



START ACTION NOTICE #2018- 14

1. TYPE OF ACTION:

Amend 7 DE Admin. Code 3300 Non-Tidal Finfish - 3301 Definitions and 3304 Creel Limits, Size Limits and Seasons.

2. PURPOSE OF ACTION:

The Department proposes to adjust the start time for the opening day of freshwater trout season on designated trout streams. Opening day of the freshwater trout season is an event that draws large crowds of anglers to New Castle County's designated trout streams. Opening day of trout seasons often have a specified start time to help manage angler competition for fishing locations, but the current 7:30 a.m. opening day start time serves no current resource management purpose, is not meaningful for managing angler competition for fishing locations and unnecessarily limits angler access and participation. At the suggestion of a member of the public, Delaware's Advisory Council on Wildlife and Freshwater Fish recommended that the start time of Delaware's opening freshwater trout season be changed from 7:30 a.m. to 7 a.m., which is consistent with the 7:00 a.m. opening day start time established for designated trout ponds in Kent and Sussex Counties and provides expanded angler opportunity and participation. Angling hours for the remainder of the trout season (one-half hour before sunrise to one-half hour after sunset) are not affected by this action.

The Department also proposes two technical corrections to the Non-Tidal Finfish regulations. The Department proposes to clarify the definition for that portion of Pike Creek that is designated as a trout stream to reflect contemporary landmark and roadway naming. The Department also proposes to clarify that the upper bound of the smallmouth bass protected slot limit includes those fish measuring 17 inches in total length.

3. STATUTORY BASIS:

7 Del.C. §103 (a & b)

4. IS THIS PROPOSED REGULATORY ACTION REQUIRED AS A RESULT OF FEDERAL STATUTE OR REGULATION? IF SO, PROVIDE LINK TO FEDERAL MANDATE.

No

5. DATE OF MOST RECENT REVIEW/AMENDMENT:

The existing 7 DE Admin Code 3300 Non-Tidal Finfish was most recently amended January 1, 2013 and was reviewed by the Division of Fish & Wildlife November 4, 2016 pursuant to H.B. 147.

6. LIKELY AFFECTED PUBLIC:

Freshwater trout stream anglers, landowners and residents in proximity to Delaware's designated trout streams, state park visitors, smallmouth bass anglers, New Castle County bait and tackle shops.

7. PROPOSED SCHEDULE OF ACTIVITIES:

Register Notice Publication – January 2018

Public Hearing – January 2018

Effective date – March 2019

8. REVIEW COMMITTEE:

Advisory Council on Wildlife and Freshwater Fish

9. RESPONSIBLE STAFF MEMBER:

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10. APPROVALS:



Stewart Michels

Date

Responsible Staff Member



Shawn M. Garvin

Date

Secretary



David E. Saveikis

Date

Director, Division of Fish & Wildlife