

APA-1
6/93

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 220 Department or Agency Conservation and Natural Resources
Rule No.: 220-2-26
Rule Title: **Restrictions on Possession, Sale, Importation and/or Release
of Certain Animals and Fish**

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: Jennifer Welu

Date 4-19-10 Secretary of Administrative Procedure

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-.26 Restrictions on Possession, Sale, Importation and/or Release of Certain Animals and Fish

INTENDED ACTION: Amendment.

SUBSTANCE OF PROPOSED ACTION: To specify and clarify specific species.

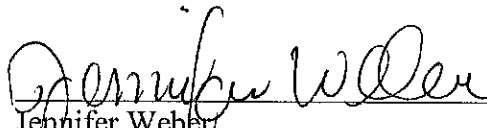
TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of the Division of Wildlife and Freshwater Fisheries at any time during the period stated below, or orally if requested in writing 48 hours in advance to the Director of the Division of Wildlife 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@dnr.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 Weber
Secretary of Administrative Procedure

N. Gunter ~~Guy~~, Jr.

220-2-.26 **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 genusgenera *Serrasalmus*, *Pristobrycon*, *Pygocentrus*, *Catoprion*, 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 (*Lissachina 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 (*Channa spp.*);

Any species of Mud carp (*Cirrhinus spp.*);

Blue back herring (*Alosa aestivalis*);

Any species of fish "rudd" (*Scardinius erythrophthalmus*) or "roach" (*Rutilus rutilus*) or any hybrids of either species;

Any species of nonindigenous venomous reptile;

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 Alabama 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) Nutria shall not be propagated or released in this State. No person, firm or corporation shall release any Nutria from captivity in this State or propagate any Nutria for the purpose of stocking in the wild of this State.~~

~~(4) All species of sturgeon are hereby declared to be protected fish within this State and any person who shall catch a sturgeon shall immediately return it to the waters from whence it came with the least possible harm.~~

~~(5) It shall be unlawful for any person to possess, sell, offer for sale, import, or release any non-indigenous venomous reptile in or into the State of Alabama.~~

(63) 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 Alabama, 1975, into any public waters of the state.

(76) The provisions of this regulation shall not apply to the exceptions provided for in Section 9-2-13(b), Code of Alabama 1975. Accredited educational, research, and

rehabilitation facilities shall be exempt from this regulation through the written permission of the ~~Director of the Division of Wildlife and Freshwater Fisheries Commissioner~~ or his designee.

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

PENALTY: As provided by law.

9/30/82; 1/17/85; 9/27/90; 1/18/91; 10/19/94; 10/19/95; 9/16/98; 2/19/99; 10/19/99;
9/14/2000; 3/6/2001(ER); 7/25/2001; 9/3/2002; 11/23/2005; 3/18/2009(ER); 6/18/2009;
9/20/2012; 2/4/2014.