

APA-1
6/93

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 220 Department or Agency Conservation and Natural Resources

Rule No.: 220-2-.138

Rule Title: **Licensed Game Breeders**

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? N/A

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 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.

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 Reference Service.

Signature of Certifying Officer Myron D. Corley
Secretary of Administrative Procedure

Date 12/19/17

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6/93

Department of Conservation and Natural Resources
Division of Wildlife and Freshwater Fisheries

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Conservation and Natural Resources

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

INTENDED ACTION: Amendment.

SUBSTANCE OF PROPOSED ACTION: To provide for the reporting of inventory records and changes via the Wildlife and Freshwater Fisheries electronic database through individual user accounts, or by phone through individual user accounts, to allow a license holder to submit via certified mail, initial inventory and inventory changes caused by birth, to clarify that records of releases, sales, purchases, deaths, births, escapes, and transfers must be kept and reported, to allow inspection by agents authorized by the Division of Wildlife and Freshwater Fisheries and Department of Agriculture and Industries, to specify when fawns must be marked with an assigned ear tag identifying the animal.

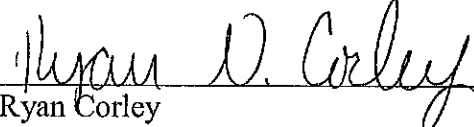
TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of the Division of Wildlife and Freshwater Fisheries at any time during the period stated below, or orally if requested in writing 48 hours in advance to the Director of the Division of Wildlife and Freshwater Fisheries, by personally appearing at Room 474, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Tuesday, January 23, 2018.

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:

February 2, 2018.

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


Ryan Corley
Secretary of Administrative Procedure

Christopher M. Blankenship

220-2-.138 Licensed Game Breeders

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"), an accurate inventory records of all stock and maintain a record of 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) ~~By April 1 of each year, fawns of the family Cervidae born on the premises shall be marked with an ear tag, as specified by the Division, which identifies each animal. 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. All other stock of the family Cervidae shall be assigned an ear tag number and shall be marked with the corresponding tag before any sale or transfer. Such tags shall not be transferred/reassigned to or reused on other individuals/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.
- (5) Within 24 hours of discovery, notify designated Division personnel of any ~~escapes or deaths via the database or phone~~ and allow disease testing of animals, 12 months of age or older, that have died.
- (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.

(69) 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.

(710) 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.

(811) 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 Alabama 1975, § 9-11-30

Penalty: As provided by Code of Alabama 1975, § 9-11-31.1.

History: 7/12/2006; 4/21/2009; 6/01/2017(ER);