Office of the Registrar of Regulations,
Legislative Council,
State of Delaware

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF FISH AND WILDLIFE

Statutory Authority: 7 Delaware Code, Sections 102(a) and 103(a) and (b) (7 **Del.C.** §§102(a) & 103(a) & (b))

7 **DE Admin. Code** 3900

PROPOSED

PUBLIC NOTICE

3900 Wildlife

SAN # 2026-07

DOCKET # 2026-R-F-0010

BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:
The Department will be holding two separate hearings to discuss proposed amendments to 7 DE Admin. Code 3900 – Wildlife. This hearing will address the omnibus proposed amendments to the Regulation. The changes being proposed will define and authorize projectile weapons in addition to firearms, where appropriate per changes to Title 11; specify seasons for skunk and weasel, remove text restricting Sunday hunting, and revise muzzleloader definitions in response to HB278; update the definition and implementation of Direct Supervision and for youth hunting days; update regulations regarding sea duck seasons; specify that handguns may only be used to harvest wildlife where specified; increase the breadth of the special waterfowl shotgun season to include Veterans and Active Military Personnel; clarify that non-hunters driving deer must wear orange; remove the restriction to buy, sell, or transport deer parts other than venison; clarify the possession archery equipment and projectile weapons during the special antlerless season; remove the restriction to buy, sell transport deer parts other than venison to align with HS1 for HB 412; modify wildlife area map regulations to remove the requirement that maps are written and remove date restrictions for geocaching; improve enforcement of public intoxication on lands and waters administered by DNREC DFW and restrict public intoxication and controlled substance possession and consumption on DNREC DFW lands; and improve protections of reptiles and amphibians defined as species of greatest conservation need by prohibiting possession and change the naming convention of reptiles, amphibians and endangered species.

POSSIBLE TERMS OF THE AGENCY ACTION:
None

STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:
7 **Del.C,** Sections §102(a) and §103 (a) and (b)

OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:
The agency does not believe that other regulations will be impacted.

NOTICE OF PUBLIC COMMENT:
The virtual public hearing for the (Omnibus) proposed amendments to 7 DE Admin. Code 3900 – Wildlife, Hearing Docket No. 2026-R-F-0010 will be held on **Thursday, December 10, 2026, beginning at 6 p.m.** The web link to the virtual hearing can be accessed through the DNREC Public Hearings site at https://de.gov/dnrechearings. If prompted, use Meeting ID: 846 1953 9576 and Passcode: 137319. To access the audio-only portion of the virtual hearing, dial 1-305-224-1968 and enter the Meeting ID and Passcode noted above. Language assistance is available by request within 10 business days of the hearing. Closed captioning is available via the Zoom virtual meeting tool.

Those wishing to offer verbal comments during DNREC virtual public hearings must pre-register no later than noon on the date of the virtual hearing at https://de.gov/dnreccomments or by contacting the Office of Administrative Services by telephone at 302-739-9034.

The proposed amendments may be inspected online starting November 1, 2026 at https://regulations.delaware.gov/register/current_issue, or in-person, by appointment only by contacting Sam Robinson by phone at 302-735-3616 or by email at sam.robinson@delaware.gov.

DNREC will accept public comment on the OMNIBUS proposed amendments through the close of business on Thursday, January 7, 2027. Comments will be accepted in written form via email to

DNRECHearingComments@delaware.gov, using the online form at https://de.gov/dnreccomments, or by U.S. mail to the following address:

Theresa Smith, Hearing Officer
DNREC – Office of the Secretary
89 Kings Highway, Dover, DE 19901

3900 Wildlife

1.0 Definitions

For purposes of Regulations 1.0 through 24.0, the following words and phrases shall have the meaning ascribed to them:

"Administered by the Division" means owned, leased or licensed by the Division.

"Airbow" means a device for propelling an arrow or bolt by means of compressed air, mounted on a stock and having a working mechanical trigger safety device and a minimum pressure of 2,000 pounds per square inch.

"Airgun" means a device that fires a bullet solely by the use of unignited compressed gas as the propellant.

"Arrow gun" means a device that fires an arrow or bolt solely from the use of a blank rimfire or centerfire rifle cartridge.

"Antlered deer" means any deer with 1 or more antlers 3 inches long or longer, measured from the base of the antler where it joins the skull to the tip of the antler following any curve of the antler.

"Antlerless deer" means any deer that has no antlers or antlers less than 3 inches in length.

"**Auxiliary marker**" means any marker that is used to identify a released gamebird and is authorized by the Division which is limited to nasal discs and saddles, patagial markers, seamless leg bands, metal butt-end leg bands, plastic or metal leg bands that have a locking clasp, or plastic bandettes.

"Bait" means any nontoxic food material, compound or mixture of ingredients which wildlife is able to consume.

"Baited field" includes any farm field, woodland, marsh, water body or other tract of land where minerals, grain, fruit, crop or other nontoxic compounds have been placed to attract wildlife to be hunted. A baited field is considered baited for 10 days following complete removal of all bait.

~~**"Black powder"** means a manufacturer's approved muzzleloading propellant.~~

"Cable restraint" formerly referred to as "**snare**", is considered a trapping device made of stranded steel cable with a minimum diameter of 5/64 inches. Cable restraints must be equipped with a relaxing-type lock. The cable may not exceed 7 feet in length from the anchor point to the relaxing lock and must be equipped with at least one swivel device, which allows for 360° rotation, between the loop and the anchor. The cable restraint must have stops affixed to the cable to ensure that the cable that makes up the loop may not have a circumference greater than 38 inches when fully open, or a circumference less than 6 ¼ inches when fully closed. Cable restraints with a maximum loop circumference of 12 ½ inches do not require cable stops. Cable restraints must be maintained in good condition so that all components operate properly.

"Deer" means white-tailed deer (*Odocoileus virginianus*) or Sika deer (*Cervus nippon*).

"**Direct supervision**" refers to the parameters required when a hunter may not lawfully hunt alone. A person will be considered directly supervised while hunting if a person 21 years of age or older is always within 30 yards and in direct line of sight of the supervised person. The supervising person must ~~be lawfully allowed to hunt in Delaware~~possess a valid Delaware hunting license or License Exempt Number as described in Section 22.0 of this regulation.

"Director" means the Director or Acting Director of the Division.

"Division" means the Division of Fish and Wildlife of the Department.

"Established blind" means a structure or pit constructed for the purpose of hunting migratory waterfowl by a landowner on the landowner's property or by another person with the permission of the landowner or the landowner's duly authorized agent.

"Established and maintained road" means a road maintained for vehicular use by the Division and designated for such use by the Division on current wildlife area maps.

"**Foothold trap**" formerly referred to as "**leghold trap**", refers to a type of trap with a mechanism that is designed to catch and hold a mammal by 1 of its feet or legs.

"**Furbearers**" includes beavers, coyotes, gray fox, mink, muskrats, nutria, opossums, otters, raccoons, red fox, skunks and weasels.

"**Jaw spread**" means the distance between the inside of both jaws, when measured across the trap jaws on a line perpendicular to a line drawn through the jaw pivot points when the trap is in the set position.

"Liberated game" means cottontail rabbits and game birds, including bobwhite quail, mallard duck, chukar partridge, Hungarian partridge, and pheasant released pursuant to 7 **Del.C.** §568.

"Longbow" means a straight limb, reflex, recurve or compound bow. All crossbows or variations thereof and mechanical holding and releasing devices are expressly excluded from the definition.

"Lure" means any mixture of ingredients, element or compound that attract wildlife, but the wildlife is unlikely to consume.

"**Pen-raised released quai**l" means northern bobwhite quail that have been hatched and raised in captivity and released into the wild.

"Possession" means either actual or constructive possession of or any control over the object referred to.

"Quality buck" means an antlered deer with an outside antler spread of at least 15 inches. This measurement is taken across the outside of the main beams at their widest point; this measurement's path must be perpendicular to the center line of the skull and parallel to the top of the skull plate.

"Refuge" means an area of land, whether in public or private ownership, designated by the Department as a refuge. Land shall only be designated with the permission of the landowner and if such designation is thought to be in the best interest of the conservation of wildlife. Refuges shall normally be closed at all times to all forms of hunting, except as permitted by the Director in writing for wildlife management purposes.

"Relaxing lock" means a device installed on a cable restraint that allows the loop to release constriction pressure on the captured animal when the cable is not taut and the animal stops pulling.

"Roadway" means any road, lane or street, including associated right-of-ways, maintained by this State or any political subdivision of this State.

"Season" means that period of time during which a designated species of wildlife may be lawfully hunted or a designated species of fish may be lawfully fished.

"Vehicle" means any means in or by which someone travels or something is carried or conveyed or a means of conveyance or transport, whether or not propelled by its own power.

"**Waterline**" refers to beneath the surface of the water or below the mean high tide line in an area ordinarily subject to the rise and fall of the tide.

"Wildlife" means any member of the animal kingdom, including without limitation, any amphibian, arthropod, bird, mammal or reptile.

3 DE Reg. 289 (08/01/99)
3 DE Reg. 1738 (06/01/00)
11 DE Reg. 334 (09/01/07)
14 DE Reg. 52 (07/01/10)
15 DE Reg. 1505 (04/01/12)
17 DE Reg. 746 (01/01/14)
27 DE Reg. 874 (05/01/24)
29 DE Reg. 621 (01/01/26)

2.0 Method of Take

(Penalty Section 7 **Del.C.** §103(d)**)**

2.1 General. Unless otherwise provided by law or regulation of the Department, it shall be unlawful to hunt any protected wildlife with any weapon or firearm other than a longbow, crossbow, or shotgun (10 gauge or smaller), except that:

2.1.1 Crossbows may be used during all deer ~~seasons;~~seasons. Airbows, arrow guns, and airguns may be only used during all deer shotgun seasons as described in subsection 7.5.1 of this regulation;

2.1.2 A muzzle-loading rifle with a barrel length of at least 20 inches ~~and loaded with black powder~~ may be used to hunt deer during muzzleloader and shotgun deer seasons as described in subsections 7.5.1 and 7.5.3 of this regulation;

2.1.3 A .17 through .22 caliber ~~rimfire firearm~~ airgun or rimfire firearm, ~~or~~ muzzleloading rifle not larger than .36 caliber, airbow, or arrow gun may be used to hunt raccoons and opossums and to take wildlife lawfully confined in a trap;

2.1.4 Collection by hand or using a hook, spear or gig may be used to take bullfrogs and green frogs; and

2.1.5 Snapping turtles may be taken by hand or by using a spear, gig, fyke net or turtle trap. Turtle traps can have only 1 throat or funneling device.

2.1.6 A single shot falling-block, breech-loading antique or authentic reproduction ~~black powder~~ Sharps rifle of .45 to .60 caliber shall be lawful for use during shotgun deer seasons using paper patched cartridges.

2.1.7 No person shall place in the field any set or unset equipment associated with the trapping of game animals until the opening day of any state approved trapping season.

2.1.8 Any person who sets or makes use of any trap, cable restraint or other approved wildlife capture device during any lawful trapping season, shall remove all trapping equipment by the last day of the approved trapping season.

2.1.9 It shall be unlawful to set a trap on public or private property without first acquiring written permission from the landowner or managing agency and having ~~said~~the permission in possession while tending traps.

2.1.10 It shall be unlawful to bait a trap with meat or animal products, except box/cage traps, if the bait is visible from above and within 10 feet of the trap. The use of animal fur or feathers without any attached animal tissue is not restricted.

2.1.11 Without first acquiring specific advance permission, it shall be unlawful for any person other than the rightful owner of a trap, to move, take, or damage any trap, or take, or attempt to take, wildlife from any trap.

2.1.12 A person may not hunt with an airbow unless the airbow meets the following requirements:

2.1.12.1 The airbow must have a shoulder-type stock.

2.1.12.2 A hand-held pistol-type airbow may not be used.

2.1.12.3 The airbow must be charged to a minimum pressure of 2,000 pounds per square inch.

2.1.12.4 The broadhead must be at least 7/8 inch in width.

2.1.12.5 An airbow arrow or bolt that has an explosive or poisonous tip may not be used.

2.1.12.6 The airbow must be equipped with a mechanical trigger safety device in working condition.

2.1.12.7 The airbow may be equipped with a scope or sight.

2.1.12.8 It shall be unlawful to transport an airbow on or within any vehicle while the airbow has a bolt or arrow loaded in the device.

2.1.12.9 Unless explicitly indicated in this Section, no person may hunt wildlife with an airbow.

2.1.13 A person may not hunt with an airgun unless the airgun meets the following requirements:

2.1.13.1 The airgun must have a shoulder-type stock.

2.1.13.2 A hand-held pistol-type airgun may not be used.

2.1.13.3 The airgun must fire a single projectile with each shot.

2.1.13.4 The airgun must be equipped with a mechanical trigger safety device in working condition.

2.1.13.5 The airgun may be equipped with a scope or sight.

2.1.13.6 It shall be unlawful to transport an airgun on or within any vehicle while the airgun is loaded with a bullet.

2.1.13.7 Unless explicitly indicated in this Section, no person may hunt wildlife with an airgun.

2.1.13.8 For the purposes of hunting deer, red fox, and coyotes, airguns must fire a projectile of at least .30 caliber and at least 150 grains in weight with a minimum muzzle velocity of 800 feet per second or any combination of bullet weight and muzzle velocity that produces muzzle energy of at least 215 foot pounds of energy.

2.1.13.9 For the purposes of hunting gray squirrels, raccoons, and opossums, airguns must fire a projectile between .177 and .22 caliber with a minimum muzzle velocity of 600 feet per second.

2.1.13.10 For the purposes of dispatching wildlife lawfully confined in a trap, airguns must fire a projectile no smaller than .177 caliber with a minimum muzzle velocity of 600 feet per second. Notwithstanding subsection 2.1.13 of this Section, the airgun is not required to have a shoulder type stock.

2.1.14 A person may not hunt with an arrow gun unless the arrow gun meets the following conditions:

2.1.14.1 The arrow or bolt must exit the muzzle with a minimum velocity of 350 feet per second and be equipped with a broadhead that is 7/8 inches in minimum width.

2.1.14.2 Unless explicitly indicated in this Section, no person may hunt wildlife with an arrow gun.

2.1.15 It shall be unlawful for any supervising adult to allow a youth hunter, whom they are in direct supervision of, to commit any violations. Any violation committed during direct supervision will be deemed to have been committed by the supervising adult.

2.2 Archery and Crossbow

2.2.1 General. No person shall use or have in the person's possession, while hunting, any: poison arrow, arrow with and explosive tip, or any longbow with a minimum pull less than 30 pounds.

2.2.2 Crossbows used for deer hunting must have a minimum pull weight of 125 pounds and have a mechanical safety. Crossbows may be equipped with a scope. It shall be unlawful to transport a crossbow on or within any vehicle while the crossbow is in the cocked position.

2.3 Hunting from Boats

2.3.1 Distance from Blinds. During the season for the hunting of migratory waterfowl, it shall be unlawful for any person to hunt from a boat of any kind that is within 1500 feet of an established blind, except that:

2.3.1.1 Any person may use a boat to tend lawfully set traps for fur-bearing wildlife;

2.3.1.2 Any person may retrieve crippled waterfowl by the use of a boat in accordance with federal regulations;

2.3.1.3 Any person may use a boat for transportation to and from an established blind lawfully used by ~~such~~this person;

2.3.1.4 Any person may hunt from a boat that is firmly secured and enclosed in an established blind.

2.3.2 Notwithstanding the provisions of subsection 2.2.1 of this ~~section~~regulation, any person may hunt migratory waterfowl within 1500 feet of an established blind, from a boat, with permission of the blind owner.

2.3.3 Gunning Rigs

2.3.3.1 During the season for hunting migratory waterfowl, it shall be unlawful for any person to hunt within 900 feet of the shoreline (high tide line) of the Delaware River and Bay, between the Appoquinimink River and the Smyrna River, without written permission of the closest adjoining landowners.

2.3.3.2 During the season for hunting migratory waterfowl, it shall be unlawful for any person to hunt within 1500 feet of the shoreline (high tide line) of the Delaware River and Bay, between the Smyrna River and the Murderkill River, without written permission of the closest adjoining landowner.

2.3.4 Tender Boats. It shall be unlawful for tender boats servicing gunning (layout) rigs to be further than 1500 feet from the rig or to conduct any activity, except to pick up downed birds or service the rig.

2.3.5 During the season for hunting migratory waterfowl, it shall be unlawful for any person to hunt from a boat, or a floating or fixed blind in the Little River in areas bounded on both sides by land administered by the Division.

2.4 Foothold Traps

2.4.1 Notwithstanding 7 **Del.C.** §§703 and 788, it shall be unlawful for any person to set a foothold trap at any time in this State, except from November 1 through March 20. The use of toothed or serrated jawed traps is prohibited. All foothold traps set above the waterline must have padded jaws, offset jaws, or a minimum jaw thickness of 5/16 inch, as measured perpendicular across the face of the jaw where the 2 jaws meet when closed, with the exception being that coil-spring traps with a jaw spread of 4 inches or less and long-spring traps with a jaw spread of 4 ½ inches or less do not need to have padded or offset jaws, but must have a minimum jaw thickness of 1/8 inch as measured perpendicular across the face of the jaw where the 2 jaws meet when closed.

2.4.2 It shall be unlawful for any person to set foothold traps with a jaw spread larger than 6 ½ inches above the waterline. The jaw spread of traps set below the waterline shall not exceed 7 ¾ inches.

2.4.3 It shall be unlawful for any person to set or make use of any foothold, except coil-spring traps with a jaw spread of 4 inches or less and long-spring traps with a jaw spread of 4 ½ inches or less, without first permanently attaching a metallic tag on each trap, bearing:

2.4.3.1 The words "Trapping License, Delaware", the number of the trapping license issued to the owner of the traps and the year of issuance; or

2.4.3.2 The owner's name and address.

2.4.4 When information is furnished to the Division from the owner, tenant or sharecropper of any land that any species of wildlife is detrimental to crops, property or other interests on land on which the owner, tenant or sharecropper resides or controls, upon investigation, the Division may issue a permit to that person or the person's agent for the use of foothold traps to control that species of wildlife. The permit may be issued at any time of the year.

2.4.5 The setting of each trap in violation of this ~~section~~Section shall be a separate offense.

2.4.6 Foot encapsulating traps shall be considered foothold traps.

2.5 Gray Squirrel. ~~Hunting gray squirrels~~ Gray squirrels may be hunted with a .17 through .22 caliber ~~rimfire firearm, a pellet gun not larger than .177 caliber,~~ airgun or rimfire firearm, airbow, arrow gun, or muzzle-loading rifle not larger than .36 caliber ~~is permitted south of the Chesapeake and Delaware Canal~~.

2.6 Muskrats. It shall be unlawful for any person to shoot muskrats at any time, except with written permission of the Director.

2.7 Otters. Each otter trapped in Delaware must be tagged by an authorized representative of the Division. Each otter sold in Delaware or shipped out of the State must be tagged in accordance with the requirements of the Convention on International Trade in Endangered Species.

2.8 Red Fox

2.8.1 Red foxes may be killed or trapped in accordance with 7 **Del.C.** §788 and ~~the regulations found within this Section~~this regulation with the following: longbow and crossbow, shotgun, rimfire rifle or centerfire rifle up to .25 caliber~~, or~~ airbow, airgun, arrow gun, or a handgun, rifle, and a muzzle-loading rifle in accordance with 7 **Del.C.** §704, foothold trap, cable restraint, or box trap.

2.8.2 ~~Notwithstanding subsection 2.8.1 of this section, during any deer firearms season, it shall be unlawful to hunt red fox with any firearm that is not also legal for deer hunting.~~

~~2.8.3~~ Notwithstanding subsection 2.8.1 of this Section~~section~~, it shall be unlawful to kill a red fox that is being pursued by dogs.

2.9 Snapping Turtles

2.9.1 Turtle traps must have either an escape hole below water measuring a minimum of 7 ½ inches in all directions or floats inserted inside the trap or attached to the trap or be set in ~~such~~ a way ~~so~~ that the trap provides sufficient breathing space for all captured turtles at all times.

2.9.2 Each trap shall be marked with a metallic tag bearing the trapper's name and address or current year's trapping license number. The tag shall be attached to the trap in a manner that allows it to remain visible, at all times.

2.9.3 All turtle traps must be lifted and emptied of catch at least once every 24 hours.

2.9.4 An annual permit must be obtained from the Division in order to trap snapping turtles. This permit is free.

2.9.5 Each person that obtains a permit to trap snapping turtles shall file a complete and accurate report with the Division on forms provided by the Division on all snapping turtles trapped during ~~said~~ the season. Each report shall be filed with the Division by July 30, annually. Failure to file a complete and accurate report may disqualify the trapper from obtaining a snapping turtle permit in the future.

2.10 Cable Restraints

2.10.1 It shall be unlawful for any person to set or make use of any cable restraint without first permanently attaching a metallic tag on each cable restraint, bearing:

2.10.1.1 The words "Trapping License, Delaware", the number of the trapping license issued to the owner of the traps and the year of issuance; or

2.10.1.2 The owner's name and address.

2.10.2 It shall be unlawful to set a cable restraint with the bottom of the loop any higher than 12 inches above the ground.

2.11 Box/Cage Traps. It shall be unlawful for any person to set or make use of any box/cage trap without first permanently attaching a metallic tag on each trap, bearing:

2.11.1 The words "Trapping License, Delaware", the number of the trapping license issued to the owner of the traps and the year of issuance; or

2.11.2 The owner's name and address.

2.12 Muzzleloading Rifles and Pistols

2.12.1 No person shall have a loaded muzzleloading rifle or pistol in that person's possession in, against or on any automobile, other vehicle, any piece of farm machinery, motorboat while under power, or sailboat while under power.

2.12.2 Notwithstanding subsection 2.12.1, a muzzleloading rifle or pistol shall be considered unloaded if there is not powder and ball, bullet or shot loaded in the bore. If there is powder and ball, bullet, or shot loaded in the bore, a muzzleloading rifle or pistol shall not be considered loaded if the cap, primer, or priming powder (in a flintlock) is removed.

2.13 When it is lawful to hunt or trap furbearers, lure may be used.

2.14 A handgun may not be used to harvest, or attempt to harvest, wildlife unless allowed under subsections 2.1.13.10 and 7.3.3 of this regulation, 7 **Del.C.** §704, or 7 **Del.C.** §786

3 DE Reg. 289 (08/01/99)
6 DE Reg. 536 (10/01/02)
11 DE Reg. 334 (09/01/07)
14 DE Reg. 52 (07/01/10)
15 DE Reg. 1505 (04/01/12)
17 DE Reg. 238 (08/01/13)
17 DE Reg. 746 (01/01/14)
27 DE Reg. 874 (05/01/24)
29 DE Reg. 621 (01/01/26)

3.0 Federal Laws and Regulations Adopted

(Penalty Section 7 **Del.C.** §103(d))

3.1 Federal Laws. It shall be unlawful for any person to hunt, buy, sell or possess any protected wildlife or part ~~thereof~~of protected wildlife, except in ~~such~~ a manner and numbers as may be prescribed by the following federal laws and regulations promulgated ~~thereunder~~under those laws and regulations: Airborne Hunting Act (16 USC § 742j-l et seq.), Eagle Act (16 USC § 668 et seq.), Endangered Species Act (16 USC § 1531 et seq.), Lacey Act (16 USC § 3371 et seq.), Marine Mammal Protection Act (16 USC § 1361 et seq.), and the Migratory Bird Treaty Act (16 USC § 703 et seq.). Notwithstanding the foregoing, the federal laws and regulations shall be superseded by more stringent restrictions prescribed by State law or regulation of the Department.

3.2 Sea Ducks. ~~Scoters, eiders, and long-tailed ducks may be taken during their special season not less than~~ The shooting of crippled waterfowl from a motorboat under power is permitted if the boat is at least 800 yards seaward from the Delaware Bay shore beginning at an east/west line between Port Mahon and the Elbow Cross Navigation Light south to the Atlantic Ocean or in the Atlantic Ocean.

3.3 Non-toxic Shot

3.3.1 Required Usage. Non-toxic shot, as defined by federal regulations, shall be required for hunting waterfowl, rails, snipe, and moorhens in Delaware. It shall be unlawful for any person to possess shells loaded with lead shot while hunting waterfowl, rails, snipe, and moorhens.

3.3.2 Maximum Shot Size. It shall be unlawful for any person to hunt, except for deer, in Delaware with any size non-toxic shot (as defined by federal regulations) pellets larger than size T (.20 inches in diameter).

3.4 Special Mallard Release Areas. The Division may issue permits to allow the taking of captive-reared mallards during the established waterfowl season under applicable federal regulations. Permits shall only be issued to persons who: control at least 100 acres of land on which there is suitable waterfowl habitat; agree to follow a management plan and federal regulations; and maintain a log of guests and birds harvested. Failure to follow the management plan or a violation of State or federal laws may result in the revocation of a Special Mallard Release Area Permit. Waterfowl may only be hunted on Special Mallard Release Areas from 1/2 hour after sunrise to 1 hour before sunset.

3.5 Mute Swans *(Cygnus olor)*

3.5.1 Mute swans shall be considered an exotic, invasive species that are not subject to state protection. Mute swans may only be taken during legal waterfowl hunting seasons and shooting hours. The method of take for mute swans is restricted to shotguns no larger than 10 gauge and with non-toxic ammunition no larger than size T.

3.5.2 It shall be unlawful to possess, buy, sell, barter, trade, or transfer any live mute swan or ~~their~~live mute swan eggs to or from another person unless permitted by the Director of the Division of Fish and Wildlife.

3.5.3 It shall be unlawful to release any mute swan into the wild.

3.6 Special Shotgun Season for Young ~~Hunters. Waterfowl~~ Hunters, Veterans and Active Military Personnel. Pursuant to 16 USC § 704 et seq., waterfowl may be hunted on special days established annually by the ~~Division for hunters~~ Division. Young hunters participating in this hunt must be less than 16 years of age. Hunters 13-15 years of age must have completed an approved course in hunter training and possess a Delaware Resident or Non-Resident Junior Hunting License. Young hunters must be ~~accompanied by a licensed non-hunting adult who is 21 years of age or older~~ under direct supervision. Young hunters must be of sufficient size, physical strength, and emotional maturity to safely handle a shotgun. Veterans and Active Military Personnel participating in this hunt must carry proof of service while hunting.

3 DE Reg. 289 (08/01/99)
6 DE Reg. 536 (10/01/02)
12 DE Reg. 496 (10/01/08)
14 DE Reg. 52 (07/01/10)
27 DE Reg. 874 (05/01/24)
29 DE Reg. 621 (01/01/26)

4.0 Seasons

(Penalty Section 7 **Del.C.** §103(d))

4.1 Season Dates. Hunting and trapping season dates will be published each year in an annual publication entitled "Delaware Hunting and Trapping Guide."

4.2 General. It shall be unlawful for any person to hunt those species of wildlife for which a season is designated at any time other than during that season.

4.3 Protected Wildlife

4.3.1 Unless otherwise provided by law or regulation of the Department, it shall be unlawful for any person to hunt any species of protected wildlife.

4.3.2 It shall be unlawful for any person to sell, transport or possess any species of protected wildlife, except when:

4.3.2.1 Otherwise provided by law or regulation of the Department; or

4.3.2.2 The wildlife was lawfully taken outside of this State in accordance with the laws or regulations of the state or nation where the wildlife was taken.

4.4 Beaver

4.4.1 Season. Beavers may be hunted or trapped in accordance with the statutes and regulations of the State of Delaware governing the harvest of beavers from December 1 through March 20.

4.4.2 Beaver hides and the meat of lawfully taken beaver harvested anywhere within or outside of Delaware may be sold.

4.5 Bullfrogs and Green Frogs

4.5.1 Season. Bullfrogs and green frogs may be hunted in accordance with the statutes and regulations of the State of Delaware governing the hunting of bullfrogs and green frogs: from May 1 through September 30.

4.5.2 Limit. It shall be unlawful for any person to take more than 24 bullfrogs or green frogs, in aggregate, in any 1 day.

4.5.3 License. A hunting or fishing license is required to take bullfrogs or green frogs.

4.6 Crows. It shall be unlawful for any person to hunt crows during any period of the year, except Fridays, Saturdays, and Sundays between and including the fourth Friday of June and the last Sunday of March. The hunting of crows is restricted by the provisions of federal regulations pertaining to the taking of crows.

4.7 Gray Squirrel

4.7.1 Season. Gray squirrel may be hunted in accordance with the statutes and regulations of the State of Delaware governing the hunting of gray squirrel: from September 15 through the last day of February. Squirrel hunting shall be unlawful during the November deer firearms season as described in subsection 7.5.1.1 of this regulation. When squirrel season overlaps with a deer season as described in subsections 7.5.1 and 7.5.3 of this regulation, and 7 **Del.C.** §704, squirrels may be hunted when hunter orange is displayed in accordance with 7 **Del.C.** §718.

4.7.2 Limit. It shall be unlawful for any person to take more than 6 gray squirrels in any 1 day.

4.8 Opossum. The opossum may only be hunted or trapped during the lawful season to hunt or trap raccoons.

4.9 Pheasant

4.9.1 Season. Male pheasant may be hunted in accordance with the statutes and regulations of the State of Delaware governing the hunting of pheasant: from the Monday that immediately precedes Thanksgiving through the last day of February, provided that during a deer firearms season hunter orange is displayed in accordance with 7 **Del.C.** §718.

4.9.2 Female Pheasant. It shall be unlawful for any person to hunt or possess any female pheasant at any time, except as permitted on game preserves, by licensed game breeders or as otherwise permitted by law.

4.9.3 Male Pheasant Limit. It shall be unlawful for any person to hunt or possess more than 2 male pheasants in any 1 day during the pheasant season, except as permitted by law.

4.9.4 Game Preserves. Nothing in this regulation shall be construed so as to limit the number or sex of pheasants that may be harvested by any 1 person on licensed game preserves.

4.10 Quail

4.10.1 It shall be unlawful to harvest wild quail without a permit from the Division. Permits may be issued to landowners that have at least 40 acres of habitat suitable to support and sustain wild quail as determined and approved by the Division. The Division will reassess the closure of the statewide wild quail season every 3 years.

4.10.2 Pen-raised Released Quail Season. Pen-raised and released bobwhite quail may be hunted in accordance with the statutes and regulations of the State of Delaware governing the hunting of bobwhite quail: from the Monday that immediately precedes Thanksgiving through the last day of February, provided that during a deer firearms season hunter orange is displayed in accordance with 7 **Del.C.** §718.

4.11 Rabbit

4.11.1 Season. Rabbits may be hunted in accordance with the statutes and regulations of the State of Delaware governing the hunting of rabbits: from the Monday that immediately precedes Thanksgiving through the last day of February provided that during a deer firearms season hunter orange is displayed in accordance with 7 **Del.C.** §718.

4.11.2 Limit. It shall be unlawful for any person to take more than 4 rabbits in any 1 day.

4.12 Raccoon

4.12.1 Trapping Season. Raccoon may be trapped in accordance with the statutes and regulations of the State of Delaware governing the trapping of raccoon: from December 1 through March 10 (March 20 on embanked meadows in New Castle County). The season is open throughout the year on private land~~, except on Sundays,~~ in eastern New Castle and Kent counties pursuant to 7 **Del.C.** §786.

4.12.2 Hunting Season. Raccoon may be hunted in accordance with the statutes and regulations of the State of Delaware governing the hunting of raccoon: from August 1 through October 31 for chase only ~~whereby~~where it shall be unlawful to kill raccoon and opossum; from November 1 through the last day of February; and from March 1 through March 31 for chase only ~~whereby~~where it shall be unlawful to kill raccoon and opossum. The season is open throughout the year on private land in eastern New Castle and Kent counties, except on Sundays, pursuant to 7 **Del.C.** §786.

4.12.3 Notwithstanding subsection 4.12.2 of this ~~section~~Section, it shall be unlawful for any person to hunt raccoon or opossum during any period with the aid of a dog when it is lawful to hunt deer with a firearm, except that it shall be lawful to hunt raccoon from 1 hour after sunset until midnight during the October, December, and January Shotgun deer seasons as described in subsection 7.5.1 of this regulation, the January Handgun and Straight-walled Pistol Caliber Rifle deer season as described in 7 **Del.C.** §704, and the January Muzzleloader deer season as described in subsection 7.5.3 of this regulation.

4.13 Red Fox

4.13.1 Red Fox Hunting Harvest Season. Red fox may be killed in accordance with the statutes and regulations of the State of Delaware governing the hunting of red fox: from November 1 through the last day of February. Notwithstanding the foregoing, red foxes may be killed in accordance with subsection 2.8 of this regulation and 7 **Del.C.** §788.

4.13.2 Red Fox Trapping Season. Red fox may be trapped with foothold, cable restraint, or cage/box traps from November 1 through March 10.

4.14 Ruffed Grouse. It shall be unlawful for any person to hunt for ruffed grouse during any period of the year.

4.15 Snapping Turtles

4.15.1 Season. It shall be unlawful for any person to hunt for snapping turtles during any period of the year, except between and including June 15 and May 15.

4.15.2 Size. It shall be unlawful for any person to sell, offer for sale or kill any snapping turtle with a straight-line carapace (top shell) length of less than 11 inches, measured on the curvature. This straight-line measurement is taken from the nuchal scute directly behind the turtle's head to the base of the notch where the 2 most posterior scutes meet over the tail.

4.16 Terrapin. Season. It shall be unlawful for any person to hunt or trap for diamondback terrapin during any period of the year.

4.17 Muskrats

4.17.1 7 Day Season Extension. The Department may extend the muskrat trapping season 7 days if the Department determines that the statewide muskrat population can sustain additional harvest and the average mean temperature for February was below 30ºF or the total February snowfall exceeded 20 inches as determined by the National Weather Service station at Wilmington, Delaware.

4.17.2 14 Day Season Extension. The Department may extend the muskrat trapping season 14 days if the Department determines that the statewide muskrat population can sustain additional harvest and the average mean temperature for February was below 28ºF or the total February snowfall exceeded 32 inches as determined by the National Weather Service station at Wilmington, Delaware.

4.18 Mink. Mink may only be trapped during the lawful season to trap muskrats.

4.19 Otter. Otters may only be trapped during the lawful season to trap muskrats.

4.20 Chukar and Hungarian Partridge. Chukars and Hungarian Partridge may be hunted during the lawful season to hunt pheasants.

4.21 Skunk. Skunks may only be hunted or trapped during the lawful season to hunt or trap raccoons.

4.22 Weasel. Weasels may only be trapped from December 1 through March 10.

3 DE Reg. 289 (08/01/99)

3 DE Reg. 1738 (06/01/00)
6 DE Reg. 536 (10/01/02)
8 DE Reg. 352 (08/01/04)
11 DE Reg. 334 (09/01/07)
13 DE Reg. 941 (01/01/10)
14 DE Reg. 52 (07/01/10)
15 DE Reg. 1505 (04/01/12)
17 DE Reg. 746 (01/01/14)
19 DE Reg. 927 (04/01/16)
27 DE Reg. 874 (05/01/24)
29 DE Reg. 621 (01/01/26)

5.0 Wild Turkeys

(Penalty Section 7 **Del.C.** §103(d))

5.1 Possession of Live Wild Turkeys

5.1.1 It shall be unlawful for any person, other than authorized representatives of the Division, to possess live wild turkeys (*Meleagris gallopavo*) in Delaware without the birds being confined at all times.

5.1.2 If wild turkeys kept in captivity escape and cannot be recaptured within 72 hours the Division must be contacted.

5.1.3 It shall be unlawful to collect or possess any live wild turkey or ~~their~~wild turkey eggs from the wild.

5.2 Instruction Requirement

5.2.1 It shall be unlawful for any person 13 years of age or older to hunt wild turkeys in Delaware before passing a Division approved course of instruction in turkey hunting, which includes Division approved internet courses. Persons 13 years of age or older must have proof of course completion in ~~their~~ possession while turkey hunting.

5.2.2 Youth hunters under the age of 13 must be accompanied by an adult 21 years of age or older who has successfully completed a Division approved course of instruction in turkey hunting. The adult must have a valid hunting license or license exempt number (LEN).

5.3 Method of Take

5.3.1 It shall be unlawful for any person to use any firearm to hunt wild turkeys, except a 10, 12, 16, or 20, 28, or .410 gauge shotgun loaded with shot no larger than size 4 or a longbow, compound bow, airbow, or crossbow with a broadhead arrow, 7/8 inches in minimum width.

5.3.2 It shall be unlawful for any person to hunt wild turkeys on or over a baited field or with dogs.

5.3.3 It shall be unlawful for any person to "drive" wild turkeys.

5.3.4 It shall be unlawful for any person to shoot any wild turkey that is in a roost tree.

5.3.5 It shall be unlawful for any person to hunt wild turkeys if the person is wearing any garment with the external colors white, red, or blue.

5.3.6 It shall be unlawful for any person to hunt wild turkeys and use artificial turkey decoys of either sex that are wholly or partially made from any part of a turkey that was formerly alive.

5.3.7 It shall be unlawful for any person to hunt wild turkeys using an electronic calling device.

5.4 Season, Registration, and Limit

5.4.1 Turkeys may be hunted in accordance with the statutes and regulations of the State of Delaware governing the hunting of turkeys: from the second Saturday in April through the fifth Sunday succeeding the opening Saturday. It shall be unlawful for any person to hunt wild turkeys on publicly-owned lands without the written authorization of the land-managing agency, except when hunting during the Special Season for Young and Disabled Hunters as described in subsection 5.5 of this ~~section~~Section.

5.4.2 It shall be unlawful for any person to hunt wild turkeys, except from ½ hour before sunrise to 1:00 p.m.

5.4.3 It shall be unlawful for any person to not register ~~their~~ a harvested turkey within 24 hours of killing the turkey by phone or over the internet through systems authorized by the Division. Turkeys taken to a processor, taxidermist, or given to another person must be registered before the animal is transferred. After registering a turkey, hunters will be given a turkey registration number. This number must be recorded in ink on the approved Turkey Harvest Report Card listed in subsection 5.4.5 of this ~~section~~Section. It shall be unlawful to knowingly enter incorrect information when registering a turkey.

5.4.4 Retention of Turkey Registration Number. If a harvested turkey is no longer in a hunter's possession, a self-produced or Division issued possession tag shall remain affixed to the turkey bearing either the turkey registration number if the turkey has been registered or the hunter's hunting license or License Exempt Number and the harvest date if the turkey has not been registered. The turkey registration number shall be recorded on the possession tag once it has been registered.

5.4.5 Each person who hunts and kills a turkey shall, immediately after the killing and before removing the turkey from the location of the killing, punch/cut the appropriate portion of ~~their~~ the person's approved Turkey Harvest Report Card, and record in ink the date of harvest on the Turkey Harvest Report Card. Turkey Harvest Report Cards shall remain in a hunter's possession at all times while hunting turkeys.

5.4.6 It shall be unlawful for any person to take or attempt to take a turkey without a beard. It shall be unlawful for any person to take or attempt to take more than 1 bearded wild turkey per season.

5.5 Special Season for Young and Disabled Hunters. Turkeys may be hunted on private land and selected public land on the Saturday and Sunday prior to the opening of the regular spring turkey hunting season by disabled (non-ambulatory) hunters using a wheelchair for mobility, and hunters less than 16 years of age. Hunters 13-15 years of age must have completed an approved course in hunter training as well as a Division approved turkey hunter safety class and possess a Delaware Resident or Non-Resident Junior Hunting License. Young hunters must be ~~accompanied by a licensed non-hunting adult who is 21 years of age or older who has also completed a Delaware approved turkey hunter safety class~~under direct supervision. Young hunters must be of sufficient size, physical strength and emotional maturity to safely handle a firearm or projectile weapon.

3 DE Reg. 289 (08/01/99)
11 DE Reg. 334 (09/01/07)
12 DE Reg. 496 (10/01/08)
15 DE Reg. 1505 (04/01/12)
17 DE Reg. 238 (08/01/13)
29 DE Reg. 621 (01/01/26)

6.0 Game Preserves

(Penalty Section 7 **Del.C.** §103(d))

It shall be unlawful for any person to hunt liberated game on licensed game preserves from April 1 through October 14.

3 DE Reg. 289 (08/01/99)
3 DE Reg. 1738 (06/01/00)

7.0 Deer

(Penalty Section 7 **Del.C.** §103(d))

7.1 Limit

7.1.1 Unless otherwise provided by law or regulation of the Department, it shall be unlawful for any person to:

7.1.1.1 Kill or take or attempt to kill or take more than 4 antlerless deer in any license year;

7.1.1.2 Possess or transport an antlered deer that was unlawfully killed.

7.1.1.3 Possess or transport an antlerless deer that was unlawfully killed.

7.1.1.4 Kill any antlered deer without first purchasing a Delaware Resident Combination Hunter's Choice Deer tag and Quality Buck Deer Tag, a Delaware Nonresident Antlered Deer Tag, or a Nonresident Quality Buck Deer Tag except that, residents and nonresidents, exempt from purchasing a hunting license shall be entitled to 1 Hunter's Choice Deer Tag or 1 Nonresident Antlered Deer Tag, respectively, at no cost.

7.1.1.5 No hunter may harvest more than 2 antlered deer during a license year between July 1 and June 30 of the next calendar year.

7.1.2 For the purposes of this ~~section~~Section, a person "driving deer" and not in possession of ~~any weapon or firearm~~ a firearm or projectile weapon shall not be treated as if they are hunting deer, but must wear hunter orange as required within 7 **Del.C.** §718, provided they are assisting lawful hunters.

7.1.3 ~~It shall be unlawful for any person to purchase, sell, expose for sale, transport or possess with the intent to sell, any deer or any part of such deer at any time, except that hides from deer lawfully killed and checked may be sold. This subsection shall not apply to venison approved for sale by the United States Department of Agriculture and imported into Delaware.~~ Notwithstanding subsection 7.1.1 of this regulation, a person may purchase Antlerless Deer Tags to kill or take additional antlerless deer during the open season. Hunters may take additional antlerless deer on Antlerless Deer Damage Tags at no cost.

7.1.4 ~~Notwithstanding subsection 7.1.1 of this section, a person may purchase Antlerless Deer Tags to kill or take additional antlerless deer during the open season. Hunters may take additional antlerless deer on Antlerless Deer Damage Tags at no cost.~~ Notwithstanding subsection 7.1.1 of this regulation, a person may use 1 Quality Buck tag to take an antlered deer with a minimum outside antler spread of 15 inches, provided the tag is valid for the season in which it is used. Hunters exempt from the requirement to purchase a hunting license must purchase a Quality Buck tag in order to take a second antlered deer in any 1 license year.

~~7.1.5 Notwithstanding subsection 7.1.1 of this section, a person may use 1 Quality Buck tag to take an antlered deer with a minimum outside antler spread of 15 inches, provided the tag is valid for the season in which it is used. Hunters exempt from the requirement to purchase a hunting license must purchase a Quality Buck tag in order to take a second antlered deer in any 1 license year.~~

7.2 Tagging, Deer Harvest Report Cards, and Registering Harvested Deer

7.2.1 Attaching Tags and Punching Deer Harvest Report Cards. Each licensed person who hunts and kills a deer shall, immediately after killing and before removing the deer from the location of the killing, punch/cut the appropriate portion of ~~their~~the licensed person's approved Deer Harvest Report Card and record in ink the date of harvest on the Deer Harvest Report Card. An approved tag on a Deer Harvest Report Card shall mean an Antlerless Deer Tag received with the hunting license, a Delaware Resident Quality Buck Deer Tag, a Delaware Resident Hunter's Choice Deer Tag, a Delaware Nonresident Quality

Buck Deer Tag, a Delaware Nonresident Antlered Deer Tag, an Antlerless Deer Damage Tag, or an Antlerless Tag purchased in addition to the hunting license tags. Any unlicensed person not required to secure a license shall punch/cut the appropriate portion of ~~their~~the person's Deer Harvest Report Card. Deer Harvest Report Cards shall remain in a hunter's possession at all times while hunting deer.

7.2.2 Retention of Tag and Deer Registration Number. If a harvested deer is no longer in a hunter's possession, a self-produced or Division issued possession tag shall remain affixed to the deer bearing either the deer registration number if the deer has been registered or the hunter's hunting license or License Exempt Number and the harvest date if the deer has not been registered. The deer registration number shall be recorded on the possession tag once it has been registered.

7.2.3 Registering Deer. Each person who hunts and kills a deer shall, within 24 hours of killing ~~said~~the deer, register ~~their~~the killed deer by phone or over the internet through systems authorized by the Division. Deer taken to a processor, taxidermist, or given to another person must be registered before the animal is transferred. After registering a deer, hunters will be given a deer registration number. This number must be recorded in ink on the approved tags or the hunter's approved Deer Harvest Report Card listed in subsection 7.2.1 of this ~~section~~Section. It shall be unlawful to knowingly enter incorrect information when registering a deer.

7.2.4 Dressing. It shall be unlawful for any person to remove from any deer any part ~~thereof~~, except those internal organs known as the viscera, or cut the deer meat ~~thereof~~ into parts, until ~~such~~the deer has been registered using the phone or internet system authorized by the Division.

7.2.5 Deer Registration Number. The Deer Registration number provided by the automated phone/internet system must remain with the head and carcass until the mount is picked up from the taxidermist or the meat is processed and stored as food.

7.3 Method of Take

7.3.1 Shotgun. It shall be unlawful for any person to hunt deer during the shotgun season using a shotgun of a caliber smaller than 20 gauge or have in the person's possession any shell loaded with shot smaller than what is commonly known as "buckshot."

7.3.2 Archery and Crossbow Seasons. It shall be unlawful for any person to hunt deer during the archery season or crossbow season and have in the person's possession ~~any weapon or firearm other than~~ a longbow or crossbow ~~and~~with sharpened broadhead arrows ~~having~~ not having a minimum arrowhead width of 7/8 of an inch.

7.3.3 Muzzle-loading ~~Pistols.~~ Handguns. A single shot muzzle-loading ~~pistol~~ handgun of ~~.42~~ .40 caliber or larger using a minimum powder charge of 40 grains may be used to provide the coupe-de-grace on deer during the deer season described within subsection 7.5.3 of this regulation.

7.3.4 Refuge in Water. It shall be unlawful for any person to shoot, kill or wound or attempt to shoot, kill or wound any deer that is taking refuge in or swimming through the waters of any stream, pond, lake or tidal waters.

7.4 Illegal Hunting Methods; Baiting. It shall be unlawful for any person to set, lay or use any trap, snare, net, or pitfall or make use of any artificial light, or other contrivance or device, for the purpose of hunting deer. This subsection does not preclude the use of bait for the purpose of attracting deer in order to hunt them on private land.

7.5 Seasons

7.5.1 Shotgun Seasons

7.5.1.1 Either Sex Seasons. From the Friday in November that precedes Thanksgiving by 13 days through the second Sunday succeeding this Friday; and from the Saturday that precedes the third Monday in January through the subsequent second Sunday in January.

7.5.1.2 Antlerless Seasons. Antlerless deer may be hunted in accordance with the statutes and regulations of the State of Delaware governing the hunting of deer during all Fridays, Saturdays, and Sundays in October except during the October Muzzleloader season and from the second Saturday in December through the third Sunday in December. Notwithstanding the foregoing, antlered deer may be taken with a longbow or crossbow that is legal during these antlerless seasons. Hunters may have in possession longbows and crossbows along with firearms, airbows airguns, and arrow guns at the same time, but antlered deer may only be harvested with a longbow or crossbow, whereas antlerless deer may be harvested with longbows and crossbows, firearms, airbows airguns, and arrow guns.

7.5.1.3 Special Season for Young and Disabled Hunters. Deer of either sex may be hunted on the last Saturday and Sunday of September and the first Saturday and Sunday of November by disabled (non-ambulatory) hunters using a wheelchair for mobility and hunters less than 16 years of ~~age~~ age. Hunters 13-15 years of age must have completed an approved course in hunter training and possess a Delaware Resident or Non-Resident Junior Hunting License. Young hunters must be accompanied by a licensed non-hunting adult who is 21 years of age or older. Young hunters must be of sufficient size, physical strength, and emotional maturity to safely handle a firearm or projectile weapon.

7.5.2 Archery Seasons. Deer may be hunted with longbow in accordance with statutes and regulations of the State of Delaware governing the hunting of deer: from September 1 through the last day of January or the

last day of the muzzleloader season that starts in January as described in subsection 7.5.3 of this regulation, whichever is later, provided hunter orange is displayed in accordance with 7 **Del.C.** §718 when it also lawful to hunt deer with a firearm.

7.5.3 Muzzleloader Seasons. Deer may be hunted with muzzle-loading rifles in accordance with the statutes and regulations of the State of Delaware governing the hunting of deer: from the Friday that precedes the second Monday in October through the second Sunday that succeeds the Friday opening day; and from the Monday that follows the close of the January shotgun season through the next Sunday.

7.5.4 Crossbow Seasons. Deer may be hunted with crossbows in accordance with statutes and regulations of the State of Delaware governing the hunting of deer: from September 1 through the last day of January or the last day of the muzzleloader season that starts in January as described in subsection 7.5.3 of this regulation, whichever is later, provided hunter orange is displayed in accordance with 7 **Del.C.** §718 when it also lawful to hunt deer with a firearm.

7.6 Carcass Importation Ban

7.6.1 Importation. It shall be unlawful to import or possess any carcass or part of a carcass of any member of the family Cervidae (deer) originating from a state, Canadian province, country or any portion of the aforementioned jurisdictions thereof as determined by the Division, in which Chronic Wasting Disease has been found. It shall be unlawful to import any carcass or part of a carcass of any member of the family Cervidae from a captive facility including those where cervids were released or confined in an enclosed (fenced) facility for the purpose of being hunted. Notwithstanding the foregoing, the following parts may be imported into the state:

7.6.1.1 Boned-out meat that is cut and wrapped;

7.6.1.2 Quarters or other portions of meat with no part of the spinal column or skull attached;

7.6.1.3 Hides or capes with no skull attached;

7.6.1.4 Clean (no meat or tissue attached) skull plates with antlers attached;

7.6.1.5 Antlers (with no meat or tissue attached);

7.6.1.6 Upper canine teeth (buglers, whistlers, or ivories); and

7.6.1.7 Finished taxidermy products.

7.6.2 Carcass Notification. Any person who imports into Delaware any deer carcass or parts described in subsection 7.6.1 of this ~~section~~regulation and is notified that the animal has tested positive for Chronic Wasting Disease must report the test results to the Division within 72 hours of receiving the notification. In order to facilitate the proper disposal of any infected material, the Division may take into possession any imported carcass or carcass part of an animal if the animal has tested positive for Chronic Wasting Disease.

3 DE Reg. 289 (08/01/99)
6 DE Reg. 536 (10/01/02)
8 DE Reg. 352 (08/01/04)
11 DE Reg. 334 (09/01/07)
12 DE Reg. 496 (10/01/08)
14 DE Reg. 52 (07/01/10)
15 DE Reg. 1505 (04/01/12)
17 DE Reg. 746 (01/01/14)
27 DE Reg. 874 (05/01/24)
29 DE Reg. 621 (01/01/26)

8.0 General Rules and Regulations Governing Land and Waters Administered by the Division

8.1 Motorized Vehicles

8.1.1 General. It shall be unlawful for any person to drive or operate a motorized vehicle upon any lands administered by the Division, except on established and maintained roads or as otherwise authorized by the Director. Notwithstanding the forgoing, motorized electric carts, wagons, or wheelbarrows, may be used to transport hunting/fishing equipment or game/fish on lands administered by the Division, provided they are not ridden or used to transport any person. Anyone using ~~such equipment~~a motorized vehicle must walk while using them.

8.1.2 Noise. It shall be unlawful for any person to drive or operate a motorized vehicle upon any lands administered by the Division, unless ~~such~~the motorized vehicle vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise.

8.1.3 Speed Limit. It shall be unlawful for any person to drive or operate a vehicle in excess of 20 miles per hour when on lands administered by the Division, unless otherwise authorized by the Director.

8.1.4 Unlicensed Vehicles. It shall be unlawful for any person to drive or operate any motorized vehicle upon any lands administered by the Division, unless ~~said~~the vehicle is licensed for use upon public highways and roadways or the driver or operator of ~~said~~the vehicle has been issued a permit from the Division.

8.1.5 Parking

8.1.5.1 It shall be unlawful for any person to park any vehicle on lands administered by the Division in ~~such~~ a manner as to obstruct the use of a boat ramp, roadway or trail. Any vehicle parked in ~~such~~

this manner shall be subject to removal, and the owner of ~~said~~ the vehicle shall bear all costs involved with ~~such~~ removal.

8.1.5.2 Unless otherwise authorized by the Director, it shall be unlawful for any person to park and leave unattended any vehicle or trailer in any Division parking lot, unless ~~said~~the lot is lawfully being used for direct access to lands or waters administered by the Division.

8.1.5.3 Unless otherwise authorized by the Director, it shall be unlawful for any person to leave any vehicle on lands administered by the Division for a period exceeding 24 hours.

8.1.6 Speed Exhibition. No person shall accelerate or try to accelerate a vehicle at a rate which causes the drive wheels to spin or slip on the road surface on lands administered by the Division. This subsection shall not apply during periods of inclement weather.

8.1.7 Careless or Inattentive Driving

8.1.7.1 Whoever operates a vehicle in a careless or imprudent manner, or without due regard for road, weather and traffic conditions then existing on lands administered by the Division, shall be guilty of careless driving.

8.1.7.2 Whoever operates a vehicle and who fails to give full time and attention to the operation of the vehicle on lands administered by the Division, or whoever fails to maintain a proper lookout while operating the vehicle on lands administered by the Division, shall be guilty of inattentive driving.

8.1.8 Reckless Driving. No person shall drive any vehicle in willful or wanton disregard for the safety of persons or property on lands administered by the Division, and this offense shall be known as reckless driving.

8.1.9 It is unlawful to operate or possess radio-controlled drones, boats and other vehicles, or launch model rockets on lands or waters administered by the Division without a permit from the Director.

8.2 Conditions of Use

8.2.1 Trespass. It shall be unlawful for any person to enter upon lands or waters administered by the Division when those lands or waters have been closed by the Division to: protect public safety; protect Department property; or manage wildlife. Persons shall adhere to special entry restrictions as listed on ~~official~~ current area maps signed by the Division Director.

8.2.2 Hours of Entry. It shall be unlawful for any person to be present upon lands or waters administered by the Division between ½ hour after sunset and ½ hour before sunrise, unless ~~such~~the person is lawfully hunting or fishing or has been authorized by written permission of the Director.

8.2.3 Camping. It shall be unlawful for any person to camp on lands administered by the Division, except conservation oriented groups may, with written permission of the Director, camp in areas specified in ~~such~~ a permit.

8.2.4 Swimming. It shall be unlawful for any person to swim in waters administered by the Division, except by written permission of the Director.

8.2.5 Dumping

8.2.5.1 It shall be unlawful for any person to place, dump, deposit, throw or leave any garbage, refuse or similar debris within or upon any lands or waters administered by the Division, except in receptacles provided for ~~such~~that purpose;

8.2.5.2 It shall be unlawful for any person to bring any trash, refuse or similar material onto lands administered by the Division for the purpose of ~~disposing such~~disposal in Division receptacles.

8.2.5.3 Unless otherwise authorized by the Director, it shall be unlawful for any person to deposit any material, structure, debris or other objects on lands or waters administered by the Division.

8.2.5.4 It is unlawful for any person to release or otherwise introduce any species of domestic or wild animal onto lands administered by the Division, unless in accordance with the statutes or regulations of the State of Delaware governing dog training activities.

8.2.6 Destruction of State Property

8.2.6.1 It shall be unlawful for any person to deface, damage, remove or alter any structures, buildings, natural-land features, or other property or equipment belonging to the Division.

8.2.6.2 Unless authorized by the Division for management, research or educational purposes, it shall be unlawful for any person to cut, injure or remove trees, shrubs, wildflowers, ferns, mosses or other plants from lands administered by the Division.

8.2.6.3 It shall be unlawful for any person to erect or use any portable or permanent deer stand that involves the use of nails or screws placed in a tree.

8.2.6.4 Unless otherwise authorized by the Director, it shall be unlawful for any person to kindle, build, maintain or use a fire on lands administered by the Division.

8.2.6.5 It is unlawful to use metal detectors on lands or waters administered by the Division without a permit from the Division Director.

8.2.7 Collection of Wildlife. Collection and removal of any wildlife species from a State Wildlife Area is prohibited unless otherwise provided by statute, regulation or authorized by the Division Director.

8.2.8 Fishing. It shall be unlawful to fish in any Division managed wildlife area pond from September 1 through January 31 and Monday through Saturday during the spring turkey season, except in accordance with conditions set forth on area maps or signs.

8.2.9 Area Access. It shall be unlawful for any person to utilize lands administered by the Division, except as permitted by the Director ~~in writing~~ and specified on current wildlife area maps distributed by the Division.

8.2.10 Alcoholic Beverages and Drugs. No person under the influence of alcohol, narcotics, or any other drug, to the extent of being publicly intoxicated, shall enter or remain upon or within lands or waters administered by the Division.

8.3 ~~Hunting and Firearms~~Hunting, Firearms, and Projectile Weapons

8.3.1 Hunting. A daily permit must be obtained before hunting waterfowl at Augustine, Cedar Swamp, Little Creek, Woodland Beach, Ted Harvey, Prime ~~Hook~~ Hook, and Assawoman wildlife areas. Permits may be obtained on-site from an authorized agent of the Division and must be returned upon leaving the area. The Director may specify the hours of a permit's effectiveness and determine the conditions of its issuance.

8.3.2 Waterfowl

8.3.2.1 It shall be unlawful for any person to hunt waterfowl on areas administered by the Division, except from State built blinds, or other blinds authorized by the Division, or by written permission of the Director.

8.3.2.2 It shall be unlawful for any person to enter tidal or impounded areas administered by the Division during the waterfowl season, except while lawfully hunting or trapping.

8.3.3 Trapping. It shall be unlawful for any person to trap or attempt to trap on areas administered by the Division, except for: persons holding a valid permit with the Division to do so; authorized agents of the Division who are conducting authorized wildlife management practices; or scientific purposes as specifically authorized in writing by the Director.

8.3.4 Firearms and Projectile Weapons on Division Areas

8.3.4.1 It shall be unlawful for any person to possess a firearm or projectile weapon within areas administered by the Division and designated in subsection 8.3.4.6 of this regulation, except as authorized by the Director in writing, or as set forth below.

8.3.4.2 It shall be unlawful for any person to possess a rifled firearm of any description at any time on those lands bordering the Chesapeake and Delaware Canal and licensed to the Department by the Government of the United States for wildlife management purposes, except that muzzleloaders and shotguns with rifled barrels may be used during deer seasons when it is lawful to use those firearms.

8.3.4.3 It shall be unlawful for any person to discharge any firearm or projectile weapon on lands or waters administered by the Division on Sunday, except in areas designated by the Director or with a permit from the Director.

8.3.4.4 It shall be unlawful for any person to discharge any firearm or projectile weapon on lands or waters administered by the Division for any purpose, including target shooting, other than to hunt during an open season, train dogs in designated areas, or under conditions approved by the Director and specified on the current wildlife area map.

8.3.4.5 It shall be unlawful to possess, consume or be under the influence of alcoholic beverages, liquors, narcotics, drugs, drug substances, or controlled substances as defined within 11 **Del.C.** 1315 or drugs while hunting or in the possession of firearms or projectile weapons when on lands and waters administered by the Division.

8.3.4.6 Areas subject to the provisions of subsection 8.3.4.1 shall include Division offices, visitor centers, nature centers, educational facilities, facilities or locations used for authorized special events or festivals, and maintenance shops, and shall be identified by appropriate signage.

8.3.4.7 The Director may grant written approval on a daily basis for the possession of firearms or projectile weapons within areas designated in subsection 8.3.4.6, upon written application showing good cause related to self-defense or the defense of family, and due regard for the safety of others within areas designated in subsection 8.3.4.6.

8.3.4.8 Active duty and qualified retired law enforcement officers may possess firearms or projectile weapons within areas administered by the Division, including areas designated in subsection 8.3.4.6.

8.3.4.9 Delaware residents holding an active current permit to carry a concealed deadly weapon may carry a firearm within areas administered by the Division, including areas designated in subsection 8.3.4.6.

8.3.4.10 Firearms or projectile weapons may be carried within areas administered by the Division, outside of areas designated in subsection 8.3.4.6, by any person not prohibited by 11 **Del.C.** §1448.

8.3.4.11 Law enforcement officers may limit the discharge of firearms, projectile weapons, and the use of other weapons within areas administered by the Division, in order to protect public safety and preserve the peace.

8.3.5 Dikes. It shall be unlawful for any person to hunt from any dike administered by the Division. It shall be unlawful for any person to crab or fish on or from any dike or water control structure or within any impoundment administered by the Division.

8.3.6 Deer Hunting By Driving. It shall be unlawful to participate in deer drives, except where authorized on current wildlife area maps between the hours of 9:00 a.m. and 3:00 p.m. No more than 6 ~~hunters~~individuals may participate in driving deer at any 1 time.

8.4 Horses and Bicycles. It shall be unlawful to ride horses or bicycles on, or allow horses to use, any lands or waters administered by the Division, except on roads or trails that have been designated by the Division for ~~such~~these purposes on current wildlife area maps.

8.5 Concessions, Posters and Solicitations

8.5.1 It shall be unlawful for any person to erect, post or distribute any placard, sign, notice, poster, billboard or handbill on lands or waters administered by the Division without written authorization of the Director.

8.5.2 It shall be unlawful for any person to engage in the vending of merchandise, food or services on lands or waters administered by the Division without written authorization of the Director.

8.5.3 It shall be unlawful for any person to do any form of solicitation for money or goods on any lands or waters administered by the Division without written authorization of the Director.

8.6 Firewood. It shall be unlawful for any person to remove firewood from lands administered by the Division without a permit from the Division, except when special firewood areas are designated by the Director in writing.

8.7 Dog Training

8.7.1 General. It shall be unlawful for any person to train a dog on lands or waters administered by the Division, except:

8.7.1.1 During open hunting seasons for the game that the dog is being trained to hunt;

8.7.1.2 Within a dog training area established by the Division; and

8.7.1.3 As permitted by the Director ~~in writing~~ on current wildlife area maps.

8.7.2 C&D Canal Summit Area. It shall be unlawful for any person to enter the dog training area west of the Summit Bridge (Rt. 896), designated on the current wildlife area map of the C&D Canal Wildlife Area, for any purpose other than to train dogs or hunt for deer during the shotgun deer seasons. It shall be unlawful for any person to fish, operate a model or full size boat, ride horses or bicycles, or conduct any other activity on the area.

8.8 Geocaching. It shall be unlawful to place caches or letterboxes on Division of Fish and Wildlife property without a permit from the Division. Permits may be obtained by submitting a completed permit application to the appropriate Fish and Wildlife Regional Office. The proposed caching location will be specified in the application. The Regional Fish and Wildlife Manager will review and approve or deny the permit request. A permit will be valid for a maximum of 1 year from the date of issue at which time the geocache or letterbox must be removed or re-permitted. The permitted time frame will be determined by the area manager and be based on the local wildlife species present and the management activities planned for the area. The area manager will be provided the location of the cache or letterbox and may remove it at the area manager's discretion, with notice to the permit holder, should circumstances warrant. Online geocache and letterbox descriptions, ~~such as~~like those on geocaching.com or letterboxing.org must include information about access during hunting seasons and provide a link to Delaware Division of Fish and Wildlife hunting information. Geocache and letterbox contents must be suitable for all ages. Food, alcohol, tobacco, weapons or other dangerous items, prescription or illegal drugs and adult items are prohibited. ~~From September 1 through February 15 of each year and during the spring turkey hunting season, the placement of or searching for geocaches and letterboxes may only occur on Sundays from sunrise to sunset. During the remainder of the year, geocaching and letterbox activities may occur 7 days per week from sunrise to sunset.~~

3 DE Reg. 289 (08/01/99)
11 DE Reg. 334 (09/01/07)
12 DE Reg. 496 (10/01/08)
15 DE Reg. 1505 (04/01/12)
21 DE Reg. 888 (05/01/18)
22 DE Reg. 778 (03/01/19)
27 DE Reg. 874 (05/01/24)
29 DE Reg. 621 (01/01/26)

9.0 Wildlife Theft Prevention Fund

(Penalty Section 7 **Del.C.** §103(d))

9.1 Schedule of Rewards

9.1.1 The Division shall pay up to $1000 for information leading to the arrest and conviction of any person found guilty of:

9.1.1.1 Commercialization of wildlife; or

9.1.1.2 Killing an endangered species or a species classified as a threatened species in accordance with the Endangered Species Act of 1973, as amended; or

9.1.1.3 Violating any rule or regulation of the Department pertaining to antlered deer.

9.1.2 The Division shall pay up to $500 for information leading to the arrest and conviction of any person found guilty of:

9.1.2.1 Illegally hunting game birds to include waterfowl or turkeys;

9.1.2.2 Poisoning wildlife;

9.1.2.3 Gross over-limits of wildlife;

9.1.2.4 Illegally hunting on State game refuges;

9.1.2.5 Hunting or trapping out of season;
9.1.2.6 Illegally hunting at night or from a motor vehicle or vessel;
9.1.2.7 Hunting during license revocation without a license, or fraudulently obtaining or using a hunting or trapping license;
9.1.2.8 Tending or setting body-gripping traps with a jaw spread in excess of 5 inches;
9.1.2.9 Guiding paid hunts without a guide license;
9.1.2.10 Violating any rule or regulation of the Department pertaining to antlerless deer;
9.1.2.11 Willfully impeding lawful hunting or trapping; or
9.1.2.12 Wanton waste of a game animal ~~whereby~~where a person killing a game animal did not make a reasonable effort to retrieve the wounded or dead game animal.

9.1.3 The Division shall pay up to $100 for information leading to the arrest and conviction of any person found guilty.

9.1.3.1 Hunting or wounding wildlife with an unlawful ~~weapon or firearm;~~weapon, firearm or projectile season;
9.1.3.2 Trespassing to hunt or trap; or
9.1.3.3 Using illegal or improperly tagged traps.

9.1.4 The confidentiality of informants and ~~their~~informant's payments ~~shall~~ will be maintained by administrative procedures. Peace officers, Department employees or members of ~~their~~ peace officers and department employees' immediate families are not eligible for rewards.

3 DE Reg. 289 (08/01/99)
27 DE Reg. 874 (05/01/24)

10.0 Nuisance Wildlife

(Penalty Section 7 **Del.C.** §103(d))

10.1 Incorporated Cities or Towns. Within the limits of residential or commercial areas of incorporated cities or towns, or within residential or commercial structures, the following game animals may be controlled (killed) without a permit when they are causing damage: gray squirrel, raccoon, rabbit and opossum. Methods used to control ~~said~~ those animals must be consistent with the laws of this State and the regulations of the Department and only box/cage live traps may be used (without a depredation permit) outside of established trapping seasons.

10.2 Commercial Nuisance Wildlife Control Operators

10.2.1 All commercial nuisance wildlife control operator companies conducting work in Delaware must register with the Division and obtain a permit to be able to resolve human/wildlife conflicts. No permit shall be issued to any company, nor shall it remain valid, unless ~~such~~the company has at least 1 certified employee in ~~their~~ the nuisance wildlife control operator's employ at all times that directly oversees employees performing nuisance wildlife control work.

10.2.2 Certification. To be permitted, all nuisance wildlife control companies must have ~~their~~ all employees that are conducting nuisance wildlife control work complete and satisfactorily pass a nuisance wildlife control certification program designated by the Division if they have not already done so within the past 5 years. This training shall be completed within 45 days of employment and before the employees are registered with the Division. Each employee must be re-certified every 5 years. Notwithstanding the foregoing, employees that have not satisfactorily passed a nuisance wildlife control certification program may conduct nuisance wildlife control work if they are accompanied by an employee that has completed the program.

10.2.3 Commercial nuisance wildlife control operator companies shall register with the Division all certified employees who conduct nuisance wildlife control work. Registration shall be made when making an application for a permit or, for new employees, within 45 days after employment.

10.2.4 Each employee shall retain ~~in their~~ possession the permit issued to the company. This permit is to be carried by the employee when performing nuisance wildlife control work and is to be displayed upon request.

10.2.5 The commercial nuisance wildlife control operator company shall provide the Department written notification of a registered employee's employment termination within 45 days of the effective date of termination.

10.2.6 Operators and ~~their~~operator's employees must abide by all Division permit conditions and notify potential clients of ~~their~~ fees. Failure to follow Division permit conditions may result in the revocation of the Nuisance Wildlife Control Operator permit.

3 DE Reg. 289 (08/01/99)
17 DE Reg. 238 (08/01/13)
27 DE Reg. 874 (05/01/24)

11.0 Shoreline Refuges of the Delaware River and Bay

(Penalty Section 7 **Del.C.** §103(d))

11.1 State Wildlife Area Protection for Intertidal Areas. Any land located between the high tide line and the low tide line, between the Smyrna River and the St. Jones River and adjoining the Delaware River and Bay is ~~hereby~~

designated a State wildlife area and subject to the rules and regulations pertaining ~~thereto~~to a State wildlife area, provided the adjoining landowners to ~~said~~ these lands agree to ~~their~~State wildlife area designation and agree to co-sign complaints concerning violations.

11.2 Exemptions. Woodland Beach, Pickering Beach, and Kitts Hummock shall be exempt from this regulation. This regulation shall not affect surf fishing vehicles in areas where ~~such~~these vehicles are permitted or other uses of intertidal areas authorized by permit from the Division.

3 DE Reg. 289 (08/01/99)

12.0 Waterfowl Refuge

(Penalty Section 7 **Del.C.** §103(d))

It shall be unlawful for any person to hunt waterfowl in that part of Drawer Creek west of U.S. Route 13 to where the tributaries of the creek meet routes 428 and 429.

3 DE Reg. 289 (08/01/99)

13.0 Wildlife Rehabilitation Permits

(Penalty Section 7 **Del.C.** §103(d))

13.1 Permit from Division; Exemption

13.1.1 It shall be unlawful for any person to hold native wildlife in captivity for the purpose of rehabilitation without a permit from the Division and any other permits required by the U.S. Fish and Wildlife Service.

13.1.2 Licensed veterinarians are exempt from the permitting requirements of this regulation when rendering treatment to injured wildlife and provisions are made to return any recovered animals to the wild or transfer them to a permitted rehabilitator for further care. Licensed veterinarians may only hold wildlife for as long as veterinary care is required.

13.2 Training, Housing and Veterinary Care; Inspections

13.2.1 Permit holders must conform to the training, housing, release and veterinary care standards as written in the document "Minimum Standards for Wildlife Rehabilitation" published by the National Wildlife Rehabilitators Association and the International Wildlife Rehabilitation Council. Permit holders must also abide by the rules and policies set forth in the "State of Delaware Wildlife Rehabilitation Rules and Policies" document. Failure to abide by both of these documents may result in revocation of the rehabilitation permit. Animals held under rehabilitation permits must be released to the wild according to policies set forth in the document "State of Delaware Wildlife Rehabilitation Rules and Policies" or euthanized, if release is not feasible, unless the Division under 7 **Del.C.** §555 authorizes possession for scientific propagation or educational purposes. For federally listed endangered species and migratory birds an extension must be granted by the migratory bird permit office of the United State Fish and Wildlife Service, and the Division for each individual case. Rehabilitators must not release sick animals into the wild.

13.2.2 Rehabilitation facilities must be available for inspection by Division employees during normal business hours. Normal business hours shall mean Monday through Friday, except those days designated as holidays, during the hours in which the staff of the Division is scheduled to work. Violations of compliance with the Minimum Standards or the Rules and Policies noted in subsection 13.2.1 will result in a written warning or immediate revocation of the rehabilitation permit depending on the violation. Persons receiving a warning will have their facility re-inspected. Failure to address the problems in a timely manner will result in permit revocation. Upon permit revocation, all animals will be removed from the facility and either placed with another rehabilitator, released into the wild, placed with an educational facility, or humanly euthanized.

13.3 Rabies Vector Species

13.3.1 It shall be unlawful for any person to attempt rehabilitation of a rabies vector species without having proof of current pre-exposure immunization against the rabies virus. No permitted rehabilitator shall knowingly expose other non-immunized persons to a rabies vector species. For the purpose of the Delaware Wildlife Rehabilitator Permit, rabies vector species are defined as bats, raccoons, skunks, foxes, coyotes, and woodchucks.

13.3.2 All rehabilitated rabies vector species must be released in the county of origin and the Division must be notified of the release location in the rehabilitator's annual report to the Division. It shall be unlawful for rehabilitated rabies vector species to be released on State Wildlife Management Areas without the consent of the Division Director.

3 DE Reg. 289 (08/01/99)
11 DE Reg. 334 (09/01/07)
27 DE Reg. 874 (05/01/24)
29 DE Reg. 621 (01/01/26)

14.0 Falconry

(Penalty Section 7 **Del.C.** §103(d))

14.1 Federal Regulations Adopted. It shall be unlawful for any person to practice the sport of falconry, except in ~~such~~ a manner as prescribed by regulations promulgated under provisions of 50 CFR (Code of Federal

Regulations) §§ 21.29 and 21.30. The Federal regulations are ~~hereby~~ made part of the regulations of the Department as prescribed in 7 **Del.C.** §725. Notwithstanding the foregoing, the federal regulations governing falconry shall be superseded by more stringent restrictions prescribed by law or regulation of the Department.

14.2 Permits

14.2.1 A resident wishing to practice falconry shall apply to the Division for a falconry permit. To be issued a falconry permit, the person shall successfully pass a written test and have ~~their~~ falconry facilities and equipment inspected by Division staff or an appointed Master Falconer to ensure that they meet the standards as prescribed by the federal regulations.

14.2.2 A nonresident falconer who possesses a valid falconry permit issued by any other state listed in ~~50CFR21.29~~ 50 CFR §§ 21.29 may possess, import, export, or transport migratory birds of the orders Accipitriformes, Falconiformes, or Strigiformes held under the authority of ~~such~~ a falconry permit in Delaware.

14.2.3 No additional falconry permit shall be required for a nonresident falconry permit holder to practice falconry in Delaware.

14.2.4 Falconers who take up residence in Delaware shall have 60 days to obtain a Delaware falconry permit. During this interim period, a current falconry permit issued by the previous state of residence shall be recognized for the purposes of legally practicing falconry in Delaware.

14.2.5 Falconry permits shall be effective, unless revoked, for a period of up to 3 years and coincide with the license period for the hunting license.

14.3 Taking of Raptors

14.3.1 It shall be unlawful for any person to take any birds of prey from the wild without a permit from the Division. Each capture permit will be limited to the taking of 1 bird of prey.

14.3.2 In 2012, and each year ~~thereafter~~ following until changed, the Division may allow the taking of a total of 12 birds of prey from the wild in Delaware. Upon request, the Director shall propose a revised annual limit on the number of raptors which may be taken from the wild and shall appear before the Council on Wildlife and Freshwater Fish to receive input on ~~such~~a revised limit before its revision or adoption.

14.3.3 Falconers may possess wild caught raptors identified as state threatened or endangered under Section 16.0 of this regulation and 7 **Del.C.** §602, provided they were acquired in Delaware prior to the species being listed, or if they were acquired from a state in which ~~their~~ take was legal.

14.3.4 The taking of eyas (nestling) birds shall be limited to red-tailed hawks and great horned owls on Thursdays, Fridays and Saturdays from February 1 through July 15. No more than 3 eyas red-tailed hawks or 3 nestling great horned owls, or any combination ~~thereof~~, may be taken during this period each year. Nonresident falconers may apply for available permits to take eyas raptors, provided the state in which the nonresident resides allows Delaware residents the reciprocal opportunity to remove eyas raptors.

14.3.5 Apprentices may only possess wild caught red-tailed hawks, red shouldered hawks, and wild captured American kestrels legally obtained from another state. Apprentices may not possess captive reared birds or hybrids.

14.3.6 The season for the taking of passage birds shall be from August 15 through March 31. Raptors in adult plumage must be released immediately at the site of capture. Nonresident falconers may apply to obtain any available permits to take passage raptors in Delaware, provided the state in which the nonresident resides has a reciprocal arrangement that permits Delaware residents to take passage raptors.

14.3.7 It shall be unlawful to remove raptors from private property without the express consent of the landowner. It shall also be unlawful for any person to remove raptors from State parks, State forests, State wildlife areas, State owned wetland mitigation sites, national wildlife refuges, nature preserves, natural areas, and county or local parks without written approval of the agency administering the property. The permit to remove a raptor from the wild must be in possession of the falconer when attempting to capture a raptor. Apprentice falconers must be under the direct supervision of the Apprentice's sponsor or a Master or General class falconer when removing raptors from the wild.

14.4 Hunting

14.4.1 Resident and nonresident falconers shall be properly licensed to hunt game in the State of Delaware as described under 7 **Del.C.** Ch. 5.

14.4.2 Falconry shall be a legal method of take for all game birds and game animals in Delaware. The hunting season for resident game, which excludes migratory game birds, shall be from September 1 through March 31.

14.4.3 A falconer whose raptor accidentally kills wildlife during a closed season for ~~such~~protected wildlife shall leave the dead wildlife where it lies, except the raptor may feed upon the wildlife before leaving the site of the kill, provided that the wildlife shall not be reduced to possession by the falconer.

3 DE Reg. 289 (08/01/99)
3 DE Reg. 1738 (06/01/00)
6 DE Reg. 536 (10/01/02)
17 DE Reg. 238 (08/01/13)
27 DE Reg. 874 (05/01/24)

15.0 Possession, Collection or Sale of Native Wildlife

(Penalty Section 7 **Del.C.** §103(d))

15.1 Possession or Sale

15.1.1 Unless otherwise provided by law or regulation of the Department, it shall be unlawful for any person to collect, possess, import, cause to be imported, export, cause to be exported, buy, sell or offer for sale any native wildlife species or any part ~~thereof~~ of native wildlife species without a permit from the Director as authorized by existing law or regulation. The permit shall limit the terms and conditions for collecting or possessing ~~said~~ native wildlife within the State.

15.1.2 Notwithstanding subsection 15.1.1 of this ~~section~~regulation, live native wildlife species may be possessed, imported, sold or offered for sale without a permit from the Director if there is written documentation to confirm that ~~said~~the wildlife was legally taken in and transported from another state.

15.1.3 Notwithstanding subsection 15.1.2 of this ~~section~~regulation or as otherwise provided by law or regulation of the Department, the following live rabies vector species of coyotes, gray fox, groundhogs, opossums, raccoons, skunks, and red fox may not be possessed, imported, sold, or offered for sale.

15.1.4 Notwithstanding subsection 15.1.1 of this ~~section~~regulation, the hides, skins, and parts ~~thereof~~ of furbearers and other animals legally harvested outside of Delaware and finished wildlife taxidermy may be imported, caused to be imported, exported, cause to be exported, purchased, and sold unless otherwise prohibited by existing law or regulation by the Department.

15.2 Collection and Possession of Reptiles and Amphibians

15.2.1 Unless otherwise provided by law or regulation of the Department, it shall be unlawful for any person to remove from the wild or possess any native reptile or amphibian species, ~~their~~reptile or amphibian eggs or parts without a permit from the Director.

15.2.2 Notwithstanding subsection 15.2.1 of this ~~section~~regulation, 1 individual of each of the following species of reptiles and amphibians or parts ~~thereof~~ from the following reptiles, may be collected and possessed without a permit, except 1 amphibian egg mass/cluster or 10 or fewer larval amphibians from the following species may be possessed without a permit provided that no more than 1 adult may be possessed once the individuals metamorphose to adults:

~~Reptiles~~

~~Brownsnake, Dekay's (*Storeria dekayi*)~~
~~Cooter, Northern Red-bellied (*Pseudemys rubriventris*)~~
~~Gartersnake, Common (*Thamnophis sirtalis*)~~
~~Lizard, Eastern Fence (*Sceloporus undulatus*)~~
~~Racer, Northern Black (*Coluber constrictor*)~~
~~Ratsnake, Eastern (*Pantherophis alleghaniensis*)~~
~~Skink, Common Five-lined (*Plestiodon fasciatus*)~~
~~Snake, Ring-necked (*Diadophis punctatus*)~~
~~Terrapin, Diamond-backed (*Malaclemys terrapin*)~~
~~Turtle, Eastern Box (*Terrapene carolina*)~~
~~Turtle, Eastern Mud (*Kinosternon subrubrum*)~~
~~Turtle, Eastern Musk (*Sternotherus odoratus*)~~
~~Turtle, Painted (*Chrysemys picta*)~~
~~Turtle, Snapping (*Chelydra serpentina*)~~
~~Watersnake, Common (*Nerodia sipedon*)~~
~~Wormsnake, Common (*Carphophis amoenus*)~~

~~Amphibians~~

~~Bullfrog, American (Lithobates catesbeianus)~~
~~Frog, Eastern Cricket (Acris crepitans)~~
~~Frog, Green (Lithobates clamitans)~~
~~Frog, Mid-Atlantic Coast Leopard (Lithobates kauffeldi)~~
~~Frog, New Jersey Chorus (Pseudacris kalmi)~~
~~Frog, Pickerel (Lithobates palustris)~~
~~Frog, Southern Leopard (Lithobates sphenocephalus)~~
~~Frog, Wood (Lithobates sylvaticus)~~
~~Newt, Eastern (Notophthalmus viridescens)~~
~~Peeper, Spring (Pseudacris crucifer)~~
~~Salamander, Eastern Red-backed (Plethodon cinereus)~~
~~Salamander, Marbled (Ambystoma opacum)~~
~~Salamander, Northern Dusky (Desmognathus fuscus)~~
~~Salamander, Northern Two-lined (Eurycea bislineata)~~
~~Spadefoot, Eastern (Scaphiopus holbrookii)~~
~~Toad, American (Anaxyrus americanus)~~
~~Toad, Fowler's (Anaxyrus fowleri)~~
~~Treefrog, Cope's Gray (Hyla chrysoscelis)~~
~~Treefrog, Gray (Hyla versicolor)~~

~~Treefrog, Green (Hyla cinerea)~~

15.2.2.1 Reptiles

15.2.2.1.1 Common Gartersnake (*Thamnophis sirtalis*)

15.2.2.1.2 Common Watersnake (*Nerodia sipedon*)

15.2.2.1.3 Common Wormsnake (*Carphophis amoenus*)

15.2.2.1.4 Dekay's Brownsnake (*Storeria dekayi*)

15.2.2.1.5 Eastern Ratsnake (*Pantherophis alleghaniensis*)

15.2.2.1.6 Northern Black Racer (*Coluber constrictor*)

15.2.2.1.7 Ring-necked Snake (*Diadophis punctatus*)

15.2.2.1.8 Common Five-lined Skink (*Plestiodon fasciatus*)

15.2.2.1.9 Eastern Fence Lizard (*Sceloporus undulatus*)

15.2.2.1.10 Eastern Mud Turtle (*Kinosternon subrubrum*)

15.2.2.1.11 Eastern Musk Turtle (*Sternotherus odoratus*)

15.2.2.1.12 Painted Turtle (*Chrysemys picta*)

15.2.2.1.13 Snapping Turtle (*Chelydra serpentina*)

15.2.2.2 Amphibians

15.2.2.2.1 American Bullfrog (*Lithobates catesbeianus*)

15.2.2.2.2 American Toad (*Anaxyrus americanus*)

15.2.2.2.3 Cope's Gray Treefrog (*Hyla chrysoscelis*)

15.2.2.2.4 Eastern Spadefoot (*Scaphiopus holbrookii*)

15.2.2.2.5 Fowler's Toad (*Anaxyrus fowleri*)

15.2.2.2.6 Gray Treefrog (*Hyla versicolor*)

15.2.2.2.7 Green Treefrog (*Hyla cinerea*)

15.2.2.2.8 Green Frog (*Lithobates clamitan*)

15.2.2.2.9 Pickerel Frog (*Lithobates palustris*)

15.2.2.2.10 Southern Leopard Frog (*Lithobates sphenocephalus*)

15.2.2.2.11 Spring Peeper (*Pseudacris crucifer*)

15.2.2.2.12 Eastern Newt (*Notophthalmus viridescens*)

15.2.2.2.13 Eastern Red-backed Salamander (*Plethodon cinereus*)

15.2.2.2.14 Marbled Salamander (*Ambystoma opacum*)

15.2.3 It shall be unlawful to remove any reptile or amphibian from the wild and later release the reptile or amphibian back to the wild if it has been held in captivity for more than 30 days.

15.3 Captive Breeding

15.3.1 It shall be unlawful for any person to breed in captivity any native wildlife species without a permit from the Director. ~~Said~~The permit shall limit the terms and conditions for captive breeding of ~~said~~ native wildlife.

15.3.2 It shall be unlawful for any person to release captive-bred species into the wild. A signed bill of sale shall accompany any captive-bred species that are sold.

15.3.3 This ~~section~~Section shall not apply to accredited zoos or to raptors regulated by federal and State falconry or raptor propagation regulations.

15.4 Sale or Possession of CITES Listed Species. It shall be unlawful for any person to sell or possess bear gall bladder, or other viscera from any species of bear, or any part of other species listed as prohibited by the Convention on International Trade in Endangered Species (CITES). The possession of any part of a bear must be in conformance with CITES.

3 DE Reg. 289 (08/01/99)
3 DE Reg. 1738 (06/01/00)
6 DE Reg. 536 (10/01/02)
15 DE Reg. 1505 (04/01/12)
27 DE Reg. 874 (05/01/24)

16.0 Endangered Species

(Penalty Section 7 **Del.C.** §103(d))

16.1 Importation, Transportation and Possession. Pursuant to 7 **Del.C.** §601, the importation, transportation, possession or sale of any endangered species of fish or wildlife, or hides or other parts ~~thereof~~of endangered species, or the sale or possession with the intent to sell of any article made in whole or in part from the skin, hide or other parts of endangered species of fish or wildlife is prohibited, except under license or permit from the Division.

16.2 Designation and Removal from Designation of Species by Division

16.2.1 Pursuant to 7 **Del.C.** §601, the Division may designate species of fish and wildlife that are seriously threatened with extinction as endangered species. The Division may also remove the designation of endangered from species of fish and wildlife that are no longer seriously threatened with extinction, including species as suggested by the public with sufficient documentation for listing.

16.2.2 For the purposes of this ~~section~~Section, the phrase "seriously threatened with extinction" shall mean that the species satisfies 1 or more of the following criteria:

16.2.2.1 Appears on the federal list of endangered, threatened, or candidate species; or
16.2.2.2 Ranked as "globally rare" (G1, G2, G3, T1, T2, or T3), which means 100 or fewer populations worldwide; or
16.2.2.3 Is rare or declining within the State and rare or declining in the region; or.
16.2.2.4 Is rare in Delaware and disjunct from known distribution or near the extreme northern or southern limits of distribution; or
16.2.2.5 Is imminently threatened by natural or human-made factors that are affecting continued survival of that species within the State.

16.2.3 Based upon the criteria prescribed by subsection 16.2.2 of this ~~section~~regulation, the following species are declared endangered in this State and are afforded the protection provided by 7 **Del.C.** §601:

~~Amphibians~~
- ~~Frog, Carpenter (*Lithobates virgatipes*)~~
- ~~Salamander, Mud (*Pseudotriton montanus*)~~
- ~~Salamander, Eastern Tiger (*Ambystoma tigrinum*)~~
- ~~Treefrog, Barking (*Hyla gratiosa*)~~

~~Birds~~
- ~~Grebe, Pied-billed[BR] (*Podilymbus podiceps*)~~
- ~~Harrier, Northern[BR] (*Circus cyaneus*)~~
- ~~Hawk, Broad-winged[BR] (*Buteo platypterus*)~~
- ~~Heron, Black-Crowned Night- (*Nycticorax nycticorax*)~~
- ~~Heron, Yellow-Crowned Night- (*Nyctanassa violacea*)~~
- ~~Kestrel, American (*Falco sparverius*)~~
- ~~Knot, Red (*Calidris canutus*)~~
- ~~Plover, Piping (*Charadrius melodus*)~~
- ~~Owl, Short-eared[BR] (*Asio flammeus*)~~
- ~~Oystercatcher, American (*Haematopus palliatus*)~~
- ~~Rail, Black (*Laterallus jamaicensis*)~~
- ~~Sandpiper, Upland (*Bartramia longicauda*)~~
- ~~Skimmer, Black (*Rynchops niger*)~~
- ~~Sparrow, Henslow's (*Ammodramus henslowii*)~~
- ~~Sparrow, Saltmarsh (*Ammospiza caudacuta*)~~
- ~~Tern, Common[BR] (*Sterna hirundo*)~~
- ~~Tern, Forster's[BR] (*Sterna forsteri*)~~
- ~~Tern, Least (*Sterna antillarum*)~~
- ~~Warbler, Cerulean (*Setophaga cerulea*)~~
- ~~Warbler, Hooded[BR] (*Setophaga citrina*)~~
- ~~Warbler, Swainson's (*Limnothlypis swainsonii*)~~
- ~~Wren, Sedge (*Cistothorus platensis*)~~
- ~~[BR] Breeding population only~~

~~Fish~~
- ~~Darter, Glassy (*Etheostoma vitreum*)~~
- ~~Sculpin, Blueridge (*Cottus caeruleomentum*)~~
- ~~Shiner, Bridled (*Notropis bifrenatus*)~~
- ~~Shiner, Ironcolor (*Notropis chalybaeus*)~~
- ~~Sturgeon, Atlantic (*Acipenser oxyrhynchus*)~~
- ~~Sturgeon, Shortnose (*Acipenser brevirostrum*)~~
- ~~Sunfish, Blackbanded (*Enneacanthus chaetodon*)~~

~~Insects~~
- ~~Beetle, Little White Tiger (*Cicindela lepida*)~~
- ~~Beetle, White Tiger (*Cicindela dorsalis*)~~
- ~~Beetle, Seth Forest Scavenger (*Hydrochus spangleri*)~~
- ~~Bluet, Burgundy (*Enallagma dubium*)~~
- ~~Bluet, Pale (*Enallagma pallidum*)~~
- ~~Checkerspot, Baltimore (*Euphydryas phaeton*)~~
- ~~Clubtail, Banner (*Gomphus apomyius*)~~
- ~~Clubtail, Laura's (*Stylurus laurae*)~~
- ~~Clubtail, Midland (*Gomphus fraternus*)~~
- ~~Clubtail, Sable (*Gomphus rogersi*)~~
- ~~Darner, Black-tipped (*Aeshna tuberculifera*)~~
- ~~Darner, Taper-tailed (*Gomphaeschna antelope*)~~
- ~~Dash, Black (*Euphyes conspicua*)~~
- ~~Elfin, Frosted (*Incisalia irus*)~~
- ~~Emerald, Treetop (*Somatochlora provocans*)~~
- ~~Firefly, Bethany Beach (*Photuris bethaniensis*)~~

~~Hairstreak, Hessel's (*Mitoura hesseli*)~~
~~Hairstreak, King's (*Satyrium kingi*)~~
~~Moth, Aralia Shoot Borer (*Papaipema araliae*)~~
~~Moth, Dark Stoneroot Borer (*Papaipema duplicatus*)~~
~~Moth, Maritime Sunflower Borer (*Papaipema maritima*)~~
~~Moth, Pitcher Plant Borer (*Papaipema appassionata*)~~
~~Moth, Yellow Stoneroot Borer (*Papaipema astuta*)~~
~~Skimmer, Elfin (*Nannothemis bella*)~~
~~Skipper, Rare (*Problema bulenta*)~~
~~Spiketail, Brown (*Cordulegaster bilineata*)~~
~~Sundragon, Sely's (*Helocordulia selysii*)~~
~~Underwing, Marbled (*Catocala marmorata*)~~
~~Underwing, Ulalume (*Catocala ulalume*)~~
~~Wing, Mulberry (*Poanes massasoit massasoit*)~~
~~Wing, Chermock's Mulberry (*Poanes massasoit chermocki*)~~

~~Mammals~~

~~Bat, Little Brown (*Myotis lucifugus*)~~
~~Bat, Northern Long-eared (*Myotis septentrionalis*)~~
~~Bat, Tri-colored (*Perimyotis subflavus*)~~
~~Squirrel, Delmarva Fox (*Sciurus niger cinereus*)~~
~~Whale, Blue (*Balaenoptera musculus*)~~
~~Whale, Fin (*Balaenoptera physalus*)~~
~~Whale, Humpback (*Megaptera novaengliae*)~~
~~Whale, North Atlantic Right (*Eubalaena glacialis*)~~
~~Whale, Sei (*Balaenoptera borealis*)~~
~~Whale, Sperm (*Physeter macrocephalus*)~~

~~Mollusks~~

~~Lampmussel, Yellow (*Lampsilis cariosa*)~~
~~Lampmussel, Eastern (*Lampsilis radiata*)~~
~~Wedgemussel, Dwarf (*Alasmidonta heterodon*)~~
~~Pondmussel, Eastern (*Ligumia nasuta*)~~
~~Floater, Brook (*Alasmidonta varicosa*)~~
~~Floater, Triangle (*Alasmidonta undulata*)~~
~~Mucket, Tidewater (*Leptodea ochracea*)~~

~~Reptiles~~

~~Cornsnake, Red (*Pantherophis guttatus*)~~
~~Sea Turtle, Leatherback (*Dermochelys coriacea*)~~
~~Sea Turtle, Kemp's Ridley (*Lepidochelys kempii*)~~
~~Sea Turtle, Green (*Chelonia mydas*)~~
~~Sea Turtle, Loggerhead (*Caretta caretta*)~~
~~Turtle, Bog (*Glyptemys muhlenbergii*)~~
~~Scarletsnake (*Cemophora coccinea*)~~
~~Watersnake, Plain-bellied (*Nerodia erythrogaster*)~~

16.2.3.1 Amphibians

16.2.3.1.1 Barking Treefrog (*Hyla gratiosa*)
16.2.3.1.2 Carpenter Frog (*Lithobates virgatipes*)
16.2.3.1.3 Eastern Tiger Salamander (*Ambystoma tigrinum*)
16.2.3.1.4 Mud Salamander (*Pseudotriton montanus*)

16.2.3.2 Birds [BR] Breeding population only

16.2.3.2.1 American Kestrel (*Falco sparverius*)
16.2.3.2.2 American Oystercatcher (*Haematopus palliatus*)
16.2.3.2.3 Black Rail (*Laterallus jamaicensis*)
16.2.3.2.4 Black Skimmer (*Rynchops niger*)
16.2.3.2.5 Black-Crowned Night-Heron (*Nycticorax nycticorax*)
16.2.3.2.6 Broad-winged Hawk [BR] (*Buteo platypterus*)
16.2.3.2.7 Cerulean Warbler (*Setophaga cerulea*)
16.2.3.2.8 Common Tern [BR] (*Sterna hirundo*)
16.2.3.2.9 Forster's Tern [BR] (*Sterna forsteri*)
16.2.3.2.10 Henslow's Sparrow (*Ammodramus henslowii*)
16.2.3.2.11 Hooded Warbler [BR] (*Setophaga citrina*)
16.2.3.2.12 Least Tern (*Sterna antillarum*)
16.2.3.2.13 Northern Harrier [BR] (*Circus cyaneus*)
16.2.3.2.14 Pied-billed Grebe [BR] (*Podilymbus podiceps*)
16.2.3.2.15 Piping Plover (*Charadrius melodus*)

16.2.3.2.16 Red Knot (*Calidris canutus*)
16.2.3.2.17 Saltmarsh Sparrow (*Ammospiza caudacuta*)
16.2.3.2.18 Sedge Wren (*Cistothorus platensis*)
16.2.3.2.19 Short-eared Owl [BR] (*Asio flammeus*)
16.2.3.2.20 Swainson's Warbler (*Limnothlypis swainsonii*)
16.2.3.2.21 Upland Sandpiper (*Bartramia longicauda*)
16.2.3.2.22 Yellow-Crowned Night-Heron (*Nyctanassa violacea*)

16.2.3.3 Fish
16.2.3.3.1 Atlantic Sturgeon (*Acipenser oxyrhynchus*)
16.2.3.3.2 Blackbanded Sunfish (*Enneacanthus chaetodon*)
16.2.3.3.3 Blueridge Sculpin (*Cottus caeruleomentum*)
16.2.3.3.4 Bridled Shiner (*Notropis bifrenatus*)
16.2.3.3.5 Glassy Darter (*Etheostoma vitreum*)
16.2.3.3.6 Ironcolor Shiner (*Notropis chalybaeus*)
16.2.3.3.7 Shortnose Sturgeon (*Acipenser brevirostrum*)

16.2.3.4 Insects
16.2.3.4.1 Aralia Shoot Borer Moth (*Papaipema araliae*)
16.2.3.4.2 Baltimore Checkerspot (*Euphydryas phaeton*)
16.2.3.4.3 Banner Clubtail (*Gomphus apomyius*)
16.2.3.4.4 Bethany Beach Firefly (*Photuris bethaniensis*)
16.2.3.4.5 Black Dash (*Euphyes conspicua*)
16.2.3.4.6 Black-tipped Darner (*Aeshna tuberculifera*)
16.2.3.4.7 Brown Spiketail (*Cordulegaster bilineata*)
16.2.3.4.8 Burgundy Bluet (*Enallagma dubium*)
16.2.3.4.9 Chermock's Mulberry Wing (*Poanes massasoit chermocki*)
16.2.3.4.10 Dark Stoneroot Borer Moth (*Papaipema duplicatus*)
16.2.3.4.11 Elfin Skimmer (*Nannothemis bella*)
16.2.3.4.12 Frosted Elfin (*Incisalia irus*)
16.2.3.4.13 Hessel's Hairstreak (*Mitoura hesseli*)
16.2.3.4.14 King's Hairstreak (*Satyrium kingi*)
16.2.3.4.15 Laura's Clubtail (*Stylurus laurae*)
16.2.3.4.16 Little White Tiger Beetle (*Cicindela lepida*)
16.2.3.4.17 Marbled Underwing (*Catocala marmorata*)
16.2.3.4.18 Maritime Sunflower Borer Moth (*Papaipema maritima*)
16.2.3.4.19 Midland Clubtail (*Gomphus fraternus*)
16.2.3.4.20 Mulberry Wing (*Poanes massasoit massasoit*)
16.2.3.4.21 Pale Bluet (*Enallagma pallidum*)
16.2.3.4.22 Pitcher Plant Borer Moth (*Papaipema appassionata*)
16.2.3.4.23 Rare Skipper (*Problema bulenta*)
16.2.3.4.24 Sable Clubtail (*Gomphus rogersi*)
16.2.3.4.25 Sely's Sundragon (*Helocordulia selysii*)
16.2.3.4.26 Seth Forest Scavenger Beetle (*Hydrochus spangleri*)
16.2.3.4.27 Taper-tailed Darner (*Gomphaeschna antelope*)
16.2.3.4.28 Treetop Emerald (*Somatochlora provocans*)
16.2.3.4.29 Ulalume Underwing (*Catocala ulalume*)
16.2.3.4.30 White Tiger Beetle (*Cicindela dorsalis*)
16.2.3.4.31 Yellow Stoneroot Borer Moth (*Papaipema astuta*)

16.2.3.5 Mammals
16.2.3.5.1 Blue Whale (*Balaenoptera musculus*)
16.2.3.5.2 Delmarva Fox Squirrel (*Sciurus niger cinereus*)
16.2.3.5.3 Fin Whale (*Balaenoptera physalus*)
16.2.3.5.4 Humpback Whale (*Megaptera novaengliae*)
16.2.3.5.5 Little Brown Bat (*Myotis lucifugus*)
16.2.3.5.6 North Atlantic Right Whale (*Eubalaena glacialis*)
16.2.3.5.7 Northern Long-eared Bat (*Myotis septentrionalis*)
16.2.3.5.8 Sei Whale (*Balaenoptera borealis*)
16.2.3.5.9 Sperm Whale (*Physeter macrocephalus*)
16.2.3.5.10 Tri-colored Bat (*Perimyotis subflavus*)

16.2.3.6 Mollusks
16.2.3.6.1 Brook Floater (*Alasmidonta varicosa*)
16.2.3.6.2 Dwarf Wedgemussel (*Alasmidonta heterodon*)
16.2.3.6.3 Eastern Lampmussel (*Lampsilis radiata*)
16.2.3.6.4 Eastern Pondmussel (*Ligumia nasuta*)
16.2.3.6.5 Tidewater Mucket (*Leptodea ochracea*)

16.2.3.6.6 Triangle Floater (*Alasmidonta undulata*)3
16.2.3.6.7 Yellow Lampmussel (*Lampsilis cariosa*)
16.2.3.7 Reptiles
16.2.3.7.1 Bog Turtle (*Glyptemys muhlenbergii*)
16.2.3.7.2 Green Sea Turtle (*Chelonia mydas*)
16.2.3.7.3 Kemp's Ridley Sea Turtle (*Lepidochelys kempii*)
16.2.3.7.4 Leatherback Sea Turtle (*Dermochelys coriacea*)
16.2.3.7.5 Loggerhead Sea Turtle (*Caretta caretta*)
16.2.3.7.6 Plain-bellied Watersnake (*Nerodia erythrogaster*)
16.2.3.7.7 Red Cornsnake (*Pantherophis guttatus*)
16.2.3.7.8 Scarletsnake (*Cemophora coccinea*)

16.3 Federally Listed Species

16.3.1 Pursuant to the Endangered Species Act of 1973 (16 USC §§ 1531-1543), as amended, the Secretary of the Interior must publish in the Federal Register a list of all fish and wildlife species determined by the Secretary of the Interior or the Secretary of Commerce to be endangered species. The federal list of endangered species is ~~hereby~~ adopted and all species listed ~~thereon~~as endangered species are ~~hereby~~ declared to be endangered species in the State as prescribed in 7 **Del.C.** §601.

16.3.2 It shall be unlawful for any person to collect, possess or sell any species of fish or wildlife listed as endangered or threatened pursuant to the Endangered Species Act of 1973, as amended, without the appropriate federal permits.

3 DE Reg. 1738 (06/01/00)
6 DE Reg. 536 (10/01/02)
17 DE Reg. 238 (08/01/13)
27 DE Reg. 874 (05/01/24)
29 DE Reg. 621 (01/01/26)

17.0 Transferring Harvested Game

(Penalty Section 7 **Del.C.** §103(d))

No person shall put or leave any harvested game animal, game bird or non-native/invasive wildlife at any place (other than at ~~their~~the person's personal abode), or in the custody of another person for cleaning, processing, shipping, transportation, or storage (including temporary storage), or for the purpose of having taxidermy services performed, unless ~~such~~ the animals have a tag attached, signed by the hunter, stating ~~their~~ the person's address, the total number and species harvested, and the date ~~such~~ the animals were killed. Notwithstanding the foregoing, the transfer procedures for harvested deer and turkeys shall follow the requirements described by regulation of the Department; which states a registration number shall be indicated on a possession tag that is affixed to the animal.

6 DE Reg. 536 (10/01/02)
27 DE Reg. 874 (05/01/24)

18.0 Wanton Waste

Penalty Section 7 **Del.C.** §103(d))

18.1 Retrieval and Possession of Game Animals. A person wounding or killing a game animal shall make a reasonable effort to retrieve the wounded or dead game animal. The retrieved game animal shall be retained in the individual's possession until any of the following occurs:

18.1.1 The game animal is processed for consumption, consumed or utilized for its fur value.

18.1.2 The game animal is transported to the individual's residence, to a taxidermist, or to a place of commercial processing.

18.1.3 The game animal is utilized for scientific, educational or research purposes.

18.2 Any use of a game animal as not described in subsections ~~18.1.1 - 18.1.3 above~~18.1.1 through 18.1.3 will be deemed wanton waste.

11 DE Reg. 334 (09/01/07)

19.0 Permits

(Penalty Section 7 **Del.C.** §103(d))

It shall be unlawful to violate any conditions as provided within any permit issued by the Division or the Department pursuant to Title 7 of the Delaware Code.

20.0 Game Bird Releases

(Penalty Section 7 **Del.C.** §103(d))

20.1 All persons releasing domestically raised quail, chukar partridge, Hungarian partridge, and pheasants into the wild must obtain a permit from the Division. If releasing 25 or fewer, in aggregate, annually, a Gamebird Release Permit is required. If releasing 26 or more, in aggregate, annually, a Gamebird Breeders Permit is required.

20.2 All domestically raised quail, chukar partridge, Hungarian partridge, and pheasants must have an auxiliary marker affixed to each bird before being released into the wild. All auxiliary markers must be yellow. Persons herein must report the number of birds marked and released, and the type of bird released (quail, chukar partridge, Hungarian partridge, or pheasant).

20.3 Anyone that releases domestically raised quail must provide the location of the release to the Division and obtain approval prior to releasing any birds.

12 DE Reg. 496 (10/01/08)
27 DE Reg. 874 (05/01/24)
29 DE Reg. 621 (01/01/26)

21.0 Guide License

(Penalty Section 7 **Del.C.** §103(d))

21.1 Persons required to obtain a Delaware Guide License. All individuals receiving monetary or in-kind compensation for providing personal guide services to hunters are required to have a Delaware Guide License.

21.2 Age Requirement. Persons acquiring a guide license, must be 18 years of age or older

21.3 Fish and Wildlife Violations. Persons acquiring a guide license must not have been convicted for violations of any wildlife or fisheries statutes or regulations within the last three years prior to applying for a Delaware Guide License.

21.4 Reporting. All persons possessing a Delaware Guide License are required to complete and submit an annual report to the Division by July 1 annually to include the following information which must be readily available for inspection by enforcement officers: full name of each hunter, address of each hunter in the party, hunting license number for each hunter, date, number and species of each animal harvested, location of hunts and the name and license number of the guide.

21.5 Record Retention. The guide shall retain all hunting field records for a period of 3 years.

21.6 License

21.6.1 A resident or nonresident hunting license is not required for persons holding a valid Delaware Guide License.

21.6.2 A nonresident shall be exempt from the guide licensing requirement of this ~~section~~Section only while guiding hunters for snow geese (light geese), provided:

21.6.2.1 The nonresident is properly licensed to guide in another state or Canadian province which extends the same exemption to Delaware residents;

21.6.2.2 The nonresident must not have been convicted for violations of any wildlife or fisheries statutes or regulations within the last 3 years.

21.6.2.3 The nonresident guide purchases a Delaware migratory waterfowl stamp and obtains a Delaware H.I.P. permit.

21.6.2.4 The nonresident resides in another state or Canadian province which extends the same exemption to Delaware residents.

12 DE Reg. 496 (10/01/08)
14 DE Reg. 52 (07/01/10)
27 DE Reg. 874 (05/01/24)

22.0 Hunter and Trapper License Exempt Number

(Penalty Section 7 **Del.C.** §103(d))

22.1 Hunters and trappers who are exempt from purchasing a license to hunt or trap in Delaware are required to obtain an annual Hunter and Trapper License Exempt Number from the Division.

22.2 A separate number is provided for each activity (hunting and trapping) and these numbers must be carried by the hunter or trapper while engaged in hunting and trapping activities.

22.3 It shall be unlawful to obtain:

22.3.1 More than 1 hunting or trapping License Exempt Number annually (July 1 through June 30 of the following year).

22.3.2 A License Exempt Number after purchasing a hunting or trapping license for the same activity.

12 DE Reg. 496 (10/01/08)
14 DE Reg. 52 (07/01/10)
15 DE Reg. 1505 (04/01/12)
27 DE Reg. 874 (05/01/24)

23.0 Non-native/Invasive Wildlife

(Penalty Section 7 **Del.C.** §103(d))

23.1 Non-native Wildlife

23.1.1 Coyotes

23.1.1.1 It shall be unlawful to possess, buy, sell, barter, trade, or transfer any live coyote to or from another person unless permitted by the Director of the Division of Fish and Wildlife.

23.1.1.2 Coyotes may be killed or trapped in accordance with ~~the regulations found within this Section~~this regulation with the following: longbow, crossbow, airbow, airgun, arrow gun, shotgun, rimfire rifle or centerfire rifle up to .25 caliber, or a handgun, rifle, and a muzzle-loading rifle in accordance with 7 **Del.C.** §704, foothold trap, cable restraint, or box/cage trap. Notwithstanding the foregoing, coyotes may be killed in accordance with 7 **Del.C.** §802. ~~Notwithstanding subsection 23.1.1.2 of this section, during any deer firearms season, it shall be unlawful to hunt coyotes with any firearm that is not also legal for deer hunting.~~

23.1.1.3 Hunting Season. Coyotes may be hunted and harvested from July 1 through June 30.

23.1.1.4 Trapping Season. Coyotes may be trapped in accordance with the statutes and regulations of the State of Delaware governing the trapping coyotes: from November 1 through March 10 using foothold, cable restraints, or cage/box traps.

23.2 Invasive Wildlife

23.2.1 Nutria (*Myocastor coypus*)

23.2.1.1 It shall be unlawful to possess, buy, sell, barter, trade, or transfer any live nutria to or from another person unless permitted by the Director of the Division of Fish and Wildlife.

23.2.1.2 Nutria may only be trapped during the lawful season to trap muskrats. Notwithstanding the foregoing, nutria may be killed in accordance with 7 **Del.C.** §802. Any nutria captured within a trap must be killed and may not be released alive back into the wild.

23.2.1.3 Anyone harvesting a nutria must notify the Division of Fish & Wildlife by the end of the next business day using its established reporting system.

23.2.2 Free-roaming Swine

23.2.2.1 It shall be unlawful for any person to release swine into the wild. If swine kept in captivity escape and cannot be recaptured within 72 hours the Delaware Division of Fish & Wildlife and the Delaware Department of Agriculture must be contacted.

23.2.2.2 It shall be unlawful for any person to harbor free-roaming swine.

23.2.2.3 It shall be unlawful for any person to kill free-roaming swine without first obtaining a permit from the Division.

23.2.2.3.1 It shall be unlawful to recreationally hunt free-roaming swine.

23.2.2.3.2 It shall be unlawful for a landowner to charge a fee for the purpose of killing free-roaming swine.

17 DE Reg. 746 (01/01/14)
19 DE Reg. 927 (04/01/16)
27 DE Reg. 874 (05/01/24)
29 DE Reg. 621 (01/01/26)

24.0 Wildlife Management Zone Boundaries

(Penalty Section 7 **Del.C.** §103(d))

24.1 For the purposes of hunting and reporting harvests (if required), the following descriptions shall delineate the boundaries of Delaware's Wildlife Management Zones:

24.1.1 Zone 1A - Land north of the line created beginning at the Delaware Memorial Bridge and following Interstate 295 to its intersection with Interstate 95 to the Delaware/Maryland border.

24.1.2 Zone 1B - Land south of the line created beginning at the Delaware Memorial Bridge and following Interstate 295 to its intersection with Interstate 95, thence to the Delaware-Maryland border to the C&D Canal.

24.1.3 Zone 2 - Land bordered north by C&D Canal, south by Route 6, east by Route 13, and west by the Maryland State Line.

24.1.4 Zone 3 - Land bordered north by the C&D Canal, south by Route 6, east by the Delaware River, and west by Route 13.

24.1.5 Zone 4 - Land bordered north by Route 6, south by Route 8, east by Route 13, and west by the Maryland State Line.

24.1.6 Zone 5 - Land bordered north by Route 6, south by Road 18, east by Delaware Bay, and west by Routes 13 and 113.

24.1.7 Zone 6 - Land bordered north by Route 8, south by Route 12, east by Routes 13 and 113, and west by the Maryland State Line.

24.1.8 Zone 7 - Land bordered north by Route 12, south by Route 16, east by Route 13, and west by the Maryland state Line.

24.1.9 Zone 8 - Land bordered north by intersection of Routes 13 and 113, south by Route 16, east by Route 113 and west by Route 13.

24.1.10 Zone 9 - Land bordered north by Road 18, south by Route 1, east by Delaware Bay and Atlantic Ocean and west by Routes 113 and 1.

24.1.11 Zone 10 - Land bordered north by Route 16, south by Route 20, east by Route 13, and west by the Maryland State Line.

24.1.12 Zone 11 - Lane bordered north by Route 16, south by Route 9, east by Route 113 and west by Route 13.

24.1.13 Zone 12 -Land bordered north by intersection of Routes 113 and 1, south by Route 9, east by Route 1 and west by Route 113.
24.1.14 Zone 13 - Land bordered north by Route 20, south by Maryland State Line, east by Route 13, and west by Maryland State Line.
24.1.15 Zone 14 - Land bordered north by Route 9, south by Route 24, east by Route 113, and south by Route 24.
24.1.16 Zone 15 - Land bordered north by Route 9, south by south shore of Indian River Bay, east by the Atlantic Ocean, and west by Route 113.
24.1.17 Zone 16 - Land bordered north by Route 24, south by Maryland State Line, east by Route 113, and west by Route 13.
24.1.18 Zone 17 - Land bordered north by Indian River Bay, south by the Maryland State Line, east by the Atlantic Ocean, and west by Route 113.
27 DE Reg. 874 (05/01/24)

---

3 DE Reg. 289 (08/01/99)
3 DE Reg. 1738 (06/01/00)
6 DE Reg. 536 (10/01/02)
8 DE Reg. 352 (08/01/04)
11 DE Reg. 334 (09/01/07)
12 DE Reg. 496 (10/01/08)
13 DE Reg. 941 (01/01/10)
14 DE Reg. 52 (07/01/10)
15 DE Reg. 1505 (04/01/12)
17 DE Reg. 238 (08/01/13)
17 DE Reg. 746 (01/01/14)
19 DE Reg. 927 (04/01/16)
21 DE Reg. 888 (05/01/18)
22 DE Reg. 778 (03/01/19)
27 DE Reg. 874 (05/01/24)
29 DE Reg. 621 (01/01/26)