

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 220 Department or Agency Conservation and Natural Resources
Rule No. 220-2-.138 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 *David J. Dean*
Secretary of Administrative Procedure

Date March 19, 2014

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: (1) 220-2-.02 Legal Arms, Ammunition, and Equipment for Hunting; (2) 220-2-.138 Licensed Game Breeders; (3) 220-2-.06 Game Animals Designated; (4) 220-2-.32 Possession or Sale of Raw Furs After Close of Season; (5) 220-2-.86 Feral Swine Regulation

INTENDED ACTION: (1) Amendment; (2) Amendment; (3) Amendment; (4) Repeal; (5)Amendment.

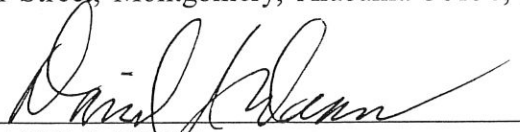
SUBSTANCE OF PROPOSED ACTION: (1) 220-2-.02 - To further provide for the falconry provisions of this rule, and to make certain falconry changes to comply with certain requirements of Federal law and, to delete the prohibition of "silenced firearms" for hunting. (2) 220-2-.138 – To provide for: record-keeping through a central electronic DCNR database and set effective transition date for electronic record keeping; self-serve transport approval number; the tagging of all newborn fawns within 30 days of birth; and the legal recapture of accidentally escaped animals. (3) 220-2-.06 – To further provide for the designation of game animals; and to further provide for certain provisions relating to feral swine; (4) 220-2-.32 – To repeal in its entirety;(5) 220-2-.86 – To further provide for the regulation of feral swine; to delete certain language relating to the classification of feral swine as a game animal and the release or transport of feral swine; and to further prohibit the release and transport of certain feral swine, to further provide for the disposal of certain feral swine, and to prohibit the release of certain domestic swine.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of the Wildlife and Freshwater Fisheries Division at any time during the period stated below, or orally if requested in advance by personally appearing at Room 469, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Tuesday, May 6, 2014.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Tuesday, May 6, 2014.

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.

A handwritten signature in cursive script, appearing to read "David J. Dean", written over a horizontal line.

DAVID J. DEAN

Secretary of Administrative Procedure

N. Gunter Guy, Jr.

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~~ Maintain and submit to the Division of Wildlife and Freshwater Fisheries an accurate records inventory of all stock ~~and maintain a record of to include~~ inventory changes caused by births, deaths, escapes, releases, transfers, purchases, 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 October 1, 2014, all inventory records and changes described above shall be submitted via the Wildlife and Freshwater Fisheries electronic database through individual user accounts.

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

3. ~~By April 1 of each year~~ Within 30 days of the birth, 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. 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 to or reused on other individuals. Tags shall not be removed from the animal, except during transfer 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 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 and allow disease testing of animals that have died.

6. Within 24 hours of discovery, notify designated Division personnel of escapes by phone or email and coordinate recapture efforts as directed.

~~—6.~~ 7. Upon notification by authorized Division personnel of a documented disease risk, not remove from any facility or location any animals alive or dead until approved by authorized Division personnel.

~~7.~~ 8. 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.

~~8-~~ 9. Acquire animals only from ~~other~~ 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.

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

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

7/12/2006; 4/21/2009;