Subject: [External] Public Comment — Docket #2026-R-F-0010, Proposed Amendments to 7 DE Admin. Code 3900 (Section 15.0, SGCN reptiles and amphibians)
Date: Wednesday, November 25, 2026 at 1:27:48 PM Eastern Standard Time
From: Anthony S[redacted]
To: HearingComments, DNREC (MailBox Resources)

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November 23, 2026

Hearing Officer Theresa Smith
Delaware Department of Natural Resources and Environmental Control
Office of the Secretary
89 Kings Highway
Dover, DE 19901

Re: Public Comment — Docket #2026-R-F-0010, Proposed Amendments to 7 DE Admin. Code 3900 (Wildlife), Start Action Notice #2026-07; Support for Prohibiting Possession of Reptiles and Amphibians Defined as Species of Greatest Conservation Need (Section 15.0)

Dear Hearing Officer Smith and Members of the Division of Fish and Wildlife:

Thank you for the opportunity to comment on the proposed omnibus amendments to Delaware's Wildlife regulation, and thank you to the Division for bringing this package forward. I write as a private citizen who follows state wildlife rulemaking across the Northeast because these small, quiet species have no voice of their own in a hearing record. My comment addresses one part of the package only: the proposal to improve protections for reptiles and amphibians defined as Species of Greatest Conservation Need by prohibiting their possession. I support that proposal, and I offer the specific, record-based suggestions below in the hope that they help the final rule hold up in the field and in the years ahead.

I. What the proposal does, as I understand it

Under the current regulation, Section 15.2.1 makes it unlawful to remove from the wild or possess any native reptile or amphibian species, its eggs, or its parts without a permit from the Director. Section 15.2.2 then carves back a collectable list: one individual of each listed species may be collected and possessed without a permit, with a limited allowance for one amphibian egg mass or cluster, or ten or fewer larval amphibians, provided no more than one adult is kept once the animals metamorphose. As described in the Department's hearing notice, the proposal would improve protections for reptiles

and amphibians defined as Species of Greatest Conservation Need by prohibiting possession, and would change the naming convention for reptiles, amphibians, and endangered species for consistency. I have read the proposed text as published in the November 1, 2026, Delaware Register of Regulations (30 DE Reg. 284). The proposed Section 15.2.2 restates the collectable list under the new naming convention, in numbered subsections — thirteen reptiles at Section 15.2.2.1 and fourteen amphibians at Section 15.2.2.2 — and nine Species of Greatest Conservation Need that appear on the current list do not appear in the proposed one: the Northern Red-bellied Cooter, the Diamond-backed Terrapin, the Eastern Box Turtle, the Eastern Cricket Frog, the Mid-Atlantic Coast Leopard Frog, the New Jersey Chorus Frog, the Wood Frog, the Northern Dusky Salamander, and the Northern Two-lined Salamander.

That mechanism — removal from the no-permit collectable list, so that the general permit requirement in Section 15.2.1 governs — is a sound one. It keeps a lawful path open for genuine research, education, rehabilitation, and conservation work under permit, while ending casual, unpermitted take of the very species the State has already identified as most in need. I support it without reservation.

II. Why these species cannot absorb continued collection

Delaware's own record makes the case. The Division's herpetofauna account identifies 67 native amphibian and reptile species in Delaware, with 37 identified as Species of Greatest Conservation Need, including 13 amphibians and 7 non-marine turtles. The Diamond-backed Terrapin and the Eastern Box Turtle are each listed as Tier 1, the tier reserved for species most in need of conservation action. More than half of Delaware's herp species are identified as Species of Greatest Conservation Need in the draft 2025–2035 Wildlife Action Plan. These are not abundant animals with surplus to spare. They are long-lived, slow to mature, and dependent on small, fragmented wetlands, vernal pools, and marsh edges in the most densely developed corridor in the country.

Collection pressure is not a hypothetical threat for this group. The Diamond-backed Terrapin — the only turtle in the world that lives exclusively in brackish estuaries, and a keystone species in the marshes it inhabits — has been named among the ten species most threatened by wildlife trade in the United States, with growing demand as pets and for food driving illegal trafficking from New Jersey to Florida, layered on top of drowning in crab traps, road mortality, and habitat loss. A single collected adult female terrapin or box turtle represents decades of future reproduction removed from a local population that may already be isolated by roads and development. For the frogs and salamanders on the list — vernal-pool and stream species such as the Wood Frog, the Northern Dusky Salamander, and the Northern Two-lined Salamander — the harm is quieter but just as real: egg

masses and larvae are easy to take in numbers, and the current allowance for an egg mass or up to ten larvae per listed species is exactly the kind of small, lawful-looking take that, repeated across many collectors and many pools, erodes a breeding site. Ending unpermitted possession for these nine species is a proportionate response to a documented pressure. It asks a small restraint of collectors, and it gives these populations the one thing no habitat program can substitute for: being left in the wild.

Delaware would not be acting alone, and the final order can fairly say so. Maryland's Department of Natural Resources is presently proposing the same direction for its native reptile and amphibian rules under COMAR 08.03.11 — prohibiting collection from the wild and limiting possession, breeding, sale, and trade except by special permit — expressly to address collection pressure, disease transmission, and illegal trade, and noting that the change aligns Maryland with other Northeast and Mid-Atlantic states, including Virginia and West Virginia, that have significantly restricted collection and possession of native species. New Jersey and New York have each ended commercial harvest of Diamond-backed Terrapins within the last decade, and Florida and South Carolina have adopted protections for native turtles including terrapins. A regional pattern is forming for a reason: a protection in one state is only as strong as the rules in the states beside it, because animals and sellers move. Delaware closing its gap strengthens the whole Delmarva and Mid-Atlantic effort.

III. Specific suggestions to strengthen the final rule

I offer five suggestions, each intended to make the prohibition clearer to comply with and easier to enforce. They are asks, not conditions on my support.

1. Anchor the definition in the regulation itself. The hearing notice describes the protected group as reptiles and amphibians "defined as Species of Greatest Conservation Need." So that a reader of the Code alone can tell exactly which animals are covered, I respectfully ask that the final text of Section 15.0, or its accompanying order, state plainly which Wildlife Action Plan supplies the definition — the adopted 2015 Plan, the draft 2025–2035 Plan, or the Plan as adopted and amended from time to time — and how a future change to the Species of Greatest Conservation Need list would, or would not, change the collectable list in Section 15.2.2. The cleanest course, in my view, is for the regulation to govern by its own list: species are protected because the regulation names them, with the Plan cited as the scientific basis, so that protection cannot drift silently when a planning document is revised. If the Department intends the opposite — a living cross-reference — stating that expressly, with a public-notice step before any species leaves the protected group, would give the public the same certainty by a different route.

2. Address animals already lawfully held. The proposed text as published contains no transition language for a person who lawfully collected one of these nine species under the current Section 15.2.2 and holds it today. I respectfully ask that the final order address that situation directly. Maryland's parallel proposal offers one workable model: a free grandfather permit allowing a person who legally possesses an animal under the current rules to keep that animal for its life, without breeding, sale, or transfer. Whatever model the Department chooses, saying it in the rule — rather than leaving keepers to guess, and officers to improvise — protects both the animals, which should not be released after long captivity in any event under the existing 30-day principle in Section 15.2.3, and the Department's enforcement position.

3. Keep the exceptions narrow and named. The strength of this proposal is that possession runs through the Director's permit. I respectfully ask that the final order confirm that the permit path is the only path — that research, education, rehabilitation, and conservation propagation proceed under permit with conditions, and that no new general exception for personal possession, however small in number, is added for these nine species in the final rule. A one-animal personal exception is the provision being retired for these species, and for Tier 1 turtles especially, one animal per person, multiplied across the public, is the pressure the rule exists to relieve.

4. Cover eggs, larvae, and parts with the same clarity as adults. Section 15.2.1 already reaches eggs and parts, and Section 15.2.2's larval allowance is part of what removal from the list retires. I respectfully ask that the responsiveness summary confirm, species by species if needed, that for the nine removed species the prohibition reaches live animals at every life stage and their eggs and parts, so that a collection of larvae or an egg mass is not later argued to fall outside the change.

5. Say the scientific names in the final order. The package also changes the naming convention for reptiles, amphibians, and endangered species, and several of these animals have had recent name changes — the Mid-Atlantic Coast Leopard Frog is itself a recently recognized species. Listing each of the nine species by both common and scientific name in the Secretary's Order would prevent any argument that a renamed animal is a different animal, and would help officers, keepers, and sellers match the rule to the animal in hand.

IV. Closing

The rest of this omnibus package — seasons, weapons, supervision, and wildlife-area rules — I leave to those who hunt and work in Delaware and know that ground firsthand. On the one item I have addressed, the Division has it right. These nine species were identified through the State's own Wildlife Action Plan process as among those most in need;

a rule that still allowed anyone to take and keep one of each, without a permit or a record, sat uneasily beside that finding. This proposal resolves the tension in favor of the animals, while keeping a permit door open for the people doing them genuine good. I respectfully ask the Department to adopt the Species of Greatest Conservation Need possession prohibition as proposed, with the clarifications above, and I thank the Division, Hearing Officer Smith, and the staff who assembled this record for their work.

Respectfully submitted,

Anthony S[redacted]
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