

Secretary's Order No.: **2007-F-0033**

RE: Proposed Amendments to the State of Delaware  
Regulation No. 3905: Wild Turkeys (2007)

Date of Issuance: August 15, 2007

Effective Date of the Amendment: September 11, 2007

**I. Background:**

A public hearing was held on Tuesday, July 31, 2007, at 6:00 p.m. at the DNREC Richardson & Robbins Building Auditorium to receive comment on proposed amendments to the existing Delaware Wildlife Regulation No. 3905: Wild Turkey (2007). This proposed action is needed to implement a new written test developed by the Division's new Hunter Safety Coordinator. Previously, in order to be eligible to hunt wild turkeys in the State of Delaware, a hunter simply attended the hunter safety class. At the end of the class, the hunter would obtain his turkey hunter safety permit. The proposed changes to Section 5.2 indicate that a person must not only attend the class, but must also pass the test given at the conclusion of the class in order to obtain their permit. Additionally, the Division has proposed a new section to these

regulations, Section 5.3.8, which would prohibit the use of electronic calls for hunting wild turkeys.

Numerous members of the public attended this hearing on July 31, 2007, however, no public comment or questions were received by the Department regarding this proposed action. Proper notice of the hearing was provided as required by law.

## **II. Findings:**

The Department has carefully considered all relevant public input regarding its proposed regulation, and has provided a reasoned analysis and a sound conclusion with regard to the response given to each such comment, as reflected in the Hearing Officer's Report of August 14, 2007, which is attached and expressly incorporated into this Order. Moreover, the following findings and conclusions are entered at this time:

1. Proper notice of the hearing was provided as required by law.
2. The Department has jurisdiction under its statutory authority to make a determination in this proceeding;
3. The Department provided adequate public notice of the proceeding and the public hearing in a manner required by the law and regulations;
4. The Department held a public hearing in a manner required by the law and regulations;

5. The Department considered all timely and relevant public comments in making its determination;
6. Promulgation of these proposed amendments would allow the Division of Fish and Wildlife to implement the aforementioned written test at the conclusion of its Turkey Hunter Safety Class, before granting attendees their Turkey Hunter Safety Permit;
7. Promulgation of these proposed amendments would also prohibit the use of electronic calls for hunting wild turkeys;
8. The Department has reviewed this proposed amendment in the light of the Regulatory Flexibility Act, and believes the same to be lawful, feasible and desirable, and that the recommendations as proposed should be applicable to all Delaware citizens equally;
9. The Department's proposed amendments to Regulation 3905 are adequately supported, not arbitrary or capricious, and are consistent with the applicable laws and regulations. Consequently, it should be approved as a final regulation, which shall go into effect ten days after its publication in the next available issue of the *Delaware Register of Regulations*; and that
10. The Department has an adequate record for its decision, and no further public hearing is appropriate or necessary.

**III. Order:**

Based on the record developed, as reviewed in the Hearing Officer's Report dated August 14, 2007, and expressly incorporated herein, it is hereby ordered that the proposed amendments to State of Delaware Regulation No. 3905 be promulgated in final form in the customary manner and established rule-making procedure required by law.

**IV. Reasons:**

The promulgation of the Division of Fish and Wildlife Regulation No. 3905: Wild Turkeys will aide the Department in its ability to provide a better educational experience for Delaware hunters with regard to turkey hunter safety issues. Additionally, it will allow the Department to enforce the prohibition of electronic calls for hunting wild turkeys here in Delaware.

In developing this regulation, the Department has balanced the absolute environmental need for the State of Delaware to promulgate regulations concerning this matter with the important interests and public concerns surrounding the same, in furtherance of the policy and purposes of 7 Del. C., Ch. 60.

/s/ John A. Hughes

John A. Hughes  
Secretary