

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-.92
Rule Title: Protected Nongame Species
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

Tuesday, June 16, 2026

REC'D & FILED

JUN 16, 2026

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-.92 Protected Nongame Species

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

To add scaly-breasted munia to (d) BIRDS  
To remove the following under (d) MAMMALS:  
Bat, Brazilian Free tailed  
Bat, Eastern Small footed  
Bat, Gray  
Bat, Indiana  
Bat, Little Brown  
Bat, Northern Long eared  
Bat, Northern Yellow  
Bat, Rafineque's Big eared  
Bat, Southeastern  
Bat, Tricolored  
To add the following language under (e) MAMMALS:  
All native bat species, including those in the genera Corynorhinus, Eptesicus, Lasionycteris, Lasiurus, Myotis, Nycticeius, Perimyotis, and Tadarida.  
To add the following language to (f): nongame protected species; those designated as a Species of Greatest Conservation Need (SGCN) in the Alabama State Wildlife Action Plan.  
To add requirement for federal permits for federally protected species.

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., Tuesday, August 4, 2026.  
If ADA accommodations are needed, please contact Heidi Bowers at (334) 242-3165 or heidi.bowers@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:

Tuesday, August 4, 2026

CONTACT PERSON AT AGENCY:

Chris Lewis, 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)

Protected Nongame Species.

(1) It shall be unlawful to take, capture, kill, or attempt to take, capture or kill; possess, sell, trade for anything of monetary value, or offer to sell or trade for anything of monetary value; or propagate the following nongame wildlife species, or any parts or reproductive products of such species, or any hybrids of such species without a scientific collection permit or written permit from the Commissioner, Department of Conservation and Natural Resources, which shall specifically state what the permittee may do with regard to said species:

## (a) Fishes

<u>Common Name</u>	<u>Scientific Name</u>
• Cavefish, Alabama	<u>Speoplatyrhinus poulsoni</u>
• Cavefish, Southern	<u>Typhlichthys subterraneus</u>
• Chub, Shoal	<u>Macrhybopsis hyostoma</u>
• Chub, Spotfin	<u>Erimonax monacus</u>
• Darter, Bankhead	<u>Percina sipsi</u>
• Darter, Blotchside	<u>Persina burtoni</u>
• Darter, Bluebreast	<u>Etheostoma camurum</u>
• Darter, Boulder	<u>Etheostoma wapiti</u>
• Darter, Brighteye	<u>Etheostoma lynceum</u>
• Darter, Coldwater	<u>Etheostoma ditrema</u>
• Darter, Crystal	<u>Crystallaria asprella</u>
• Darter, Goldline	<u>Percina aurolineata</u>
• Darter, Halloween	<u>Percina crypta</u>
• Darter, Holiday	<u>Etheostoma brevirostrum</u>
• Darter, Lipstick	<u>Etheostoma chuckwachatte</u>
• Darter, Lollipop	<u>Etheostoma neopterygion</u>
• Darter, Rush	<u>Etheostoma phytophilum</u>
• Darter, Scaly Sand	<u>Ammocrypta vivax</u>
• Darter, Slackwater	<u>Etheostoma boschungii</u>
• Darter, Slenderhead	<u>Percina phoxocephala</u>
• Darter, Snail	<u>Percina tanasi</u>
• Darter, Trispot	<u>Etheostoma trisella</u>
• Darter, Tuscumbia	<u>Etheostoma tuscumbia</u>
• Darter, Vermilion	<u>Etheostoma chermocki</u>
• Darter, Watercress	<u>Etheostoma nuchale</u>
• Logperch, Blotchside	<u>Percina burtoni</u>
• Madtom, Frecklebelly	<u>Noturus munitus</u>
• Madtom, Mountain	<u>Noturus eleutherus</u>
• Minnow, Suckermouth	<u>Phenacobius mirabilis</u>
• Sculpin, Pygmy	<u>Cottus paulus</u>
• Shad, Alabama	<u>Alosa alabamiae</u>
• Shiner, Blackmouth	<u>Notropis melanostomus</u>

• Shiner, Blue	<i>Cyprinella caerulea</i>
• Shiner, Bluestripe	<i>Cyprinella callitaenia</i>
• Shiner, Broadstripe	<i>Pteronotropis euryzonus</i>
• Shiner, Cahaba	<i>Notropis cahabae</i>
• Shiner, Dusky	<i>Notropis cummingsae</i>
• Shiner, Ironcolor	<i>Notropis chalybaeus</i>
• Shiner, Palezone	<i>Notropis albizonatus</i>
• Sunfish, Spring Pygmy	<i>Elassoma alabamae</i>
• Sturgeon, Alabama	<i>Scaphirynchus suttkusi</i>
• Sturgeon, Gulf	<i>Acipenser oxyrhynchus desotoi</i>
• Sturgeon, Lake	<i>Acipenser fulvescens</i>

(b) Amphibians

<u>Common Name</u>	<u>Scientific Name</u>
• Frog, Crawfish	<i>Lithobates areolatus</i>
• Frog, Gopher	<i>Lithobates capito</i>
• Frog, Little Grass	<i>Pseudacris ocularis</i>
• Frog, Mississippi Gopher	<i>Lithobates sevosa</i>
• Frog, River	<i>Lithobates heckscheri</i>
• Frog, Wood	<i>Lithobates sylvaticus</i>
• Treefrog, Pine Barrens	<i>Hyla andersonii</i>

All native salamander species, including those in the genera *Ambystoma*, *Amphiuma*, *Aneides*, *Cryptobranchus*, *Desmognathus*, *Eurycea*, *Gyrinophilus*, *Hemidactylum*, *Necturus*, *Notophthalmus*, *Phaeognathus*, *Plethodon*, *Pseudotriton*, and *Siren*.

(c) Reptiles

<u>Common Name</u>	<u>Scientific Name</u>
• Lizard, Eastern Slender Glass	<i>Ophisaurus attenuates longicaudus</i>
• Lizard, Mimic Glass	<i>Ophisaurus mimicus</i>
• Skink, Coal	<i>Plestiodon anthracinus</i>

• Skink, Southeastern Five-lined	<i>Plestiodon inexpectatus</i>
• Snake, Pine	<i>Pituophis melanoleucus ssp.</i>
• Snake, Eastern Indigo	<i>Drymarchon couperi</i>
• Snake, Eastern Coral	<i>Micrurus fulvius</i>
• Snake, Gulf Salt Marsh	<i>Nerodia clarkii</i>
• Snake, All Native King	<i>Lampropeltis spp.</i>
• Snake, Rainbow	<i>Farancia erythrogramma</i>
• Snake, Southern Hognose	<i>Heterodon simus</i>
• Terrapin, Diamondback	<i>Malaclemys spp.</i>
• Tortoise, Gopher	<i>Gopherus polyphemus</i>
• Turtle, Alabama Red-bellied	<i>Pseudemys alabamensis</i>
• Turtle, All Map	<i>Graptemys spp.</i>
• Turtle, Flattened Musk	<i>Sternotherus depressus</i>
• Turtle, Alligator Snapping	<i>Macrochelys temminikii</i>
• Turtle, Razor-backed Musk	<i>Sternotherus carinatus</i>

Informational Note: See Section 9-11-269, Code of Ala. 1975, relating to protection of the flattened musk turtle (*Sternotherus depressus*).

(d) Birds

All nongame birds are protected under the provisions of this regulation except crows, and non-native species including starlings, house sparrows, Eurasian collared doves, rock pigeons, scaly-breasted munia.

(e) Mammals

<u>Common Name</u>	<u>Scientific Name</u>
<del>• Bat, Brazilian Free-tailed</del>	<del><i>Tadarida brasiliensis</i></del>
<del>• Bat, Eastern Small-footed</del>	<del><i>Myotis leibi</i></del>
<del>• Bat, Gray</del>	<del><i>Myotis grisescens</i></del>
<del>• Bat, Indiana</del>	<del><i>Myotis sodalis</i></del>
<del>• Bat, Little Brown</del>	<del><i>Myotis lucifugus</i></del>
<del>• Bat, Northern Long-eared</del>	<del><i>Myotis septentrionalis</i></del>
<del>• Bat, Northern Yellow</del>	<del><i>Lasiurus intermedius</i></del>
<del>• Bat, Rafinesque's Big-eared</del>	<del><i>Corynorhinus rafinesquii</i></del>
<del>• Bat, Southeastern</del>	<del><i>Myotis austroriparius</i></del>
<del>• Bat, Tricolored</del>	<del><i>Perimyotis subflavus</i></del>

• Gopher, Southeastern Pocket	<u>Geomys pinetis</u>
• Manatee, West Indian	<u>Trichechus manatus</u>
• Mouse, Alabama Beach	<u>Peromyscus polionotus ammobates</u>
• Mouse, Meadow Jumping	<u>Zapus hudsonius</u>
• Mouse, Perdido Key Beach	<u>Peromyscus polionotustrissylepsis</u>
• Shrew, Pygmy	<u>Sorex hoyi</u>
• Shrew, Smoky	<u>Sorex fumeus</u>
• Cottontail, Appalachian	<u>Sylvilagus obscurus</u>
• Rabbit, Marsh	<u>Sylvilagus palustris</u>
• Skunk, Spotted	<u>Spilogale putorius</u>
• Weasel, Long-tailed	<u>Neogale frenata</u>
• Woodrat, Allegheny	<u>Neotoma magister</u>

All native bat species, including those in the genera *Corynorhinus*, *Eptesicus*, *Lasionycteris*, *Lasiurus*, *Myotis*, *Nycticeius*, *Perimyotis*, and *Tadarida*.

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(f) Other State nongame protected species; those designated as a Species of Greatest Conservation Need (SGCN) in the Alabama State Wildlife Action Plan or other Federally protected nongame species. In addition, any required federal permits for federally protected species must be obtained.

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Informational Note: Nothing in the regulation prohibits the take of game species or those fish species designated as commercial when allowed by other laws and regulations.

(2) It shall be unlawful for any person to take, capture, kill or possess any bullfrog (*Lithobates catesbeianus*) or pig frog (*Lithobates grylio*) from the public waters of this state for commercial purposes. Furthermore, it shall be unlawful for any person to take, capture, kill or possess more than twenty (20) bullfrogs and pig frogs in aggregate from the public waters of

this state during any twenty-four (24) hour period from 12 noon to the following 12 noon.

(3) It shall be unlawful for any person to sell, offer for sale, or trade anything of value for any Eastern Diamondback Rattlesnake (*Crotalus adamanteus*), hybrid, or any parts, or possess alive any Eastern Diamondback Rattlesnake or hybrid without a permit from the Commissioner. Nothing herein is intended to prevent the relocation of live Eastern Diamondback Rattlesnakes (*Crotalus adamanteus*) to suitable native habitat within the county of capture when conducted in the same day as capture and with landowner permission.

(4) It shall be unlawful to possess more than one (1) box turtle or to offer for sale, sell, or trade for anything of value any box turtle (*Terrapene* spp.), box turtle part, or reproductive product except by permit as outlined in paragraph (1).

**Author:** Christopher M. Blankenship

**Statutory Authority:** Code of Ala. 1975, §§9-2-7, 9-2-8, 9-2-12 and Act No. 82-424, Acts of Alabama.

**History:** Effective July 18, 1987. **Amended:** January 2, 1990; September 16, 1992. **Amended:** Filed: October 13, 1994; effective November 18, 1994. **Amended:** Filed September 13, 1995; effective October 19, 1995. **Amended:** Filed August 18, 1997; effective September 23, 1997. **Amended:** Filed October 28, 1998; effective December 3, 1998. **Amended:** Filed April 1, 1999; effective May 6, 1999. **Amended:** Filed September 13, 1999; effective October 18, 1999. **Amended:** Filed June 9, 2000; effective July 14, 2000. **Amended:** Filed June 19, 2001; effective July 24, 2001. **Amended:** Filed July 16, 2002; effective August 20, 2002. **Amended:** Filed June 16, 2003; effective July 20, 2003. **Amended:** Filed June 10, 2004; effective July 15, 2004. **Amended:** Filed October 18, 2005; effective November 22, 2005. **Amended:** Filed August 10, 2006; effective September 14, 2006. **Amended:** Filed May 22, 2007; effective June 26, 2007. **Amended:** Filed September 12, 2007; effective October 17, 2007. **Amended:** Filed May 13, 2009; effective June 17, 2009. **Amended:** Filed August 26, 2011; effective September 30, 2011. **Amended:** Filed June 15, 2016; effective July 30, 2016. **Amended:** Filed May 9, 2017; effective June 23, 2017. **Amended:** Published September 30, 2022; effective November 14, 2022. **Amended:** Published February 27, 2026; effective April 13, 2026. **Amended:** Published ; effective

**Penalty:** As provided by law.