

APA-1
6/93

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 220 Department or Agency Conservation and Natural Resources

Rule No.: 220-2-142

Rule Title: Turtle Dealer/Farmer Regulation

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 *Jerry Farwell*
Secretary of Administrative Procedure

Date 4-19-16

APA-2
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-.142 Turtle Dealer/Farmer Regulation

INTENDED ACTION: Amendment.

SUBSTANCE OF PROPOSED ACTION: To upgrade box turtle to Tier 4 listing.

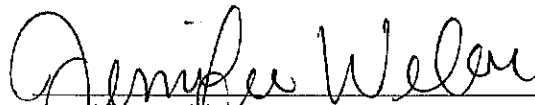
TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of the Division of Wildlife and Freshwater Fisheries at any time during the period stated below, or orally if requested in writing 48 hours in advance to the Director of the Division of Wildlife and Freshwater Fisheries, by personally appearing at Room 474, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Friday, June 3, 2016.

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:

June 3, 2016.

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


Jennifer Webber
Secretary of Administrative Procedure

N. Gunter Guy, Jr.

220-2-.142 Turtle Dealer/Farmer Regulation

(1) Definitions:

- (a) "Division" - Wildlife and Freshwater Fisheries Division of the Alabama Department of Conservation and Natural Resources.
- (b) "Director" - The Director of the Wildlife and Freshwater Fisheries Division of the Alabama Department of Conservation and Natural Resources.
- (c) "Turtle Farmer" - Any person, firm, or corporation engaged in the business of propagating legally acquired captive indigenous turtles or turtle eggs for commercial purposes.
- (d) "Turtle Dealer" - Any person, firm, or corporation who purchases, imports or exports turtles or turtle eggs for resale or stocking purposes or who sells, offers for sale, or trades for anything of value legally acquired live turtles.

(2)(a) No person shall take, attempt to take, sell or possess any turtle egg or turtle or parts thereof from the wild in this state, to include public and private waters, for commercial purposes, except those turtle farmers who may take nuisance turtles from privately constructed farm ponds for use as breeder turtles only under specially issued permits from the Director or his designee. Turtles taken under the specially issued nuisance permits shall not be sold or bartered. This is not to prohibit the operations of properly permitted "Turtle Farmers" or "Turtle Dealers" as defined in paragraph (1) as long as those turtles are not taken from the wild.

(b) This is not to prohibit the removal of turtles from a privately constructed farm pond by the landowner or his agent while controlling nuisance animals as long as the turtles are not sold or traded for anything of value.

(c) Nothing in this regulation prohibits the taking for personal use of up to two legal turtles per day by hand, dip net or hook and line however, no person shall take more than two turtles per day from the wild in this state, to include public and private waters.

(3)(a) Any person, firm, or corporation engaged in the business of propagating captive turtles or incubating and hatching turtle eggs for restocking, sale, or other commercial purposes must first obtain a turtle farmer's permit from the Director. Each turtle farmer permittee must agree to meet designated standards for enclosure construction and animal care prior to being permitted. Each permittee will file an annual report on forms provided by the Division prior to renewal of their farmer permit. This report will provide the information required by

subsection (c) of this regulation. Any person, firm or corporation engaged in the import, export, sale or trade of live turtles or turtle eggs must first obtain a "Turtle Dealers" permit from the Director or his designee.

(b) No person, firm or corporation shall import or cause to be imported, any nonindigenous turtle species for the purpose of propagation.

(c) All turtles imported into or exported out of the state of Alabama for commercial purposes shall be accompanied by a bill of lading which provides the following information: (1) name of person importing/exporting the turtles; (2) permit number of person importing/exporting the turtles; (3) date of shipment; (4) quantity and species of turtles; (5) origin (state and body of water) of shipment; (6) destination of shipment; (7) total value of shipment; and (8) signature of owner/transporter. A copy of the bill of lading shall remain with the shipment and a copy sent to the Division.

(d) Each turtle farmer report required in this regulation must be filed with the Division prior to renewing their annual permit and must include the following and any other information specified by the Director: (1) permit holder's name and permit number; (2) buyer/seller's name and address; (3) date of transaction; (4) origin (state) of turtles purchased/sold; (5) quantity and species of turtles purchased/sold; (6) amount received/paid for turtles and; (7) signature of permit holder. The Director or other persons as designated for such purposes shall have the power and authority to inspect and examine the books, records, turtles or facilities of each permit holder.

~~(4) It shall be unlawful to possess more than one 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 220-2-92.~~

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

PENALTY: As provided by law.

9/14/2006; 9/30/2011; 4/1/2012 (ER); 7/20/2012; 10/14/2013.