

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
DIVISION OF FISH AND WILDLIFE
Statutory Authority: 29 Delaware Code,
Section 10119 (29 Del.C. §10119)

Adoption of amendment to Non-Tidal Fishing Regulations Concerning Snakehead Fishes

EMERGENCY

3308 (Formerly NT-7) Fish Stocking Practices

Order No. 2004-F-0044

Authority

Pursuant to 29 **Del.C.** subsection 10119, The Department of Natural Resources and Environmental Control is adopting an amendment to Non-Tidal Fishing Regulation 3308 (Formerly Regulation NT-7). Fish Stocking Practices without prior notice or public hearing to prevent the introduction into Delaware waters of a potentially injurious exotic species of fish, the northern snakehead, *Channa argus*. This emergency regulation would add live northern snakehead fish to the list of species for which it is unlawful to transport, purchase, possess or sell in Delaware without the written permission of the Director of the Division of Fish and Wildlife.

Reason For The Emergency Order:

Many states have taken action to ban the possession, purchase, sale or stocking of live northern snakehead fish, *Channa argus*, within their boundaries. Two years ago the Maryland Department of Natural Resources attracted national news media attention because of its attempt to eradicate a breeding population of northern snakehead fishes from a pond in Crofton, MD. Since then more than a dozen northern snakeheads have been caught recently in the tidal Potomac River, indicating that this exotic species may already be reproducing in the wild in Maryland and Virginia waters. The northern snakehead is a exotic species native to Southeast Asia with the potential to displace native species and out compete them for food and space because it is an aggressive predator with high reproductive potential and the ability to move from one water body to another by wriggling along wet grass. Some species of snakeheads are known to reach four ft. in length and all are very aggressive predators. The northern snakehead and other snakehead species have been imported to the United States by the aquarium and/or food trade and apparently are regarded by the Asian community in the US as a food fish.

The Pennsylvania Fish and Boat Commission issued a press release on July 23, 2004 that northern snakeheads were found in Meadow Lake within FDR Park near Philadelphia International Airport. According to Dan Tredinnick, the Press Secretary for the PA Fish and Boat Commission, the Commission has concluded that there is no practical method for eradicating snakeheads in this system of ponds, tidal sloughs and embayments that connect with the Schuylkill and Delaware Rivers. If the species becomes established in the lower Delaware River, it is very likely that it will take up residence in the Delaware portion of the Delaware River as well, where it then could enter the Christiana and Brandywine systems. It is against PA Fish and Boat Commission regulations to possess any variety of live snakeheads. The Maryland Department of Natural Resources recognizes 29 species of snakeheads of the Genera *Channa* and *Parachanna*. Regulations banning these 29 species are scheduled for implementation September 13, 2004. The US Fish and Wildlife Service added 28 species of the snakehead family Channidae to the list of injurious wildlife on October 4, 2002. By this federal action no snakehead fishes may be imported into or transported into or between states and territories in the US (Federal Register vol. 67, No. 193, p. 62193-62204).

If the northern snakehead becomes established in Delaware waters it will have an unknown and possibly injurious impact on native and naturalized biota. By acting quickly, the Delaware Department of Natural Resources and Environmental Control may be able to head off any purposeful or inadvertent releases of northern snakehead fishes in Delaware waters now, that there are known populations living in the wild in the neighboring states of MD, VA and PA that could serve as reservoirs for anyone so inclined.

Effective Date Of Order

This Emergency Order shall take effect at 12:01 a.m. on July 28, 2004 and shall remain in effect for 120 days.

Petition For Recommendations

The Department will receive, consider and respond to petitions by any interested person for recommendations or revisions of this Order. Petitions should be presented to the Fisheries Section, Division of Fish and Wildlife, 89 Kings Highway, Dover, Delaware, 19901.

ORDER

It is hereby ordered, the 28th day of July, 2004 that the above referenced amendment to Non-Tidal Fishing Regulation 3308 (Formerly NT-7). Fishing Stocking Practices, copies of which are hereby attached, are adopted pursuant to 29 Del.C. subsection 10119 and supported by the evidence contained herein.

John A. Hughes, Secretary
Department of Natural Resources
and Environmental Control

3308 (Formerly NT-7) Fish Stocking Practices (Penalty Section 7 Del.C. §1304)

1.0 Stocking Fish Practices.

1.1 It shall be unlawful for any person to stock any species of fish into the non-tidal public waters of this State without the written permission of the Director. This regulation does not prohibit the stocking of private impoundments.

2.0 Transportation, Possession and Sale.

2.1 It shall be unlawful for any person to transport, purchase, possess or sell walking catfish (*Clarius batrachus*) or the white amur or grass carp (*Ctenopharyngodon idella*) or live northern snakehead fish (*Channa argus*) without the written permission of the Director.

3 DE Reg. 289 (8/1/99)

7 DE Reg. 374 (9/1/04)