



START ACTION NOTICE (SAN)

SAN # 2022-02

DOCKET # 2022-R-F-0014

1. TYPE OF ACTION AND THE REGULATION NUMBER AND NAME:

This action proposes to amend 7 **DE Admin. Code 3801** Shellfish Aquaculture to update the regulation to incorporate current aquaculture practices, simplify compliance with the regulation for Inland Bays shellfish growers, and increase the efficiency of DNREC's administrative oversight of shellfish aquaculture leasing.

2. PURPOSE OF ACTION:

This action proposes to amend the Shellfish Aquaculture regulation to improve the industry in Delaware's Inland Bays by proposing changes to the conditions for leasing of subaqueous bottom within Delaware's Inland Bays for the culture of bivalve shellfish. Specifically, the proposed amendments include additions, modifications or deletions regarding: definitions, lease issuance and application procedures, aquaculture gear and lease area marking requirements, shellfish aquaculture species, shellfish cultivation, planting and harvesting requirements and timelines, annual reporting requirements, lease renewal and transfer, and prohibited activities.

3. STATUTORY BASIS:

7 **Del. C.** § 2002, 2005(a) & 2006(d) & (e).

4. IS THIS PROPOSED REGULATORY ACTION REQUIRED AS A RESULT OF FEDERAL STATUTE OR REGULATION? IF SO, PROVIDE LINK TO FEDERAL MANDATE.

No.

5. DATE OF MOST RECENT AMENDMENT/REVIEW (please indicate if review was pursuant to 29 Del.C. §10407):

The Shellfish Aquaculture Regulation was promulgated in 2014 with an effective date of August 11, 2014, which was not reviewed pursuant to EO 36 or HB 147.

6. LIKELY AFFECTED PUBLIC:

Shellfish aquaculture lessees and potential shellfish aquaculturists; boaters, anglers, and others who recreate on the Inland Bays; shellfish consumers; property owners adjacent to Delaware's Inland Bays.

7. PROPOSED SCHEDULE OF ACTIVITIES:

Register Notice publication – September 2022

Public hearing – September/October 2022

Effective date – October/November 2022

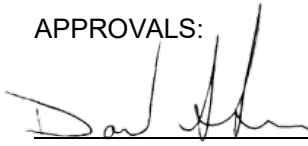
8. REVIEW COMMITTEE:

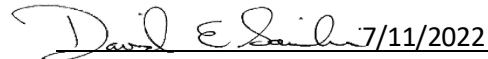
Council on Shell Fisheries

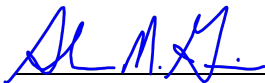
9. RESPONSIBLE STAFF MEMBER (name, physical address, phone number and e-mail address):

David G. Stormer
DNREC/DFW/Fisheries
89 Kings Hwy.
Dover, DE 19901
Ph.: (302) 739-9914
Fax.: (302) 739-6157
E-mail: David.Stormer@delaware.gov

10. APPROVALS:


_____ 7/11/2022
Date
David G. Stormer
Responsible Staff Member


_____ 7/11/2022
Date
David E. Saveikis
Director, Division of Fish and Wildlife


_____ 8/30/22
Date
Shawn M. Garvin
Secretary

September 2021