

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No.: 220

Department or Agency: Conservation and Natural Resources

Rule No.: 220-2-.30

Rule Title: Fur-Bearing Animals Designated/Trap Specifications/and Prohibited
Devices/Tagging Requirement

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? NO

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

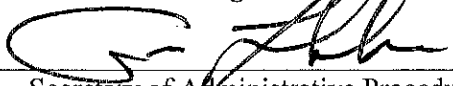
Are all facets of the rulemaking process designed solely for the
purpose of, and so they have, as their primary effect, the
protection of the public? YES

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 
Secretary of Administrative Procedure

Date 4/19/15

**Department of Conservation and Natural Resources
Wildlife Freshwater Fisheries Division**

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Conservation and Natural Resources

RULE NO. & TITLE: 220-2-.30, Fur-Bearing Animals Designated/Trap
Specifications/and Prohibited Devices/Tagging Requirements


INTENDED ACTION: Amendment

SUBSTANCE OF PROPOSED ACTION: Designates feral swine as a fur-bearing animal; clarifies trap specifications; clarifies possession and disposition requirements of live fur-bearing animals; prohibits disturbing a set trap and removing a fur-bearing animal from a trap without permission of the owner.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of the Wildlife and Freshwater Fisheries Division at any time during the period stated below, or orally if requested in advance by personally appearing at Room 474, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Friday, June 5, 2015.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Written comments will be received until the close of the record at 5:00 p.m. on June 5, 2015. Written comments and requests for copies of the proposed amendments should be addressed to the contact person listed below.

CONTACT PERSON AT AGENCY: Chuck Sykes, Director, Wildlife Freshwater Fisheries, 5th Floor, 64 N. Union Street, Montgomery, Alabama 36130.



Greg Locklier
Secretary of Administrative Procedure

220-2-.30. Fur-Bearing Animals Designated/Trap Specifications/And Prohibited Devices/Tagging Requirement.

The following shall be named and designated as fur-bearing animals in Alabama:

Beaver, Bobcat, Fox, Mink, Muskrat, Nutria, Opossum, Otter, Raccoon, Striped Skunk, and Coyote, and Feral Swine.

(1) Trap Specifications—It shall be unlawful for any person to set or use a leg hold trap on land that has an inside diameter jaw spread greater than No land set leg hold trap having a jaw width exceeding 6 inches, leg six (6) inches as measured at the widest point perpendicular to the frame and parallel to the trap dog and for those traps without a dog, at the widest point parallel with the pan shank. Leg hold trap having teeth or serrated edges along the inside of one or both jaws are prohibited. ~~conibear trap or killer type trap~~ All body gripping traps with jaw width exceeding 5 inches as measured from the inside of the main jaw at the trigger assembly to the inside of the opposing jaw across the entrance window, and ~~or~~ snares (except powered foot snare with a maximum loop of 5 1/2 inches) can be used to trap are prohibited for use in trapping fur-bearing animals on land.

(2) Any person trapping fur-bearing animals, except for feral swine, in the State of Alabama must carry ~~with him~~ a choke stick while running traps. When ~~legally~~ trapped fur-bearing animals are dispatched with a firearm, only standard .22 caliber rimfire firearms may be used. However, feral swine may be dispatched by any firearm or sharpened blade.

~~(2)~~ (3) Tagging Bobcat/Otter Pelts—Persons taking bobcat and otter must have the fur or pelts tagged by representatives of the Game and Fish Division of Wildlife and Freshwater Fisheries within 14 days of taking and before the fur or pelt is sold or otherwise disposed of.

(a) However, a licensed fur catcher may sell untagged bobcat and otter to an authorized resident fur dealer and leave a completed signed fur tag report with said dealer. The dealer must then have the bobcat and otter tagged by a representative of the Game and Fish Division of Wildlife and Freshwater Fisheries within 14 days of purchasing bobcat or otter pelts.

(b) Legally acquired bobcat and otter pelts or carcasses may be delivered untagged to a resident taxidermist for mounting if the owner leaves a completed, signed fur tag report with

said taxidermist. The taxidermist must then have the bobcat and otter tagged by a representative of the ~~Game and Fish~~ Division of Wildlife and Freshwater Fisheries within 14 days of taking delivery of said pelts and transmit the completed fur tag report to the ~~Game and Fish~~ Division of Wildlife and Freshwater Fisheries representative at the time the pelt or carcass is tagged.

(c) Tags may be removed from bobcat and otter pelts when processed by a taxidermist for mounting. However, the removed tag must remain with the mounted specimen when it is returned to its owner and until the mount and pelt are destroyed.

(d) It shall be unlawful for anyone to ship, transport, or export bobcat and otter pelts from this state unless said bobcat and otter pelts are tagged by a representative of the ~~Game and Fish~~ Division of Wildlife and Freshwater Fisheries.

(e) All bobcat and otter pelts shipped or imported into this state must be officially tagged by the state of origin.

~~(3)~~ (4) It shall be illegal to set a trap on top of a post or stake elevated above ground level.

(5) It shall be unlawful for any person to possess a furbearer alive beyond the confines of the trap without permit from the Commissioner of the Department of Conservation and Natural Resources or his designee. Except for feral swine, all furbearers shall be immediately dispatched or released at the trap site. All feral swine must be killed at the site of capture in accordance with rule 220-2-.86.

(6) It shall be unlawful for any person to disturb a legally set trap or to remove a furbearing animals from a trap without permission of the owner.

AUTHOR:

N. Gunter Guy, Jr.

STATUTORY AUTHORITY:

Code of Ala. 1975, §§9-2-7, 9-2-8, 9-2-12.

HISTORY:

Filed September 30, 1982. **Amended:** October 20, 1983; October 19, 1985; September 13, 1986; November 16, 1990. **Amended:** Filed September 10, 1997; effective October 16, 1997.

Amended (PE): Filed August 24, 2011; effective August 24, 2011. **Amended:** Filed August 15, 2012; effective September 19, 2012. **Amended:** Filed September 6, 2013; effective October 14, 2013.

PENALTY: As provided by law.