

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-.27

Rule Title: **Permit to Take Protected Wildlife Causing Crop Damage, Property Damage, or
Concern for Human Safety**

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 Walker

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-.27 Permit to Take Protected Wildlife Causing Crop Damage, Property Damage, or Concern for Human Safety

INTENDED ACTION: Amendment.

SUBSTANCE OF PROPOSED ACTION: To reflect allowances by Federal law.

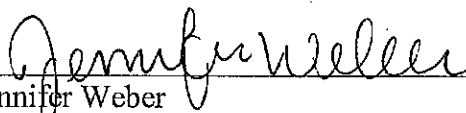
TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of the Division of Wildlife and Freshwater Fisheries at any time during the period stated below, or orally if requested in writing 48 hours in advance to the Director of the Division of Wildlife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

N. Gunter Guy, Jr.

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 safety, 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 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.

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

PENALTY: As provided by law.

9/30/82; 1/22/98; 10/22/2002; 3/13/2009(ER); 6/18/2009; 7/2/2010; 7/17/2015.