



START ACTION NOTICE (SAN)

SAN # 2024-14

DOCKET # 2024-R-F-0018

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 the three specific recommendations of the Shellfish Aquaculture Task Force (Task Force). The Task Force was created during the 2024 General Assembly Session by Senate Concurrent Resolution 103 and was charged with examining all aspects of shellfish aquaculture in the Inland Bays.

2. PURPOSE OF ACTION:

This action proposes to amend the Shellfish Aquaculture regulation by making the three revisions to the regulation recommended by the Task Force. Specifically, the proposed amendments will reduce the annual planting requirement from 100,000 to 50,000 seed oysters while reducing the time period before a new lessee must meet the minimum planting requirement from 72 to 48 months, remove the individual gear marking requirement for gear that is attached to a line suspended between poles, and allow in-state hatcheries to reduce seed testing if the hatchery is following approved biosecurity protocols.

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 amended in 2024 with an effective date of May 11, 2024.

6. LIKELY AFFECTED PUBLIC:

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

7. PROPOSED SCHEDULE OF ACTIVITIES:

Register Notice publication – November 2024

Public hearing – November/December 2024

Effective date – February/March 2024

8. REVIEW COMMITTEE:


Council on Shell Fisheries


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

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10. APPROVALS:

 9/26/24
John H. Clark Date
Responsible Staff Member

 9/26/2024
Patrick J. Emory Date
Director, Division of Fish and Wildlife

 11/12/24
Shawn M. Garvin Date
Secretary