not on a possibility that something
7 could happen.

8 Can DNREC provide data showing how many
9 document injuries or entanglement incidents involving
10 land-based shark anglers have occurred on Delaware
11 beaches? I'd like to see that.

12 I respectfully ask DNREC to work with
13 the surf fishing community instead of abandoning a
14 safe, longstanding, and recreational activity.
15 Responsible anglers are willing to follow reasonable
16 safety requirements, participate in education, and
17 help develop practical solutions.

18 Please choose evidence-based regulation
19 over prohibition. Thank you.

20 THE HEARING OFFICER: Thank you, sir.

21 Next up will be Sarah Anderson.

22 Following Sarah is Joseph Heath. Following Joseph
23 will be Kelly Poper.

24 Sarah, are you there, and can you hear

1 me?

2 Do we not see Sarah Anderson? Okay.
3 Let's skip Sarah. We'll make a note that we missed
4 her the first time. We'll give her a second chance
5 when we come back around.

6 Joseph Heath. Joseph, can you hear me?
7 And are you there?

8 No, Joseph. Okay. We'll make a note
9 of that.

10 Kelly Poper -- Poper. Apologize if I
11 mispronounced the name. Kelly, are you there, and can
12 you hear me?

13 Okay. No, Kelly.

14 Next up, Tyler Devereux. Tyler, are
15 you there, and can you hear me?

16 MR. DEVEREUX: Yes, ma'am, I can. Can
17 you hear me?

18 THE HEARING OFFICER: Excellent.
19 Beginning to worry there for a minute. I can hear you
20 loud and clear. The timer will begin when you do.

21 MR. POPER: Oh, no. No. No.

22 THE HEARING OFFICER: Tyler, are you
23 there? Hello?

24 MR. MARTYNIAK: I think somebody

1 accidentally unmuted themselves.

2 MR. DEVEREUX: I'm -- yeah, I -- I'm
3 here. I -- I muted it. I -- I saw Kelly start to
4 speak. I thought she was trying to get her time.

5 THE HEARING OFFICER: Oh. Oh, okay.
6 Okay.

7 MR. POPER: Well, I would like to.

8 THE HEARING OFFICER: We'll come back
9 around.

10 MR. POPER: I would like to.

11 THE HEARING OFFICER: The people -- the
12 people that we -- the people that we skipped over for
13 time's sake, we'll come back around.

14 MR. DEVEREUX: Okay.

15 THE HEARING OFFICER: Tyler, you are
16 recognized right now, and you may begin. The comment
17 period will begin when you do.

18 MR. DEVEREUX: All right.

19 Good evening. Thank you for the
20 opportunity to speak. My name is Tyler Devereux. I'm
21 40 years old. I've been fishing the Delaware beaches
22 for more than 30 years.

23 I grew up in Delaware where I developed
24 a lifelong appreciation for the beaches, fisheries,

1 and outdoor traditions.

2 Although I now live in Pennsylvania --
3 I know -- I return to Delaware regularly to fish and
4 proudly purchase a Delaware surf fishing permit every
5 year. I support conservation, responsible fishing,
6 and regulations that are based on sound evidence and
7 documented evidence.

8 I'm here tonight to respectfully oppose
9 the proposed prohibition on deploy -- as following
10 suit -- on deploying bait by kayak from Delaware surf
11 fishing beaches.

12 My concern is simple. I have not seen
13 evidence that is -- that this proposal is supported by
14 any documented data. I have heard a concern that this
15 may be -- there may be an -- the risk that there is an
16 increase of shark attacks or in shark encounters with
17 swimmers.

18 However, I have to say Delaware has had
19 only four confirmed unprovoked shark attacks in its
20 recorded history, and none of them have been fatal.
21 So if the concern is that kayak bait deployment
22 increases the risk of shark encounters, I respectfully
23 ask that the Department present data demonstrating
24 that connection.

1 Likewise, I've not been able to find
2 any documented evidence of a pattern of kayakers
3 becoming entangled in fishing lines, swimmers being
4 injured because of kayak bait deployment, or any other
5 significant public -- public safety incidents
6 resulting from this practice on Delaware beaches.

7 Again, if that data does exist, I
8 believe they should be shared publicly before adopting
9 a regulation that removes a longstanding fishing
10 method.

11 Thousands of responsible anglers safely
12 deployed baits by kayak. We wear life jackets,
13 monitor weather and surf conditions, and avoid
14 swimming areas. We also take pride in fishing
15 responsibly.

16 A blanket prohibition would affect
17 those who have consistently acted safely without
18 addressing whether there's an actual documented
19 problem.

20 If the Department believes additional
21 safety measures are needed, I encourage consideration
22 of alternatives such as education, requiring flotation
23 devices, establishing reasonable separation, or other
24 targeted measures that address demonstrated risk

1 without eliminating responsible access.

2 Finally, surf fishermen contribute
3 significantly to Delaware's coastal economy. We
4 purchase permits, fuel, bait, tackle, food, lodging,
5 and other goods and services to local communities. We
6 return year after year because we value Delaware's
7 beaches and the opportunities that they provide.

8 So I respectfully ask that the
9 Department to ensure that any new regulation is
10 supported by clear evidence, measurable need, and the
11 least restrictive solution necessary to address that
12 need.

13 Based on the information available, I
14 do not believe that a blanket prohibition on kayak
15 bait deployment meets that standard, and I
16 respectfully ask that this portion of the proposal be
17 reconsidered.

18 Thank you for your time and for
19 considering my comments.

20 THE HEARING OFFICER: Thank you, sir.
21 Appreciate that.

22 Next up, we're going to be looking for
23 AJ Rotondella. Following that will be Etienne Jehl.
24 Following that will be Matthew Barbato. And again, I

1 am so sorry if I'm mispronouncing anybody's names.

2 So, Mr. Rotondella, AJ, are you there,
3 and can you hear me?

4 No. Okay. Again, we'll keep -- we'll
5 keep going, and we'll circle back around and try to
6 get these guys that we're skipping over right now.

7 Next up, Etienne Jehl. Etienne, are
8 you there, and can you hear me?

9 No.

10 Matthew Barbato? Matthew, are you out
11 there, and can you hear me?

12 Okay. Next on the list, David Jones.

13 Mr. Jones, are you there? Can you hear
14 me?

15 Okay.

16 MS. SMITH: Lisa, give me one second.
17 Let's go back to Matthew. I think he is -- he may be
18 on here.

19 THE HEARING OFFICER: Okay. That's
20 fine.

21 Mr. Barbato, are you there? Can you
22 hear me? Checking once, twice.

23 Okay.

24 MS. SMITH: Just for the record, Lisa,

1 I do have a Matthew's iPhone on here, but it is not
2 allowing me to give him access at the -- the -- to
3 unmute.

4 THE HEARING OFFICER: Okay.

5 Well, we'll keep trying, Mr. Barbato,
6 if that is you on Matthew's iPhone. We will keep
7 trying. Apologize for any technical difficulties that
8 exist. We will circle back around and try again.

9 Theresa, while you're -- while you're
10 there, do you see David Jones?

11 MS. SMITH: I do not see David Jones.

12 THE HEARING OFFICER: Okay.

13 Next on the list, Jamie Goodman.

14 Jamie, are you there, and can you hear us?

15 Okay. We're going to skip that.

16 Next on the list, Gina Katrinak. Gina,
17 are you there?

18 Okay. We're going to skip over Gina.

19 Next up, Spencer Wonder. Spencer, are
20 you there, and can you hear me?

21 MR. WONDER: I am and can hear you.

22 THE HEARING OFFICER: Excellent. I was
23 beginning to get a little worried there. Spencer, the
24 timer will begin when you do.

1 MR. WONDER: Fantastic.

2 My name is Spencer Wonder. I'm here
3 for on behalf of Landbased Angling Alliance, a
4 nonprofit dedicated to protecting angler shoreline
5 rights across the country and beyond. And we believe
6 that attempting to restrict shark fishing in Delaware
7 is, simply put, a bad business decision.

8 Delaware earns a significant income
9 from sales of beach passes, sales tax on fishing gear
10 and bait sales, as well as tourist dollars for rentals
11 and associated travel.

12 We believe that no tourists are
13 choosing not to go to the beach due to angling
14 activity, but anglers will certainly choose not to
15 travel to Delaware due to unnecessary restrictions.

16 Shark fishing in the Mid-Atlantic is
17 not going anywhere. Jersey, Maryland, Delaware, and
18 New York all draw significant tourism from anglers
19 across the country and globe, accounting for around
20 30 percent of all shark angling in the country, a
21 multi-million-dollar industry.

22 And if Delaware moves to restrict the
23 activity, the money will simply flow to the next
24 state, leaving Delaware out of the cash flow and

1 instead directing it to places like New Jersey with
2 less restrictions or Maryland.

3 This is in addition to the significant
4 financial burden that would be passed on to local
5 small businesses, losing sales of bait, gear,
6 et cetera.

7 We, as a single largest stakeholder in
8 land-based angling on the planet, encourage Delaware
9 not to move to restrict angling from the shoreline,
10 both for financial as well as potential legal
11 litigation that may ensue in the interest of
12 preserving shore angling rights for all on our behalf.

13 Thank you. That will be all.

14 THE HEARING OFFICER: Excellent. Thank
15 you very much.

16 Again, we're just checking the first
17 time around. If you heard your name, and I moved on,
18 don't worry. When we get down the list, we'll go back
19 up and try it one more time.

20 The last two on the list are Matt
21 Martyniak. Again, I'm so sorry. And following Matt
22 is going to be Skylar Snead.

23 Matt, are you there, and can you hear
24 me?

1 MR. MARTYNIAK: Yes. Yes, I am. Can
2 you hear me?

3 THE HEARING OFFICER: Excellent. The
4 timer will begin when you do.

5 MR. MARTYNIAK: All right.

6 My name is Matt Martyniak, and I'm a
7 recreational shark fisherman. I oppose the added
8 change of not being able to paddle baits out.

9 All right. So we all know that sharks
10 get pretty big, and that's -- that's part of the fun.
11 As the size of shark you catch goes up, it is more
12 likely that the shark will get too worn out and could
13 be injured from it.

14 Not being able to kayak baits out means
15 that shark fishing is limited to only casting out
16 rigs. Conventional reels, which is what we use on our
17 kayak outrigs., are -- allow sharks to be brought in
18 much faster and with higher drag, which makes it much
19 less likely that a shark will die from exhaustion.

20 There are also safety factors that
21 could be added to make shark fishing safer without
22 banning it, such as requiring bolt cutters to cut the
23 line, waterproof walkie-talkies to communicate with
24 the person on shore, and many other items.

1 As Kevin V. said, Delaware could
2 implement an online shark fishing course similar to
3 the one in Florida.

4 Many complaints have been brought to
5 DNREC of people shark fishing where swimmers are.
6 This, of course, is 95 percent of the time because
7 people use the shark fishing permit, drive on the
8 fishing beach and go swimming, not to fish.

9 This, however, I think should not
10 encourage shark fishermen to drop baits where the
11 beach is super busy. Shark fishing should be
12 encouraged to take place closer to darkness or away
13 from larger groups of people.

14 Shark fishing should not be allowed at
15 swimming beaches, but I think that it is wrong to put
16 a blanket ban on the sport in total, given what
17 everybody else has said about the economic and other
18 things about it.

19 Thank you for giving me the time to
20 speak.

21 THE HEARING OFFICER: Excellent. Thank
22 you, sir.

23 Next up, Skylar Snead. Skylar, are you
24 there, and can you hear us?

1 Okay. We'll go back around and see if
2 Skylar's there in a little bit.

3 Theresa, at this point, I'm going to go
4 back up and ask again for the ones that were not
5 available or were not there the first time around.

6 We're looking for Sarah Anderson. Do
7 we see a Sarah Anderson? Okay.

8 MS. SMITH: Lisa, I do not see a Sarah
9 Anderson. We have a Lisa Rice who has raised her
10 hand. I don't know if you want to acknowledge to see
11 if that is the person or you want to keep going?
12 There's a couple people --

13 THE HEARING OFFICER: No, I'm --

14 MS. SMITH: Okay.

15 THE HEARING OFFICER: -- I'm going to
16 keep going because we have to stick to protocol. We
17 have to stick to the people that pre-registered; so --

18 MS. SMITH: No, that -- that's
19 understandable. The next person on the list, Joseph
20 Heath, is not on the list as a participant.

21 THE HEARING OFFICER: Okay. Do we see
22 Kelly Poper?

23 MS. SMITH: We do have a Kelly's
24 iPhone.

1 THE HEARING OFFICER: Can it be
2 unmuted?

3 MR. POPER: I am unmuted, and I am
4 here.

5 THE HEARING OFFICER: Kelly, excellent.

6 MR. POPER: Yes, ma'am. I -- I'm
7 sorry. Ma'am, you're -- you're dealing with a bunch
8 of fishermen here.

9 THE HEARING OFFICER: That's fine.
10 That --

11 MR. POPER: You know? You know?

12 THE HEARING OFFICER: That is that is
13 fine between Verizon having issues. You know, I never
14 blame the public for this.

15 MR. POPER: Talk -- talk to us about
16 side sonar and, you know, depth finders. But, you
17 know, Zoom? Yeah, that -- that's not good.

18 THE HEARING OFFICER: You are fine.

19 MR. POPER: Yes, ma'am.

20 THE HEARING OFFICER: And along
21 those -- along those lines, Kelly, before you begin, I
22 just want to reassure everybody.

23 You know, life happens. Sometimes
24 Verizon has tech issues or whatever. If for any

1 reason you attempted to get on here or you attempted
2 to speak, and you weren't coming through or the
3 technology failed or you just -- you throw your hands
4 up and give up, it's okay because the --

5 MR. POPER: Yeah. Yeah. No, yes,
6 ma'am. No, ma'am. It was all my fault.

7 THE HEARING OFFICER: -- the comment
8 period will continue. The comment period will
9 continue.

10 So for all of you out there, you know,
11 just take a deep breath. We're going to get to as
12 many people that pre-registered as possible, but
13 there's always the ability to send it in in writing.

14 So, Kelly, thank you. The timer will
15 begin when you do.

16 MR. POPER: Yeah. Yes, ma'am. Thank
17 you.

18 I'm here to speak on 21.6.3, the
19 deployment of bait. I -- I just want to let you know
20 that -- that people don't see what goes into what we
21 put into this. This is a lifestyle for us.

22 You know, when we kayak out, on our
23 life vests are two-way radios, emergency beakers --
24 beacons. There -- there's a diver's knife on -- on

1 the vest with us.

2 And if all else fails, we have hand
3 signals. We -- we have signals that we can give each
4 other from the beach. We have signals that we give
5 each other from when we're out in the water back to
6 the beach.

7 And -- and we just don't feel that
8 people know what goes into -- what shark fishing is.

9 We use your Delaware beaches exactly
10 what they are intended to be. They're -- they're
11 fishing beaches. We -- we love them. We respect
12 them, and we respect your rules.

13 We respect your rules so much that your
14 staff that's currently available and have previously
15 been employed by you have come out, seen, and have
16 actually participated with us. So your -- your
17 rule -- your rules, we love.

18 And you will find us out there usually
19 in the evenings, not during busy season, not during
20 the day, or early in the morning. And -- and that's
21 the way sharks fishing should be done.

22 And -- and if you -- we -- we are just
23 totally against the prohibition of it entirely. And
24 that -- that's what your rule is for, too, when there

1 is responsible ways to do this.

2 And, you know, when I say it's a
3 lifestyle for us, we travel the country. We -- we've
4 been in shark tournaments in Texas. We've been in
5 shark tournaments in North Carolina, South Carolina,
6 and we've done quite well.

7 And we bring the reputation back to the
8 Eastern Shore that, yeah, we do it right, and we do it
9 well.

10 So once again, totally against the
11 prohibition of kayaking baits out when we are the
12 people that use your beaches for what they're for.

13 Thank you very much.

14 THE HEARING OFFICER: Thank you.
15 Greatly appreciate it.

16 Continuing to try to give a second
17 chance for the ones that we skipped over before. I am
18 looking now at AJ Rotondella, Etienne Jehl, and
19 Matthew Barbato again.

20 Theresa, do we see any of them?

21 MS. SMITH: I do not.

22 THE HEARING OFFICER: Okay.

23 MS. SMITH: I have 0565 joining in by
24 telephone, but no one by that phone number is

1 identified on the participant list.

2 THE HEARING OFFICER: That's fine.
3 We'll move along.

4 And David Jones, Jamie Goodman, or Gina
5 Katrinak?

6 I don't believe they're on.

7 MS. SMITH: I do not see --

8 THE HEARING OFFICER: Okay.

9 MS. SMITH: -- those three names
10 identified on the participant list.

11 THE HEARING OFFICER: Okay. All right.
12 Well, that being said, again, apologies
13 to anyone who did pre-register and for whatever
14 reason, you know, was unable to either ultimately
15 attend tonight or had some kind of technical
16 difficulty.

17 The good news is, as I've mentioned
18 before, the record is not closing tonight for comment,
19 but it's going to remain open.

20 MR. LESSNER: Wait.

21 THE HEARING OFFICER: Yes?

22 MR. LESSNER: Lisa, I don't know if you
23 can hear me, but I did -- this is Martin Lessner. I
24 did register about a half an hour ago. I don't know

1 why my name -- I did it online.

2 THE HEARING OFFICER: Well, the
3 system -- the system closes pre-registration after
4 twelve noon on the date of the hearing.

5 So if you did it just now, that's why,
6 because it was already a closed matter. And I
7 apologize for that, but I have to stick to the
8 protocol.

9 What I do want to do is, again,
10 encourage everybody that was unable to verbally speak
11 tonight to go ahead and offer us written comments.
12 There is absolutely no limit to the amount of written
13 comment that you can offer.

14 And I just want to go through all of
15 that real quickly tonight before we close.

16 Kristie, if you would, if you would
17 share that final screen again so that people can see
18 the various ways. Thank you.

19 MR. LESSNER: For -- sorry.

20 THE HEARING OFFICER: Again, all the
21 comments that come in tonight, they will be captured
22 on the court reporter's transcript. The written
23 comments that come in are all being processed, and
24 they get put up on the hearing page as well.

1 So not only can you reread the
2 transcript, look at the PowerPoint presentation again,
3 review the documentation. It's all on that hearing
4 page.

5 And you can even see what everybody
6 else is commenting about and look at all of that
7 before offering written comments. So again --

8 MR. VAN VLIJMEN: Pardon me, Lisa.
9 Pardon me. Weren't we going to circle back on some of
10 the people that we missed? Are we still doing that?

11 THE HEARING OFFICER: I did.

12 MR. VAN VLIJMEN: Oh, okay.

13 THE HEARING OFFICER: I did. I circled
14 back. I circled back on everybody. And none of the
15 people that were skipped -- they are still not
16 available. They are still not showing up. So that's
17 why we're moving tonight to conclude.

18 MR. LESSNER: No. Lisa, I did get a
19 confirmation and --

20 THE HEARING OFFICER: Okay. Well, I
21 apologize for that then. Since you got a
22 confirmation, and you're not on my sheet, I'll go
23 ahead and make that exception.

24 Do you have -- do you have your comment

1 ready to offer?

2 MR. LESSNER: I do.

3 THE HEARING OFFICER: Okay.

4 MR. LESSNER: I do.

5 THE HEARING OFFICER: Well, then my
6 apologies.

7 Yeah. If we can just go ahead and put
8 the timer up one more time, and then we'll move to
9 concluding.

10 And again, apologize if anyone is
11 confounded by the technological things that we do
12 here. They usually work.

13 MR. LESSNER: Okay.

14 THE HEARING OFFICER: Okay. Martin,
15 thank you for your patience and your consideration.
16 The timer is up, and I'll accept your comment. It'll
17 begin when you begin.

18 MR. LESSNER: Okay.

19 I think that part of this -- the notice
20 of this meeting is invalid. The notice says that the
21 proposal would -- one of the proposals would be to
22 restrict the use of Class 3 e-bikes in the Delaware
23 Parks.

24 That is misleading because under

1 DNREC's regs. under 12.1.1, Class 3 e-bikes are
2 already restricted from Delaware Parks. Instead, what
3 the notice did not include was that DNREC was
4 proposing eliminating the provision in 12.1.1.

5 The sentence that says "bicycles with
6 electric motors are prohibited on all trails except
7 with the written permission of the directors."

8 The DNREC, without proper notice, is
9 proposing to eliminate that and instead to add a new
10 provision, 12.1.1, which says "e-bikes are permitted
11 to be used in the parks and upon designated bike paths
12 as long as the e-bike is Class 2 or Class 1."

13 So in other words, the current
14 regulations prohibit e-bikes on the trails without
15 permission or an exception. And the new proposed
16 rules will allow e-bikes by anyone, basically bikes
17 that can go 20 miles an hour on the trails without --
18 without pedaling.

19 So you're going to see on Gordons Pond
20 Trail or -- or Breakwater and Junction, you are going
21 to see now the allowing of people with e-bikes 20
22 miles an hour.

23 DNREC has not put forth any
24 justification of why they are changing their own rules

1 to -- which previously prohibited e-bikes, and now
2 they're changing their own rules without any
3 justification to now allow e-bikes which go up to
4 20 miles an hour without assistance.

5 And that should not be -- not only is
6 notice improper, but there is no justification for
7 that change, and DelDOT hasn't given any. Not DelDOT,
8 sorry, DNREC.

9 THE HEARING OFFICER: Okay. Thank you,
10 Mr. Lessner. And again, apologies. I don't know why
11 you didn't show up on the sheet poll, but I'm glad
12 that you were able, and I'm glad that you got your
13 comment in.

14 MR. LESSNER: Okay.

15 THE HEARING OFFICER: That being said,
16 I am going to ask if Kristie would put her final slide
17 up again.

18 As I said, the record isn't closing at
19 this point, but it remains open for anyone who wishes
20 to offer either comment that wasn't able to come in
21 tonight or additional comment.

22 Or if, you know, two hours from now you
23 think of more things that you'd like to say, by all
24 means, you can supplement what you've already said

1 verbally this evening as well. It's completely open
2 and able to accommodate any additional comments that
3 you might want to offer.

4 As we conclude tonight, I want to
5 remind everyone, as the slide shows, of all the
6 different ways that comment can be submitted for
7 inclusion into the hearing record.

8 Comments can be submitted through a
9 comment form link on the hearing page. If you visit,
10 it'll say "submit comment," and you just click on
11 that, and it'll take you to a form that'll come
12 directly to me.

13 You can send it via email to
14 dnrechearingcomments@delaware.gov, or you can send it
15 through the U.S. Postal Service at the physical
16 address for DNREC indicated on the hearing page, as
17 well as listed on the public notices that were
18 published on this matter. It's 89 Kings Highway,
19 Dover, Delaware.

20 It should be noted that written
21 comments to DNREC may not be submitted using any type
22 of social media platform such as Twitter, Facebook,
23 YouTube, or standardized text messaging.

24 And again, thank you guys so much for

1 your patience and for your willingness to come out on
2 this steamy summer evening and offer the comment and
3 let the Department know your thoughts.

4 All comment, regardless of how it comes
5 in, as long as it's received by August 20th, it all
6 bears the same weight and will all be incorporated
7 into the record for Secretary Patterson's
8 consideration prior to his making any decisions in
9 this matter.

10 Again, I want to thank everybody for
11 their time. We are now going to formally conclude
12 this matter. Everyone have a wonderful evening.

13 (Whereupon, at 7:02 p.m., the
14 proceeding was concluded.)
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CERTIFICATE

I, CARLO FLORIO, 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.



CARLO FLORIO

Notary Public in and for the
State of Delaware

CERTIFICATE OF TRANSCRIBER

I, CRYSTAL ORR, 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.



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