



START ACTION NOTICE (SAN)

SAN # 2026-07

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

New regulation and amendments to 7 DE Admin Code 3900 Wildlife.

2. PURPOSE OF ACTION:

- In response to recent changes to **11 Del.C. Chapter 2 General Provisions Concerning Offenses**, we are proposing to add the definition of airbow, airgun and arrow gun, and incorporate where the use of said weapons are appropriate throughout the regulations related to hunting and adding the allowance of projectile weapons generally throughout the regulations in addition to firearms. This includes allowing all these projectile weapons for deer, red fox, coyote, gray squirrel, raccoons, and opossums, and airbows for wild turkey.
- To align with HB278 which modified **7 Del.C.**, we are proposing to add a hunting and trapping season for skunk and a trapping season for weasel, removing text restricting Sunday hunting, removing the definition of black powder to align muzzleloader definitions, and allowing red fox to be hunted with handguns or rifles.
- We are proposing to revise the definition of Direct Supervision to clarify that the supervising adult must have a valid hunting license or LEN, and that the supervising adult shall be the one responsible for any violations while directly supervising. Throughout, we are also clarifying that on special youth hunting days, young hunters must be under direct supervision as defined.
- We are proposing to remove reference to a 'special season' for sea ducks and revising the regulation to only reference the sea duck area. This change is to align with federal regulations regarding sea duck harvest.
- We are proposing to clarify that a handgun may not be used to harvest wildlife unless otherwise stated. This is to clarify that those with concealed carry permits may carry but not use handguns while hunting except where otherwise specified.
- We are proposing to add that Veterans and Active Military Personnel may participate in the special waterfowl shotgun season. This change is to align with the John D. Dingell, Jr. Conservation, Management, and Recreation Act. To participate, proof of service must be carried while hunting.
- We are proposing to clarify that non-hunters driving deer must wear hunter orange. This change is for the safety of the individuals during deer drives.
- We are proposing to remove the restriction to buy, sell, or transport deer parts other than venison to align with HS1 for HB 412 which allows for the sale of completed deer taxidermy mounts and antlers.
- We propose to clarify the possession of archery equipment and projectile weapons during the special antlerless season but clarify that during this season antlered deer may only be harvested with a longbow or crossbow.

- We propose to have minor changes related to wildlife area map regulations, to remove the requirement that the maps are written. This is an attempt to begin to transition to online digital maps as the primary form of map. Furthermore, the timeframe to search for geocaches is being removed and will be addressed in the already required permit for placement of such items.
- We are proposing to add restriction for public intoxication or controlled substance possession and consumption to lands and waters administered by the DNREC Division of Fish and Wildlife and expand the illegal substances that are unlawful to possess or consume when hunting, in possession of firearms and projectile weapons on Division administered space. The language in this section is consistent with the DNREC Division of Parks and Recreation and increases enforceability of intoxication on Wildlife Areas.
- We are proposing to restructure the naming convention for collectable reptiles and amphibians, and endangered species for consistency. All species names will start with the first word in their common name, rather than the taxa group. Within the collectable reptiles and amphibians list, we are proposing to remove reptiles and amphibians defined as Species of Greatest Conservation Need in the Delaware Wildlife Action Plan from being possessed. Specifically, we are proposing to remove Northern Red-bellied Cooter, Diamond-backed Terrapin, Eastern Box Turtle, Eastern Cricket Frog, Mid-Atlantic Coast Leopard Frog (a.k.a. Atlantic Coast Leopard Frog), New Jersey Chorus Frog, Wood Frog, Northern Dusky Salamander, and Northern Two-lined Salamander.

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, Section 801.

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

The modification of Section 3.2 Sea Ducks is to align with the 2025-26 Frameworks for Migratory Bird Hunting Regulations

<https://www.federalregister.gov/documents/2025/08/18/2025-15703/migratory-bird-hunting-final-2025-26-frameworks-for-migratory-bird-hunting-regulations> removing reference to a 'Special Season'.

The modification of Section 3.6 Special Shotgun Season for Young Hunters, Veterans and Active Military Personne is to align with 16 U.S. Code § 704 – Determination as to when and how migratory birds may be taken, killed, or possessed

[https://uscode.house.gov/view.xhtml?req=\(title:16%20section:704%20edition:prelim\)](https://uscode.house.gov/view.xhtml?req=(title:16%20section:704%20edition:prelim)) and the John D. Dingell, Jr. Conservation, Management, and Recreation Act.

5. DATE OF MOST RECENT AMENDMENT/REVIEW (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 in effect January 1, 2026. Review was not pursuant to 29 **Del.C.** §10407.

6. **LIKELY AFFECTED PUBLIC:**

The likely affected public include hunters, veterans and active military personnel, wildlife area users, and taxidermists. These proposed regulatory amendments increase opportunity for hunters, including veterans and active military personnel, increase the safety of wildlife areas, and include clarifying language for all groups throughout, particularly youth and those participating in deer drives. Removing Species of Greatest Conservation Need from the collectable reptiles and amphibians list may affect collectors but only a limited number of species were removed.

7. **PROPOSED SCHEDULE OF ACTIVITIES:**

Initiate SAN – October 2026

Prepare draft proposed regulation – October 2026

Publish in the monthly Register of Regulations – November 2026

Hold public hearing – December 2026

8. **REVIEW COMMITTEE:**

The Advisory Council on Wildlife and Freshwater Fish have already been notified of our proposed actions, and all questions have been answered or addressed satisfactorily.

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

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10. **APPROVALS:**

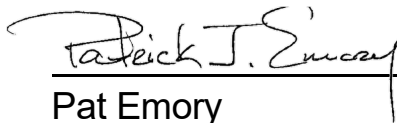


10/1/2026

Sam Robinson

Date

Responsible Staff Member

 10/1/2026

Pat Emory Date
Director, Division of Fish and Wildlife

 Oct. 12, 2026

Gregory Patterson Date
Secretary