

APA-1
Revised 7/2019

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 220 Department or Agency: Conservation and Natural Resources

Rule No.: 220-2-.167

Rule Title: Chronic Wasting Disease Management Zone Rule.

New Amend Repeal (of Existing Rule) Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have any economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

REC'D & FILED

SEP 18 2023

LEGISLATIVE SVC AGENCY

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975 and that it conforms to all applicable filing requirements of the Alabama Administrative Procedure Division of the Legislative Services Agency.

Signature of Certifying Officer Charlanna Shages
Secretary of Administrative Procedure

Date September 18, 2023

Department of Conservation and Natural Resources
Wildlife & Freshwater Fisheries Division

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Conservation and Natural Resources
RULE NO. & TITLE: 220-2-.167 Chronic Wasting Disease Management Zone Rule.
INTENDED ACTION: Amendment.

SUBSTANCE OF PROPOSED ACTION: To update the following:
(1) Information on submitting samples for chronic wasting disease (CWD);
(2) Information on the transport of cervid or cervid body parts; and
(3) Information on recording of harvested deer.

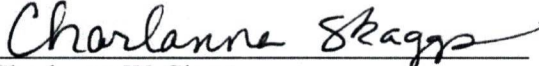
TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of Wildlife & Freshwater Fisheries Division at any time during the period stated below, or orally if requested in writing 48 hours in advance to the Director of Wildlife & Freshwater Fisheries Division, and then by personally appearing at Room 474, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Monday, November 6, 2023.

If ADA accommodations are needed, please contact Daisy Perry at (334) 242-3165 or daisy.perry@dcnr.alabama.gov. Requests should be made as soon as possible but at least seven days prior to the date of a personal appearance to present views regarding the proposed rules.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, November 6, 2023.

CONTACT PERSON AT AGENCY: Charles F. Sykes, Director, Wildlife & Freshwater Fisheries Division, 5th Floor, 64 N. Union Street, Montgomery, Alabama 36130, 334-242-3465.


Charlanna W. Skaggs
Secretary of Administrative Procedure

Christopher M. Blankenship

220-2-.167 Chronic Wasting Disease Management Zone Rule.

(1) Hunters **SHALL** submit samples for chronic wasting disease (CWD) testing from all deer harvested on any Wildlife Management Area (WMA), Special Opportunity Area (SOA), Community Hunting Area (CHA), State Waterfowl Refuges, or Physically Disabled Hunting Area (PHDA) located within a CWD High Risk Zone (HRZ) or Buffer Zone (BZ) Lauderdale WMA, Freedom Hills WMA, Riverton CHA, and Seven-Mile Island WMA at the WMA Check Station, or Drop-off Sampling freezer locations, or a scheduled DCNR Mobile Sampling location.

(2) Hunters **SHALL** submit samples for CWD testing from all deer harvested within the ~~area WEST of U.S. Highway 43 in Lauderdale County~~ (High Risk Zone (HRZ)) of the Chronic Wasting Disease Management Zone (CMZ) at DCNR mobile sampling locations or Drop-off Sampling freezer locations on scheduled dates announced by press release and posted to the website below. All other days, hunters are encouraged to submit samples for CWD testing. www.outdooralabama.com/CWD-Info

(3) Hunters **SHALL** submit samples for CWD testing from all deer harvested within the ~~area of Lauderdale County EAST of U.S. Highway 43 and all of Colbert County~~ (Buffer Zone (BZ)) of the CMZ at DCNR mobile sampling locations or Drop-off Sampling freezer locations on scheduled dates announced by press release and posted to the website below. All other days, hunters are encouraged to submit samples for CWD testing. www.outdooralabama.com/CWD-Info

(4) All deer harvested in the ~~Chronic Wasting Disease Management Zone~~ (CMZ) must be properly recorded and reported through the Game Check System pursuant to Regulation 220-2-.146.

(5) No whole cervid or cervid body parts taken from the HRZ ~~area WEST of U.S. Highway 43 in Lauderdale County (HRZ)~~ shall be transported outside of the HRZ ~~this area of Lauderdale County~~. This restriction shall not apply to meat of a cervid species that has been completely deboned; cleaned skull plates with attached bare antlers, if no visible brain or spinal cord tissue is present; unattached bare antlers or sheds; raw capes, if no visible brain or spinal cord tissue is present; upper canine teeth, if no root structure or other soft tissue is present; and finished taxidermy products or tanned hides.

(6) No whole cervid or cervid body parts taken from the BZ ~~area of Lauderdale County EAST of U.S. Highway 43 and all of Colbert County (BZ)~~ shall be transported outside the CMZ ~~area of Lauderdale or Colbert Counties~~. This restriction shall not apply to meat of a cervid species that has been completely deboned; cleaned skull plates with attached bare antlers, if no visible brain or spinal cord tissue is present; unattached bare antlers or sheds; raw capes, if no visible brain or spinal cord tissue is present; upper canine teeth, if no root structure or other soft tissue is present; and finished taxidermy products or tanned hides.

(7) Deer processors or taxidermists shall apply for a DCNR Carcass Disposal Transport permit when transporting outside of the designated zones, as applicable. www.outdooralabama.com/CWD-Info

(8) Deer located in a county within a CWD HRZ or BZ ~~Lauderdale or Colbert Counties~~ shall not be transported (live or dead) out of that county ~~Lauderdale or Colbert Counties~~ for relocation or rehabilitation.

(9) Hunters may find DCNR Best Management Practices for carcass disposal at the following link: www.outdooralabama.com/CWD-Info.

(10) There shall be no baiting or supplemental feeding of wildlife within the CMZ. Grain, salt products, minerals, or consumable natural and manufactured products may not be placed or put out for wildlife with the following exceptions:

(a) Seed or grain used solely for normal agricultural, forest management, or wildlife food plot production purposes.

(b) Feed solely placed inside an active hog trap.

(c) Feed for attracting birds and squirrels with common bird and squirrel feeders placed within 100 feet of a residence or occupied building.”

Section 2. The penalty for the violation of any of the provisions of this regulation shall be as provided by law.

Section 3. This regulation shall become effective 45 days after publication by the Legislative Services Agency.

Author: Christopher M. Blankenship

Statutory Authority: Code of Alabama, 1975, §§ 9-2-2, 9-2-6, 9-2-7, 9-2-12, and 9-11-244.

Penalty: As provided by law.

History: **NEW RULE:** Filed May 20, 2022; effective July 15, 2022.

EMERGENCY AMENDMENT: Filed September 12, 2023; effective September 12, 2023. September 18, 2023.

**ECONOMIC IMPACT
STATEMENT FOR APA RULE
(Section 41-22-23(f))**

Control No. 220 Department or Agency Conservation

Rule No: 220-2-.167

Rule Title: Chronic Wasting Disease Management Zone Rule.

New Amend Repeal Adopt by Reference

This rule has no economic impact.

This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:

3. EFFECT OF THIS RULE ON COMPETITION:

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED: