

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-0024

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 37th state to detect the disease. In early September 2026, Delaware had a third positive detection of CWD from a deer that was found diseased, and suspected to have Epizootic hemorrhagic disease, but from opportunistic sampling of the lymph nodes was also tested for CWD. 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 is issued in addition to Emergency Order No. 2026-F-0023, which defined health check stations and urine-based lure, defined the CWD Management Zone (“CMZ”), eliminated the use of bait in the CMZ and natural urine-based lures statewide to hunt or attract deer, established mandatory check-in of deer in the CMZ harvested during the November general firearms season, defined the nature by which hunters may move harvested deer out of the CMZ, and banned rehabilitation of deer originating from Sussex County. These previous amendments will remain in place until expiration. This Emergency Order revises the Wildlife Regulation such that the CMZ has a formal definition, Zone 11 will be included in the CMZ and makes other structural and style changes to conform to the current *Delaware Administrative Code Style Manual*.

The Department finds it necessary to adopt these measures pursuant to 29 **Del.C.** §10119, as a 5-mile buffer around the new positive detection, as stated in the Delaware Chronic Wasting Disease Response Plan, includes a substantial portion of Zone 11. Therefore, we have another space within which we are going to try to get ahead of this disease by reducing opportunities for deer to congregate, such as bait piles, and have mandatory check-in of deer during November firearms season to increase surveillance and better understand prevalence of this disease.

EFFECTIVE DATE OF ORDER

This Emergency Order shall take effect September [16](#), 2026 and shall remain in effect through December 15, 2026, to expire concurrently with Emergency Order No. 2026-F-0023. At the expiration date, 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

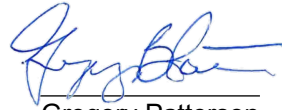
In accordance with the requirements of 29 **Del.C.** §10119(4), the Department will receive, consider, and respond to petitions by any interested person for reconsideration or revision of this Order. Petitions should be presented to the Wildlife Section, Division of Fish & Wildlife, 89 Kings Highway, 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 [16th](#) day of September 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