



## START ACTION NOTICE (SAN)

SAN # 2022-04

DOCKET # 2022-R-F-0016

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

Amend 7 **DE Admin. Code** 3300 Non-Tidal Finfish - 3301 Definitions and 3304 Creel Limits, Size Limits and Seasons 3.0 Trout.

2. PURPOSE OF ACTION:

The Department provides a put-and-take freshwater trout fishery each spring in select piedmont streams of New Castle County, one pond in Kent County, and one pond in Sussex County. This action proposes to augment the waters open for trout fishing by adding an additional 0.4 miles of designated trout stream to the stocked portion of Red Clay Creek, create a fly fishing-only area on Red Clay Creek, and increase trout fishing participation by young people with the designation of Youth Days.

Appropriate waters for stocking freshwater trout are limited due to restricted public access and trout habitat requirements. Development, property rights, and population growth have reduced public access on some of Delaware's Designated Trout Streams. Freshwater trout angling remains a seasonally popular activity and the continuing water quality improvement of Red Clay Creek provides an opportunity to expand Delaware's trout waters in an undeveloped area of Auburn Valley State Park, increase public access to Red Clay Creek's freshwater trout fishery, and provide the second fly-fishing only area in the state.

This action will also create Youth Days (one day on the Kent and Sussex County trout ponds and one day on the New Castle County trout streams) for anglers under the age of 16. The growing need of the public to find safe, suitable outdoor activities for children during the 2020 lockdown phase of the COVID pandemic provided the impetus for DNREC to use the State of Emergency to designate the opening day of the trout season on the New Castle County streams as a Youth Day in 2020 and opening day for the ponds and streams as Youth Days in 2021. The Youth Days, which restricted trout fishing to young people under the age of 16, were very popular and helped increase the number of trout anglers both years compared to 2019. Youth Days provide a great introduction to fishing for Delaware's young people with the hope that many of the Youth Day participants become lifelong anglers.

3. STATUTORY BASIS:

7 **Del.C.** §103 (a & b)

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 existing 7 **DE Admin Code** 3300 Non-Tidal Finfish - 3301 Definitions was most recently amended April 1, 2020. The existing 7 **DE Admin Code** 3300 Non-Tidal Finfish 3304 Creel Limits, Size Limits and Seasons 3.0 Trout was most recently amended March 1, 2019.

6. LIKELY AFFECTED PUBLIC:

All current and prospective trout anglers, users of Auburn Valley State Park, and nearby private property owners.

7. PROPOSED SCHEDULE OF ACTIVITIES:

Initiate SAN September 2022  
Prepare draft proposed regulation September 2022  
Publish in the monthly Register of Regulations November 2022  
Hold public hearing November/December 2022

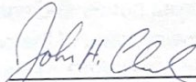
8. REVIEW COMMITTEE:

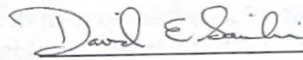
Advisory Council on Wildlife and Freshwater Fish

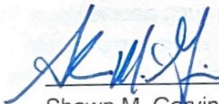
9. RESPONSIBLE STAFF MEMBER (name, physical address, phone number and e-mail address):

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

10. APPROVALS:

  
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John H. Clark                      09/20/2022  
Responsible Staff Member                      Date

  
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David E. Saveikis                      09/20/2022  
Director, Division of Fish & Wildlife                      Date

  
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Shawn M. Garvin                      10/7/22  
Secretary                      Date