

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-.93 Prohibition of Importation/Possession of the Fishes Rudd and Roach
[eff. 1/18/1991] [REPEALED]

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 *Paul J. Dun*
Secretary of Administrative Procedure

Date May 17, 2012

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: (1) 220-2-.109 Physically Disabled Hunting Areas; (2) 220-2-.26 Restrictions on Possession, Sale, Importation and/or Release of Certain Animals and Fish; (3) 220-2-.11 Prohibited Methods and Devices for Hunting; (4) 220-2-.30 Fur-Bearing Animals Designated/Trap Specifications/and Prohibited Devices/Tagging Requirement; (5) 220-2-.101 Hunting of Captive Bred Mallard Ducks and Non-Native Game Birds on Commercial Fowl Hunting Preserves; (6) 220-2-.25 Imported Game Birds, Game Animals, Wildlife and Raw Furs Subject to State Laws; (7) 220-2-.05 Legal Hunting Hours for Game Birds; (8) 220-2-.86 Feral Swine Regulation; (9) 220-2-.18 Possession Limit; (10) 220-2-.54 Hunting Dates, Etc. on State Wildlife Management Areas; (11) 220-2-.93 Prohibition of Importation/Possession of the Fishes Rudd and Roach; (12) 220-2-.102 Prohibition of Use of Certain Animals in Greyhound Racing or Training; (13) 220-2-.14 Deer Hunting Confined To Bucks Only With Bare Antlers Visible Above Hairline; (14) 220-2-.19 Permit for Shipping 2 Days Bag Limit.

INTENDED ACTION: (1) - (9) Amendments; (10) - (14) Repeals.

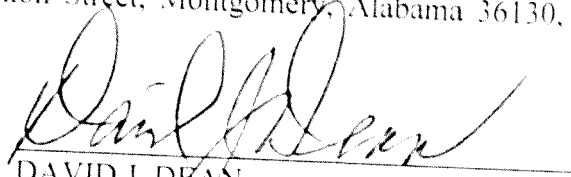
SUBSTANCE OF PROPOSED ACTION: (1) 220-2-.109 -To further provide for the regulation of physically disabled hunting areas; and to further provide for the possession of certain handguns; (2) 220-2-.26 - To further provide for certain restrictions on the possession, sale, importation, and release of certain animals and fish; and to further provide for certain exceptions; (3) 220-2-.11 - To further provide for the prohibition of certain methods and devices for hunting; and to amend certain provisions relating to calls; (4) 220-2-.30 - To further provide for the specifications for traps and for tagging bobcat/otter pelts; and to delete a provision relating to predatory calls; (5) 220-2-.101 To further provide for hunting of captive bred mallard ducks and non-native game birds on commercial fowl hunting preserves; and to add certain provisions that had previously been in 220-2-.25 relating to hunting on private commercial shooting preserves and licensed hunting preserves; (6) 220-2-.25 - To further provide for the regulation of certain imported game birds, wildlife, game or fur-bearing animals; and to delete certain provisions that have been placed in 220-2-.101; (7) 220-2-.05 - To further specify legal hours for hunting of game birds; (8) 220-2-.86 - To delete an archaic provision relating to the repeal of a prior version of this rule; (9) 220-2-.18 - To delete reference to 220-2-.19 (which is being repealed); and to delete an archaic provision relating to the repeal of a prior version of the rule; (10) 220-2-.54 - To repeal in its entirety; (11) 220-2-.93 - To repeal in its entirety; (12) 220-2-.102 To repeal in its entirety; (13) 220-2-.14 - To repeal in its entirety; and (14) 220-2-.19 - To repeal in its entirety.

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 advance by personally appearing at Room

469, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Monday, July 9, 2012.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
Monday, July 9, 2012.

CONTACT PERSON AT AGENCY: Fred Harders, Acting Director, Division of Wildlife and Freshwater Fisheries, 5th Floor, 64 N. Union Street, Montgomery, Alabama 36130, 334-242-3465.

A handwritten signature in black ink, appearing to read "David J. Dean", written over a horizontal line.

DAVID J. DEAN
Secretary of Administrative Procedure

N. Gunter Guy, Jr.

**220-2-.93 Prohibition of Importation/Possession of the Fishes Rudd and Roach [eff. 1/18/1991]
[REPEALED]**

[Previously adopted Rule 220-2-.93, entitled "**Prohibition of Importation/Possession of the Fishes Rudd and Roach**", as adopted effective January 18, 1991, is hereby repealed in its entirety.]

Statutory Authority: §§ 9-2-13, 9-2-7, and 9-2-8, Code of Alabama 1975.

[REPEAL]

James D. Martin

220-2-.93 Prohibition of Importation/Possession of the Fishes Rudd and Roach

(a) The importation into the State of Alabama of the fish, "rudd," (*Scardinius erythrophthalmus*) or of the fish, "roach," (*Rutilus rutilus*), or any hybrids of either species, by any person, firm, corporation, or other entity, is hereby prohibited. Any person, firm, corporation, or other entity in violation of the provisions of this paragraph shall, upon conviction, be punished as provided by Section 9-2-13, Code of Alabama 1975, as last amended.

(b) The possession in the State of Alabama of the fish, "rudd," (*Scardinius erythrophthalmus*) or of the fish, "roach," (*Rutilus rutilus*), or any hybrids of either species, by any person, firm, corporation, or other entity, is hereby prohibited. Any person, firm, corporation, or other entity in violation of the provisions of this paragraph shall, upon conviction, be punished as provided by Section 9-1-4, Code of Alabama 1975, as last amended.

Statutory Authority: Sections 9-2-13, 9-2-7, and 9-2-8, Code of Alabama 1975.

Penalty: As provided by Section 9-2-13, and 9-1-4, Code of Alabama 1975.

6/7/88;1/18/91.