

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-.27
Rule Title: Permit To Take Protected Wildlife Causing Crop Damage, Property Damage, Or Concern For Human Safety
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

REC'D & FILED

Date

Thursday, July 11, 2024 JUL 11, 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-.27 Permit To Take Protected Wildlife Causing Crop Damage, Property Damage, Or Concern For Human Safety

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

To add otter to list of animals a property owner or tenant is allowed to take per incident that is causing damage to said individual's property without a permit.

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., Wednesday, September 4, 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:

Wednesday, September 4, 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)

220-2-.27

**Permit To Take Protected Wildlife Causing Crop
Damage, Property Damage, Or Concern For Human
Safety.**

Protected wildlife causing crop damage, property damage, or a reasonable concern for human safety, may be taken at times and by means otherwise unlawful by first procuring a permit from the Department of Conservation and Natural Resources. Permits for the removal of protected wildlife will be issued by the Commissioner of the Department of Conservation and Natural Resources or his designee if after investigation it has been determined that such protected wildlife should be removed for human safetyz or to protect agricultural crops or other property from excessive damage. Feral swine and coyotes are species for which the necessity of demonstrating specific damage is not required. Such permits will only be issued to the person owning the land or his/her official agent or to any person who has a lease on such lands, provided the lessee has the permission of the landowner to remove protected wildlife. Except for feral swine, permits shall not be issued to take, capture, or kill protected wildlife causing damage to crops planted for wildlife management. All wildlife taken shall be disposed of as directed by the issuing agent, and except for feral swine it may not be utilized personally. All feral swine taken under permit must be killed on site in accordance with 220-2-.86.

The means, methods, and times for which a permit is valid may be stipulated.

Any person, firm or corporation engaging in the business of wildlife damage control shall obtain a permit from the Department prior to taking, capturing, or killing wildlife and shall conduct wildlife damage control only under terms and conditions as specified by the Commissioner or his designee.

A property owner or tenant shall be allowed to take one squirrel, rabbit, raccoon, opossum, beaver, otter, or skunk per incident that is causing damage to said individual's property without a permit. A property owner or his agent may take blackbirds without permit when found causing damage or posing a nuisance or health threat.

Persons taking, capturing, or killing wildlife under the provisions of this regulation shall abide by all state and local laws and ordinances. Live caught animals may not be relocated across a county line or a major river drainage.

Author: Christopher M. Blankenship

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

History: Filed September 30, 1982. **Amended:** Filed December 17, 1997; effective January 21, 1998. **Amended:** Filed September 16, 2002; effective October 21, 2002. **Amended:** Filed May 13, 2009; effective June 17, 2009. **Amended:** Filed May 27, 2010;

effective July 1, 2010. **Amended:** Filed June 12, 2015;
effective July 17, 2015. **Amended:** Filed June 14, 2016;
effective July 29, 2016. **Amended (PE):** Published June 28,
2024; effective June 28, 2024. **Amended:** Published July 31,
2024; effective November 14, 2024.