

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on Thursday, November 16, 2023, and filed with the agency secretary on Thursday, November 16, 2023.

AGENCY NAME: Alabama Department of Conservation and Natural Resources

INTENDED ACTION: Amend

RULE NO.: 220-2-.167

(If amended rule, give specific paragraph, subparagraphs, etc., being amended) (5), (6), (8), and (10)(d). This rule is adopted with changes to paragraphs (8) and (10) due to comments. Paragraph (8) of the proposed rule read: "(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." Paragraph (8) is now changed to read: "(8) Cervid rehabilitation shall not be permitted within a CMZ nor shall cervid be transported (live or dead) out of a CMZ for rehabilitation purposes." Paragraph 10 of the proposed rule contained the following feeding exemptions: "(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." An additional exemption is added to Paragraph (10) so it reads as follows: "(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. (d) Feed as permitted by the Commissioner of the Department of Conservation and Natural Resources." The Department is also omitting the word "whole" in Paragraphs (5) and (6) as it is unnecessary in the two sentences. The following summary of statements supporting and opposing adoption are provided based on the comments received: The Department received a written comment from the Alabama Deer Association in opposition of two portions of the proposed amended rule. The Association requested changes to Paragraphs (8) and (10) as proposed to prevent negative impacts to licensed game breeders. In Paragraph (8), the Association requested a revision in order to allow licensed game breeders to relocate live deer within a CWD High Risk Zone or Buffer Zone. The Association also requested an additional change to Paragraph (10) to provide for feeding within licensed breeder facilities and other enclosures. The Department evaluated the comments and

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determined that additional changes to the proposed rule would be in the best interest of the public. Therefore, Paragraph (8) is now amended to clarify that rehabilitation of cervid shall not be permitted within a Chronic Wasting Disease Management Zone (CMZ) and that cervid shall not be transported out of a CMZ for rehabilitation purposes only. Further, an additional subparagraph was added to Paragraph (10), as outlined above, to provide an exemption for feed as permitted by the Commissioner of the Department of Conservation and Natural Resources.

RULE TITLE: Chronic Wasting Disease Management Zone Rule

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

Adopted with changes

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XLI, ISSUE NO. 12, AAM,
DATED FRIDAY, SEPTEMBER 29, 2023.

STATUTORY RULEMAKING AUTHORITY: Sections 9-2-2, 9-2-6, 9-2-7, 9-2-12,
and 9-11-244, Code of Alabama, 1975.

(Date Filed)
(For LRS Use Only)

Christopher M. Blankenship

Chris Blankenship

Certifying Officer or his or her
Deputy

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)

(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) 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 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 Buffer Zone (BZ) 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 (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 shall be transported outside of the HRZ. 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 shall be transported outside the CMZ. 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 shall not be transported (live or dead) out of that county for relocation or rehabilitation~~[Cervid rehabilitation shall not be permitted within a CMZ nor shall Cervid be transported out of a CMZ for rehabilitation purposes.](#)

(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.

[\(d\) Feed as permitted by the Commissioner of the Department of Conservation and Natural Resources.](#)

Author: Christopher M. Blankenship

Statutory Authority: [Code of Alabama 1975, §§9-2-2, 9-2-6, 9-2-7, 9-2-12, 9-11-244.](#)

History: New Rule: Published May 31, 2022; effective July 15, 2022. **Emergency Amendment:** Filed September 12, 2023; effective September 12, 2023. ~~September 18, 2023.~~ **Amended:** [Filed November 16, 2023; effective January 14, 2024](#)

Penalty: As provided by law.

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) 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 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 Buffer Zone (BZ) 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 (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 shall be transported outside of the HRZ. 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 shall be transported outside the CMZ. 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 shall not be transported (live or dead) out of that county for relocation or rehabilitation~~
Cervid rehabilitation shall not be permitted

within a CMZ nor shall Cervid be transported out of a CMZ for rehabilitation purposes.

(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.

(d) Feed as permitted by the Commissioner of the Department of Conservation and Natural Resources.

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History: New Rule: Published May 31, 2022; effective July 15, 2022. **Amended:** Published ; ~~effective~~ November 30, 2023; effective January 14, 2024.

Penalty: As provided by law.