

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF FISH AND WILDLIFE

Statutory Authority: 7 Delaware Code, Sections 102, 103, 758, and 801 (7 Del.C. §§102, 103, 758 & 801)

7 DE Admin. Code 3900

FINAL

Secretary's Order No.: 2024-F-0015

RE: Approving Final Amendments to 7 DE Admin. Code 3900: *Wildlife*

Date of Issuance: April 15, 2024

Effective Date of the Amendment: May 11, 2024

3900 Wildlife

Under the authority vested in the Secretary of the Department of Natural Resources and Environmental Control ("Department" or "DNREC"), and pursuant to 7 Del C. §§102(a), 103(a) and (b), 758, and 801, the general authority as provided under 7 Del.C. Chapter 60, and all other relevant statutory authority, the following findings of fact based on the record, reasons and conclusions are entered as an Order of the Secretary in the above-referenced promulgation.

Background, Procedural History and Findings of Fact

This Order relates to the Department's proposed regulatory amendments to 7 DE Admin. Code 3900: *Wildlife* ("Amendments"). The Department's Division of Fish and Wildlife ("DFW") is proposing to amend nineteen (19) sections of Delaware's existing *Wildlife* regulation that pertains to the management and conservation of wildlife, including activities involving hunting, trapping, fishing, nuisance wildlife control work and activities authorized on Division-owned lands. Specifically, changes are proposed within the following Sections: 1.0 *Definitions*, 2.0 *Method of Take*, 3.0 *Federal Laws and Regulations Adopted*, 4.0 *Seasons*, 5.0 *Wild Turkeys*, 7.0 *Deer*, 8.0 *General Rules and Regulations Governing Land and Waters Administered by the Division*, 9.0 *Wildlife Theft Prevention Fund*, 10.0 *Nuisance Wildlife*, 14.0 *Falconry*, 15.0 *Collection or Sale of Native Wildlife*, 16.0 *Endangered Species*, 17.0 *Species of Special Concern*, 19.0 (*Reserved*), 20.0 *Game Bird Releases*, and 23.0 *Non-native/Invasive Wildlife*. Additionally, a new section within the existing *Wildlife* regulation is being proposed with the creation of Section 24.0 *Wildlife Management Zone Boundaries*.

While expansive, most of the Amendments being proposed by the Department serve to provide additional hunting and trapping opportunities in Delaware, such as the establishment of new seasons, the expansion of current seasons, the provision of additional methods of take, and the development of new and improved reporting criteria for harvesting game. Additionally, some of the proposed Amendments are needed to minimize negative impacts to some species, as well as to minimize damage to infrastructure and habitats on lands and waters administered by the DFW. Other proposed Amendments are minor administrative updates to correct grammar and misspellings, and to bring the existing regulations into current formatting style.

The following section of this Order provides a brief description of the Amendments proposed by the DFW, as published in the State of Delaware *Register of Regulations* on November 1, 2023:

Section 1.0: Definitions

The proposed Amendments to Section 1.0 are needed to clarify certain phrases or words within the existing *Wildlife* regulation, or have been dictated by recently passed legislation. The Department notes that none of the proposed definition changes will incur any additional expenses to the affected entities. Specifically, the proposed Amendments will (1) update the total number of regulations found within 7 DE Admin. Code 3900, *Wildlife*; (2) establish a definition for the following: "auxiliary marker," "direct supervision," "furbearers," and "pen-raised released quail"; (3) clarify the definition of "baited field"; and (4) add "chukar partridge" and "Hungarian partridge" to the list of species categorized as "Liberated Game."

Section 2.0: Method of Take

The proposed Amendments within Section 2.0 are intended to provide additional methods of take, but several of the Amendments are also needed to better manage harvest or to comply with existing statutes. The Department notes that none of the proposed changes will incur any additional expenses to the affected entities. Specifically, the proposed Amendments to Section 2.0 will (1) add crossbows to the list of approved methods of take while hunting wildlife; (2) allow additional methods of take for raccoons and opossums; (3) clarify that both bullfrogs and green frogs can be harvested by hand; (4) clarify the types of ammunitions that are approved for use in Sharps files while hunting deer; (5) remove the reference that the Division Director can issue a permit to hunt waterfowl on Division lands along the Little River; (6) clarify the types and features of foothold traps that can be used; (7) clarify which firearms may be used to hunt gray squirrels, in

accordance with 11 *Del.C.* §1445; and (8) require trappers that obtain a permit to trap snapping turtles to obtain and complete an annual report of their take.

Section 3.0: Federal Laws and Regulations Adopted

The proposed Amendments within Section 3.0 are needed in order for Delaware to come into compliance with federal laws. The Department notes that none of the proposed changes will incur any additional expenses to the affected entities. Specifically, the proposed Amendments to Section 3.0 will (1) revise the common name of the "old squaw duck" species to the "long-tailed duck" species; and (2) clarify that only youth hunters are allowed to hunt waterfowl during the special youth waterfowl seasons, and that the same does not also include non-ambulatory hunters using a wheelchair for mobility.

Section 4.0: Seasons

Numerous changes are being proposed to Section 4.0 to adjust existing seasons or to create new seasons for game species. Almost all of the proposed changes would provide hunters and trappers with more opportunities; however, season closures are proposed for both wild bobwhite quail and diamondback terrapins, as both species have experienced population declines and can no longer support harvest. In terms of the diamondback terrapin, this species was once plentiful in the Delaware Bay, but due to numerous environmental factors, their population has declined, and thus this species is now listed as a Species of Greatest Conservation Need. The DFW sought input from trappers and Natural Resource Police Officers to determine how prevalent trapping was for this species. Of the people contacted, none were aware of anyone currently or recently trapping this species, so while this closure could result in lost revenue by some individuals, it is not expected to affect many.

Specifically, the proposed Amendments to Section 4.0 will (1) eliminate the annual bag limit for beavers (an overabundant species); (2) allow green frogs to be hunted at the same time bullfrogs can be hunted, and clarify that the daily bag limit for both species is in aggregate (and not per species). Green and bullfrogs look similar, and neither are a species of concern; (3) clarify which species of crow may be hunted and the procedures for landowners to control crows that are causing damage; (4) extend the Gray Squirrel Season one week and eliminate unnecessary text related to when the season opens; (5) close the Wild Bobwhite Quail Season, but allow landowners who have sufficient habitat and are implementing management practices to support quail to obtain a permit from the Division to hunt on their lands. Also, establish a season for which pen-raised quail may be harvested. The Division will reevaluate the Wild Bobwhite Quail Season closure every three years; (6) eliminate unnecessary text related to when Rabbit Season closes; and (7) adjust the trapping season dates for raccoons and opossums in Kent and Sussex Counties to coincide with season dates in New Castle County (season will open earlier and remain open longer).

In addition to the above, the proposed Amendments to Section 4.0 will also allow raccoon hunters to chase raccoons (no harvest) one month earlier (now beginning on August 1) to allow for additional training opportunities. There is also a reduction being made in the number of firearm deer seasons in which raccoon hunters are not allowed to hunt at night with the aid of a dog. Hunting hours are being clarified as well. Further, the Amendments eliminate unnecessary text related to when the Red Fox Hunting Season opens, and the trapping season will now open one month earlier (on November 1 instead of December 1), consistent with the hunting season. Additionally, the Diamond Terrapin Season is being fully closed, now making it unlawful to hunt or trap for this species during any period of the year. The Department is also adjusting the weather criteria (i.e., temperature and the amount of snowfall) used to justify the Muskrat Trapping Season extension to account for large snow events. Lastly, the proposed Amendments establish trapping seasons for mink and otter (to coincide with the Muskrat Trapping Season), and establish a Chukar Season (to coincide with the Pheasant Season).

Section 5.0: Wild Turkeys

Numerous changes are being proposed to Section 5.0. The Department notes that none of the proposed changes will incur any additional expenses to the affected entities. Specifically, the proposed Amendments to Section 5.0 will (1) clarify under what circumstances a person can possess a wild turkey, establish procedures for when turkeys escape from captivity, and prohibit the taking of live turkeys or their eggs from the wild; (2) clarify the types of courses accepted for fulfillment of turkey specific hunter education requirements; (3) clarify the size shot allowed for turkey hunting (nothing larger than size 4 shot) to promote the technical advancement of shot shells while maintaining human safety considerations; (4) clarify the prohibition of hunting turkeys using the aid of either bait or dogs; (5) eliminate the requirement to wear camouflage while turkey hunting and clarify that the prohibition on wearing the colors of white, red, or blue while turkey hunting only pertains to external garments; and (6) formally establish season dates for wild turkey hunting and establish registration procedures for hunters to report their harvests via an automated registration system like our existing deer registration system once the turkey system has been developed.

Section 7.0: Deer

Numerous changes are being proposed to Section 7.0 to revise the existing regulations pertaining to deer. The Department notes that none of the proposed changes will incur any additional expenses to the affected entities.

Specifically, the proposed Amendments to Section 7.0 will (1) clarify the type of deer tag nonresident hunters receive if they are exempt from purchasing a license; (2) clarify the procedure for completing a Deer Harvest Report Card after a deer is harvested, and clarify the manner in which deer registration numbers shall be retained; (3) remove the restriction on hunting game, other than deer, with the aid of a dog during the Muzzleloader Season and Shotgun Deer Season; (4) simplify the firearm Deer Seasons by combining the "Either Sex," "Antlerless," and the "Special Season for Young and

Disabled Hunters" under a single Deer Season category titled, "Shotgun Seasons"; (5) allow legal straight-walled pistol caliber rifles and handguns to be used to harvest a deer during all seasons when it is legal to harvest a deer with a shotgun; (6) clarify that antlered deer may be harvested with longbows or crossbows throughout the Archery and Crossbow Seasons, including during the Antlerless Only Seasons, and clarify when the Archery and Crossbow Seasons open (September 1) and close (January 31 or the last day of the January Muzzleloader Season, whichever is later); (7) clarify that Sunday deer hunting is permitted, in accordance with 7 Del.C. §712; (8) restore the October Antlerless Deer Season to only three (3) days per week by eliminating Mondays, thereby providing more of an "opening day effect" to maximize harvest; (9) establish a second weekend within the Special Shotgun Season for Young and Disabled Hunters to occur the last Saturday and Sunday in September; and (10) to minimize the risk of Chronic Wasting Disease occurring in Delaware, restrict the import of selected deer parts of deer harvested within high-fenced, captive facilities.

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

Expansive changes are being proposed to regulate activities on lands and waters administered by the DFW to minimize habitat destruction, improve safety, and to restrict activities that are not compatible with the intended use of these lands (i.e., hunting, fishing, trapping, and other wildlife-dependent activities). Several changes are being proposed to clarify where motorized vehicles, horseback riding and bicycles are allowed to protect against habitat degradation and disturbing wildlife, as well as to minimize conflicts with other users. Additional rules being proposed include the adoption of the statutes set forth in Title 21, *Motor Vehicles*, of the Delaware Code pertaining to speeding, careless, inattentive, and reckless driving on lands administered by the DFW. At the present time, the DFW does not have the authority to regulate such unsafe practices on Division lands, so the proposed changes would improve safety and guard against habitat and infrastructure destruction. The DFW is also expanding the hours of entry on lands administered by the Division for non-hunters from sunrise to sunset to ½ hour before sunrise to ½ hour after sunset to increase wildlife watching opportunities.

The Department notes that none of the proposed changes will incur any additional expenses to the affected entities. Specifically, the proposed Amendments to Section 8.0 will (1) clarify that, on lands administered by the DFW, motorized vehicles may only be used on established and maintained roads; (2) establish regulations prohibiting speeding, careless, inattentive, and reckless driving on lands administered by the DFW; (3) prohibit the use of radio-controlled drones, boats, and other vehicles, or to launch model rockets on lands and waters administered by the DFW without a permit from the Division Director; (4) for purposes other than hunting, trapping or fishing, expand the hours of entry on lands administered by the DFW to be between ½ hour before and after sunset (instead of sunrise through sunset) to promote additional wildlife watching opportunities; (5) prohibit the release of domestic or wild animals onto lands administered by the DFW unless they are lawfully permitted during dog training activities; (6) prohibit the use of metal detectors on lands administered by the DFW without a permit from the Division Director; (7) clarify when fishing is permitted on state wildlife areas to avoid conflicts with hunting seasons; (8) clarify that all users of state wildlife areas must follow area map rules, not just those hunting or trapping these areas; (9) clarify where and when firearms are permitted on lands administered by the DFW; (10) prohibit crabbing and fishing on any dike, water control structure, or within any impoundment found on lands administered by the DFW; (11) clarify that non-resident hunters are allowed to participate in deer drives conducted on lands administered by the DFW; and (12) clarify that horses and bikes may only be used on roads and trails that have been designated by the DFW.

Section 9.0: Wildlife Theft Prevention Fund

Numerous changes are being proposed to Delaware's existing regulations concerning the Wildlife Theft Prevention Fund. The proposed Amendments include additional violations for which informants are eligible for a reward if their tip leads to the arrest and conviction of any person found guilty of the violations described in the regulation. None of the proposed changes will incur any additional expenses to the affected entities, as the same would provide money in the form of a reward to those who assist with the conviction of a violator.

Section 10.0: Nuisance Wildlife

Significant changes are being proposed as they relate to commercial Nuisance Wildlife Control Operators ("NWCOS") and how they are permitted by the DFW and do business in Delaware. Rabbits are being proposed to be added to the list of wildlife species that homeowners can address themselves if they are having nuisance wildlife problems within the limits of incorporated cities and towns without having to obtain a permit.

The types of traps allowed to control these species in incorporated areas by landowners is being clarified to limit the type to a box or cage trap. The use of any other traps would have to be approved by the DFW. In terms of NWCOS, currently only the owner/proprietor of the business is required to complete a training program approved by the DFW; however, to better train the staff that are actually in the field conducting nuisance wildlife control work, the proposed change would require all employees actually conducting work in the field to become trained or to be accompanied by someone in the field that has been trained.

The proposed format for training and permitting NWCOS follows the model currently in place and implemented by the Delaware Department of Agriculture as it pertains to certifying people to use restricted use pesticides. If implemented, the proposed change concerning the training and permitting procedures for NWCOS would cause additional expenses to be incurred on the affected entities, as the cost per individual to complete the training program is two hundred dollars (\$200). However, when NWCOS are hired to control wildlife control they charge for their services, so the increased training fees will likely be accounted for in their cost estimates to conduct wildlife control. The DFW believes that having properly trained

individuals in the field outweighs the financial burden on the companies, as this approach should result in improved animal welfare and implementation of control methods that are better suited for the problems being resolved.

Specifically, the proposed Amendments to Section 10.0 will (1) include rabbits in the list of wildlife that may be controlled without a permit when causing damage within the limits of residential or commercial areas of incorporated cities or towns, or within residential or commercial structures, using box/cage live traps; (2) clarify who needs a NWCO permit, under what conditions a company needs to register for a permit, and under what conditions an individual needs to be trained and certified; and (3) requires NWCOs to abide by conditions of their permit.

Section 14.0: Falconry

Two changes pertaining to falconry are being proposed by the DFW at this time. First, to permit falconers to hunt during the month of March for resident game (rabbits, squirrels, etc.) so that they will be allowed to collect and stockpile more food to care for their bird(s) outside of the hunting season. Secondly, to remove an outdated regulation previously implemented to transition Delaware's falconry regulations to comply with new federal falconry regulations.

None of the proposed Amendments will incur any additional expenses to the affected entities, but instead will help save falconers money by allowing them to hunt longer and stockpile more food, as noted above. Specifically, the proposed Amendments to Section 14.0 will (1) extend the hunting season by one month for falconers and clarify the types of game species that may be taken by the aid of a falcon; and (2) remove outdated text that describes when previously updated regulations would go into effect.

Section 15.0: Collection or Sale of Native Wildlife

The existing regulation concerning the collection and sale of native wildlife is not clear as to what can and cannot be possessed, collected, bought, and sold. The proposed changes are intended to rectify that problem by only allowing the possession of live animals if the practice is allowed under existing statute or regulation, such as wildlife rehabilitation and scientific collection, but not for the sake of having wildlife as a pet. The proposed Amendments to this Section will also clarify that pelts from legally harvested furbearers may be bought and sold. Furthermore, at the request of the Delaware Department of Agriculture, the Division of Public Health, and DNREC's Rabies Task Force, live rabies vector species may not be imported, possessed, or sold. Additionally, the collection and possession of one amphibian egg mass cluster or ten or fewer amphibian eggs would be allowed so that individuals can raise these individuals from eggs to adults before releasing them into the wild.

The Department notes that none of the proposed changes will incur any additional expenses to the affected entities. Specifically, the proposed Amendments to Section 15.0 will (1) clarify which species of wildlife may be possessed, bought, and sold, and under which circumstances each is permissible; (2) reorganize, alphabetically, the list of reptiles and amphibians that are allowed to be collected and possessed, and update several species for which the common or scientific names have changed; and (3) remove outdated text on grandfathered reptile and amphibian collections.

Section 16.0: Endangered Species

Several species on Delaware's State Endangered Species List have had their common or scientific names changed. Additionally, the Saltmarsh Sparrow (*Ammodramus caudacuta*) is being proposed to be added to the State Endangered Species List, as its listing is warranted under the following criteria: (1) Saltmarsh Sparrows are ranked as globally imperiled (G2); (2) they are declining in Delaware, as well as throughout their range; and (3) under current conditions, it is expected that they are unlikely to persist beyond 2050.

Additionally, the Carpenter Frog (*Lithobates virgatipes*) is being proposed to be added to Delaware's State Endangered Species List, as the species is rare and declining in Delaware. The DFW has only four (4) known site records for the Carpenter Frog in Delaware, and it is one of, if not the most, rare amphibians in Delaware. Recent surveys at one of those sites have not yielded any detections, so this site may have been extirpated, leaving only three sites where this species is known to occur. Furthermore, one of these three sites is located at the Prime Hook National Wildlife Refuge, and its location on the Refuge is vulnerable to being negatively impacted by sea-level rise. If conditions at the Refuge deteriorate because of changes due to sea-level rise, then it is likely that this species will not be able to survive there, resulting in only two known locations where this species may continue to survive.

Lastly, the Tri-Colored Bat (*Perimyotis subflavus*) is also being proposed to be added to Delaware's State Endangered Species List. This species is being reviewed under the federal Endangered Species Act by the United States Fish and Wildlife Service ("USFWS"), as it is rare and declining in Delaware, the region, and globally. Its decline is a result of White-nose Syndrome, a wildlife disease that has caused severe and sudden declines of multiple bat species, including the tri-colored bat, the northern long-eared bat, and the little brown bat, with the latter two species already included on Delaware's State Endangered Species List. None of the proposed changes will incur any additional expenses to the affected entities.

Section 17.0: Species of Special Concern

The proposed changes to Section 17.0 are to delete the existing regulation concerning "Species of Special Concern," as this regulation was developed in 2002 in response to potential federal funding becoming available that would have mandated states to have a list of "Species of Special Concern." This funding has since become available without the required species listing. This title is being proposed to be replaced with a new regulation concerning the process for transferring harvested game between individuals. The proposed new title of this section will be "Section 17.0: *Transferring Harvested Game*." Currently, under federal law, deer or migratory birds are the only species for which a transferring process is defined. The proposed Amendments would define how other harvested game (e.g., gray squirrels, rabbits, quail,

etc.) could be transferred by hunters by placing a tag on each animal being transferred that is signed by the hunter and states their name, address, and the total number of each species harvested. This new regulation will help DNREC's Natural Resource Police Officers determine who harvested the game animals. The Department notes that none of the proposed changes will incur any additional expenses to the affected entities, other than the nominal cost of having to produce and tag each game animal being transferred from the hunter to another individual.

Section 19.0: (Reserved)

Section 19.0 is currently "Reserved" and does not contain any regulations. That void is being filled with a new regulation pertaining to compliance of conditions set forth in permits issued by either the DFW or the Department, pursuant to Title 7 of the Delaware Code. Currently, unless a permit condition is the result of an existing regulation or statute restricting an activity, the DFW lacks the authority to enforce that permit condition (other than revoking the permit). For example, if a condition of a permit is to carry a copy of the permit in one's possession, or to provide a report of the permit activities, and the regulation or statute does not exist mandating such, then the only penalty the DFW can impose is to revoke the permit. Further, the new regulation to be housed under Section 19.0 would give the DFW increased regulatory authority over permits being issued, which would improve compliance with permit conditions. The proposed changes will not incur any additional expenses to the affected entities unless they violate conditions of a permit and could now be fined under Penalty Section 7 *Del. C.* §103(d).

Section 20.0: Game Bird Releases

The Department's proposed Amendments to Section 20.0 pertain to under what circumstance someone needs a permit to release game birds (including quail, Chukar Partridge, Hungarian Partridge, and pheasant), as well as what information they need to provide to the DFW prior to the release being approved. Currently, anyone releasing game birds is required to place a "Division approved" leg band on each bird, but the DFW has never formally defined what constitutes an approved band. Thus, the proposed changes would define which marking devices are approved by the DFW. Additionally, the proposed Amendments will incur minimal additional expenses to the affected entities, i.e., none other than the cost of having to acquire marking devices that would meet approval in terms of color and retention thresholds. If people are currently using bands that do not meet the types being proposed with this proposed Amendment, then they would have to purchase new bands, which can be purchased for less than \$0.03 each.

Section 21.0: Guide License

The proposed Amendments to Section 21.0, as they relate to guide licenses, clarify that annual reports to the DFW are due by July 1 annually, rather than the current requirement of "within seven days after the close of the season." The Department notes that the current regulatory language can be ambiguous, as there are many different season dates.

Additionally, nonresidents that are exempt from purchasing a guide license for the purposes of snow goose hunting would be required to not have been convicted for violations of any wildlife or fisheries statutes or regulations within the last three years. The Department notes that none of the proposed changes in this section will incur any additional expenses to the affected entities.

Section 22.0: Hunter and Trapper License Exempt Number

The proposed Amendments to Section 22.0 are to clarify the rules for obtaining a License Exempt Number ("LEN"), which is needed as part of the DFW's new licensing system. The first change is to clarify that a separate LEN is needed for the purposes of hunting or trapping, as that allows the DFW to document which LEN holders are hunters, trappers, or both. Additionally, the proposed Amendments also formally establish that LENs are valid annually from July 1 through June 30, and that it shall be unlawful to obtain a LEN for the same reason for which a license was purchased, thereby duplicating their hunting privileges. The LENs are free to hunters and trappers that meet the eligibility criteria, so none of the proposed Amendments to Section 22.0 will incur any additional expenses to the affected entities.

Section 23.0: Non-Native/Invasive Wildlife

There are several proposed Amendments to Section 23.0 regarding the take of non-native/invasive wildlife, specifically, pertaining to the take of coyotes, nutria, and swine. The changes pertaining to coyotes include allowing cage traps to be a method of take, and to open the trapping season a month earlier to November 1 (which is the same date being proposed for red fox trapping). In terms of the proposed changes to the take of nutria, a single change is proposed that would clarify it shall be unlawful to release captured nutria alive, as this species is non-native and highly destructive to wetlands. Changes pertaining to swine involve changing the name of this species from "feral swine" to "free-roaming swine," which is a better characterization of the animals the DFW encounters. An additional proposed change would be to make it unlawful for someone to harbor free-roaming swine on their property. Free-roaming swine are extremely destructive and pose a human and livestock health and safety risk, thus the proposed Amendments are intended to not allow free-roaming swine populations to become established in Delaware. The Department notes that none of the proposed changes will incur any additional expenses to the affected entities.

Section 24.0: Wildlife Management Zone Boundaries

Lastly, the Department is proposing a new Section to the existing Wildlife Regulations, to be titled, "Wildlife Management Zone Boundaries." The DFW has eighteen (18) wildlife management zones for which harvest and population status of game species (deer and turkeys, in particular) is monitored, but these boundary descriptions are not currently described in existing law or regulation. To formally adopt these boundaries, the proposed new Section 24.0 would include such defining boundary descriptions in regulations, so as to better assist the Department with harvest reporting compliance

and potential season adjustments for species in specific locations (rather than statewide). The Department notes that none of the proposed changes will incur any additional expenses to the affected entities.

The Department published the above initial proposed Amendments in the November 1, 2023, *Delaware Register of Regulations* ("Register"). Subsequent to that publication, DFW staff discovered numerous clerical errors in the proposed Amendments as published on November 1, 2023. Those errors were corrected by the State Registrar's Office as of November 3, 2023, and the corrected version of the Department's proposed Amendments was made available for the public to review from that date forward. Additionally, this correction was memorialized by the DFW in Department Exhibit No. 10, which was formally entered into the Hearing Record ("Record") by Hearing Officer Lisa A. Vest at the public hearing held in this matter on December 13, 2023, and thoroughly vetted to the public at that time.

Department staff, as well as members of the public, attended the aforementioned public hearing. Comments regarding the proposed Amendments were received from the public by the Department at the time of the public hearing, as well as during both the pre- and post-hearing phases of this promulgation. Pursuant to 29 *Del.C.* §10118(a), the Record remained open subsequent to the date of the public hearing for receipt of public comment. The Record formally closed with regard to public comment on January 12, 2024.

At the request of Hearing Officer Vest, the Department's subject matter experts in the DFW provided a Technical Response Memorandum ("TRM") for the benefit of the Record generated in this matter. The Department's TRM provided not only responses to the comments received from the public in this matter, but also noted additional revisions being made to the initial proposed Amendments subsequent to the public hearing, and provided the Department's reasoning for such revisions. The Department believes the revised proposed Amendments provide further understanding and clarity to the regulated community, and are non-substantive in nature. Thus, no additional noticing or hearing is necessary in this matter.

The Department's TRM, dated February 9, 2024, is discussed in greater detail below. It should be noted that all notification and noticing requirements concerning this matter were met by the Department. Proper notice of the hearing was provided as required by law.

Following receipt of the Department's TRM, Hearing Officer Vest prepared her Hearing Officer's Report ("Report") dated March 28, 2024. The Report expressly incorporated the following documents into the Record generated in this matter, and attached the same to the Report as Appendices "A" through "E," respectively:

- **Appendix "A"**: The Department's initially proposed Amendments, as published in the November 1, 2023, edition of the *Register of Regulations*;
- **Appendix "B"**: Corrected initial proposed Amendments, made to remove clerical errors discovered subsequent to the November 1, 2023, publication in the *Register of Regulations*, but prior to the public hearing held in this matter;
- **Appendix "C"**: List of Post-Hearing *Revisions* to the proposed Amendments, made by the Department during the post-hearing phase of this regulatory promulgation to remove further clerical errors and provide clarity and understanding to the regulated community;
- **Appendix "D"**: TRM dated February 9, 2024; and
- **Appendix "E"**: The finalized *revised Amendments* to be submitted for publication in the May 1, 2024 edition of the *Register of Regulations*.

The Report documents the proper completion of the required regulatory amendment process, establishes the Record, and recommends the adoption of the *revised* proposed Amendments as final.

Reasons and Conclusions

Currently pending before the Department is the adoption of the revised proposed Amendments to 7 DE Admin. Code 3900, *Wildlife*. The following section of this Report addresses the specific areas of concern mentioned in the public comments received by the Department in this matter, and provides the DFW's responses to the same. Where applicable, the DFW's additional *revisions* to the initially proposed Amendments, based on the public comment received, are also highlighted below.

Section 1.0: Definitions

The DFW received comments related to the definition of "deer," specifically, how white-tailed deer and sika deer are managed in Delaware. Additional comments were received on the proposed definition of "direct supervision" and the existing definition of "possession." In response, the TRM notes that the Department has carefully considered these definitions and believes that no changes are warranted to what the DFW has proposed at this time. In support of this decision, the TRM further notes that the comments related to the definition of deer are rooted in the request to have separate hunting seasons, bag limits, tags, and harvest reporting requirements for white-tailed deer and sika deer. Currently, the term "deer" is inclusive of both species, so any time the word "deer" is used, it is understood that it references both species, which means that both can be harvested during each of the deer seasons, the same applicable tags can be used on each species, the same harvest limits apply in aggregate, etc.

Section 2.0: Method of Take

There are several additional revisions that the DFW is making to Section 2.0 at this time. First, the TRM notes that comments were received from three individuals related to "method of take." The first two comments did not relate to the

specific Amendments that the Division was considering during this present promulgation, but since the DFW believes the feedback has merit, the following additional revisions are being made: (1) a reduction of the minimum bow draw weight from 35 pounds to 30 pounds; and (2) removal of the requirement that all crossbows have a manufacture date after 1980.

With regard to the first revision noted above, the TRM notes that Delaware's current 35- pound minimum draw weight regulations are based on decades-old technology and have not been updated to reflect technological advancements made over the last several decades. Industry experts have shown that modern-day, 30-pound draw weight compound bows deliver comparable energy to bows that were in use when minimum bow standard regulations were first adopted. Additionally, technological advancements in broadhead/arrow efficiencies contribute greatly to the effectiveness of modern-day archery hunters. Thus, the DFW is recommending the reduction in the minimum bow draw weight from 35 pounds to 30 pounds at this time. As it relates to the crossbow manufacture date noted above, Delaware is the only state in the nation that maintains a manufacture date regulatory standard for the allowance of legal crossbow hunting. The DFW believes this language is unnecessary and should be removed.

In addition to the above revisions, the DFW received two comments related to allowing pellet rifles for gray squirrel hunting (which are currently allowed). Within the proposed Amendments, the DFW inadvertently excluded pellet firearms from being allowed to hunt this species. The additional *revisions* to Section 2.0 now correct that error by reinstating pellet firearms and adjusting the calibers allowed, in compliance with what is authorized in 11 *Del.C.* §1445(1), and precluding the use of calibers larger than .177 in size.

The Department's TRM further notes that, upon review of the proposed Amendments subsequent to the close of the public comment period, the DFW identified the need to correct additional clerical errors as it relates to foothold traps and when they may be used. The use of foothold traps is currently restricted, except from December 1 through March 20, but changes were proposed to allow trapping of some furbearers to start on November 1. Foothold traps should be allowed starting November 1 for these species, so the Division is making an additional revision to adjust the date range for the allowed use of foothold traps to be from November 1 through March 20.

Lastly, the TRM notes that the DFW received two comments on a clerical error related to the proposed definition of an unloaded muzzleloader. Accordingly, the DFW is *revising* the proposed Amendment to correct the error and properly define the same.

Section 3.0: Federal Laws and Regulations Adopted

The Department's TRM notes that a comment was received relating to the phrase, "...young hunters must be of sufficient size, physical strength and emotional maturity to safely handle a shotgun..." if participating in the Special Shotgun Season for Young Hunters. This same phrase is also used in Sections 5.0 and 7.0 when referencing similar hunting opportunities for young hunters involving turkeys and deer, respectively. The commenter believed this language to be vague and open to interpretation; however, the DFW believes a change is not necessary as it provides guidance, rather than defined legal context, to adults that would be taking a young hunter afield. With regard to the "old squaw duck" being recently renamed the "long-tailed duck," the Department's TRM notes that a correction is needed to the species name, due to a transcription error from the DFW's initially proposed Amendments to what was displayed within the *Register of Regulations*. The word "old" should have been deleted and the word "duck" should not have been deleted. Thus, the DFW is *revising* this language within Section 3.0 to correct this error at this time.

Section 4.0: Seasons

The DFW received comments regarding seasons for certain small game, specifically, Gray Squirrel Season, Pheasant Season, and Pen-Raised Released Quail Season. The comments included requests that those seasons close on the last day of February (the same day that Rabbit Season currently ends). The DFW had initially proposed to extend the seasons for each of these species through the second Saturday in February, but after consideration of the comments received, the DFW believes that running the seasons through the last day of February is appropriate, as it will be sustainable to the resources and will provide additional opportunities to hunters. Thus, additional *revisions* are being made to extend those seasons accordingly. In addition to the requested season extensions, one commenter also requested that Hungarian Partridge have the same season framework as Chukar Partridge. The Department's TRM notes that not having a season for Hungarian Partridge was an oversight by the DFW, and thus an additional revision is being made at this time to allow the Hungarian Partridge season to coincide with the season for Chukar Partridge.

In addition to requesting season extensions, commenters also provided feedback as to the Division's proposal to close the season for Wild Quail, specifically, that a management plan should be developed for the species that included parameters for when the season will reopen, and that the management plan should be reviewed by the DFW annually. In response, the DFW does believe that a management plan for this species is needed, and plans to develop the same in future promulgations; however, closing the season now is needed to protect the remaining birds. Furthermore, the DFW believes its proposal to review the season closure every three years is the most responsible and efficient timeframe for management of Wild Quail and, as such, will provide sufficient data for the DFW to consider future regulatory action. Since this species typically experiences natural fluctuations in population size due to weather events, etc., the Department believes that an examination of this season closure on an annual basis is not appropriate.

Section 5.0: Wild Turkey

The DFW received feedback from several commenters on Section 5.0, with four commenters specifically requesting that the Department expand the shotgun gauges allowable to turkey hunting to include .28 and .410 gauges, as well as

allow the use of ammunition consisting of Tungsten Super Shot ("TSS"). In consideration of the requests to allow smaller gauge shotguns, the DFW has examined regulations in surrounding states and has concluded that they do not oppose the same. Further, the TRM notes that, while adjusting the shotgun gauges allowed for turkey hunting was not one of the initially proposed Amendments, the DFW believes that such adjustment is appropriate, and thus the DFW is *revising* their initial proposals at this time.

With regard to the use of TSS shot, the TRM notes that the *revised* proposed Amendments will allow this metal alloy to be used. One commenter also suggested restrictions to the maximum shot size for ammunition using this metal alloy (due to safety concerns), but the DFW believes the revised proposed Amendments are appropriate from the standpoint of being easily understood by hunters, easily enforceable by DNREC's Natural Resource Police Officers, and consistent with other State Fish and Wildlife agency regulations. Comments received at the time of the public hearing requested that the use of lead shot be restricted while turkey hunting to minimize the chance of ingestion and poisoning by other avian species through inadvertent consumption of lead pellets found on the ground surface. In response, the DFW recognizes concerns with the use of lead in the environment, specifically, to waterfowl hunting and hunting in managed dove fields where much shooting takes place in a small area creating greater shot deposition. In comparison, turkey hunting is a far more dispersed activity, with a hunter typically only firing one round.

In light of the above, the TRM concludes that the risk of lead exposure in the environment due to turkey hunting is very low, and thus such restriction is not necessary. Furthermore, the TRM notes that prior to hunting turkeys in Delaware, all hunters are required to complete a mandatory turkey hunting education course. Among the instructional guidance that students receive in that course are recommendations concerning ammunition selection, and the DFW will continue to educate students on the preferred ammunition choices for turkey hunting.

Section 7.0: Deer

Multiple comments were received by the Department that provided feedback on various aspects related to deer hunting. The TRM acknowledges receipt of such comments, and notes that the majority of such feedback did not require any additional revisions to the Amendments already being proposed to Section 7.0 at this time. That being said, during post-hearing review, the DFW identified several clerical errors that require correction. Thus, the following additional *revisions* to Section 7.0 are being made by the DFW at this time:

1. The DFW is striking the word "persons" to now include the new, more specific text of "residents and nonresidents."
2. An inaccuracy was discovered related to the price of antlerless deer tags available for hunters to purchase. The price of these tags is set within 7 *Del.C.* §504. The incorrect fee reference is being removed from within Section 7.0 of the existing regulations, so that the accurate price will always be what is set forth in Delaware Code.
3. The DFW is updating language relating to a reference to the "primitive weapons season," as there is no longer such a season by this name; however, such reference does relate to the current Muzzleloader Seasons, so the regulatory language will be updated to refer to that new season within this Section at this time.
4. Lastly, additional *revisions* are being made at this time to correct various clerical errors discovered within this Section, including the removal of erroneous text related to shotgun season and the correction of regulation numbering for the Crossbow Season.

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

The DFW received no comments specifically related to this section; however, there are several minor, typographical errors that the Department discovered during its post-hearing review which require correction. Thus, the DFW is revising this section to correct all such error at this time.

Section 16.0: Endangered Species

As with the immediately preceding section, while there were no comments received from the public related to this specific section, the DFW discovered several formatting and clerical errors in this Section during its post-hearing review which require correction. Thus, the DFW is *revising* this section to correct all such error at this time.

Section 20.0: Game Bird Releases

Section 20.0 received the largest number of comments from the public, with seven people providing comment specifically on this subject area. After reviewing the comments, the DFW believes that many, if not all of these commenters, may not have been aware of the existing regulations regarding this activity, and the impact of the proposed Amendments regarding the same. Existing regulations require anyone releasing upland gamebirds to have them leg banded, and to notify the DFW of such release date and location. These requirements have been in place for over a decade.

The DFW is attempting to make the marking procedures easier by providing additional options other than being limited to leg bands and standardizing what these markers will look like for consistency purposes. In consideration of the comments received, the DFW examined which aspects of the above requirements are needed. As a result, the DFW is now *revising* this Section to remove the requirement to notify the DFW when gamebirds are released, with the exception of quail. The Department will still require hunters to notify the DFW as to where the releases of all upland gamebird are taking place. The DFW believes the additional *revisions* will simplify current restrictions on releasing gamebirds for the purposes of hunting, and that other existing requirements should not be changed.

Section 23.0: Non-native/Invasive Species

Three comments were received by the DFW related to coyotes, with two of the three comments requesting that straight-walled pistol-caliber rifles be an allowable method of harvest. Additionally, one commenter requested that the season restriction be lifted, presumably to allow harvest year-round, and yet another person inquired about coyotes being destructive to wetlands. In response to those comments, the TRM notes that the use of straight-walled pistol-caliber rifles is defined within 7 *Del.C.* §704 and is specific to these firearms only being allowable for hunting deer. The DFW does not have the authority to allow them for other species, so the DFW cannot make the requested change.

With regard to the comments concerning the season on coyotes, the TRM notes that much public feedback was received and considered when the Department established Delaware's coyote regulations in 2014. As such, the DFW is not considering any amendments to coyote season at this time. Lastly, a question was raised about coyotes being detrimental to wetlands. In response, the TRM notes that, while coyotes do have impact to the environment around them, they are not typically known to be damaging to wetlands (at least not to any large spatial scale). Nutria, which are included within this same section, are known to significantly damage wetlands, so presumably the reference to wetland damage was meant to refer to nutria and not coyotes. In any event, the DFW is not proposing any further revisions to the proposed Amendments within this section at this time.

Section 24.0: Wildlife Management Zone Boundaries

The DFW received no comments specifically related to Section 24.0; however, during the post-hearing review performed by the DFW, a clerical error related to the boundary description for Wildlife Management Zone 7. Thus, the DFW is *revising* this section to correct this error, so that Zone 7 will read as follows: "Zone 7: Land bordered north by Route 12, south by Route 16, east by Route 13, and west by the Maryland State Line."

As noted previously, the Department believes the additional *revisions* made to the proposed Amendments during the post-hearing phase of this promulgation provide further understanding and clarity to the regulated community in this matter, and are non-substantive in nature. Thus, no additional publication or public hearing is necessary in this matter.

Based on the Record developed in this matter, I find and conclude that the Department has provided appropriate reasoning regarding the need for the revised proposed Amendments. Accordingly, I recommend promulgation of the *revised* proposed Amendments to 7 DE Admin. Code 3900: *Wildlife*, in the customary manner provided by law.

Further, the following reasons and conclusions are entered:

1. The Department has the statutory basis and legal authority to act with regard to the revised proposed Amendments to 7 DE Admin. Code 3900: *Wildlife*, pursuant to 7 *Del.C.* §§102(a), 103(a) and (b), 758, and 801;
2. The Department has jurisdiction under its statutory authority, pursuant to 7 *Del. C.* Ch. 60, to issue an Order adopting the revised proposed Amendments as final;
3. The Department provided adequate public notice of the initial proposed Amendments and all proceedings in a manner required by the law and regulations, and provided the public with an adequate opportunity to comment on the subsequently *corrected* proposed Amendments, including at the time of the virtual public hearing held on December 13, 2023, and during the days subsequent to the public hearing (through January 12, 2024), in order to consider all public comment on the same before making any final decision;
4. Promulgation of the *revised* proposed Amendments will enable DNREC to provide additional hunting and trapping opportunities in Delaware with the establishment of new seasons, the expansion of current seasons, the provision of additional methods of take, and the development of new and improved reporting criteria for harvesting game. Additionally, the *revised* proposed Amendments are needed to minimize negative impacts to some species, as well as to minimize damage to infrastructure and habitats on lands and waters administered by the Department. Lastly, the *revised* proposed Amendment further serve to provide minor administrative updates to correct grammar and misspellings, and to bring the existing *Wildlife* regulations into current formatting style.
5. The Department has reviewed the revised proposed Amendments in the light of the Regulatory Flexibility Act, consistent with 29 *Del.C.* Ch. 104, and believes the same to be lawful, feasible, and desirable, that it will not establish substantive additional costs for individuals or small businesses, and that the recommendations as proposed should be applicable to all Delaware individuals or small businesses equally;
6. Further, the Department has reviewed this *revised* proposed regulatory promulgation in the light of 7 *Del.C.* §10003 and 29 *Del.C.* §10118(b)(3), and has determined that conducting such an assessment regarding the impact of this regulation on the achievement of the State of Delaware's greenhouse gas emissions reduction targets is not practical;
7. The Department's proposed Amendments, as published in the November 1, 2023, *Delaware Register of Regulations*, then corrected to remove clerical error subsequent to that publication, then fully vetted to the public at the aforementioned public hearing held on December 13, 2023, and then *revised* non-substantively to remove further clerical error and to provide additional clarity and understanding to the regulated community, are adequately supported, are not arbitrary or capricious, and are consistent with the applicable laws and regulations. Consequently, the revised proposed Amendments should be approved as final Amendments, which shall go into effect ten days after publication in the next available issue of the *Delaware Register of Regulations*;
8. The Department has an adequate Record for its decision, and no further public hearing is appropriate or necessary;
9. The Department shall submit this Order approving the *revised* proposed Amendments as final Amendments to the *Delaware Register of Regulations* for publication in its next available issue, and shall provide such other notice as the law and regulation require, as the Department determines is appropriate; and

10. The Department shall serve and publish its Order on its internet site.

Shawn M. Garvin
Secretary

3900 Wildlife

1.0 Definitions

For purposes of Regulations 1.0 through ~~23.0~~ 24.0, the following words and phrases shall have the meaning ascribed to them, ~~unless the context clearly indicates otherwise~~:

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

"Antlered Deer deer" ~~shall mean~~ means any deer with one or more antlers three 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 deer" ~~shall mean~~ means any deer that has no antlers or antlers less than three 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" ~~shall mean~~ means any nontoxic food material, compound or mixture of ingredients which wildlife is able to consume.

"Baited Field field" ~~shall include~~ 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 powder" ~~shall mean~~ means a manufacturer's approved muzzleloading propellant.

"Cable Restraint restraint" formerly referred to as "**snare**", ~~shall be~~ 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" ~~shall mean~~ means white-tailed deer (*Odocoileus virginianus*) ~~and/or 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.

"Director" ~~shall mean~~ means the Director or Acting Director of the Division.

"Division" ~~shall mean~~ means the Division of Fish and Wildlife of the Department.

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

"Established Road and maintained road" ~~shall mean~~ 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 trap" formerly referred to as "**leghold trap**", ~~shall refer~~ refers to a type of trap with a mechanism that is designed to catch and hold a mammal by one of its feet or legs.

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

"Jaw Spread spread" ~~shall mean~~ 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 game" ~~shall mean~~ means cottontail rabbits and game birds, including bobwhite quail, mallard duck, chukar partridge, Hungarian partridge, and pheasant released pursuant to ~~§ 568 of Title 7~~ Del.C. §568.

~~“Loaded Muzzle Loading Rifle” shall mean the powder and ball, bullet or shot is loaded in the bore. A muzzle-loading rifle shall not be considered loaded if the cap, primer, or priming powder (in a flintlock) is removed and:~~

~~The striking mechanism used to ignite the cap, primer or priming powder is removed or rendered inoperable; or~~

~~The rifle is enclosed in a case.~~

~~“Longbow” shall mean 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” shall mean means any mixture of ingredients, element or compound that attract wildlife, but the wildlife is unlikely to consume.~~

~~“Nongame Wildlife” shall mean any native wildlife, including rare and endangered species, which are not commonly trapped, killed, captured or consumed, either for sport or profit.~~

~~“Pen-raised released quail” means northern bobwhite quail that have been hatched and raised in captivity and released into the wild.~~

~~“Possession” shall mean means either actual or constructive possession of or any control over the object referred to.~~

~~“Quality Buck buck” shall mean 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” shall mean 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 lock” shall mean 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” shall mean means any road, lane or street, including associated right-of-ways, maintained by this State or any political subdivision of this State.~~

~~“Season” shall mean 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” shall include 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” shall refer 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” shall mean 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)

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;
 - 2.1.2 A muzzle-loading rifle with a barrel length of at least twenty inches and loaded with black powder may be used to hunt deer during muzzleloader and shotgun deer seasons;
 - 2.1.3 A .17 through .22 caliber rimfire pistol firearm or muzzleloading rifle not larger than .36 caliber may be used to hunt raccoons and opossums and to take wildlife lawfully confined in a trap;
 - 2.1.4 A Collection by hand or using a hook, spear or gig may be used to take ~~frogs~~ 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 one throat or funneling device.
 - 2.1.6 A single shot ~~shot~~, ~~an~~ falling-block, breech-loading antique or authentic reproduction black powder Sharps rifle of ~~45 to 60~~ .45 to .60 caliber shall be lawful for use during shotgun deer seasons using paper patched ~~bullets~~ 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 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.
- 2.2 Archery and Crossbow.
- 2.2.1 General. No person shall use or have in ~~his or her~~ the person's possession, while hunting, any: poison arrow, arrow with and explosive tip, or any longbow with a minimum pull less than **[35 30]** pounds.
 - 2.2.2 Crossbows used for deer hunting must have a minimum pull weight of 125 pounds ~~[, be manufactured after 1980,]~~ and have a mechanical safety. Crossbows may be equipped with a scope.
 - 2.2.2.1 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 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, 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 ~~landowner(s)~~ 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(s).
 - 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, ~~except as permitted in writing by the Director~~.
- 2.4 Foothold Traps.
- 2.4.1 Notwithstanding statutes ~~§ 703 and 788 of Title 7~~ 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 **[December 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, laminated or offset jaws, or a minimum jaw thickness of 5/16", as measured perpendicular across the face of the jaw where the two 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 ~~be have padded, laminated or have offset jaws,~~ but must have a minimum jaw thickness of 1/8" as measured perpendicular across the face of the jaw where the two 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 ~~he or she~~ the owner, tenant or sharecropper resides or controls, upon investigation, the Division may issue a permit to ~~such that~~ such that person or ~~his or her~~ the person's agent for the use of foothold traps to control ~~said that~~ said that species of wildlife. ~~Said~~ The permit may be issued at any time of the year.
- 2.4.5 The setting of each trap in violation of this section shall be a separate offense.
- 2.4.6 Foot encapsulating traps shall be considered foothold traps.
- 2.5 Gray Squirrel. Hunting gray squirrels with a .17 through .22 caliber rimfire ~~or pellet~~ firearm with a rifled barrel, [**a pellet gun not larger than .177 caliber,**] 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 ~~§ 788 of Title 7~~ Del.C. §788 and the regulations found within this Section with the following: longbow and crossbow, shotgun, rimfire rifle or centerfire rifle up to .25 caliber, or a muzzle-loading rifle, 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, 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 7.5" 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 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

2.11.1 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:

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

2.11.1.2 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 2.1.12.1, a muzzleloading rifle or pistol shall be considered **[loaded 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.

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)

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, except in such manner and numbers as may be prescribed by the following federal laws and regulations promulgated thereunder: 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 ~~[old] squaw ducks~~ long-tailed [ducks] may be taken during their special season not less than 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) ~~pellet(s)~~ 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 one-half hour after sunrise to one hour before sunset.

3.5 Mute Swans (*Cygnus olor*)

3.5.1 Mute swans shall be considered an exotic, invasive species that ~~is~~ 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 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 ~~and Disabled~~ Hunters
 - ~~3.6.4~~ Waterfowl may be hunted on special days established annually by the Division ~~for disabled (non-ambulatory) hunters using a wheelchair for mobility and~~ hunters 10 years of age or older but less than 16 years of age (10-15 years inclusive). 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 shotgun.

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)

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 ~~Unless otherwise provided by law or regulation of the Department, it shall be unlawful for any person to hunt or trap beaver during any period of the year, however, from December 1 through March 20, landowners (or their agents) may take up to eight beavers from their property without a permit, provided the beavers are causing crop or property damage. 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 ~~twenty-four (24)~~ 24 bullfrogs or green frogs, in aggregate, in any ~~one~~ 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 ~~common~~ crows during any period of the year, except Thursdays, Fridays and Saturdays between and including the fourth Thursday of June and the last Saturday of March, ~~unless said person holds a valid depredation permit. The hunting of common crows is restricted only by the provisions of federal regulations pertaining to the taking of common crows. Crows may be taken without a permit when committing damage or about to commit damage.~~
- 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 (~~September 14, if September 15 is a Sunday~~) through the first ~~second~~ second Saturday in last day of February. Squirrel hunting shall be unlawful during the November deer firearms season as described in 7.5.1.1 of this regulation. When squirrel season overlaps with a ~~firearms~~ deer season as described in 7.5.1 and 7.5.3 of this regulation, and 7 Del.C. §704,

~~squirrel~~ squirrels may be hunted when hunter orange is displayed in accordance with ~~§ 718 of Title 7~~ 7 Del.C. §718.

4.7.2 Limit. It shall be unlawful for any person to take more than ~~six~~ 6 gray squirrels in any ~~one~~ 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 first ~~first~~ [second Saturday in last day of] February, provided that during a deer firearms season hunter orange is displayed in accordance with ~~§718 of Title 7~~ 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 ~~two~~ (2) 2 male pheasants in any ~~one~~ 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 one person on licensed game preserves.

4.10 Quail.

4.10.1 ~~Season. 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 first Saturday of January, provided that during a deer firearms season hunter orange is displayed in accordance with § 718 of Title 7. 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 ~~Limit. It shall be unlawful for any person to take more than six (6) quail in any one day. 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 [second Saturday 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 ~~or the last Saturday of February if February ends on a Sunday~~ provided that during a deer firearms season hunter orange is displayed in accordance with ~~§ 718 of Title 7~~ 7 Del.C. §718.

4.11.2 Limit. It shall be unlawful for any person to take more than ~~four~~ (4) 4 rabbits in any one 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~~) meadows in New Castle County; and from December 15 through March 15 in Kent and Sussex ~~counties~~ County). The season is open throughout the year on private land, except on Sundays, in eastern New Castle and Kent counties pursuant to ~~§ 786 of Title 7 and Section 4(b) of WR-2~~ 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 ~~September~~ August 1 (~~September 2, if September 1 is a Sunday~~) through October 31 for chase only whereby 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 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 ~~§ 786 of Title 7~~ 7 Del.C. §786.

4.12.3 Notwithstanding subsection ~~4.3.2~~ 4.12.2 of this 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 ~~7:00 p.m.~~ 1 hour after sunset until midnight during the October, December and January firearm Shotgun deer seasons as described in 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 7.5.3 of this regulation.

4.13 Red Fox and Gray 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, ~~excluding Sundays~~. Notwithstanding the foregoing, red foxes may be killed in accordance with ~~Section 2.8 of WR-2.0 subsection 2.8 of this regulation and §788 of Title 7~~ 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 ~~December~~ November 1 through March 10.
- 4.13.3 Gray Fox Harvest Reporting. All gray fox taken, killed or captured pursuant to ~~§796 of Title 7~~ 7 Del.C. §796 must be reported to the Division of Fish and Wildlife within ~~seven (7)~~ 7 calendar days using its established reporting ~~system(s)~~ system.
- 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 eleven 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 two most posterior scutes meet over the tail.
- 4.16 Terrapin.
- 4.16.1 Season. It shall be unlawful for any person to hunt or trap for diamondback terrapin during any period of the year, ~~except between and including September 1 and November 15.~~
- 4.16.2 Limit. ~~It shall be unlawful for any person to take more than four (4) diamondback terrapin in any one day.~~
- 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 ~~32⁰F and 30⁰F~~ or the total February snowfall exceeded ~~42~~ 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 ~~28⁰F and~~ or the total February snowfall exceeded ~~24~~ 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.

- 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)

5.0 Wild Turkeys

(Penalty Section 7 Del.C. §103(d))

- 5.1 Possession of Live Wild Turkey Prohibited; Exceptions Turkeys.
- 5.1.1 It shall be unlawful for any person, other than authorized representatives of the Division, to ~~release or possess~~ release or possess ~~Meleagris gallopavo (wild turkey)~~ live wild turkeys (Meleagris gallopavo) in Delaware without a permit from the Division. ~~The prohibition to possess and/or release Meleagris gallopavo shall include both birds taken from the wild and birds bred in captivity. 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 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. ~~In addition to official Delaware Division of Fish and Wildlife sponsored courses, official NRA Wild Turkey Hunting Clinics, official NWF Turkey Hunting~~

~~Courses and out of state Turkey Hunting Courses (minimum of 4 hours) officially sponsored and sanctioned by other state or provincial Hunter Education Programs shall be recognized as being Division approved courses of instruction in turkey hunting. This 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.~~

~~5.2.1.4 5.2.2~~ Youth hunters under the age of 13 must be accompanied by an adult 21 years of age or older who has had 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 gauge 20, 28, or .410 gauge]~~ shotgun loaded with size 4, 5, or 6 shot no larger than size 4 or a longbow, compound bow or crossbow with a broadhead arrow, 7/8 inches in minimum width. ~~Notwithstanding the foregoing, 7 or 7 1/2 shot may be used in shotguns if it is part of a duplex or triplex load that also contains 4, 5 or 6 shot.~~

5.3.2 It shall be unlawful for any person ~~to use bait or dogs~~ 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 unless said person is wearing camouflage clothing.~~

~~5.3.6 5.3.5~~ It shall be unlawful for any person to hunt wild turkeys if said person is wearing any garment with the external colors white, red, or blue.

~~5.3.7 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.

~~5.3.8 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 The Division may establish a season for hunting bearded wild turkeys. The Division will determine the season length and bag limit. Except for persons 12 years of age or younger, it shall be unlawful for any person to hunt wild turkey without the written authorization of the Division in their possession. Proof of course completion referenced in 5.2 of this section shall serve as written authorization for private land hunters. Public land hunters must have both an annual permit from the Division as well as proof of course completion in their possession while turkey hunting. 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 fourth Saturday succeeding said 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 5.5 of this section.~~

5.4.2 It shall be unlawful for any person to hunt wild turkeys, except from ~~one-half~~ $\frac{1}{2}$ hour before sunrise to 1:00 p.m.

5.4.3 It shall be unlawful for any person to not check a wild turkey at an authorized checking station by 2:30 p.m. on the day of kill or register their turkey within 24 hours of killing said 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. 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 Upon implementation of the phone or internet reporting system as described in subsection 5.4.3, 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 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.

~~5.4.4 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 one bearded wild turkey per season.

5.5 Special Season for Young and Disabled Hunters

- 5.5.1 Turkeys may be hunted on private land and selected public land on the Saturday prior to the opening of the regular spring turkey hunting season by disabled (non-ambulatory) hunters using a wheelchair for mobility, and hunters 10 years of age or older but less than 16 years of age (10-15 years inclusive). 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. Young hunters must be of sufficient size, physical strength and emotional maturity to safely handle a ~~shotgun~~ firearm.

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)

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 four 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 ~~Non-Resident~~ Nonresident Antlered Deer Tag, or a ~~Non-Resident~~ Nonresident Quality Buck Deer Tag except that ~~[persons]~~, residents and nonresidents, exempt from purchasing a hunting license shall be entitled to ~~take one Hunter's Choice deer Deer Tag or one Nonresident Antlered Deer Tag, respectively,~~ at no cost.
 - 7.1.1.5 No hunter may harvest more than ~~two~~ 2 antlered deer during a license year between July 1st. and June 30th of the next calendar year.
- 7.1.2 For the purposes of this section, a person "driving deer" and not in possession of any weapon or firearm shall not be treated as if they are hunting deer, 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.
- 7.1.4 Notwithstanding subsection 7.1.1 of this section, a person may purchase Antlerless Deer Tags ~~[for \$10 each]~~ 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.
- 7.1.5 Notwithstanding subsection 7.1.1 of this section, a person may use ~~one~~ 1 Quality Buck tag to take an antlered deer with a minimum outside antler spread of ~~fifteen~~ 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 ~~one~~ 1 license year.

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

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

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 make and attach a tag to the deer that contains the person's name, license exempt number (LEN), address and reason for not having a valid Delaware hunting license or punch/cut the appropriate section portion of their 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. If required, the tag required by subsection 7.2.1 of this section shall remain attached to the deer until the deer is processed for consumption. 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 deer, register their deer by phone or over the internet through systems authorized by the Division. Deer taken to a processor or processor, taxidermist, or given to another person must be registered before the animal is delivered, even if this occurs within the 24-hour timeframe 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. 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 meat thereof into parts, until such 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/or 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, gauge or have in his or her 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 his or her the person's possession any weapon or firearm other than a knife, a longbow or crossbow and sharpened broadhead arrows having minimum arrowhead width of 7/8 of an inch.
- 7.3.3 Muzzle-loading Pistols. A single shot muzzle-loading pistol of .42 caliber or larger using a minimum powder charge of 40 grains may be used to provide the coupe-de-grace on deer during the **[primitive firearm season 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.
- 7.3.5 Dogs. ~~It shall be unlawful for any person to make use of a dog for hunting during the shotgun or muzzleloader seasons for deer (in each county), except as permitted in the hunting of migratory waterfowl from an established blind or for hunting dove, quail, raccoon or rabbit on properties closed to deer hunting with firearms during December and January.~~
- 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. ~~[Deer may be hunted with shotgun in accordance with the statutes and regulations of the State of Delaware governing the hunting of deer: from the Friday in November that precedes Thanksgiving by thirteen (13) 13 days through the second Saturday succeeding said Friday;] and from the Saturday that precedes the third Monday in January through the following Saturday in January.~~
- 7.5.1.1 Either Sex Seasons. From the Friday in November that precedes Thanksgiving by 13 days through the second Sunday succeeding said 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.

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 10 years of age or older but less than 16 years of age (10 to 15 inclusive). 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.

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 (~~September 2, if September 1 is a Sunday~~) through the last day of January or the last day of the muzzleloader season that starts in January as described in 7.5.3 of this subsection, whichever is later, provided hunter orange is displayed in accordance with ~~§ 718 of Title 7~~ 7 Del.C. §718 when it also lawful to hunt deer with a ~~gun~~ 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 ~~Saturday~~ Sunday that succeeds the Friday opening day; and from the Monday that follows the close of the January shotgun season through the next ~~Saturday~~ Sunday.

~~7.5.4 Special Antlerless Season. Antlerless deer may be hunted with a shotgun in accordance with the statutes and regulations of the State of Delaware governing the hunting of deer during all Fridays, Saturdays and Mondays in October except for during the October Muzzleloader season and the last Monday prior to the opening Friday of the October Muzzleloader season. Notwithstanding the foregoing, antlered deer may be taken with archery equipment that is legal during this October shotgun season. Antlerless deer may be hunted with shotgun in accordance with the statutes and regulations of the State of Delaware governing the hunting of deer: from the second Saturday in December through the third Saturday in December.~~

~~[7.5.5~~ **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 (~~September 2, if September 1 is a Sunday~~) through the last day of January or the last day of the muzzleloader season that starts in January as described in 7.5.3 of this subsection, whichever is later, provided hunter orange is displayed in accordance with ~~718 of Title 7~~ 7 Del.C. §718 when it also lawful to hunt deer with a ~~gun~~ firearm.

~~7.5.6 Special Shotgun Season for Young and Disabled Hunters. Deer may be hunted on the first Saturday of November by disabled (non-ambulatory) hunters using a wheelchair for mobility, and hunters 10 years of age or older but less than 16 years of age (10 to 15 inclusive). 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 shotgun.~~

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 in free-ranging or captive Cervids~~. 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 and is notified that the animal has tested positive for Chronic Wasting Disease must report the test results to the ~~department~~ Division within 72 hours of receiving the notification. In order to facilitate the proper disposal of any infected material, the ~~department~~ 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)

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.

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 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 ~~twenty (20)~~ 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 vehicle is licensed for use upon public highways and roadways or the driver or operator of said 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 manner shall be subject to removal, and the owner of said 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 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 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 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 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 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 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.

~~8.2.7.1~~ 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.

~~8.2.8.1~~ It shall be unlawful to fish in any Division managed ~~ponds~~ wildlife area pond from September 1 thru January 31 and Monday through Saturday during the spring turkey season, except in accordance with conditions set forth on area maps ~~and/or~~ 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.

8.3 Hunting and Firearms.

8.3.1 Hunting.

~~8.3.1.1 It shall be unlawful for any person to hunt on lands administered by the Division, except as permitted by the Director in writing and specified on current wildlife area maps distributed by the Division.~~

8.3.1.2 A daily permit must be obtained before hunting waterfowl at Augustine, Cedar Swamp, Little Creek, Woodland Beach, Ted Harvey, Prime 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 and/or impounded areas administered by the Division during the waterfowl season, except ~~for access as authorized by paragraph (1) of this subsection 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 ~~contract~~ 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 on Division Areas.
- 8.3.4.1 It shall be unlawful for any person to possess a firearm within areas designated in subsection 8.3.4.6 below administered by the Division, 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 ~~rifle~~ 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 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 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 or drugs while hunting or in the possession of firearms when on lands administered by the Division.
- 8.3.4.6 Areas subject to the provisions of subsection 8.3.4.1 above 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 within areas designated in subsection 8.3.4.6 above, 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 above.
- 8.3.4.8 Active duty and qualified retired law enforcement officers may possess firearms within areas administered by the Division, including areas designated in subsection 8.3.4.6 above.
- 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 above.
- 8.3.4.10 Firearms may be carried within areas administered by the Division, outside of areas designated in subsection 8.3.4.6 above, by any person not prohibited by 11 **Del.C.** §1448.
- 8.3.4.11 Law enforcement officers may limit the discharge of firearms 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 ~~be in possession of any firearm on hunt from~~ any dike administered by the Division, ~~unless such person is temporarily crossing a dike at a ninety degree angle or traversing a dike to reach a Division authorized deer stand location during a deer firearms hunting season.~~ It shall be unlawful for any person to crab or fish on or from any dike or [wa-ter water] control structure or within any impoundment administered by the Division.
- 8.3.6 Deer Hunting By Driving. It shall be unlawful ~~for residents~~ 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 six (6) ~~resident 6~~ hunters may participate in driving deer at any one time. ~~Nonresidents may not participate in deer drives at any time. Nonresidents are restricted to hunting deer from stationary locations. Nonresidents may not possess a loaded firearm during the deer season, except to hunt from a stationary location or to retrieve a deer that they wound.~~
- 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 ~~established~~ roads or trails that have been designated by the Division for such 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
 - ~~8.8.4~~ 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 one 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 his or her discretion, with notice to the permit holder, should circumstances warrant. Online geocache and letterbox descriptions, such as 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 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 ~~1st, 1~~ through February ~~15th, 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)**

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~~ 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 ~~black ducks, canvasbacks, Canada geese~~ 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 ~~waterfowl or deer~~ 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; ~~or~~
 - 9.1.2.8 ~~Possessing, tending~~ Tending or setting ~~killer~~ 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 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 of ~~illegally taking or wounding wildlife with a rifle~~.
- 9.1.3.1 Hunting or wounding wildlife with an unlawful weapon or firearm;
 - 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 payments shall be maintained by administrative procedures. Peace officers, Department employees or members of their immediate families are not eligible for rewards.

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

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 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. ~~The Division may certify and permit commercial nuisance wildlife control operators to resolve human/wildlife conflicts.~~
- 10.2.1 ~~Certification. To be permitted, all operators must complete and satisfactorily pass a nuisance wildlife control certification program designated by the Division. The certification will be for the owner/operator or proprietor of the business. Re-certification must occur every five years. Once permitted, the operator will be responsible for training all users under their permit. Operators must abide by all Division policies and notify potential clients of their fees. Failure to follow Division policies may result in the revocation of the Nuisance Wildlife Control Operator permit.~~
 - 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 company has at least one certified employee in their 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 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 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)

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, provided the adjoining landowners to said lands agree to their 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 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 ~~§555 of Title 7~~ **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 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 problem(s) 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)

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 ~~§ 725 of Title 7~~ **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 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 may possess, import, export, or transport migratory birds of the orders Accipitriformes, Falconiformes, ~~and/or~~ or Strigiformes held under the authority of such a permit in Delaware.

14.2.3 No additional falconry permit shall be required for a ~~non-resident~~ 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 three 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 ~~one~~ 1 bird of prey.

14.3.2 In 2012, and each year thereafter 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 limit before its revision or adoption.

14.3.3 Falconers may possess wild caught raptors identified as state threatened or endangered under ~~Regulation Section 16.0 of this regulation and §602 of Title 7~~ **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 ~~three (3)~~ 3 eyas red-tailed hawks or ~~three (3)~~ 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 ~~Chapter 5 of Title 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 ~~February 28~~ March 31.
 - 14.4.3 A falconer whose raptor accidentally kills wildlife during a closed season for such 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.
- 14.5 ~~Transition period. These regulations shall take effect on January 1, 2014. Until that time, falconers shall abide by regulation 3914 as it existed on January 1, 2013. On and after January 1, 2014, all permitted falconers shall comply with these new regulations as they appear here.~~

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)

15.0 Possession, Collection or Sale of Native Wildlife

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

- 15.1 ~~Commercial Collection. 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 ~~for commercial purposes~~ 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 wildlife within the State.
 - 15.1.2 Notwithstanding subsection 15.1.1 of this section, live native wildlife species may be possessed, imported, sold or offered for sale ~~for commercial purposes~~ without a permit from the Director if there is written documentation to confirm that said wildlife was legally taken in and transported from another state.
 - 15.1.3 Notwithstanding subsection 15.1.2 of this section 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, 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 eggs or parts without a permit from the Director.
 - 15.2.2 Notwithstanding subsection ~~15.1.4~~ 15.2.1 of this section, one individual of each of the following species ~~or subspecies~~ of reptiles and amphibians or parts thereof from the following reptiles, may be collected and possessed without a ~~permit.~~ permit, except one 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 one adult may be possessed once the individuals metamorphose to adults:

Reptiles

Lizard, Northern Fence (*Sceloporus undulatus hyacinthinus*)
Racer, Northern Black (*Coluber constrictor constrictor*)
Skink, Five-lined (*Eumeces fasciatus*)
Snake, Black Rat (*Elaphe obsoleta obsoleta*)
Snake, Eastern Garter (*Thamnophis sirtalis sirtalis*)
Snake, Eastern Hognose (*Heterodon platirhinos*)
Snake, Eastern Worm (*Carphophis amoenus amoenus*)
Snake, Northern Water (*Nerodia sipedon sipedon*)
Snake, Ringneck (*Diadophis punctatus*)
Terrapin, Diamondback (*Malaclemys terrapin*)
Turtle, Common Musk (*Sternotherus odoratus*)
Turtle, Eastern Box (*Terrapene carolina carolina*)
Turtle, Eastern Mud (*Kinosternon subrubrum subrubrum*)
Turtle, Painted (*Chrysemys picta*)
Turtle, Redbelly (*Pseudemys rubriventris*)
Turtle, Snapping (*Chelydra serpentina*)

Amphibians

Bullfrog (*Rana catesbeiana*)
Frog, Green (*Rana clamitans melanota*)
Frog, New Jersey Chorus (*Pseudacris triseriata kalmi*)
Frog, Northern Cricket (*Acris crepitans crepitans*)
Frog, Pickerel (*Rana palustris*)
Frog, Southern Leopard (*Rana utricularia*)
Frog, Wood (*Rana sylvatica*)
Newt, Red-spotted (*Notophthalmus viridescens viridescens*)
Peeper, Northern Spring (*Pseudacris crucifer crucifer*)
Salamander, Northern Dusky (*Desmognathus fuscus fuscus*)
Salamander, Northern Two-lined (*Eurycea bislineata*)
Salamander, Redback (*Plethodon cinereus*)
Spadefoot, Eastern (*Scaphiopus holbrookii holbrookii*)
Toad, American (*Bufo americanus*)
Treefrog, Gray (*Hyla versicolor and Hyla chrysoscelis*)

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 sphenoccephalus*)

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*)

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

15.2.4 ~~Notwithstanding subsection 15.1.1 of this section, native reptiles and amphibians taken from the wild and lawfully possessed prior to August 15, 1999, may continue to be held in captivity, provided that written notification of the numbers and species being held is given to the Division prior to December 15, 1999.~~

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 permit shall limit the terms and conditions for captive breeding of said 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 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)

16.0 Endangered Species.

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

16.1 Importation, Transportation and Possession.

16.1.1 Pursuant to ~~§601 of Title 7~~ **7 Del.C. §601**, the importation, transportation, possession or sale of any endangered species of fish or wildlife, or hides or other parts thereof, 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 ~~§601 of Title 7~~ **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, the phrase "seriously threatened with extinction" shall mean that the species satisfies one 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 and/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, the following species are declared endangered in this State and are afforded the protection provided by ~~§ 601 of Title 7~~ Del.C. §601:

Amphibians

- ~~Carpenter Frog~~ **Carpenter Frog, Carpenter** (*Lithobates virgatipes*)
 Salamander, Eastern Mud (*Pseudotriton montanus montanus*)
 Salamander, Eastern Tiger (*Ambystoma tigrinum 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~~ **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 (*Ammodramus caudacuta*)
 Tern, ~~Common~~ **Common^{BR}** (*Sterna hirundo*)
 Tern, ~~Forster's~~ **Forster's^{BR}** (*Sterna forsteri*)
 Tern, Least (*Sterna antillarum*)
 Warbler, Cerulean (*Setophaga cerulea*)
 Warbler, ~~Hooded~~ **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*)
~~**[Bat, Tri-colored (*Perimyotis subflavus*)]**~~
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 (~~Clemmys muhlenbergii~~) (Glyptemys muhlenbergii)
Snake, Corn (~~Elaphe guttata guttata~~)
Snake, Eastern Scarlet ~~Scarletsnake~~ [~~Cemophora coccinea~~] (**Cemophora coccinea**)
Watersnake, ~~Redbelly~~ Plain-bellied (Nerodia erythrogaster [~~erythrogaster~~])

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 him or her or the Secretary of Commerce to be endangered species. The federal list of endangered species is hereby adopted and all species listed thereon are hereby declared to be endangered species in the State as prescribed in ~~§601 of Title 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)

17.0 ~~Species of Special Concern~~ Transferring Harvested Game

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

17.1 List of Species

~~The following species or groups of species shall be considered Species of Special Concern for the purpose of qualifying for federal funds for wildlife restoration: Endangered species as designated by state or federal regulations; species designated by WR-16, Section 2, colonial nesting birds; shorebirds; wading birds; neotropical migrant birds; beach nesting birds; bald and golden eagles; peregrine falcons; other raptors; grassland nesting birds; birds of early successional habitat; bobwhite quail; wild turkey; freshwater mussels; bats; nutria; and overly abundant species such as deer, beavers, southern nesting Canada geese, and red fox.~~
No person shall put or leave any harvested game animal, game bird or non-native/invasive wildlife at any place (other than at their 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 animals have a tag attached, signed by the hunter, stating their address, the total number and species harvested, and the date such 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)

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 items 18.1.1 - 18.1.3 above will be deemed wanton waste.

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

19.0 ~~(Reserved)~~ 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 Permit for releasing game birds

~~20.1.4~~ All persons ~~possessing or releasing 25 or fewer~~ domestically raised quail, chukar partridge, Hungarian partridge and pheasants into the wild must obtain a permit from the Division. ~~[This permit is free unless releasing more than 25 total birds. If releasing 25 or fewer, in aggregate, annually, a Gamebird Release Permit is required. If releasing 25 or fewer, in aggregate, annually, a Gamebird Breeders Permit is required.]~~

20.2 Banding Released Game Birds.

~~20.2.4~~ All domestically raised quail, chukar partridge, Hungarian partridge and pheasants must ~~be leg-banded with a Division approved band~~ have an auxiliary marker affixed to each bird before being released into the wild. ~~All auxiliary markers must be yellow. Person~~ Persons herein must report the number of birds ~~banded marked and released, [and] the type of bird released (quail, chukar partridge, Hungarian partridge partridge, or pheasant) [and the release date and location].~~

20.3 Anyone that releases **game birds into the wild for the purposes of being hunted, 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)

21.0 Guide License

(Penalty Section 7 Del.C. §103(d))

21.1 Persons required to obtain a Delaware Guide License

~~21.1.4~~ 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

~~21.2.4~~ Persons acquiring a guide license, must be 18 years of age or older

21.3 Fish and Wildlife Violations

~~21.3.4~~ 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

~~21.4.4~~ All persons possessing a Delaware Guide License are required to complete and submit an annual report to the Division ~~within seven days after the close of the season~~ 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

~~21.5.4~~ The guide shall retain all hunting field records for a period of ~~three~~ 3 years.

21.6 General Hunting License

21.6.1 A resident or ~~non-resident~~ 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 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.

~~21.6.2.2~~ 21.6.2.3 The nonresident guide purchases a Delaware migratory waterfowl stamp and obtains a Delaware H.I.P. permit.

~~21.6.2.3~~ 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)

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. ~~This number~~ 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. It shall be unlawful to obtain:

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

22.1.2 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)

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 with the following: longbow, crossbow, shotgun, rimfire rifle or centerfire rifle up to .25 caliber, a muzzle-loading rifle, foothold trap, cable restraint, or ~~box~~ box/cage trap. Notwithstanding the foregoing, coyotes may be killed in accordance with ~~§ 802 of Title 7~~ **7 Del.C. §802**.

23.1.1.2.1 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 September 1 through the last day of February.

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 ~~December~~ November 1 through March 10 using foothold, cable restraints, or cage/box traps.

23.1.1.5 Reporting Harvest. After harvesting a coyote, a hunter and/or trapper must report the harvest to the Division of Fish and Wildlife by the end of the next business day using its established reporting ~~system(s)~~ system.

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 ~~§802 of Title 7~~ **7 Del.C. §802**.

23.2.1.2.1 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(s)~~ system.

23.2.2 ~~Feral~~ 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 ~~feral~~ free-roaming swine without first obtaining a permit from the Division.

~~23.2.2.2.1~~ 23.2.2.3.1 It shall be unlawful to recreationally hunt ~~feral~~ free-roaming swine.

~~23.2.2.2.2~~ 23.2.2.3.2 It shall be unlawful for a landowner to charge a fee for the purpose of killing ~~feral~~ free-roaming swine.

17 DE Reg. 746 (01/01/14)

19 DE Reg. 927 (04/01/16)

24.0 Wildlife Management Zone Boundaries

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

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

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.

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.

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

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

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

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

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.

Zone 7 - ~~For the purposes of hunting and reporting harvests (if required), the following descriptions shall delineate the boundaries of Delaware's Wildlife Management Zones:~~ Land bordered north by Route 12, south by Route 16, east by Route 13, and west by the Maryland state Line.]

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.

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.

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

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

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

Zone 14 - Land bordered north by Route 9, south by Route 24, east by Route 113, and south by Route 24.

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.

Zone 16 - Land bordered north by Route 24, south by Maryland State Line, east by Route 113, and west by Route 13.

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.

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) (Final)