

**DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL**

**DIVISION OF FISH AND WILDLIFE**

Statutory Authority: 7 Delaware Code Sections 103(a) and (b)  
**7 DE Admin. Code 3900**

**EMERGENCY**

**ORDER**

**3900 Wildlife**

**EMERGENCY SECRETARY’S ORDER**

**Pursuant to 29 Del.C. §10119**

**Order No: 2026-F-0023**

**7 DE Admin. Code 3900: *Wildlife Regulation***

**AUTHORITY**

Pursuant to 29 **Del.C.** §10119, the Department of Natural Resources and Environmental Control (“Department”) is adopting amendments to 7 DE Admin. Code 3900 - *Wildlife* (the “Wildlife Regulation”). The Department is authorized under 29 **Del.C.** §10119 to adopt emergency regulations when an agency determines that an imminent peril to the public health, safety or welfare requires the amendment of a regulation with less than the notice required by 29 **Del.C.** §10115.

**REASON FOR THE EMERGENCY ORDER**

Management of Chronic Wasting Disease (“CWD”) addresses an imminent peril to the public health, safety, or welfare by responding to the rapid and potentially irreversible spread of a serious wildlife disease within Delaware’s deer population. CWD is a neurological disease found in cervid species (e.g., deer, moose, elk), which was discovered in 1967 in captive mule deer, and first found in a wild deer herd in 1981. CWD is always fatal to deer and currently there is no known cure. Although there is currently no known transmission of CWD from deer to humans, the disease can significantly affect deer populations, complicate the safe and sustainable management of a public natural resource, and undermine public confidence in the health and safety of harvested venison.

In early 2026, Delaware had its first positive detections of CWD from white-tailed deer harvested by hunters in November of 2025, making Delaware the 37<sup>th</sup> state to detect the disease. Prompt management action is necessary to limit the spread and prevalence of CWD, protect the long-term health of Delaware’s deer herd, maintain the availability and safe use of a publicly held natural resource, and prevent the need for more extensive and potentially disruptive management measures in the future. Although CWD is a prion disease, making it extremely challenging, if not impossible, to eliminate from the landscape, this order is implementing measures to reduce the probability of disease spread within our wild white-tailed deer population.

This Emergency Order defines health check stations and urine-based lure, defines the CWD Management Zone (“CMZ”), eliminates the use of bait in the CMZ and natural urine-based lures statewide to hunt or attract deer, establishes mandatory check-in of deer in the CMZ harvested during the November general firearms season, defines the nature by which hunters may move harvested deer out of the CMZ, and bans rehabilitation of deer originating from Sussex County.

The Department finds it necessary to adopt these measures pursuant to 29 **Del.C.** §10119, to eliminate baiting within the CMZ as it is necessary to reduce the likelihood of deer congregating at unnaturally high densities and thereby reduce opportunities for CWD transmission. Similarly, prohibiting the use of natural deer urine reduces the potential for CWD-infected material to be introduced into the environment, while preventing urine-based lures from serving as a potential mechanism for the movement of CWD across state lines. In addition, establishing requirements for the disposal of carcasses from deer harvested within the CMZ is necessary to reduce the risk that infected, or potentially infected carcass materials will be transported outside the CMZ and provide an opportunity for CWD to spread elsewhere in the state.

Further, I find that the mandatory check-in of deer harvested during the November general firearms season is necessary to maximize the opportunity to detect additional cases of CWD, as this season accounts for the largest proportion of Delaware’s annual deer harvest. Timely detection is critical to determining the distribution and prevalence of CWD and informing additional management actions.

Finally, I find that prohibiting the rehabilitation of deer originating in Sussex County will limit the movement of potentially infected deer out of the CMZ. This restriction is particularly important because CWD has been detected in very young deer, including evidence of in utero exposure, demonstrating that apparently healthy fawns cannot be assumed to be free of infection and that rehabilitation and subsequent release could facilitate the movement of CWD beyond the CMZ.

**EFFECTIVE DATE OF ORDER**

This Emergency Order shall take effect August [17](#), 2026 and shall remain in effect for 120 days. At the expiration of 120 days, the Department may choose to renew this Emergency Order once for a period not exceeding 60 days, consistent with 29 **Del.C.** §10119(3).

**PETITION FOR RECOMMENDATIONS**

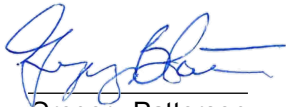
In accordance with the requirements of 29 **Del.C.** §10119(4), the Department will receive, consider, and respond to petitions by any interested person for reconsideration or revision of this Order. Petitions should be presented to the Wildlife Section, Division of Fish & Wildlife, 89 Kings Highway, Dover, DE, 19901.

**PUBLICATION**

In accordance with the requirements of 29 **Del.C.** §10119(5) the Department will submit a copy of this Order to the *Delaware Registrar for Regulations* for publication in the next issue of the Register of Regulations.

**ORDER**

It is hereby ordered, this [17th](#) day of August 2026, that the above referenced amendments to *Wildlife Regulation* (7 DE Admin. Code 3900), a copy of which is hereby attached, is adopted pursuant to 29 **Del.C.** §10119, and supported by the evidence contained herein.

  
Gregory Patterson  
Secretary