

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
DIVISION OF FISH AND WILDLIFE
Division of Fish and Wildlife
3700 Shellfish
3765 Oysters

3766 Natural Oyster Beds - Location

(Penalty Section 7 **Del.C.** §1912)

- 1.0 Natural oyster beds shall mean those shellfish grounds located to the North of the "East Line" in Delaware Bay and River and shellfish grounds located upstream of the entrances of all tributaries entering the Delaware River and Delaware Bay under the jurisdiction of the State.
- 2.0 The Department shall designate specific natural oyster beds that will be open for taking seed oysters on specific dates prior to April 1 in any given year.

3767 Description Of Boundaries Delineating Leasable Shellfish Grounds

(Penalty Section 7 **Del.C.** §1912)

- 1.0 Shellfish grounds to be leased for protecting, planting and harvesting shellfish in the State shall be limited to the following area in Delaware Bay described as follows:
 - 1.1 Starting at a point on the "East Line" in Delaware at Loran-C coordinates 27314.50/42894.25 and continuing due east to a point at Loran-C coordinates 27294.08/42895.60 and then continuing south to a point at Loran-C coordinates 27270.80/42852.83 and then continuing southwest to a point at Loran-C coordinates 27279.67/4283742 and then continuing west southwest to a point at Loran-C coordinates 27281.31/42803.48 and then continuing west to a point at Loran-C coordinates 27280.75/42795.50 and then in a northerly direction on a line 1000" offshore, coterminous with the existing shoreline to the point of beginning on the "East Line".

3768 Oyster Harvest Quota

(Penalty Section 7 **Del.C.** §1912)

- 1.0 The oyster harvest quota for the direct market fishery from the state owned natural beds will be established annually by the Department.

5 DE Reg. 2140 (05/01/02)

6 DE Reg. 1356 (04/01/03)

7 DE Reg. 1578 (05/01/04)

3769 Oyster Harvesting Control Dates

(Penalty Section 7 **Del.C.** §1912)

- 1.0 A person is authorized to participate in the seasonal harvest of oysters for direct sale from the State's natural oyster beds provided said person complies with the following criteria:
 - 1.1 He/she has a valid oyster harvesting license and meets the eligibility requirements in 7 **Del.C.** §2103.
 - 1.2 He/she has indicated in writing to the Department no later than 4:30 PM on a date at least 30 days prior to the opening date of the oyster harvesting season that he/she will participate.
 - 1.3 He/she pays the harvest fee of \$1.25 per bushel for his/her individual allotment of oysters no later than 4:30 PM on a date at least 10 days prior to the opening date of the oyster harvesting season.
- 2.0 In the event a person who indicates in writing to the Department that he/she will participate in the next seasonal harvest of oysters from the State's natural oyster beds and then fails to pay his or her oyster harvest fee on time said person's share of oysters shall be pooled and made available for subsequent allocations to individuals who have paid their oyster harvest fees on time. The quantity of the subsequent allocation of oysters shall be determined by dividing the pooled allotments by the number of paid participants. Interested participants may obtain no more than one subsequent allocation by paying the oyster harvest fee of \$1.25 per bushel prior to harvesting same.

5 DE Reg. 2140 (05/01/02)

3770 Oyster Harvesting Gear

TITLE 7 NATURAL RESOURCES & ENVIRONMENTAL CONTROL
DELAWARE ADMINISTRATIVE CODE

(Penalty Section 7 Del.C. §1912)

- 1.0 It shall be unlawful for any person to harvest oysters or attempt to harvest oysters from the State's natural oyster beds with any gear other than an oyster dredge that measures no more than 52 inches in length along the tooth bar.
- 2.0 It shall be unlawful for any person to harvest oysters or attempt to harvest oysters from the State's natural oyster beds with an oyster dredge with teeth measuring more than four (4) inches in length.
- 3.0 It shall be unlawful for any person to harvest oysters or attempt to harvest oysters from the State's natural oyster beds with more than two oyster dredges overboard at the same time.
- 4.0 It shall be unlawful for any person to harvest oysters or attempt to harvest oysters from the State's natural oyster beds with any dredge that is attached to another dredge.

5 DE Reg. 972 (10/1/01)

3771 Oyster Harvesting Licensee Requirements

(Penalty Section 7 Del.C. §1912)

- 1.0 It shall be unlawful for any person licensed to harvest oysters from the State's natural oyster beds to possess another person's oyster harvesting tags while on board the vessel listed on said person's oyster harvesting license unless the other person is on board said vessel while harvesting oysters.
- 2.0 It shall be unlawful for any person licensed to harvest oysters from the State's natural oyster beds for direct sale to not attach a current Department issued oyster harvesting tag in the locked position through the fabric of a bushel bag containing oysters. The tag shall be cinched around the top of the bag and locked such that the bag may not be opened nor oysters removed from the bag without breaking the tag or seal. Bags shall be tagged prior to the vessel leaving the shellfish harvest grounds and remain in place while being transported for processing.

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

- 3.0 It shall be unlawful for any person to possess a bushel bag that is empty or partially filled with oysters so long as an oyster harvesting tag is attached to said bag.

5 DE Reg. 2140 (05/01/02)

6 DE Reg. 1356 (04/01/03)

- 4.0 It shall be unlawful for any person to possess an oyster cage that is empty of oysters so long as an oyster harvesting tag is attached to said cage. A filled or partially filled oyster cage must have the appropriate number of tags attached in the locked position to reflect the number of bushels of oysters in the cage.

6 DE Reg. 1356 (04/01/03)

11 DE Reg. 1496 (05/01/08)

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

- 5.0 It shall be unlawful for any person licensed to harvest oysters from the State's natural oyster beds to possess, while on board any vessel listed on said person's oyster harvesting license, used or otherwise invalid oyster harvesting tags. A used tag shall mean any tag that has been locked or sealed and subsequently cut, broken, or made unusable.

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

- 6.0 Any processor receiving oysters that were harvested from the State's natural oyster beds must keep the oyster harvesting tag or tags in place until the container is broken open or emptied by the processor, at which time the processor must promptly remove and retain the tag(s) for a period of 90 days beyond the end of the calendar year, unless otherwise directed by authorized representatives of the Department.

- 6.1 It shall be unlawful for any person to process oysters aboard a vessel.

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

3772 Oyster Harvesting Seasons

(Penalty Section 7 Del.C. §1912)

- 1.0 It shall be unlawful for any person to harvest or to attempt to harvest oysters from the State's natural oyster beds except during a season that will be established by the Department.

5 DE Reg. 2140 (05/01/02)

6 DE Reg. 1356 (04/01/03)

7 DE Reg. 1578 (05/01/04)

3773 Oyster Landing Areas

(Penalty Section 7 **Del.C.** §1912)

1.0 It shall be unlawful for any person to land oysters taken for direct sale from the State's natural oyster beds at any site other than in the town of Leipsic, Flemings Landing, Port Mahon, Bowers Beach, Lewes, Woodland Beach or the Cedar Creek areas.

2.0 'To Land' shall mean to bring to shore.

5 DE Reg. 2140 (05/01/02)

6 DE Reg. 1356 (04/01/03)

3774 Oyster Minimum Size Limit

(Penalty Section 7 **Del.C.** §1912)

1.0 Except as provided in subsections 1.1 and 1.2, it is unlawful for any person to possess any oyster harvested for direct sale from the State's natural oyster beds that measures less than 2.75 (2¾) inches between the two most distant points on the edges of said oyster's shell.

1.1 Oysters measuring less than 2.75 (2¾) inches shall not comprise, by number, more than 5.0% of any landed bushel bag or bushel sample(s) obtained from any landed multi-bushel cage.

1.2 Notwithstanding subsection 1.1, a person may possess oysters harvested for direct sale from the State's natural oyster beds that measure at least 2.75 (2¾) inches and have attached oysters or attached spat that measure less than one (1) inch between the two most distant points on the edges of said oyster's shell and that cannot be separated without destroying either oyster.

5 DE Reg. 2140 (05/01/02)

20 DE Reg. 58 (07/01/16)