

DELAWARE RIVER BASIN COMMISSION
PUBLIC NOTICE

The Delaware River Basin Commission will hold a public hearing and business meeting on Wednesday, Wednesday, March 2, 2011, beginning at 10:30 a.m. The meeting will be held at the West Trenton Volunteer Fire Company, West Upper Ferry Road, West Trenton, NJ. For more information, visit the DRBC web site at www.drbc.net or contact Pamela M. Bush, Esq., Commission Secretary and Assistant General Counsel, at 609 883-9500 extension 203.

DEPARTMENT OF EDUCATION
PUBLIC NOTICE

The State Board of Education will hold its monthly meeting on Thursday, March 17, 2011 at 1:00 p.m. in the Townsend Building, Dover, Delaware.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF PUBLIC HEALTH
2011 State of Delaware Milk Code Regulations
PUBLIC NOTICE

The Department of Health and Social Services, Division of Public Health is proposing revisions to the State of Delaware Regulations governing Milk and Milk Products. The Division of Public Health proposes to repeal the current 2003 State of Delaware Milk Code in its entirety and in its place adopt with amendments the *United States Department of Health and Human Services' Grade "A" Pasteurized Milk Ordinance 2009 Revision* to be known as the 2011 State of Delaware Milk Code. On March 1, 2011, the Division plans to publish the proposed 2011 State of Delaware Milk Code and hold them out for public comment per Delaware law.

Copies of the proposed regulations are available for review in the March 1, 2011 edition of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Office of Health Systems Protection at (302) 744-4842.

Any person who wishes to make written suggestions, testimony, briefs or other written materials concerning the proposed regulations must submit same to Deborah Harvey by Wednesday, March 30, 2011 at:

Deborah Harvey
Division of Public Health
417 Federal Street
Dover, DE 19901
Email: Deborah.Harvey@state.de.us
Phone: (302) 744-4700
Fax: (302) 739-6659

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
DIVISION OF FISH AND WILDLIFE
3507 Black Sea Bass Size Limit; Trip Limits, Seasons; Quotas
PUBLIC NOTICE

The Atlantic States Marine Fisheries Commission's (ASMFC) Management Board for Black Sea Bass is in the process of developing an Addendum to the Interstate Fisheries Management Plan. The Addendum will recommend management strategies necessary to reduce recreational harvest to levels recommended by the National Marine Fisheries Service to prevent overfishing. The Department's Start Action Notice was initiated with specific management recommendations in the form of seasons, minimum size limits, and creel limits. Since that time, the ASMFC has taken an alternate approach that may result in a variety of options for States to consider rather than the original set of regulations and guidelines. It is anticipated that these State or Regional-specific management measures will be defined and available for public comment by the time of the public hearing. The Department will present the approved options that will allow the State to remain in compliance with the interstate management plan at the public hearing or as soon as they are available.

Individuals may present their comments or request additional information by contacting the Fisheries Section, Division of Fish and Wildlife, 89 Kings Highway, Dover, DE 19901, (302) 739-9914. A public hearing on the proposed amendment will be held on March 24, 2011 at the Department of Natural Resources and Environmental Control auditorium beginning immediately following the summer flounder public hearing that begins at 6 PM, located at 89 Kings Highway, Dover, DE 19901.

DIVISION OF FISH AND WILDLIFE
3511 Summer Flounder Size Limits; Possession Limits
PUBLIC NOTICE

The Summer Flounder Fishery Management Plan details the annual process that the Summer Flounder Fishery Management Board, the Mid Atlantic Fishery Management Council and the National Marine Fisheries Service are to use for conservation equivalency in the recreational summer flounder fishery. These agencies agreed at their joint meeting on December 15, 2010 that the states would implement conservation equivalent measures rather than a coastwide management program for summer flounder in 2011. The total allowable harvest quota has been increased for 2011 based on the latest scientific data that indicates that the stock is not overfished and overfishing is not occurring. Delaware's harvest cap for 2011 will be 107,000 fish which is higher than the 80,000-fish target in 2010. In addition, it is estimated, based on the Marine Recreational Fisheries Statistics survey data, that approximately 76,000 summer flounder were harvested in Delaware during the 2010 fishing season. Two options have been approved and will be considered at public hearing with the following size limits, creel limits and season.

Currently, 3511 subsection 3.0 is a flounder dismemberment clause that makes it unlawful for anyone to have in possession any part of a flounder that is less than the minimum size unless they also have the head and backbone and tail (rack) to go along with it. This regulation was intended to cover all anglers. The Division plans to amend subsection 3.0 to allow for better shore-based enforcement.

The public hearing on the proposed amendment will be held on March 24, 2011 beginning at 6 pm in DNREC's R & R Building, Auditorium, located at 89 Kings Highway, Dover, DE 19901.

DIVISION OF FISH AND WILDLIFE
3536 Fish Pot Requirements
PUBLIC NOTICE

Complaints and conflicts have surfaced between recreational hook and line fishermen, charter and head boat operators, and commercial fish pot fishermen on some of the artificial reef sites developed in the Delaware Bay as part of Delaware's Artificial Reef Program. The abundance of fish pots, their marking lines and floats have in some instances prevented or interfered with normal hook and line angling opportunities. The Department has legislative authority to regulate the type of fishing gear that can be used on artificial reef sites within Delaware waters. This proposed regulation is intended to eliminate existing conflicts between hook and line gear and other fishing gear types currently being deployed on artificial reef sites. It is also intended to address concerns of the funding agency (US Fish and Wildlife Service) that some fishing gear presently being fished on Delaware artificial reef sites is incompatible with the intent of the funding agency in providing support to the Division of Fish and Wildlife for the State's reef program.

Individuals may present their comments or request additional information by contacting the Fisheries Section, Division of Fish and Wildlife, 89 Kings Highway, Dover, DE 19901, (302) 739-9914. A public hearing on the proposed amendment will be held on March 25, 2011 at the Department of Natural Resources and Environmental Control auditorium beginning at 6 PM, located at 89 Kings Highway, Dover, DE 19901.

DIVISION OF FISH AND WILDLIFE
3541 Atlantic Sharks
PUBLIC NOTICE

A number of shark species, including sandbar shark (*Carcharhinus plumbeus*) and sand tiger (*Odontaspis taurus*), are prohibited from harvest and should not be targeted by recreational anglers. These species are extremely vulnerable to fishing pressure and Delaware's nearshore waters serve as important pupping, nursery, and feeding grounds. Studies indicate that these sharks suffer significant injury or death as a result of being caught by hook and line and need to be treated with the utmost care when hooked. It has become evident that a growing segment of the recreational fishery is illegally targeting these species for sport, despite the fact that this activity is expressly prohibited under §3541 (2.0). Further, many anglers are not immediately releasing these species in a manner that ensures the greatest chance of survival. Unfortunately, it is difficult to enforce fishing intent. Thus, the Department is seeking to amend the regulations in Title 7 §3541 to improve enforceability of the shark regulations and to better define measures that will ensure a shark's maximum probability of survival.

Individuals may present their comments or request additional information by contacting the Fisheries Section, Division of Fish and Wildlife, 89 Kings Highway, Dover, DE 19901, (302) 739-9914. A public hearing on the proposed amendment will be held in the Department of Natural Resources and Environmental Control auditorium located at 89 Kings Highway, Dover, DE 19901 on March 25, 2011. Members hearing will begin immediately following the artificial reef gear restriction public hearing that begins at 6 PM.

DIVISION OF SOIL AND WATER CONSERVATION
DELAWARE COASTAL PROGRAMS
5104 Delaware Coastal Management Program Federal Consistency Policies and Procedures
PUBLIC NOTICE

The Delaware Coastal Management Program, as dictated by the National Oceanic and Atmospheric Administration's (NOAA), Federal Consistency Regulations (15 CFR 930 subpart D), must develop a list of Federal Licenses and Permits that have likely coastal zone effects and that the DCMP intends to review for consistency with its coastal zone management policies. The regulations (15 CFR 930 subpart I) also require that DCMP establish a separate list of Federal activities occurring outside of the State boundary that have interstate coastal effects and for which DCMP intends to review for consistency with its coastal zone management policies.

This action will update the existing list of Federal licenses and permits for which DCMP conducts Federal Consistency reviews and will establish a new list of federal activities occurring outside of State boundaries for which DCMP will conduct Federal Consistency reviews. There are no new regulations being introduced through this process. The update and changes to the Delaware Federal Consistency Policies and Procedures are considered a Routine Program Change under the NOAA Statute (15 CFR 923.84(a)).

The public hearing will be held on March 22, 2011, at 6 pm at the St Jones Reserve, located at 818 Kitts Hummock Road, Dover, Delaware 19901. Written comments may be mailed to Tricia Arndt, Delaware Coastal Programs, 89 Kings Highway, Dover, Delaware, 19901

DIVISION OF WATER RESOURCES
7401 Surface Water Quality Standards
PUBLIC NOTICE

The amended Surface Water Quality Standards presented here are the result of a comprehensive review of the Standards that started with SAN #2008-24 in 2008. Department staff conducted a review of water quality criteria and current EPA documents and prepared a draft markup of amended Water Quality Standards in advance of a workshop held January 7, 2009 in the DNREC auditorium. Department staff kept interested parties abreast of developments and the workshop using a combination of e-mail notices, internet postings of documents and relevant links, and public notices. Preceding and during the workshop, written comments were requested, received and considered for inclusion in the proposed Standards presented here. A public hearing was held September 2, 2009 with comments accepted until September 11, 2009. To ensure compliance with the Clean Water Act and satisfy EPA requirements, the State of Delaware, in accordance with 7 **Del.C.** §6010, will amend the State of Delaware Surface Water Quality Standards (as amended July 11, 2004).

Because it has been longer than one year since the last Departmental action, The Department of Natural Resources and Environmental Control, Division of Watershed Stewardship, is reopening the comment period for comments on the proposed amendments to the State of Delaware Surface Water Quality Standards, (as amended July 11, 2004) for a period of 30 days. Comments already submitted need not be resubmitted. New comments will be accepted through 4:30 PM, April 1, 2011.

Additional information, the proposed regulation and supporting documents are available on the internet at this URL: <http://www.dnrec.state.de.us/DNREC2000/Divisions/Water/WaterQuality/Standards.htm>. To request a copy of the proposed regulation, please contact David Wolanski, Watershed Assessment Section, at (302) 739-9939 or by email at david.wolanski@state.de.us.

Please direct comments to David Wolanski, Water Quality Standards Coordinator, DNREC Watershed Assessment Section, 820 Silver Lake Blvd, Suite 220, Dover, DE 19904, FAX to 302-739-6140, or by e-mail to david.wolanski@state.de.us. Electronic submissions are preferred.

DEPARTMENT OF SAFETY AND HOMELAND SECURITY
DIVISION OF COMMUNICATIONS
2500 In-Building Communications Systems Regulation
PUBLIC NOTICE

The Delaware Department of Safety and Homeland Security Division of Communications, proposes these regulations in accordance with the General Assembly's mandate to maintain quality in-building communications and prevent "dead-zone" areas in new buildings thus protecting the citizens of Delaware by enabling emergency public safety personnel to communicate effectively while responding to emergencies.

The Delaware Department of Safety and Homeland Security, Division of Communications solicits written comments from the general public concerning these proposed regulations. Any such written comments should be submitted to: Mark Grubb, Director of the Division of Communications, at 3050 Upper King Rd., Dover, DE 19904 on or before April 1, 2011.

Copies of the proposed regulations are available upon request.

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
700 BOARD OF CHIROPRACTIC
PUBLIC NOTICE

The Delaware Board of Chiropractic, pursuant to 24 **Del.C.** §706(a)(1), proposes to revise their rules and regulations. The proposed revisions reorganize the rules as a whole, and make two additional substantive changes suggested at the public hearing in November. First, the rules reincorporate the requirement that professionals notice current patients of his/her intent to close his/her office by mail if the patient has not already picked up his/her records. Second, the proposed revisions now clarify the distance learning limitation by limiting asynchronous continuing education credits accepted to 6 hours, with no restriction on synchronous continuing education credits.

The Board will hold a public hearing on the proposed rule change on April 7, 2011 at 09:00 a.m., Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Administrator of the Delaware Board of Chiropractic, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until April 6, 2011.

14 DE Reg. 925 (03/01/11)