

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-.30 Fur-Bearing Animals Designated

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 

Secretary of Administrative Procedure

Date June 18, 2011

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-.143 Alligator Hunting Season and Regulations; (2) 220-2-.30 Fur-Bearing Animals Designated; (3) 220-2-.92 Nongame Species Regulation; (4) 220-2-.142 Commercial Turtle Catcher/Dealer/Farmer Regulation; (5) 220-2-.109 Physically Disabled Hunting Areas.

INTENDED ACTION: Amendments.


SUBSTANCE OF PROPOSED ACTION: (1) 220-2-.143-To further provide for the special alligator season and means and methods therefor; (2) 220-2-.30-To delete Civet Cat; (3) 220-2-.92-To further regulate certain species; to add/delete certain species; and to delete certain provisions relating to turtles; (4) 220-2-.142-To further regulate certain turtles, and the collection, dealing, farming, and possession thereof, the means and methods for the taking thereof, and to re-title said rule; (5) 220-2-.109 To further regulate certain conduct at said areas, including certain hunting license, authorization, and check in requirements; the protection of certain artifacts; certain hunting from elevated stands; and to provide for the revocation of certain permits.

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, August 8, 2011.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, August 8, 2011.

CONTACT PERSON AT AGENCY: M. N. "Corky" Pugh, Director, Division of Wildlife and Freshwater Fisheries, 5th Floor, 64 N. Union Street, Montgomery, Alabama 36130.



DAVID J. DEAN
Secretary of Administrative Procedure

N. Gunter Guy, Jr.

220-2-.30 Fur-Bearing Animals Designated

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

Beaver, Bobcat, ~~Civet-Cat~~, Fox, Mink, Muskrat, Nutria, Opossum, Otter, Raccoon, Skunk, and Coyote.

(1) Fur Catchers - no land set leg-hold trap having a jaw width exceeding 6 inches, leg hold trap having teeth or serrated edges along the inside of one or both jaws, conibear trap or killer type trap with jaw width exceeding 5 inches or snares (except powered foot snare with a maximum loop of 5 1/2 inches) can be used to trap fur-bearing animals on land. Any person trapping fur-bearing animals 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 or smaller rimfire firearms may be used.

(2) Persons taking bobcat and otter must have the fur or pelts tagged by representatives of the 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 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 Division of Wildlife and Freshwater Fisheries within 14 days of taking delivery of said pelts and transmit the completed fur tag report to the 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 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) It shall be illegal to set a trap on top of a post or stake elevated above ground level.

(4) It shall be unlawful for anyone to use or possess any device as a predatory call during nighttime hours while in the possession of any type of firearm or when any member of a group is in possession of any type of firearm.

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

PENALTY: As provided by law.

9/30/82; 10/20/83; 10/19/85; 9/13/86; 11/16/90; 9/16/92; 10/16/97; 9/28/2002;