

**3000 Division of Fish and Wildlife
3700 Shellfish
3701 General**

- 1.0 An individual must be at least 16 years of age in order to qualify for any of the following licenses or permits:
- 1.1 Commercial clam dredge license
 - 1.2 Noncommercial clamming permit
 - 1.3 Commercial conch pot license
 - 1.4 Commercial conch dredge license
 - 1.5 Commercial crab pot license
 - 1.6 Commercial crab dredge license
 - 1.7 Commercial horseshoe crab collecting permit
 - 1.8 Horseshoe crab dredge permit
 - 1.9 Commercial lobster pot license
 - 1.10 Oyster harvesting license
- 2.0 An individual must be at least 14 years of age in order to qualify for a commercial clam tong/rake license.

8 DE Reg. 1718 (6/01/05)

3702 Definitions:

- 1.0 **"2 Consecutive Years"**, as it appears in 7 Del.C. §1918(c) shall mean any consecutive 24 month period.

"A Person's Intent to Sell Shellfisheries to Another" shall mean a person has in his possession a quantity of that species of shellfish in excess of the quantity specified under the definition of "Commercial Shellfishing" or this same person advertises for sale, offers for sale or completes the sale of any portion of that measure of shellfish to another person.

"Commercial Shellfishing" shall mean for any person to possess those species of shellfish in excess of the following quantities unless said person has a valid receipt for all shellfish above these quantities; or as otherwise provided by law or regulation:

- Oysters - one (1) bushel per vessel
- Blue Crabs - one (1) bushel per person
- Hard Clams - five hundred (500) clams per person
- Lobsters - two (2) lobsters per person

"Commercial Measure" shall mean that unit of measurement of a species of shellfish as described herein:

- Oysters - bushels
- Blue Crabs -bushels
- Clams - actual numbers or bushels
- Lobsters - actual numbers or pounds
- Blue Mussels - bushels or pounds

"Delaware Bay" shall mean all those waters and submerged lands under the jurisdiction of the State located within an area bordered on the North by a straight line drawn between Liston Point, Delaware and Hope Creek, New Jersey and bordered on the South by a line drawn from Cape May Inlet East Jetty Light to Cape May Harbor Inlet Lighted Bell Buoy 2CM; thence to the northernmost extremity of Cape Henlopen, but not including any tributaries thereto.

"Delaware River" shall mean all those waters and submerged lands under the jurisdictions of the State located within an area to the North of a straight line connecting Liston Point, Delaware and Hope Creek, New Jersey, but not including any tributaries thereto.

"New Licensee"

- shall mean for purposes of interpreting 7 **Del.C.** §1918(a), any person who has never been issued a commercial crab pot license or any person who has not been issued a valid commercial crab pot license by the Department before May 1, 1994 and annually thereafter when applying for the renewal of such license.
- shall mean for purposes of interpreting 7 **Del.C.** §1918(b), any person who has never been issued a commercial crab dredger's license or any person who has not been issued a valid crab dredger's license by the Department before May 1, 1994 and then annually thereafter when applying for the renewal of such license."

"Processing" shall mean, with respect to shellfish or shellfisheries products: Preparing, shucking, freezing, changing into different market forms, manufacturing, preserving, packing.

"Processor" shall mean any person engaged in the purchasing, or commercial, custom, or institutional processing of shellfish products.

"Recreational Purposes" shall mean the noncommercial use of shellfish that does not include the sale, trade or barter of shellfish in quantities less than the prescribed quantities for commercial shellfishing.

14 DE Reg. 117 (08/01/10)

3703 Commercial Clamming: Moratorium On Formerly Leased Shellfish Grounds

(Penalty Section 7 **Del.C.** §1912)

1.0 It shall be unlawful for any person, including former leaseholders, to take or attempt to take shellfish by any means on formerly leased shellfish grounds in the Indian River and Bay as indicated on a Department map, Document 40-05/78/02/2, and described as follows:

- | | | |
|-----|------------------|--------------------|
| 1.1 | Elisha Cropper | Plot 1 (310 acres) |
| | | Plot 2 (140 acres) |
| | | Plot 3 (100 acres) |
| 1.2 | John Satterfield | Plot 6 (20 acres) |
| 1.3 | Linden Short | Plot 8 (20 acres) |

1.4 John Rogers Plot 28 (70 acres)

3704 Commercial Shellfishing Prohibited On Sunday

(Penalty Section 7 **Del.C.** §1912)

- 1.0 It shall be unlawful for any person to engage in commercial shellfishing on Sunday. (Exception. 7 **Del.C.** §1904 has been amended so that crabs and conchs may be taken on any Sunday and clams may be taken on any Sunday between and including Memorial Day and Labor Day.)

3705 Dredge Restrictions For Taking Shellfish

(Penalty Section 7 **Del.C.** §1912)

- 1.0 It shall be unlawful for any person to take or attempt to take any shellfish with any device attached to a vessel powered by sail or mechanical means in any waters under the jurisdiction of the State of Delaware except in the Delaware Bay and the territorial waters in the Atlantic Ocean within three miles of the Delaware shoreline unless otherwise permitted by law or by Departmental regulation.

3706 Shellfishing Growing Areas Closed To Harvesting Clams, Mussels And Oysters

(Penalty Section 7 **Del.C.** §1912)

- 1.0 It shall be unlawful for any person to harvest or attempt to harvest any clams, mussels or oysters from any shellfish growing area that is classified as prohibited, conditionally approved but closed to harvesting shellfish or otherwise not classified as a shellfish growing area as established in regulations adopted by the Department of Natural Resources and Environmental Control, Division of Water Resources under authority of 7 **Del.C.** §1902(a)(2).

1 DE Reg. 354 (10/1/97)

1 DE Reg. 835 (1/1/98)

3707 Taking Shellfish Other Than Oysters, Clams, Lobsters And Crabs

(Penalty Section 7 **Del.C.** §1912)

- 1.0 It shall be lawful for persons to take any species of shellfish other than oysters, *Crassostrea virginica*; clams, *Mercenaria mercenaria*; lobsters, *Homarus americanus*; and crabs, *Callinectes sapidus* from the shellfish grounds under the jurisdiction of the State. Oysters, clams, lobsters and crabs only may be taken according to the provisions of Chapters 19, 21, 23, 24, and 25 of Title 7, Delaware Code.

(Note- Conchs only may be taken according to the provisions of 7 **Del.C.** Chap. 28. Horseshoe crabs may only be taken according to the provisions of 7 **Del.C.** Chap. 27)

- 2.0 It shall be unlawful for any person, unless authorized to do so, to take shellfish, other than crabs and lobsters, from natural oyster beds, the leased shellfish grounds of other persons or those shellfish grounds closed to shellfishing by order of the Department of Health and Social Services.

3708 Commercial Crab Dredge Licenses

(Penalty Section 7 **Del.C.** §1912)

- 1.0 The first lottery for available commercial crab dredge, conch pot, and conch dredge licenses shall be held on January 2, 2004; with subsequent lotteries to be held annually the first working day in January of each year, as long as one or more licenses are available. Participants in the lotteries shall include current participants in the apprentice program who have completed the required and properly documented 150 days of commercial fishing activities over no less than a 2-year period dating from the specific date the applicant filed their application with the Department as an apprentice, according to the provisions of 7 **Del.C.** §1920.

7 DE Reg. 785 (12/1/03)