

APA-1
Revised 7/2019

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 220 Department or Agency: Conservation and Natural Resources

Rule No.: 220-2-.168

Rule Title: Fees.

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? No

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 action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have any economic impact? Yes

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.

REC'D & FILED

MAY 19 2022

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 Services Agency.

Signature of Certifying Officer Ryan W. Cooley
Secretary of Administrative Procedure

Date 5/19/2022

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-.168 Fees.

INTENDED ACTION: New Rule.

SUBSTANCE OF PROPOSED ACTION: To increase several statutorily authorized commercial fees assessed by the Wildlife and Freshwater Fisheries Division pursuant to the authority of Act 2015-441 (SB216, 2015 Regular Legislative Session), now codified at Section 41-1-11, Code of Alabama, 1975.

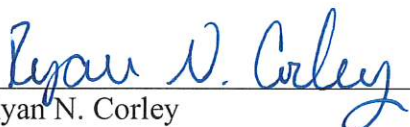
TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of Wildlife & Freshwater Fisheries Division at any time during the period stated below, or orally if requested in writing 48 hours in advance to the Director of Wildlife & Freshwater Fisheries Division, and then by personally appearing at Room 474, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Monday, June 27, 2022.

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:

Tuesday, July 5, 2022.

CONTACT PERSON AT AGENCY: Charles F. Sykes, Director, Wildlife & Freshwater Fisheries Division, 5th Floor, 64 N. Union Street, Montgomery, Alabama 36130, 334-242-3465.



Ryan N. Corley
Secretary of Administrative Procedure

Christopher M. Blankenship

220-2-.168 Fees [NEW RULE]

Act 2015-441 authorizes any state agency that statutorily levies or assesses fees to fund its operations and programs to increase those fees by means provided in the Act. Pursuant to the authority of Act 2015-441, certain statutory fees related to the Wildlife and Freshwater Fisheries Division have been increased. See the table below for a list of increased fees. The statutory fees in column three are increased to the amounts in column four.

FEES

1	2	3	4
Authorizing Statutes	Description	Statutory Fee	New fee Authorized by Act 2015-441
9-11-413	Commercial Fowl Hunt Preserve - Nonexempt	\$25	\$30
9-11-413	Commercial Fowl Hunt Preserve – Additional Acres - Nonexempt	\$5	\$6
9-11-413	Commercial Fowl Hunt Preserve – Exempt	\$500	\$600
9-12-202	Alligator Farmer	\$1000	\$1,200
9-12-206	Alligator Parts Dealer	\$100	\$120
9-12-206	Alligator Retailer	\$5	\$6
9-11-342	Commercial Quail Breeders	\$25	\$30
9-11-261	Propagation Permit	\$1	\$1
9-11-63	Non-Resident Fur Dealer	\$300	\$360
9-11-143	Resident Freshwater Commercial	\$99	\$118
9-11-373	Resident Mussel Buyers	\$100	\$120
9-11-372	Resident Mussel Catchers	\$250	\$300
9-11-153	Freshwater Non-Game Retail Fish Dealers	\$10	\$12
9-11-153	Freshwater Non-game Wholesale Fish Dealers	\$25	\$30
9-11-373	Non-Resident Mussel Buyers	\$300	\$360
9-11-372	Non-Resident Mussel Catchers	\$750	\$900
9-11-58	Non-Resident Minnows and Live Fish Retail	\$200	\$240
9-11-58	Non-Resident Minnows and Live Fish Wholesale	\$250	\$300

Author: Christopher M. Blankenship

Statutory Authority: Alabama Act 2015-441; §§ 9-2-8 and 9-2-12, Code of Alabama, 1975.

Penalty: As provided by law.

History: New Rule: 5/19/2022

**ECONOMIC IMPACT
STATEMENT FOR APA RULE
(Section 41-22-23(f))**

Control No. 220 Department or Agency Conservation

Rule No: 220-2-.168

Rule Title: Fees.

New Amend Repeal Adopt by Reference

This rule has no economic impact.

This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

The State Legislature recognized the need for state agencies to increase certain statutory fees by passing and enacting HB216 (Act 2015-441) during the 2015 regular legislative session. Act 2015-441 is now codified in Section 41-1-11, Code of Alabama, 1975. Many of the Wildlife and Freshwater Fisheries Division (WFF) fees established in statute have not been increased in more than 30 years while the costs of administering WFF programs have continued to rise. The proposed increased fees will better enable WFF to cover the costs of its fisheries management programs and statutory obligations.

2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:

The freshwater fisheries of Alabama are managed for maximum benefit to the fishermen and for protection of the resources. This regulation will further allow the Wildlife and Freshwater Fisheries Division to adequately manage the freshwater fisheries for long-term sustainability.

3. EFFECT OF THIS RULE ON COMPETITION:

There should be no effect on competition.

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

The proposed increases in freshwater license fees should have a minimal impact on the cost of doing business. License costs are a very small portion of the total business expense of commercial freshwater fisheries.

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

The proposed Consumer Price Index increases to these freshwater license fees should have no effect on future employment.

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

There should be no administrative cost to implement the proposed regulation. However, if any costs are incurred, they will be paid from Wildlife and Freshwater Fisheries Division funds.

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

The fees derived from the implementation of this regulation will come from commercial fishermen and businesses. The Wildlife and Freshwater Fisheries Division will utilize these funds to better manage the fisheries. This will provide a short-term and long-term benefit to the same persons bearing the cost of these fees by allowing the Wildlife and Freshwater Fisheries Division to better manage the resources for long-term sustainability.

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

The burdens caused by this regulation should be minimal to the commercial freshwater fishermen. The benefits to the resources from better management of the freshwater fisheries should directly benefit the fisheries and,

consequently, the commercial and recreational fishermen that utilize the resource.

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

The fees derived from this regulation will be used by the Wildlife and Freshwater Fisheries Division to better manage the commercial freshwater fisheries of the State of Alabama. This will have a positive impact on the environment and public health.

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

If this regulation is not implemented, there will be no additional funds to improve the management of the freshwater fisheries. This has the potential to negatively affect the environment and the health of the freshwater fisheries.