



START ACTION NOTICE (SAN)

SAN # 2023-08

DOCKET # 2023-R-F-0013

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

Amend 7 DE Admin Code 3900 – Wildlife

2. PURPOSE OF ACTION:

The Division of Fish and Wildlife's Wildlife Section is proposing to make amendments to existing regulations within 7 DE Admin. Code 3900 Wildlife. Specifically, changes are proposed within sections - 1.0 Definitions, 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, 9.0 Wildlife Theft Prevention Fund, 10.0 Nuisance Wildlife, 14.0 Falconry, 15.0 Collection or Sale of Native Wildlife, 16.0 Endangered Species, 17.0 Species of Special Concern, 19.0 (Reserved), 20.0 Game Bird Releases, 21.0 Guide License, 22.0 Hunter and Trapper License Exempt Number, and 23.0 Non-native/Invasive Wildlife A new set of regulations is being proposed with the creation of, 24.0 Wildlife Management Zone Boundaries.

While expansive, most of the changes being proposed will provide additional hunting and trapping opportunities such as establishing new seasons, expanding current seasons, providing additional methods of take and developing new and improved reporting criteria for harvested game. However, some of the proposed changes are needed to minimize negative impacts to some species and to minimize damage to infrastructure and habitats on lands and waters administered by the Division, while others are minor administrative updates such as correcting grammar and misspellings. The list that follows provides a detailed description of each of the proposed changes, by section within 7 DE Admin. Code 3900 Wildlife.

1.0 Definitions

These changes are needed to clarify existing regulations where these phrases or words are used. Some changes have been dictated by recently passed legislation related to firearms, i.e., direct supervision. None of the proposed definition changes will incur any additional expenses to the affected entities.

- a. Update the number of regulations found within 7 DE Admin. Code 3900 Wildlife.
- b. Establish a definition for the following: Auxiliary marker, Direct supervision, Furbearers, and Pen-raised Released Quail.
- c. Clarify the definition for "Baited field."
- d. Add chukar partridge and Hungarian partridge to the list of species categorized as Liberated Game.

2.0 Method of Take

These changes will allow those games species permitted for take with a longbow to also be taken by a crossbow, as well as allowing additional firearms for raccoons and opossums, and hand collection for bullfrogs and green frogs. Additionally, the type of ammunition used for harvesting deer with a sharps rifle will be clarified as well as the type of firearms permitted for squirrel hunting. In terms of trapping, the types of foothold traps allowed will be clarified and simplified based on trap features. In addition, anyone who obtains a snapping turtle permit will now be required to report their harvest and trapping effort annually to the Division on Division-issued reporting forms. Nearly all the proposed changes within this section are intended to provide additional methods of take but several are needed to better manage harvest or to comply with existing statutes. None of the proposed changes will incur any additional expenses to the affected entities.

- a. Add crossbows to the list of approved methods of take while hunting wildlife.
- b. Allow additional methods of take for taking raccoons and opossums.

- c. Clarify that both bullfrogs and green frogs can be harvested by hand.
- d. Clarify the types of ammunition that are approved for use in Sharps rifles while hunting deer.
- e. Remove the reference that the Division Director can issue a permit to hunt waterfowl on Division lands along the Little River.
- f. Clarify the types and features of foothold traps that can be used.
- g. Clarify which firearms may be used to hunt gray squirrels in accordance with § 1445 of Title 11 of the Delaware Code.
- h. Require trappers that obtain a permit to trap snapping turtles to obtain and complete an annual report of their take.

3.0 Federal Laws and Regulations Adopted

Two changes are needed in this section, the first of which is a common name change for a species of duck and the second is to formalize a change no longer allowing disabled (non-ambulatory) hunters from participating in a special youth waterfowl season, as these hunters are not permitted to partake in this season per USFWS regulations. These changes are needed to come into compliance with federal laws. None of the proposed changes will incur any additional expenses to the affected entities.

- a. Revise the name of the old squaw duck which has been renamed to the long-tailed duck.
- b. Clarify that only youth hunters are allowed to hunt waterfowl during the special youth waterfowl seasons and does not also include non-ambulatory hunters using a wheelchair for mobility.

4.0 Seasons

Numerous changes are being proposed to adjust seasons or create new seasons for game species, nearly all of which would provide hunters and trappers with more opportunities; however, season closures are proposed for wild bobwhite quail and diamondback terrapins. Both species have experienced population declines and can no longer support harvest. In an attempt to continue to allow wild quail hunting, the Division is proposing a permit and expanded season framework for which hunters that release pen-raised quail may hunt those on birds registered with the Division. Additionally, if landowners with sufficient acreage to implement habitat management practices that benefit and support wild bobwhite quail, they may request a permit allowing them to hunt wild bobwhite quail on their property. This permit would be free. The Division will reevaluate the wild bobwhite quail season closure every three years. In terms of the diamondback terrapin, this species was once plentiful in the Delaware Bay but due to numerous environmental factors, their population has declined, and this species is listed as a Species of Greatest Conservation Need. The Division sought input from trappers and Natural Resource Police Officers to determine how prevalent trapping was for this species. Of the people contacted, none were aware of anyone currently or recently trapping this species, so while this closure could result in lost revenue by some individuals it is not expected to affect many individuals, if any.

- a. Eliminate the annual bag limit for beavers; an overabundant species.
- b. Allow green frogs to be hunted at the same time bullfrogs can be hunted and clarify that the daily bag limit for both species is in aggregate and not per species. Green and bullfrogs look similar, and neither are a species of concern.
- c. Clarify which species of crow may be hunted and the procedures for landowners to control crows that are causing damage.
- d. Extend the gray squirrel season one week and eliminate unnecessary text related to when the season opens.
- e. Close the wild bobwhite quail season but allow landowners who have sufficient habitat and are implementing management practices to support quail to obtain a permit from the Division to hunt on their lands. Establish a season for which pen-raised release quail may be harvested. The Division will reevaluate the wild bobwhite quail season closure every three years.
- f. Eliminate unnecessary text related to when the rabbit season closes.
- g. Adjust the trapping season dates for raccoons and opossums in Kent and Sussex Counties to coincide with season dates in New Castle County (season will open earlier and remain open longer).

- h. Allow raccoon hunters to chase raccoons (no harvest) one month earlier to now open on August 1st to allow additional training opportunities. Reduce the number of firearm deer seasons in which raccoon hunters are not allowed to hunt at night with the aid of a dog and clarify the hunting hours.
- i. Eliminate unnecessary text related to when the red fox hunting season opens and open the trapping season one month earlier to now open on November 1st instead of December 1st consistent with the hunting season.
- j. Close the terrapin season.
- k. Adjust the weather criteria used to justify a muskrat trapping season extension to account for large snow events.
- l. Establish trapping seasons for mink and otter to coincide with the muskrat season.
- m. Establish a chukar season to coincide with the pheasant season.

5.0 Wild Turkeys

Numerous changes are being proposed to update turkey hunting rules in Delaware and to clarify the possession of live turkeys under the context of animal husbandry. The hunting changes being proposed would clarify the types of approved education and safety courses required before being allowed to hunt turkeys, removing the requirement to wear camouflage, but also clarifying that the colors red, white, and blue, may not be worn externally, as these are the colors of a male turkey's head so wearing them externally poses a safety risk. Additional changes include the size shot that may be used to hunt turkeys and that bait must be removed from an area ten days prior to hunting the area. Currently there isn't a timeframe for when bait must be removed. Lastly, changes are being made to formally establish season dates and to amend the registration procedures for hunters that successfully harvest a turkey to mimic the process for currently registering a deer once a new automated registration system is developed. Season dates for turkey hunting have not been formally established in regulation. Proposed dates will coincide with the same dates currently set annually. None of the proposed changes will incur any additional expenses to the affected entities.

- a. Clarify under what circumstances a person can possess a wild turkey, establish procedures if turkeys escape from captivity, and prohibit the taking of live turkeys or their eggs from the wild.
- b. Clarify the types of courses accepted for fulfillment of turkey specific hunter education requirements.
- c. Clarify the size shot allowed for turkey hunting (nothing larger than size 4 shot) to promote the technical advancement of shot shells while maintaining human safety considerations.
- d. Clarify the prohibition of hunting turkeys using the aid of bait or dogs.
- e. Eliminate the requirement to wear camouflage while turkey hunting and clarify that the prohibition on wearing the colors of white, red, or blue while turkey hunting only pertains to external garments.
- f. Formally establish season dates for wild turkey hunting and establish registration procedures for hunters to report their harvests via an automated registration system like our existing deer registration system once the turkey system has been developed.

7.0 Deer

Numerous changes are being proposed to amend regulations pertaining to deer including providing increased opportunities and clarifying the procedures after harvesting a deer. Additional changes are needed to reinforce restrictions to minimize the risk associated with hunters bringing Chronic Wasting Disease back to Delaware. None of the proposed changes will incur any additional expenses to the affected entities.

- a. Clarify the type of deer tag nonresident hunters receive if they are exempt from purchasing a license.
- b. Clarify the procedure for completing a Deer Harvest Report Card after a deer is harvested and clarify the manner in which deer registration numbers shall be retained.
- c. Remove the restriction on hunting game, other than deer, with the aid of a dog during the muzzleloader and shotgun deer seasons.
- d. Simplify the firearm deer seasons by combining the either sex, antlerless, and the special season for young and disabled hunters under a single deer season category titled, "Shotgun Seasons."
- e. Allow legal straight-walled pistol caliber rifles and handguns to be used to harvest a deer during all seasons when it is legal to harvest a deer with a shotgun.

- f. Clarify that antlered deer may be harvested with longbows or crossbows throughout the Archery and Crossbow Seasons, including during the Antlerless only seasons, and clarify when the Archery and Crossbow seasons open (September 1st) and close (January 31st or the last day of the January Muzzleloader season, whichever is later).
- g. Clarify that Sunday deer hunting is permitted in accordance with § 712 of Title 7 of the Delaware Code.
- h. Restore the October Antlerless Deer Season to only 3 days per week, by eliminating Mondays, thereby providing more of an “opening day effect” to maximize harvest.
- i. Establish a second weekend within the Special Shotgun Season for Young and Disabled Hunters to occur the last Saturday and Sunday in September.
- j. To minimize the risk of Chronic Wasting Disease occurring in Delaware, restrict the import of selected deer parts of deer harvested within high-fenced, captive facilities.

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

Expansive changes are being proposed to regulate activities on lands and waters administered by the Division to minimize habitat destruction, improve safety, and to restrict activities that are not compatible with the intended use of these lands (i.e., hunting, fishing, trapping, and other wildlife-dependent activities). Several changes are being proposed that would clarify where motorized vehicles, horseback riding and bicycles are allowed to protect against habitat degradation and disturbing wildlife as well as minimize conflicts with other users. Additional rules being proposed include the adoption of the statutes in Title 21 (Motor Vehicles) of the Delaware Code pertaining to speeding, careless, inattentive, and reckless driving on lands administered by the Division. Currently, the Division doesn't have the authority to regulate these unsafe practices on Division lands so this change would improve safety and guard against habitat and infrastructure destruction. The use of radio-controlled drones, boats, and other vehicles, launching of model rockets, and the use of metal detectors on lands and waters administered by the Division are not compatible fish and wildlife-dependent activities so they are being proposed to be prohibited unless the user obtains a permit. Furthermore, the release of domestic or wild animals on Division lands is being proposed to be prohibited which is currently the practice on State Parks and Forests as well as the federal National Wildlife Refuges. Another change would be to allow fishing in any Division managed wildlife area pond except during the deer hunting and turkey hunting seasons. To curtail repeated problems with improperly discarded trash and vandalism to dikes, impoundments, and water control structures on Division managed lands, crabbing and fishing would be prohibited on and within these areas. Lastly, the possession of firearms on lands administered by the Division would be clarified and the archaic restriction prohibiting nonresidents from participating in deer drives would be lifted. We are expanding the hours of entry on lands administered by the Division for non-hunters from sunrise to sunset to ½ hour before sunrise to ½ hour after sunset to increase wildlife watching opportunities. None of the proposed changes will incur any additional expenses to the affected entities.

- a. Clarify that on lands administered by the Division; motorized vehicles may only be used on established and maintained roads.
- b. Establish regulations prohibiting speeding, careless, inattentive, and reckless driving on lands administered by the Division.
- c. Prohibit the use of radio-controlled drones, boats, and other vehicles or to launch model rockets on lands and waters administered by the Division without a permit from the Division Director.
- d. For purposes other than hunting trapping or fishing, expand the hours of entry on lands administered by the Division to be between ½ hour before and after sunset instead of sunrise through sunset to promote additional wildlife watching opportunities.
- e. Prohibit the release of domestic or wild animals onto lands administered by the Division unless they are lawfully permitted during dog training activities.
- f. Prohibit the use of metal detectors on lands administered by the Division without a permit from the Division Director.
- g. Clarify when fishing is permitted on state wildlife areas to avoid conflicts with hunting seasons.
- h. Clarify that all users of state wildlife areas must follow area map rules, not just those hunting or trapping these areas.
- i. Clarify where and when firearms are permitted on lands administered by the Division.

- j. Prohibit crabbing and fishing on any dike, water control structure, or within any impoundment found on lands administered by the Division.
- k. Clarify that non-resident hunters are allowed to participate in deer drives conducted on lands administered by the Division.
- l. Clarify that horses and bikes may only be used on roads and trails that have been designated by the Division.

9.0 Wildlife Theft Prevention Fund

Numerous changes are being proposed to regulations concerning the wildlife theft prevention fund. All the proposed changes are to include additional violations for which informants are eligible for a reward if their tip leads to the arrest and conviction of any person found guilty of the violations described in the regulation. None of the proposed changes will incur any additional expenses to the affected entities, as these changes would provide money in the form of a reward to those who assist with the conviction of a violator.

- a. Add and clarify various offenses for which informants may receive rewards through the Wildlife Theft Prevention Fund if they provide tips that result in the arrest and conviction of the violator.

10.0 Nuisance Wildlife

Significant changes are being proposed as they relate to commercial Nuisance Wildlife Control Operators (NWCOS) and how they are permitted by the Division and do business in Delaware. Additionally, rabbits are being proposed to be added to the list of wildlife species (raccoons, gray squirrels and opossums) that homeowners can address themselves if they are having nuisance wildlife problems within the limits of incorporated cities and towns without having to obtain a permit. The type of traps allowed to control these species in incorporated areas by landowners is being clarified to limit the type to a box or cage trap. The use of any other traps would have to be approved by the Division. In terms of NWCOS, currently only the owner/proprietor of the business is required to complete a training program approved by the Division; however, to better train the staff that are actually in the field conducting nuisance wildlife control work, the proposed change would require all employees actually conducting work in the field to become trained or to be accompanied by someone in the field that has been trained. The proposed format for training and permitting NWCOS follows the model currently in place and implemented by the Delaware Department of Agriculture as it pertains to certifying people to use restricted use pesticides. If implemented, the proposed change concerning the training and permitting procedures for NWCOS would incur additional expenses on the affected entities as the cost per individual to complete the training program is \$200. However, when NWCOS are hired to control wildlife control they charge for their services so the increased training fees will likely be accounted for in their cost estimates to conduct wildlife control. The Division believes that having properly trained individuals in the field outweighs the financial burden on the companies, as this approach should result in improved animal welfare and implementation of control methods that are better suited for the problems being resolved.

- a. Include rabbits in the list of wildlife that may be controlled without a permit when causing damage within the limits of residential or commercial areas of incorporated cities or towns, or within residential or commercial structures, using box/cage live traps.
- b. Clarify who needs a nuisance wildlife control operator permit, under what conditions a company needs to register for a permit and under what conditions an individual needs to be trained and certified.
- c. Requires nuisance wildlife control operators to abide by conditions of their permit.

14.0 Falconry

Two changes pertaining to falconry are being proposed, the first is to allow falconers to hunt during the month of March for resident game (rabbits, squirrels, etc.) that will allow them to collect and stockpile more food to care for their bird(s) outside of the hunting season. The second is to remove an outdated regulation implemented to transition our falconry regulations to comply with new federal falconry regulations. This transition period has since passed. None of the proposed changes will incur any additional expenses to the affected entities but instead will help save falconers money by allowing them to hunt longer and stockpile more food and thus not have to purchase meat to feed their bird(s).

- a. Extend the hunting season by one month for falconers and clarify the types of game species (rabbits, squirrels, etc.) that may be taken by the aid of a falcon.
- b. Remove outdated text that describes when previously updated regulations would go into effect.

15.0 Collection or Sale of Native Wildlife

The current regulation concerning the collection and sale of native wildlife is not clear as to what can and cannot be possessed, collected, bought, and sold. The proposed changes are intended to rectify that problem by only allowing the possession of live animals if the practice is allowed under existing statute or regulation, such as wildlife rehabilitation and scientific collection, but not for the sake of having wildlife as a pet. The proposed changes also clarify that pelts from legally harvested furbearers may be bought and sold. Furthermore, at the request of the Delaware Department of Agriculture, Division of Public Health, and DNREC's rabies task force, live rabies vector species may not be imported, possessed, or sold. Additionally, the proposed changes reorganized, alphabetically, the list of reptiles and amphibians that are allowed to be collected and possessed and updates several species for which the common or scientific names have changed. Additionally, the collection and possession of one amphibian egg mass cluster or ten or fewer amphibian eggs would be allowed so that individuals can raise these individuals from eggs to adults before releasing them into the wild. Lastly, outdated text concerning the grandfathering of possession of reptiles and amphibians prior to 1999 have been removed as it is unlikely that someone would still have a captive individual collected before that timeframe. None of the proposed changes will incur any additional expenses to the affected entities.

- a. Clarify which species of wildlife may be possessed, bought, and sold and under which circumstance each is permissible.
- b. Reorganized, alphabetically, the list of reptiles and amphibians that could be possessed and updated several changes to common and scientific names that have been changed.
- c. Remove outdated text on grandfathered reptile and amphibian collections.

16.0 Endangered Species

Several species on Delaware's state endangered species have had their common or scientific names changed. Additionally, the Saltmarsh Sparrow (*Ammospiza caudacuta*) is being proposed to be added to the state endangered species list as its listing is warranted under the following criteria:

1. Saltmarsh Sparrows are ranked as globally imperiled (G2)
2. They are declining in Delaware, as well as throughout their range.
3. Under current conditions, it is expected that they are unlikely to persist beyond 2050.

Recent studies suggest that, under current conditions, there is a low chance of the Saltmarsh Sparrow persisting beyond the middle of this century. The current ~9% per annum decline across the species' range suggests a 75% population decline between 1998 and 2012. Additionally, the Carpenter Frog (*Lithobates virgatipes*) is being proposed to be added to the state endangered species list as its listing is warranted under the following criteria:

1. Carpenter Frogs are rare and declining in the state. They are known to only occur at four locations and recent surveys indicate they might have been recently extirpated from of these sites and another site is threatened by sea level rise.

Lastly, the tri-colored bat (*Perimyotis subflavus*) is being proposed to be added to the state endangered species list as its listing is warranted under the following criteria:

1. This species is being reviewed for listing under the federal Endangered Species Act by the USFWS, is rare and declining in Delaware, the region and globally. Its decline is a result of white-nose Syndrome, a wildlife disease that has caused severe and sudden declines of multiple bat species, including the tri-colored bat, northern long-eared bat, and little brown bat, with the latter two species already included on Delaware's Endangered Species List.

None of the proposed changes will incur any additional expenses to the affected entities.

- a. Update several common and scientific names within the state endangered species list and add Saltmarsh Sparrow, Carpenter Frog, and Tri-colored bat to the list.

17.0 Species of Special Concern

The proposed changes to this section are to delete the existing regulation concerning “Species of Special Concern” as this regulation was developed in 2002 in response to potential federal funding becoming available that would have mandated states have a list of species of special concern. This funding has since become available without the required species listing. This title is being proposed to be replaced with a new regulation concerning the process for transferring harvested game between individuals. Currently deer or migratory birds (federal laws) are the only species for which a transferring process is defined. The proposed changes would define how other harvested game (e.g., gray squirrels, rabbits, quail, etc....) could be transferred by hunters by placing a tag on each animal being transferred, that is signed by the hunter and states their name and address and the total number of each species harvested. This new regulation will help Natural Resource Police Officers determine who harvested the game animals. The proposed changes will not incur any additional expenses to the affected entities other than the nominal cost of having to produce and tag each game animal being transferred from the hunter to another individual.

- a. Remove regulations concerning “Species of Special Concern” as this regulation is no longer needed and was initially made in response to potential funding availability to the Division in the early 2000’s which is no longer the case.
- b. Replace this regulation with rules concerning the procedures for transferring harvested game.

19.0 (Reserved)

Section 19.0 of 3900 Wildlife is currently “Reserved” and does not include any regulations. That void is being filled with a new regulation pertaining to compliance of conditions set forth in permits issued by the Division or Department pursuant to Title 7 of the Delaware Code. Currently unless a permit condition is the result of an existing regulation or statute restricting an activity, the Division lacks the ability to enforce that permit condition other than revoking the permit. For example, if a condition of a permit is to carry a copy of the permit in one’s possession or provide a report of the permit activities and a regulation or statute does not exist mandating such, then the only penalty the Division can impose is to revoke the permit. This regulation change would give the Division increased regulatory authority over permits being issued, which will improve compliance with permit conditions. The proposed changes will not incur any additional expenses to the affected entities unless they violate conditions of a permit and could now be fined under Penalty Section 7 Del.C. §103(d).

- a. Establish a regulation prohibiting the violation of terms and conditions as outlined in permits issued by the Division.

20.0 Game Bird Releases

Proposed changes to game bird releases pertain to under what circumstance someone needs a permit to release game birds which include quail, chukar partridge, Hungarian partridge, and pheasant, as well as what information they need to provide to the Division before the release will be approved. Currently, anyone releasing game birds is required to place a “Division approved” leg band on each bird, but the Division has never formally defined what an approved band is so the proposed changes would define which marking devices are approved. The proposed changes will not incur or will incur minimal additional expenses to the affected entities other than the cost of having to acquire marking devices that would meet approval in terms of color and retention thresholds. If people are currently using bands that do not meet the types being proposed with this regulation amendment than they would have to purchase new bands which can be purchased for less than \$0.03 each.

- a. Require anyone releasing gamebirds into the wild to obtain a permit from the Division and provide the release location.
- b. All birds released must be properly marked according to Division criteria as to identify them from wild birds.

21.0 Guide License

The changes being proposed as they relate to guide licenses, are to clarify that annual reports to the Division are due by July 1st annually rather than the current requirement of “within seven days after the close of the season” which can be ambiguous as there are many different season dates. Additionally, nonresidents that are exempt from purchasing a guide license for the purposes of snow goose hunting would be required to not have been convicted for violations of any wildlife or fisheries statutes or regulations within the last three years, which is a

requirement for individuals that purchase a guide license. None of the proposed changes will incur any additional expenses to the affected entities.

- a. Clarify when holders of a guide license are required to submit an annual report and the criteria for which a nonresident can be exempt from obtaining a guide license if they are guiding snow goose hunters.

22.0 Hunter and Trapper License Exempt Number

The proposed changes to this section are to clarify the rules for obtaining a License Exempt Number (LEN) which are needed as part of the Division's new licensing system. The first change is to clarify that a separate LEN is needed for the purposes of hunting or trapping, this allows us to document, which LEN holders are hunter, trappers, or both. The proposed changes also formally establish that LENs are valid annually from July 1 – June 30 and that it shall be unlawful to obtain a LEN for the same reason for which a license was purchased, thereby duplicating their hunting privileges. LENs are free to hunters and trappers that meet the eligibility criteria so none of the proposed changes will incur any additional expenses to the affected entities.

- a. Clarify the rules for obtaining a License Exempt Number.

23.0 Non-native/Invasive Wildlife

There are several changes being proposed to the take of non-native/invasive wildlife. The proposed changes pertaining to coyotes include allowing cage traps to be a method of take and to open the trapping season a month earlier to November 1st, which is the same date being proposed for red fox trapping. In terms of changes to the take of nutria, a single change is being proposed that would clarify that it shall be unlawful to release captured nutria alive, as this species is non-native and highly destructive to wetlands. Changes pertaining to swine, involve changing the name of this species from "feral swine" to "free-roaming swine" which is a better characterization of the animals the Division routinely encounters. An additional proposed change would be to make it unlawful for someone to harbor free-roaming swine on their property. Free-roaming swine are extremely destructive and pose a human and livestock health and safety risk, so these regulations are intended to not allow free-roaming swine populations to become established in Delaware. None of the proposed changes will incur any additional expenses to the affected entities.

- a. Clarify the types of traps allowed to take coyotes, extend the trapping season one month (open November 1st instead of December 1st).
- b. Clarifying that captured nutria are not to be released alive.
- c. Change the phrase "feral swine" to "free-roaming swine" to reflect more accurately what most of these animals are and restrict landowners from knowingly harboring free-roaming swine.

24.0 Wildlife Management Zone Boundaries

The Division has 18 defined wildlife management zones for which harvest and population status of game species, in particular deer and turkeys, is monitored but these boundary descriptions are not currently described in law or regulation. To formally adopt these boundaries, the proposed change would include these boundary descriptions in regulations which will better assist with harvest reporting compliance and potential season adjustments for species in specific locations rather than statewide. None of the proposed changes will incur any additional expenses to the affected entities.

- a. Define the boundaries of Delaware's wildlife management zones.

3. STATUTORY BASIS:

Statutory basis for these proposed regulation changes is authorized under Title 7, Delaware Code, Chapter 1, Sections 102(a), 103 (a) and (b), and Chapter 7, Sections 758 and 801.

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

These proposed changes are not required as a result of a federal statute or regulation.

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

The date of the most recent review/amendment of 7 DE Administrative Code 3900 was April 1, 2016. Review is not pursuant to 29 Del.C. §10407.

6. LIKELY AFFECTED PUBLIC:

Likely affected public includes: hunters, trappers, agricultural producers, users of state wildlife areas, nuisance wildlife control operators, and entities associated with the possession, purchase, sale, and/or release of wildlife, especially game birds.

7. PROPOSED SCHEDULE OF ACTIVITIES:

- July 2023 – Submit SAN to Register and draft regulations
- August 29, 2023 – Proposed regulations presented to the Advisory Council on Wildlife and Freshwater Fish
- October 1, 2023 – Publication in Register
- November 1, 2023 – Hold public hearing
- March 1, 2024 – Final regulations in Register

8. REVIEW COMMITTEE:


Advisory Council on Wildlife and Freshwater Fish

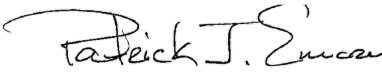
9. RESPONSIBLE STAFF MEMBER (name, physical address, phone number and e-mail address):


Joe Rogerson
 McKay Wildlife and Hunter Education Field Office
 6180 Hay Point Landing Rd
 Smyrna, DE 19977
 Office: (302) 735-3600
 Email: joseph.rogerson@delaware.gov

10. APPROVALS:


 _____ 6/27/2023
 Joe Rogerson Date
 Responsible Staff Member


 _____ 7/6/2023
 Robert Hoessler Date
 Wildlife Administrator


 _____ 7/10/2023
 Patrick J. Emory Date
 Director, Division of Fish and Wildlife


 _____ 10/9/23
 Shawn M. Garvin Date
 Secretary