

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 220
Department or Agency: Alabama Department of Conservation and Natural Resources
Rule No.: 220-2-.26
Rule Title: Restrictions On Possession, Sale, Importation And/Or Release Of Certain Animals And Fish
Intended Action: Amend

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? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making 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 an 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 Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Christopher M. Blankenship
Chris Blankenship

Date

Friday, June 7, 2024

REC'D & FILED
JUN 7, 2024
LEGISLATIVE SVC AGENCY

ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Conservation and Natural Resources

RULE NO. & TITLE: 220-2-.26 Restrictions On Possession, Sale,
Importation And/Or Release Of Certain Animals And Fish

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

To make it unlawful for any person, firm, corporation, partnership, or association to possess, sell, offer for sale, import, bring, release, or cause to be brought or imported into the State of Alabama any species of bird, mammal, reptile, amphibian, fish, crustacea, or mollusk listed as injurious wildlife under the Lacey Act (18 U.S.C. 42) from the U.S. Fish and Wildlife Service.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Interested persons may present their views in writing to the Director of Wildlife & Freshwater Fisheries 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, and then by personally appearing at Room 474, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Friday, August 2, 2024.

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:

Friday, August 2, 2024

CONTACT PERSON AT AGENCY:

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

Christopher M. Blankenship

Chris Blankenship

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

**Restrictions On Possession, Sale, Importation
And/Or Release Of Certain Animals And Fish.**

(1) No person, firm, corporation, partnership, or association shall possess, sell, offer for sale, import, bring, release, or cause to be brought or imported into the State of Alabama any of the following live fish or animals:

Any Walking Catfish or any other fish of the genus Clarias;

Any Piranha or any fish of the genera Serrasalmus,

Pristobrycon, Pygocentrus, Catorprion, or Pygopristus;

Any Nile Perch, Asian Seabass, Barramundi, or any fish from the genus Lates or Macquaria;

Any Giant African Snail or Giant African Land Snail

(Lissachitina fulica or Achatina fulica);

Any Black Carp of the genus Mylopharyngodon;

Any species of sturgeon not native to Alabama;

Any species of Chinese perch (Siniperca spp.);

Any species of Snakehead fish from the family Channidae

(Chamui spp.);

Any species of Mud carp (Cirrhinus spp.);

Any species of fish "rudd" (Scardinius erythrophthalmus) or

"roach" (Rutilus rutilus) or any hybrids of either species;

Zander (Sander lucioperca);

European Perch (Perca fluviatilis)

Eurasian Minnow (Phoxinus phoxinus)

Wels Catfish (Silurus glanis);

Prussian Carp (Carassius gibelio);

Crucian Carp (Carassius carassius);

Any species of eel from the family of Anguillidae not native to Alabama;

Amur Sleeper (Perccottus glenii);

Any species of venomous reptile which has never naturally existed in the wild in Alabama including but not limited to venomous snakes of the families Viperidae, Atractaspididae, Elapidae, Hydrophiidae and Colubridae, except for hognose snakes (genus Heterodon);

Any species of bird, mammal, fish, crustacea, mollusk, reptile, or amphibian listed as injurious wildlife under the Lacey Act (18 U.S.C. 42) from the U.S. Fish and Wildlife Service;

Any species of Tegus (Salvator sp.);

Any species of Mongoose;

San Juan Rabbits, Jack Rabbits or any other species of wild rabbit or hare; or

Any of the following from any area outside the state of Alabama; any member of the family Cervidae (to include but not be limited to deer, elk, moose, caribou), species of coyote, species of fox, species of raccoon, species of skunk, wild rodent, or strain of wild turkey, black bear (Ursus americanus), mountain lion (Felis concolor), bobcat

(*Felis rufus*), Pronghorn Antelope (*Antilocapridae*), any nondomestic member of the families *Suidae* (pigs), *Tayassuidae* (peccaries), or *Bovidae* (except bison).

No person, firm, corporation, partnership, or association, shall transport within the state, any member of the above-stated species (whether such member originated within or without the state), except for properly licensed game-breeders pursuant to Section 9-11-31, Code of Ala. 1975, or persons engaged in the interstate transport of any of the above-stated species through the state who are otherwise specifically authorized by permit of the Director of the Division of Wildlife and Freshwater Fisheries or his designee.

(2) It shall be unlawful to release any tame turkey, or any other turkey, whether wild or tame, into any of the wild areas of this State.

The provisions of this regulation shall not apply to any turkeys kept by any farmer or landowner of this State for normal agricultural purposes or for personal consumption.

(3) Except as authorized by permit issued by the Department prior to the date of this amendment, it shall be unlawful for any person to have in possession any live, protected wild bird or wild animal or live embryo or eggs of these protected wild birds or animals. "Possession" in this section does not include deer restricted by natural or man-made barriers as long as the deer remain wild and are not subject to management practices of domesticated animals.

(4) It shall be unlawful for any person to release any form of mammal, reptile, or amphibian which did not originate from this state, or any captive raised mammal, reptile, or amphibian other than those species raised under a license or permit from the Commissioner.

(5) It shall be unlawful to release any non-indigenous seafoods, as defined by Section 9-2-80, Code of Ala. 1975, into any public waters of the state.

(6) The provisions of this regulation shall not apply to the exceptions provided for in Section 9-2-13(b), Code of Ala. 1975. Accredited educational, research, and rehabilitation facilities shall be exempt from this regulation through the written permission of the Commissioner or his designee.

Author: ~~N. Gunter Guy, Jr.~~ Christopher M. Blankenship

Statutory Authority: Code of Ala. 1975, §§9-2-7, 9-2-8, 9-2-12.

History: Filed September 30, 1982. **Amended:** January 17, 1985; September 27, 1990; January 18, 1991. **Amended:** Filed September 13, 1994; effective October 19, 1994. **Amended:** Filed September 13, 1995; effective October 19, 1995. **Amended:** Filed August 11, 1998; September 16, 1998. **Amended:** Filed January 14, 1999; effective February 18, 1999. **Amended:** Filed September 13, 1999; effective October 18, 1999. **Amended:** Filed August 10,

2000; effective September 14, 2000. **Amended:** Filed June 19, 2001; effective July 24, 2001. **Amended:** Filed July 29, 2002; effective September 2, 2002. **Amended:** Filed October 18, 2005; effective November 22, 2005. **Amended:** Filed May 13, 2009; effective June 17, 2009. **Amended:** Filed August 15, 2012; effective September 19, 2012. **Amended:** Filed December 30, 2013; effective February 3, 2014. **Amended:** Filed June 14, 2016; effective July 29, 2016. **Amended:** Filed August 19, 2019; effective October 3, 2019. **Amended:** Published August 31, 2020; effective October 15, 2020. **Amended:** Published June 28, 2024; effective October 14, 2024.

Penalty: As provided by law.