

**DEPARTMENT OF AGRICULTURE  
DELAWARE FOREST SERVICE**

Statutory Authority: 3 Delaware Code, Chapter 10 (3 **Del.C.** Ch. 10)  
3 **DE Admin. Code** 401

**ERRATA**

**401 Forest Service Erosion and Sedimentation Regulations**

\* **Please Note:** The Department of Agriculture, Delaware Forest Service, regulation, 3 **DE Admin. Code** 401 Forest Service Erosion and Sedimentation Regulations was published as proposed in the *Delaware Register of Regulations*, 28 **DE Reg.** 81 (08/01/24). The following provisions were inadvertently published incorrectly:

Section 1.0 was published as:

These regulations are promulgated under the authority of Section 1011 of Title 3 of the ~~Delaware Code~~ Delaware Code.

Section 1.0 should have read:

These regulations are promulgated under the authority of Section 1011 of Title 3 of the ~~Delaware Code~~ Delaware Code.

Section 3.0 was published as:

“**DFS**” ~~is means~~ means the Delaware Forest Service

“**Secretary**” ~~is means~~ means the Delaware Secretary of Agriculture

“**Silvicultural Activity**” ~~is defined as "any activity" means any~~ means any forest management activity, including ~~but not limited to~~ harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for ~~reforestation."~~ reforestation.

Section 3.0 should have read:

“**DFS**” ~~is means~~ means the Delaware Forest ~~Service~~ Service.

“**Secretary**” ~~is means~~ means the Delaware Secretary of ~~Agriculture~~ Agriculture.

“**Silvicultural Activity**” ~~is defined as "any activity" means any~~ means any forest management activity, including ~~but not limited to~~ harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for ~~reforestation."~~ reforestation.

Subsection 4.2.4 was published as:

4.2.4 ~~document~~ Document the positive benefits of properly managed forests.

Subsection 4.2.4 should have read:

4.2.4 4.2.2.4 ~~document~~ Document the positive benefits of properly managed forests.

Subsection 7.3.5 was published as:

7.3.5 If a potential WQ problem exists on an initial field visit, the Forester will note the problem on the BMP inspection form, including written directions to alleviate the potential problem, to the operator and landowner, and a time limitation of up to ~~five (5)~~ 5 business days to correct the problem. The Forester will notify his/her immediate supervisor of the existence of a potential WQ problem. When the time limitation specified in the recommendation for a potential WQ problem has elapsed, the Forester will return for a second visit. If the problem persists with no extenuating circumstances such as bad weather, all operations will be halted until specified corrective actions have been made to the satisfaction of the Forester.

Subsection 7.3.5 should have read:

7.3.5 If a potential WQ problem exists on an initial field visit, the Forester will note the problem on the BMP inspection form, including written directions to alleviate the potential problem, to the operator and landowner, and a time limitation of up to ~~five (5)~~ 5 business days to correct the problem. The Forester will notify ~~his/her~~ the Forester's immediate supervisor of the existence of a potential WQ problem. When the time limitation specified in the recommendation for a potential WQ problem has elapsed, the Forester will

return for a second visit. If the problem persists with no extenuating circumstances such as bad weather, all operations will be halted until specified corrective actions have been made to the satisfaction of the Forester.

Subsection 7.3.7 was published as:

- 7.3.7 In the event that an operator vacates a harvest site and WQ problems have not been corrected or resolved, the following actions may be taken at the discretion of the Forestry Administrator. 1) No further E & S permits will be issued for that permittee (operator), nor may that operator legally operate under any existing DFS E & S permits, until all corrections have been made to the satisfaction of the DFS. 2) A fine, not to exceed ~~\$2,000.00~~ \$2,000 may be levied as specified in ~~Title 3, Chapter 10, Subchapter VI, Paragraph 1077.3~~ Del.C. §1077.

Subsection 7.3.7 should have read:

- 7.3.7 In the event that an operator vacates a harvest site and WQ problems have not been corrected or resolved, the following actions may be taken at the discretion of the Forestry Administrator.
- 7.3.7.1 4) No further E & S permits will be issued for that permittee (operator), nor may that operator legally operate under any existing DFS E & S permits, until all corrections have been made to the satisfaction of the DFS.
- 7.3.7.2 2) A fine, not to exceed ~~\$2,000.00~~ \$2,000 may be levied as specified in ~~Title 3, Chapter 10, Subchapter VI, Paragraph 1077.3~~ Del.C. §1077.

This regulation is corrected and being published as a final regulation in the October 2024 *Register*.

**28 DE Reg. 249 (10/01/24) (Errata)**