

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

Pursuant to Code of Alabama 1975, §§41 22 5(b) and 41 22 6(c)(2)a. and b.

I certify that the attached emergency amendment is a correct copy as promulgated and adopted on Monday, December 30, 2024.

AGENCY NAME: Alabama Department of Conservation and Natural Resources

RULE NO. AND TITLE: 220-2-.167 Chronic Wasting Disease Management Zone Rule

EXPIRATION DATE OF RULE: Tuesday, April 29, 2025

NATURE OF EMERGENCY: Chronic wasting disease (CWD) is a fatal neurological disease that affects several species in the cervid family. This disease is infectious and communicable. These changes are needed after a deer tested positive for CWD in Colbert County, Alabama on December 20, 2024. This emergency rule supersedes the emergency rule filed on December 23, 2024, due to the ongoing nature of the emergency and to address issues discovered since the initial filing.

STATUTORY AUTHORITY: Code of Ala. 1975, §§9-2-2, 9-2-6, 9-2-7, 9-2-12, 9-11-244.

SUBJECT OF RULE TO BE ADOPTED ON A PERMANENT BASIS: Yes

NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE: Charlanna W. Skaggs; 64 N. Union Street, Room 474, Montgomery, Alabama 36130; (334) 242-3165.

Christopher M. Blankenship

Chris Blankenship

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

REC'D & FILED

DEC 30, 2024

LEGISLATIVE SVC AGENCY

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. As an incentive to increase CWD samples submitted for testing on scheduled dates, hunters shall receive a CWD Sampling Permit to harvest one additional antlered deer from within a CMZ for each CWD sample submitted for testing from deer harvested within the HRZ. No more than two additional CWD Sampling Permits will be issued per hunter above the season bag limit, combined for the HRZ and BZ. CWD Sampling Permits are non-transferable. CWD Sampling Permits are only available at WMA Check Stations and DCNR Mobile sampling locations on scheduled testing days.

(3) Hunters **SHALL** submit samples for CWD testing from all deer harvested within the 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. As an incentive to increase CWD samples submitted for testing on scheduled dates, hunters shall receive a CWD Sampling Permit to harvest one additional antlered deer from within a CMZ for each CWD sample submitted for testing from deer harvested within the BZ. No more than two additional CWD Sampling Permits will be issued per hunter above the season bag limit, combined for the HRZ and BZ. CWD Sampling Permits are non-transferable. CWD Sampling Permits are only available at WMA Check Stations and DCNR Mobile sampling locations on scheduled testing days.

(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 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 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) 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.

(e) Deer hunting by the aid bait shall be allowed within Franklin County until the last day of the current 2024-2025 CMZ deer season.

(11) Any licensed game breeder facility or permitted cervid facility within a CMZ will be placed on non-movement qualified status until testing can determine CWD prevalence. Facility operators will be required to check the integrity of the perimeter fencing daily. Each captive cervid facility will be treated as an individual population. The population for a captive cervid facility will be estimated as the average of the last two inspection counts for licensed game breeder facilities, and the average of the last two inventories reported for permitted facilities. If a captive cervid facility has been operating for less than two years, then the current inventory will be used as the estimated population count. An initial sample of approximately 10% of the estimated population of the

facility will be used to determine CWD prevalence within the facility. Sampling of captive cervid facilities will be initiated within 10 miles of the location of the CWD positive detection, and progress outward to the CMZ as deemed necessary by the Commissioner. The 10% prevalence sample must be taken within 60 days after a CWD positive detection. Captive cervids considered eligible for sampling must be at least 12 months of age or older and must have been reported on the facility's prior year inventory. If CWD is not detected in any licensed game breeder facility or permitted cervid facility within the CMZ after initial prevalence testing is complete, then movement may be allowed within the CMZ upon notification by authorized Division personnel. The following also applies to any movement from a licensed game breeder facility or permitted cervid facility located within the CMZ:

(a) No 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.

(b) No 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.

Author: Christopher M. Blankenship

Statutory Authority: Code of Ala. 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. **Amended:** Published November 30, 2023; effective January 14, 2024.

Amended (ER) Filed December 23, 2024; effective December 23, 2024; expires 120 days, April 22, 2025; **Amended (ER):** Filed December 30, 2024; effective December 30, 2024; expires 120 days, April 29, 2025.