

APA-1

TRANSMITTAL SHEET FOR NOTICE
OF INTENDED ACTION

Control: 220

Department or Agency: Alabama Department of Conservation and Natural Resources

Rule No.: 220-2-.138

Rule Title: Licensed Game Breeders

Intended Action Amend

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? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making 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 an 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.

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 Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Christopher M. Blankenship
Chris Blankenship

Date

Thursday, December 18, 2025

REC'D & FILED
DEC 18, 2025
LEGISLATIVE SVC AGENCY

ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Conservation and Natural Resources

RULE NO. & TITLE: 220-2-.138 Licensed Game Breeders

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The purpose of this amendment is to more particularly specify fencing requirements related to cervids and to establish the minimum distance between fences for the purpose of double fencing. The amendment also specifies that a postmortem CWD sample must be submitted to an ADAI authorized laboratory within seven days of death and clarifies the existing policy that testing is an expense of the licensee.

TIME, PLACE AND 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 personally appearing at Room 474, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Wednesday, February 4, 2026.

If ADA accommodations are needed, please contact Heidi Bowers at (334) 242-3165 or heidi.bowers@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:

Wednesday, February 4, 2026

CONTACT PERSON AT AGENCY:

Chris Lewis, Director
Wildlife & Freshwater Fisheries
5th Floor, 64 N. Union Street
Montgomery, Alabama 36130
334-242-3465

Christopher M. Blankenship

Chris Blankenship

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

All persons, firms or corporations licensed under Section 9-11-30 to engage in the business of raising game birds, game animals, or fur bearing animals shall:

(1) Submit to the Division of Wildlife and Freshwater Fisheries, (hereinafter referenced as "the Division" or "Division"), accurate records of stock and inventory changes caused by births, deaths, escapes, transports, releases, transfers, sales, purchases or other causes; provided however, holders of the nonindigenous game breeder option who are not engaged in the breeding and handling of such animals may submit a good faith estimate of stock inventory and inventory changes as to such animals. Effective June 1, 2018, all inventory records and changes described above relating to game animals shall be submitted via the Division's electronic database through individual user accounts, or by phone utilizing a Division approved call center through individual user accounts. Initial inventory records submissions may also be established by mailing a letter, signed by the license holder, identifying the number of game animals currently in inventory, and a copy of each animal's current Cervidae Possession/Transfer Form to the Division through the U.S. Postal Service utilizing certified mail. Inventory changes caused by births on a license holder's facility may also be established by mailing a letter, signed by the license holder, identifying the number of game animals to be added due to birth, and a copy of each animal's Cervidae Possession/Transfer Form to the Division through the U.S. Postal Service utilizing certified mail.

(a) For the purposes of this rule, the following words shall have the meanings given to them in this rule when related to the physical movement of game animals.

1. "Transport" means to take, carry, or move a game animal from one location to another.
2. "Transfer" means the transport of any game animal from a licensed game breeder facility to another licensed game breeder facility or to another individual or facility that is licensed or permitted to possess game animals, where the transport results in a change in inventory.
3. "Release" means the transport of any game animal from a licensed game breeder facility to an enclosure that is not a licensed game breeder

facility, where the transport results in a change in inventory.

(2) Allow inspection by agents authorized by the Division and Department of Agriculture and Industries, of stock, facilities and records at all reasonable times.

(3) Each fawn shall be marked with an assigned ear tag, as specified by the Division, which identifies each animal, at the earliest of the following dates: the date it is transported, the date it is transferred, the date it is released, or by April 1 of the year immediately following the fawn's birth. The fawn's species, sex, date of birth, ear tag number, and other identifying features shall be submitted, as required in paragraph (1), via the user's account on the database, by certified mail, or by phone. Such tags shall not be reassigned to or reused on another animal. Tags shall not be removed, except during transport when the animal is being released, provided the tag shall be in possession during transport. Animals which lose tags shall be reassigned a replacement tag number and be remarked before sale or transfer.

(4) Identify the location of each facility by physical address and notify designated Division personnel of any changes in size or location of the facility. The entire perimeter of a licensed game breeder facility shall be enclosed on all sides by either: a single fence that is a minimum of eight feet (8') high, or a double fence with each single fence being a minimum of eight feet (8') high and a minimum separation of ten feet (10') between the two single fences. Single fences and double fences must be structurally sound and maintained in good repair to adequately prevent ingress and egress by cervids.

(5) Within 24 hours of discovery, notify designated Division personnel of any deaths via the database or ~~phone and allow disease testing of~~ telephone. Any animals, ~~12~~ twelve (12) months of age or older, ~~that have died~~ must be submitted to an ADAI authorized laboratory for postmortem Chronic Wasting Disease (CWD) testing within seven (7) days of reported death. Disease testing of any captive game animal will be at the expense of the licensee.

(6) Within 24 hours of discovery, notify designated Division personnel of escapes via the database or phone and coordinate recapture efforts as directed by Division personnel. The licensed game breeder shall have ten days from the date of such report to recapture only those escaped deer that are listed on the breeder's inventory. All recaptured deer must

be returned to the facility from which the deer escaped. If after ten days the licensed game breeder is unable to recapture escaped deer that have been reported in accordance with this regulation, the Division may grant an additional ten-day period for recapture efforts to continue, contingent upon the licensed game breeder proving to the Division's satisfaction that reasonable efforts were made to effect the recapture during the first ten-day period.

(7) Any releases, transfers, sales, or purchases of inventoried game animals that results in a change in inventory shall be reported via the user's account on the database or by phone. This includes providing the date and location of the event. In addition, the recipient's serial number, commonly referred to as an Alabama Game Breeder number, shall be reported if the recipient is a licensed game breeder. Licensed Game Breeders who are recipients of transfers must accept or decline the transfer via the database or phone within ten days.

(8) Game animals shall not be transported without being accompanied by a valid transport number issued by the Division. To receive a transport number, a game breeder must identify the animals to be transported and provide the destination location of the transport via the database or phone. Once issued, the transport number will be valid for ten days.

(9) Upon notification by authorized Division personnel of a documented disease risk, not remove from any licensed game breeder facility any animals alive or dead until approved by authorized Division personnel.

(10) For species of the family Cervidae, obtain a premises registration number and comply with the conditions set forth in any herd health or monitoring plan that may be designated by the Alabama Department of Agriculture and Industries.

(11) Acquire animals only from licensed game breeders, except by written approval from authorized Division personnel.

The Commissioner of Conservation and Natural Resources, in cooperation with the Alabama Department of Agriculture and Industries, may order the confiscation and destruction of any animal that is deemed to be a substantial disease risk to other wildlife, domestic animals, or the public without compensation to the owner of such animal. This shall not affect the authority of other state or federal agencies with respect to confiscation, destruction or condemnation of or compensation for such animals.

Nothing in this regulation is intended to authorize the importation into this state of any live animal, or their eggs or embryos which is otherwise prohibited by law or regulation.

Author: Christopher M. Blankenship

Statutory Authority: Code of Ala. 1975, §9-11-30.

History: New Rule: Filed June 6, 2006; effective July 11, 2006.

Amended: Filed March 16, 2009, effective April 20, 2009.

Amended: Filed February 5, 2018, effective March 22, 2018.

Amended: Published ; effective .

Penalty: As provided by law.