



DELAWARE GENERAL ASSEMBLY  
LEGISLATIVE HALL  
DOVER, DELAWARE 19901

Secretary Shawn Garvin  
Richardson & Robbins Building  
89 Kings Highway SW  
Dover, DE 19901

September 24, 2018

Dear Secretary Garvin,

As co-chairs of the Delaware Sportsmen's Caucus, we have been involved in the discussions with the Department of Natural Resources and Environmental Control, and specifically the Division of Fish and Wildlife regarding HB 156, a bill signed by Governor Carney on 8/12/2018, in which all of us are prime sponsors. In the meeting we had with Pat Emory on September 4, it was our collective understanding that the co-chairs would be informed prior to the release of the Division of Fish & Wildlife guidance regarding our bill which would allow time for additional discussion, if needed. We were informed, by email, 32 minutes prior to the release by the Department.

The actions of the Department in issuing guidance; which is not based in the language of the bill we sponsored, nor based on any regulation promulgated by the Department, are very disturbing. We are unsure of the authority of the Department in limiting the firearms that hunters may use with the ammunition that was authorized under HB 156. During the above-referenced meeting, as well as the conference call which was held on August 27, we inquired as to the Department's authority to restrict the firearms that hunters could make use of relating to this bill. To this date, we have yet to receive a clear answer as to the Department's rationale regarding this pressing question. Additionally, per the guidance that was issued, it is assumed that a hunter that uses a firearm that is not specifically allowed by that guidance, yet with the ammunition that is

authorized under HB156 will be cited by Fish & Wildlife officers. Again the question remains as to the authority of the Department and Division to cite a hunter under a prohibition that does not exist in statute nor in regulation, but through a process that was not vetted through the legislative nor Administrative Procedures Act processes. We question, and would like to know specifically, why the Department is taking this drastic and legally dubious action while dismissing the concerns of the sponsors of the legislation.


Hunters throughout the state are rightfully confused about the actions of the department, and many hunters, through the reading of HB 156 and current regulations, have purchased and intend to use firearms which the department is now considering against guidance. We have little doubt that the actions taken by the Department will be challenged in court and, without the legal foundation of the decision of the Department being conveyed to us as requested, we also feel that the actions of the Department are a gross overstep of authority and that those actions will be overturned by the judicial process.

We await your response to the questions posed herein.

With Kindest Regards,



Bruce C. Ennis  
Senator  
Co-Chair, Delaware Sportsmen's Caucus



Brian G. Pettyjohn  
Senator  
Co-Chair, Delaware Sportsmen's Caucus



William Carson  
Representative  
Co-Chair, Delaware Sportsmen's Caucus



Jeffrey Spiegelman  
Representative  
Co-Chair, Delaware Sportsmen's Caucus