

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? Yes

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

MAR 21 2022

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

Ryan W. Colley
Secretary of Administrative Procedure

Date

3/21/2022

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: New Rule.

SUBSTANCE OF PROPOSED ACTION: To require samples to be submitted, on specified dates, from deer harvested in the Chronic Wasting Disease Management Zone (CMZ) which consists of Lauderdale and Colbert Counties. To restrict the movement of whole cervids or cervid body parts. To establish a DCNR Carcass Disposal Transport permit for deer processors or taxidermists when transporting outside of the designated zones. To suspend baiting privileges and supplemental feeding within the CMZ.

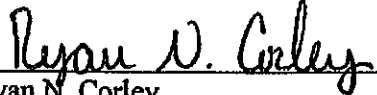
TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of Wildlife & Freshwater Fisheries Division at any time during the period stated below, or orally if requested in writing 48 hours in advance to the Director of Wildlife & Freshwater Fisheries Division, and then by personally appearing at Room 474, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Thursday, May 5, 2022.

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:

Thursday, May 5, 2022.

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



Ryan N. Corley
Secretary of Administrative Procedure

Christopher M. Blankenship

220-2-.167 Chronic Wasting Disease Management Zone Rule. [NEW RULE]

(1) Hunters **SHALL** submit samples for chronic wasting disease (CWD) testing from all deer harvested on 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)) 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)) 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 area **WEST** of U.S. Highway 43 in Lauderdale County (HRZ) shall be transported outside of 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 area of Lauderdale County **EAST** of U.S. Highway 43 and all of Colbert County (BZ) shall be transported outside the 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 Lauderdale or Colbert Counties shall not be transported out of 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.

Author: Christopher M. Blankenship

Statutory Authority: Code of Ala. 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 March 17, 2022

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:

Chronic wasting disease (CWD) is a fatal neurological disease that affects several species in the deer family. The disease is infectious and communicable in white-tail deer. CWD has been detected in deer harvested in Lauderdale County. Testing through the Alabama Department of Agriculture and Industries and the National Veterinary Services Laboratories in Ames, Iowa has confirmed the presence of CWD in samples. All of Lauderdale and Colbert counties are designated as the Chronic Wasting Disease Management Zone (CMZ). This rule will help the Department of Conservation and Natural Resources (DCNR) continue to monitor the prevalence and help to slow the spread of the disease.

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

There should not be any additional costs for hunters, processors, or taxidermists. This is the most efficient, effective, and feasible way of monitoring the prevalence of CWD and helping to slow the spread of the disease.

3. EFFECT OF THIS RULE ON COMPETITION:

This rule should have no effect 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:

This rule should have a minimal impact on the cost of doing business. There should be no impact on the cost-of-living.

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

This rule should have no effect on employment in the geographical area.

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

The Wildlife and Freshwater Fisheries Division is already enforcing current hunting regulations and taking samples from harvested deer. There should be no additional costs associated with enforcing this regulation. However, any cost incurred for implementation and enforcement will be paid for from Division funds.

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:

The short-term economic impact is that hunters will have to submit deer taken within the CMZ on scheduled sampling dates for CWD testing and may not transport those deer outside of the designated zone. The long-term economic impact of this rule is that the State of Alabama and the public as a whole will benefit from knowing the prevalence of CWD and helping to prevent the spread of the disease.

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

While the costs of the rule are uncertain as they may vary based on samples submitted, the benefits of knowing the prevalence of CWD within our deer population and helping to prevent the spread of the

disease are conclusive. This rule allows DCNR to monitor CWD within our state to protect the deer population.

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

This rule is intended to protect the environment and the public health and welfare from the spread of CWD, a fatal neurological disease that affects several species in the deer family.

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

Without this rule, there could be devastating effects on the environment and the deer population. This rule is intended to monitor the prevalence and help to prevent the spread of the always fatal CWD.