



START ACTION NOTICE # 2019-09

1. TYPE OF ACTION:

Amend 7 DE Admin. Code 3300 Non-Tidal Finfish - 3301 Definitions.

2. PURPOSE OF ACTION:

The Department provides a put-and-take freshwater trout fishery each spring in select piedmont streams of New Castle County. Appropriate waters for stocking freshwater trout are limited due to restricted public access and trout habitat requirements. Development, property rights and population growth have reduced public access on some of Delaware's Designated Trout Streams, while freshwater trout angling has remained a seasonally popular activity. The acquisition of property along Pike Creek by Delaware State Parks (White Clay Creek State Park - Judge Morris Estate) provides an opportunity to expand Delaware's trout stocking sites and increase public access to Pike Creek's freshwater trout fishery.

The amendment proposed by this action will extend the defined Designated Trout Waters on Pike Creek downstream approximately 0.9 miles to the bridge at Route 2 (Kirkwood Highway). This will accommodate freshwater trout stocking and improve angler access to the put-and-take freshwater trout fishery on Pike Creek. Waters defined as a Designated Trout Stream are closed to all fishing 14 days before the trout season's opening day to provide for stocking, fish acclimation and dispersion and to provide fair access through an established starting time and date. Unless lawfully exempt, a trout stamp is required to fish a Designated Trout Stream from the first Saturday in April through June 30 and from the first Saturday in October through November 30 (\$2.10 resident youth / \$4.20 resident adult / \$6.20 non-resident). Trout stamp revenues support the purchase of trout in subsequent years. Delaware's Advisory Council on Wildlife and Freshwater Fish endorsed this proposed action.

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 - 3301 Definitions was most recently amended March 1, 2019.

6. LIKELY AFFECTED PUBLIC:

The likely affected public include Pike Creek anglers and residents in proximity to Pike Creek, White Clay Creek State Park - Judge Morris Estate visitors, and local bait and tackle shops.

7. PROPOSED SCHEDULE OF ACTIVITIES:

Register Notice publication – November / December 2019

Public hearing – December 2019 / January 2020

Effective date – February / March 2020

8. REVIEW COMMITTEE:

Advisory Council on Wildlife and Freshwater Fish


9. RESPONSIBLE STAFF MEMBER:

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10. APPROVALS:

  
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Stewart Michels Date  
Responsible Staff Member

  
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David E. Saveikis Date  
Director, Division of Fish & Wildlife

  
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Shawn M. Garvin Date  
Secretary