

# DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

## DIVISION OF FISH AND WILDLIFE

Statutory Authority: 7 Delaware Code, §103 and 7 Delaware Code, Chapter 60  
(7 Del.C. §103 and 7 Del.C., Ch. 60)  
7 DE Admin. Code 3304

### EMERGENCY

#### EMERGENCY REGULATION ORDER 2015-F-0007

##### 3304 Creel Limits, Size Limits and Seasons

#### AUTHORITY

Pursuant to 29 Del.C. §10119, the Department of Natural Resources and Environmental Control is adopting amendments to Non-Tidal Finfish Regulation 3304 Creel Limits and Seasons for trout (7 DE Admin. Code 3304, Sections 3.1.2 and 3.4.2) without prior notice or public hearing in the interest of public safety.

#### REASON FOR THE EMERGENCY REGULATION ORDER

Delaware's trout season on the designated trout ponds (Newton Pond in Sussex County and Tidbury Pond in Kent County) is established in 7 DE Admin. Code 3304 as the first Saturday in March (March 7, 2015). However, Delaware is presently under a winter storm warning with predicted snow accumulations of four to ten inches through 1900 Hrs. on Thursday March 5, 2015 (National Weather Service Mount Holly, NJ), the scheduled trout stocking date for the ponds. Furthermore, the two ponds are presently covered in several inches of ice. These unusual circumstances preclude safe trout stocking and present an imminent safety risk to hatchery personnel, Department staff, and the fishing public, who may venture onto unsafe ice in pursuit of trout. As such, for the 2015 calendar year only, the Department hereby amends 7 DE Admin. Code 3304, Section 3.1.2 to postpone the opening day of the trout season until the second Saturday in March (March 14, 2015) at 0700 Hrs. (7:00 a.m.). The designated trout ponds will remain closed to all fishing until that time.

In addition, the requirement to possess a valid trout stamp to fish in a designated trout pond will also be extended through April 8, 2015 through this action. Accordingly, for the 2015 calendar year only, the Department hereby amends 7 DE Admin. Code 3304, Section 3.4.2 from "the first Saturday in March through April 1" to "the second Saturday in March through April 8".

#### EFFECTIVE DATE OF ORDER

This Emergency Order shall take effect at 12:01 a.m. on March 5, 2015 and shall remain in effect for 60 days.

#### PETITION FOR RECOMMENDATIONS

The Department will receive, consider and respond to petitions by any interested person for recommendations or revisions of this Order. Petitions should be presented to Stewart Michels, Fisheries Section, Division of Fish and Wildlife, 89 Kings Highway, Dover, Delaware, 19901. Comments can also be emailed to: [stewart.michels@state.de.us](mailto:stewart.michels@state.de.us).

#### ORDER

It is hereby ordered, the 4<sup>th</sup> day of March 2015 that the above referenced amendments to Non-Tidal Finfish Regulation 3304 (7 DE Admin. Code 3304, Sections 3.1.2 and 3.4.2), a copy of which is hereby attached, are adopted pursuant to 29 Del.C. §10119 and supported by the evidence contained herein.

David S. Small, Secretary  
Department of Natural Resources and Environmental Control

#### 3304 Creel Limits, Size Limits and Seasons

(Penalty Section 7 Del.C. §1304)

- 1.0 Closed Seasons. Unless otherwise provided by law or regulation of the Department, there is no closed season, size limits or possession limits on any species of fish taken by hook and line in any non-tidal waters of this State.
- 2.0 Bass.
  - 2.1 Statewide limits.
    - 2.1.1 It is unlawful for any person to have in possession more than six (6) largemouth bass or to have in possession more than six (6) smallmouth at or between the place where said largemouth and/or

smallmouth bass were caught and said person's personal abode or temporary or transient place of lodging.

2.1.2 Unless otherwise authorized in this regulation, it is unlawful for any person to possess any largemouth bass that measure less than twelve (12) inches in total length. Any largemouth bass taken which is less than the twelve (12) inches in total length must be immediately returned to the water with the least possible injury.

2.1.3 It is unlawful for any person to possess any smallmouth bass measuring from twelve (12) inches to and including (17) inches in total length. Any smallmouth bass taken which is greater than twelve (12) inches and less than seventeen (17) inches must be immediately returned to the water with the least possible injury.

2.1.4 Notwithstanding 2.1.1 of this section, it is unlawful for any person to have in possession more than one (1) smallmouth bass measuring more than seventeen (17) inches in total length at or between the place where said smallmouth bass was caught and said person's personal abode or temporary or transient place of lodging.

2.1.5 It is lawful for any person to have in possession while fishing up to six (6) smallmouth bass that are less than twelve (12) inches in total length.

## 2.2 Becks Pond.

2.2.1 Notwithstanding 2.1.1 of this section, it is unlawful for any person to have in possession while fishing on Becks Pond more than two (2) largemouth bass.

2.2.2 Notwithstanding 2.1.2 of this section, it is unlawful for any person to have in possession while fishing on Becks Pond any largemouth bass less than fifteen (15) inches in total length. Any largemouth bass less than fifteen (15) inches in total length must be immediately returned to Becks Pond with the least possible injury.

## 3.0 Trout.

### 3.1 Pond and Stream Seasons.

3.1.1 It is unlawful for any person to fish for rainbow trout, brown trout, brook trout, or any hybrids of these species in designated trout streams, except between and including the first Saturday of April and the second Saturday of March of each succeeding year.

3.1.2 It is unlawful for any person to fish for rainbow trout, brown trout, brook trout, or any hybrids of these species in designated trout ponds, except between and including the ~~first~~ second Saturday of March and the second Saturday of February of each succeeding year.

### 3.2 Hours of Fishing.

3.2.1 It is unlawful for any person to fish for rainbow trout, brown trout, brook trout, or any hybrids of these species in designated trout streams on the opening day of the trout season before 7:30 a.m. and thereafter for the remainder of the trout season between one-half hour after sunset and one-half hour before sunrise.

3.2.2 It is unlawful for any person to fish for rainbow trout, brown trout, brook trout, or any hybrids of these species in designated trout ponds on the opening day of the trout season before 7 a.m. and thereafter for the remainder of the trout season between one-half hour after sunset and one-half hour before sunrise.

3.3 Possession. It is unlawful for any person to possess in any one day during the prescribed open season more than six (6) rainbow trout, brown trout brook trout or any hybrids of these species in any combination. On any day after a person takes his or her legal limit of trout, said person is prohibited from fishing in a designated trout stream or a designated trout pond on the same day, unless otherwise authorized by law or this regulation.

### 3.4 Trout Stamp.

3.4.1 It is unlawful for any person to fish in a designated trout stream from the first Saturday in April through June 30 and from the first Saturday in October through November 30, unless said person has in his or her possession a valid trout stamp, or unless said person is exempted by law from having a trout stamp.

3.4.2 It is unlawful for any person to fish in a designated trout pond from the ~~first~~ second Saturday in March through April 4~~8~~, unless said person has in his or her possession a valid trout stamp, or unless said person is exempted by law from having a trout stamp.

### 3.5 Restricted Trout Stream.

3.5.1 It is unlawful for any person to fish in a restricted trout stream with more than two (2) flies on a line at any one time.

- 3.5.2 It is unlawful for any person to use any metallic, wooden, plastic or rubber spinners, spoons, lures, plugs, or any natural or synthetic bait on any restricted trout stream.
- 3.5.3 It is unlawful for any person to have in his or her possession more than four (4) trout within 50 feet of any restricted trout stream. On the restricted trout stream only, trout may be caught and released as long as the four (4) trout possession limit is not exceeded. All trout released must be returned to the water as quickly as possible with the least possible injury.
- 3.6 Closure of Designated Trout Streams and Ponds.
  - 3.6.1 It is unlawful for any person to fish in a designated trout stream two weeks (14 days) prior to the scheduled opening of the stream trout season.
  - 3.6.2 It is unlawful for any person to fish in a designated trout pond two weeks (14 days) prior to the scheduled opening of the pond trout season.
- 4.0 Striped Bass and Hybrid Striped Bass
  - 4.1 It is unlawful for any person to have in his or her possession while fishing in the non-tidal waters of this State more than two (2) striped bass (*Morone saxatilis*) or striped bass hybrids (*Morone saxatilis* x *M. chrysops*).
  - 4.2 It is unlawful for any person to possess any striped bass or any striped bass hybrid under the length of fifteen (15) inches measured from the tip of the snout to the tip of the tail while fishing in the non-tidal waters of this State.
- 5.0 Panfish Limits. It is unlawful for any person to have in possession while fishing in any State-owned non-tidal water more than fifty (50) panfish in aggregate to include bluegill, pumpkinseed, redear sunfish, black crappie, white crappie, white perch or yellow perch, provided no more than twenty-five (25) of the fifty (50) allowed in possession are of any one species.

**3 DE Reg. 289 (8/1/99)**

**3 DE Reg. 1738 (6/1/00)**

**13 DE Reg. 1350 (04/01/10)**

**16 DE Reg. 788 (01/01/13)**

**18 DE Reg. 754 (04/01/15) (Emer.)**