

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-.86** Feral Swine Regulation

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

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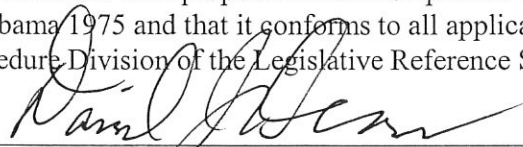
Does the proposed rule have any economic impact? NO

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.

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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 March 19, 2014

**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-.02 Legal Arms, Ammunition, and Equipment for Hunting; (2) 220-2-.138 Licensed Game Breeders; (3) 220-2-.06 Game Animals Designated; (4) 220-2-.32 Possession or Sale of Raw Furs After Close of Season; (5) 220-2-.86 Feral Swine Regulation

**INTENDED ACTION:** (1) Amendment; (2) Amendment; (3) Amendment; (4) Repeal; (5) Amendment.

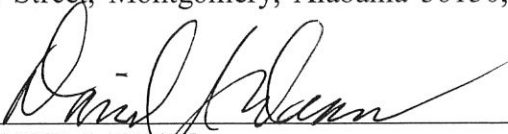
**SUBSTANCE OF PROPOSED ACTION:** (1) 220-2-.02 - To further provide for the falconry provisions of this rule, and to make certain falconry changes to comply with certain requirements of Federal law and, to delete the prohibition of "silenced firearms" for hunting. (2) 220-2-.138 – To provide for: record-keeping through a central electronic DCNR database and set effective transition date for electronic record keeping; self-serve transport approval number; the tagging of all newborn fawns within 30 days of birth; and the legal recapture of accidentally escaped animals. (3) 220-2-.06 – To further provide for the designation of game animals; and to further provide for certain provisions relating to feral swine; (4) 220-2-.32 – To repeal in its entirety; (5) 220-2-.86 – To further provide for the regulation of feral swine; to delete certain language relating to the classification of feral swine as a game animal and the release or transport of feral swine; and to further prohibit the release and transport of certain feral swine, to further provide for the disposal of certain feral swine, and to prohibit the release of certain domestic swine.

**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 469, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Tuesday, May 6, 2014.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:**

Tuesday, May 6, 2014.

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.

  
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DAVID J. DEAN  
Secretary of Administrative Procedure

N. Gunter Guy, Jr.

**220-2-.86 Feral Swine Regulation**

(1) All feral swine (wild hogs) found in the wild are hereby classed as game animals. The seasons and methods for taking feral swine will be as provided in Rule 220-2-.01.

~~Once reduced to personal possession of the landowner or agent, feral swine will no longer be considered a game animal. However, feral swine will be considered a game animal at any time they are hunted.~~

~~Notwithstanding any other regulation to the contrary, it shall be unlawful to transport feral swine alive beyond the boundaries of the property from which they are taken without a permit from the local conservation officer, or to release feral swine into any area of the state, except they may be released onto the property from which they were originally taken.~~

(2) Upon taking or capturing or having in possession any feral swine it shall be unlawful to release said feral swine alive or to transport said live feral swine. All feral swine taken by trap or dogs or otherwise must be killed on site. Furthermore, it shall be unlawful to release any live domestic swine into the wild.

(2) — Rule 220-2-.86, as previously adopted, is hereby expressly repealed in its entirety.

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

**PENALTY:** As provided by law.

10/26/95; 2/11/97; 9/15/2004;