



APPROVED BY AY

DATE 11/27/17

START ACTION NOTICE # 2017-16

1. TYPE OF ACTION:

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

2. PURPOSE OF ACTION:

To expand recreational freshwater trout angling opportunities, this action proposes to amend Delaware's non-tidal finfish regulation (7 DE Admin Code 3301 (1.0)) by defining that portion of Red Clay Creek from the dam just below the boundary between the State of Delaware and the Commonwealth of Pennsylvania to the bridge at Yorklyn Road as a designated trout stream. Trout stream stocking provides an important recreational fishing opportunity in a densely populated area of the State, which has few other freshwater fishing opportunities. Red Clay Creek was formerly included as a designated trout stream, but fish tissue contamination resulting from industrial discharges precluded stocking since 1986. Research trout stockings conducted in Red Clay Creek by the Department in 2011 and 2016 demonstrated that trout once again can be safely stocked and consumed as a result of improving water quality.

Waters designated as trout streams are closed to all fishing 14 days prior to the first Saturday in April to provide for stocking time and fair access and to deter poaching. Such designation also requires an annual trout stamp (\$2.10 resident youth/ \$4.20 resident adult/ \$6.20 non-resident) to fish from the first Saturday in April through June 30 and the first Saturday in October through November 30. No environmental impact is expected as the result of the proposed amendment. The proposed amendment will increase angling opportunities for Delaware's trout anglers and it is anticipated that the return of trout fishing to Red Clay Creek will better distribute trout angling pressure.

3. STATUTORY BASIS:

7 **Del.C.** §103(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** 3301 was last amended January 1, 2013.

6. LIKELY AFFECTED PUBLIC:

Non-tidal recreational anglers fishing in the proposed designated waters, trout anglers, users of the Auburn Heights Preserve, local bait shops and tackle dealers

7. PROPOSED SCHEDULE OF ACTIVITIES:

Vetting at the Advisory Council on Wildlife & Freshwater Fish –September 2017
Register Notice Publication –December 2017/ January 2018
Public Hearing – January/February 2018
Effective date – February/March 2018

8. REVIEW COMMITTEE:

The Advisory Council on Wildlife & Freshwater Fish

9. RESPONSIBLE STAFF MEMBER:

Stewart Michels
DNREC – DFW - Fisheries Section
89 Kings Hwy.
Dover, DE 19901
Ph: 735-2970
Fax: 739-6157
Email: Stewart.Michels@state.de.us

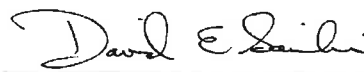
10. APPROVALS:



Responsible Staff Member

10/25/2017

Date



Division Director

10/25/2017

Date