

FORM APA-3

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE SERVICES AGENCY
OTHNI LATHRAM, DIRECTOR**

(Pursuant to Code of Alabama 1975, § 41-22-6, as amended).

I certify that the attached is a correct copy of rule as promulgated and adopted on the 20th day of September, 2022 and filed with the agency secretary on the 20th day of September, 2022.

AGENCY NAME: Department of Conservation and Natural Resources

INTENDED ACTION: Amendment.

RULE NO. and TITLE: **220-2-.92 Protected Nongame Species.**

(If amended rule, give specific paragraph, subparagraphs, etc., being amended): (1), (1)(b), (1)(c), (1)(d), (1)(e), (3), (4), and (5).

ACTION TAKEN: State whether the rule was adopted with or without changes from the proposal due to written or oral comments. This rule was adopted with a change to paragraph 1(c). The proposal listed the addition of "All King Snake" and that is being changed to read "All Native King Snake" in the certified rule.

The following summary of statements supporting and opposing adoption are provided based on the comments received:

We received support in protecting some of the species added to the list but received a number of comments opposing the addition of all king snake to the list of protected nongame species. Many commentors opposing this addition, say that nonnative king snakes are popular pets and suggested protecting king snakes native to Alabama instead. We also received two comments opposing the restrictions on eastern diamondback rattlesnakes and received comments supporting the restrictions on eastern diamondback rattlesnakes. Additionally, we received comments opposing the amendments regarding the box turtle and comments supporting the amendments regarding the box turtle. Some of the commentors suggested protecting native box turtles but not all box turtles.

The department has determined that the proposed rule changes specified in the proposal and the above-mentioned change regarding native king snakes, are in the best interests of the public and Alabama's ecosystem. Therefore, the department has gone forward with the adoption of the proposal with the changes specified above regarding native king snakes.

NOTICE OF INTENDED ACTION PUBLISHED IN Vol. XL,

ISSUE NO. 9, AAM, DATED June 30, 2022.

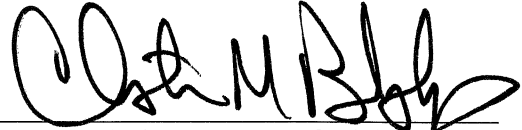
REC'D & FILED

SEP 20 2022

LEGISLATIVE SVC AGENCY

Statutory Rulemaking Authority: Sections 9-2-7, 9-2-8, and 9-2-12, Code of Alabama, 1975 and Alabama Act No. 82-424.

(Date Filed)
(For LSA Use Only)



Commissioner, State of Alabama,
Department of Conservation
and Natural Resources

(NOTE: In accordance with § 41-22-6(b), as amended, a proposed rule must be certified within 90 days after completion of the notice, but excluding any rule under review by the committee).

Christopher M. Blankenship

220-2-.92 Protected Nongame Species.

(1) It shall be unlawful to take, capture, kill, or attempt to take, capture or kill; possess, sell, trade for anything of monetary value, or offer to sell or trade for anything of monetary value; or propagate the following nongame wildlife species, any parts or reproductive products of such species, or any hybrids of such species without a scientific collection permit or written permit from the Commissioner, Department of Conservation and Natural Resources, which shall specifically state what the permittee may do with regard to said species:

(a) **FISHES**

<u>Common Name</u>	<u>Scientific Name</u>
• Cavefish, Alabama	<i>Speoplatyrhinus poulsoni</i>
• Cavefish, Southern	<i>Typhlichthys subterraneus</i>
• Chub, Shoal	<i>Macrhybopsis hyostoma</i>
• Chub, Spotfin	<i>Erimonax monachus</i>
• Darter, Bankhead	<i>Percina sipsi</i>
• Darter, Blotchside	<i>Persina burtoni</i>
• Darter, Bluebreast	<i>Etheostoma camurum</i>
• Darter, Boulder	<i>Etheostoma wapiti</i>
• Darter, Brighteye	<i>Etheostoma lynceum</i>
• Darter, Coldwater	<i>Etheostoma ditrema</i>
• Darter, Crystal	<i>Crystallaria asprella</i>
• Darter, Goldline	<i>Percina aurolineata</i>
• Darter, Halloween	<i>Percina crypta</i>
• Darter, Holiday	<i>Etheostoma brevirostrum</i>
• Darter, Lipstick	<i>Etheostoma chuckwachatte</i>
• Darter, Lollipop	<i>Etheostoma neopterum</i>
• Darter, Rush	<i>Etheostoma phytophilum</i>
• Darter, Scaly Sand	<i>Ammocrypta vivax</i>
• Darter, Slackwater	<i>Etheostoma boschungii</i>
• Darter, Slenderhead	<i>Percina phoxocephala</i>
• Darter, Snail	<i>Percina tanasi</i>
• Darter, Trispot	<i>Etheostoma trisella</i>
• Darter, Tuscumbia	<i>Etheostoma tuscumbia</i>
• Darter, Vermilion	<i>Etheostoma chermocki</i>
• Darter, Watercress	<i>Etheostoma nuchale</i>
• Logperch, Blotchside	<i>Percina burtoni</i>
• Madtom, Frecklebelly	<i>Noturus munitus</i>
• Madtom, Mountain	<i>Noturus eleutherus</i>
• Minnow, Suckermouth	<i>Phenacobius mirabilis</i>

- Sculpin, Pygmy
- Shad, Alabama
- Shiner, Blackmouth
- Shiner, Blue
- Shiner, Bluestripe
- Shiner, Broadstripe
- Shiner, Cahaba
- Shiner, Dusky
- Shiner, Ironcolor
- Shiner, Palezone
- Sunfish, Spring Pygmy
- Sturgeon, Alabama
- Sturgeon, Gulf
- Sturgeon, Lake

Cottus paulus
Alosa alabamiae
Notropis melanostomus
Cyprinella caerulea
Cyprinella callitaenia
Pteronotropis euryzonus
Notropis cahabae
Notropis cummingsae
Notropis chalybaeus
Notropis albizonatus
Elassoma alabamiae
Scaphirynchus suttkusi
Acipenser oxyrhynchus desotoi
Acipenser fulvescens

(b) **AMPHIBIANS**

Common Name

Scientific Name

- Amphiuma, One-toed
- Frog, Crawfish
- Frog, Gopher
- Frog, Little Grass
- Frog, Mississippi Gopher
- Frog, River
- Frog, Wood
- Hellbender, Eastern
- Mudpuppy
- Salamander, Reticulated Flatwoods
- Salamander, Eastern Tiger
- Salamander, Green
- Salamander, Red Hills
- Salamander, Seal
- Salamander, Seepage
- Salamander, Small-mouthed
- Salamander, Southern Dusky
- Salamander, Southern Red-backed
- Salamander, Tennessee Cave
- Siren, Reticulated
- Treefrog, Pine Barrens
- Waterdog, Black Warrior

Amphiuma pholeter
Lithobates areolatus
Lithobates capito
Pseudacris ocularis
Lithobates sevosa
Lithobates heckscheri
Lithobates sylvaticus
Cryptobranchus sp
Necturus maculosus maculosus
Ambystoma bishopi
Ambystoma tigrinum
Aneides aeneus
Phaeognathus hubrichti
Desmognathus monticola
Desmognathus aeneus
Ambystoma texanum
Desmognathus auriculatus
Plethodon serratus
Gyrinophilus palleucus
Siren reticulata
Hyla andersonii
Necturus alabamensis

(c) **REPTILES**

<u>Common Name</u>	<u>Scientific Name</u>
• Lizard, Eastern Slender Glass	<i>Ophisaurus attenuates longicaudus</i>
• Lizard, Mimic Glass	<i>Ophisaurus mimicus</i>
• Skink, Coal	<i>Plestiodon anthracinus</i>
• Skink, Southeastern Five-Lined	<i>Plestiodon inexpectatus</i>
• Snake, Pine	<i>Pituophis melanoleucus</i> spp.
• Snake, Eastern Indigo	<i>Drymarchon couperi</i>
• Snake, Eastern Coral	<i>Micrurus fulvius</i>
• Snake, Gulf Salt Marsh	<i>Nerodia fasciata clarkia</i>
• Snake, All Native King	<i>Lampropeltis</i> spp.
• Snake, Rainbow	<i>Farancia erythrogramma</i>
• Snake, Southern Hognose	<i>Heterodon simus</i>
• Terrapin, Diamondback	<i>Malaclemys</i> spp.
• Tortoise, Gopher	<i>Gopherus polyphemus</i>
• Turtle, Alabama Red-bellied	<i>Pseudemys alabamensis</i>
• Turtle, All Map	<i>Graptemys</i> spp.
• Turtle, Flattened Musk	<i>Sternotherus depressus</i>
• Turtle, Alligator Snapping	<i>Macrochelys temminikii</i>
• Turtle, Razor-backed Musk	<i>Sternotherus carinatus</i>

Informational Note: See Section 9-11-269, Code of Alabama 1975, relating to protection of the flattened musk turtle (*Sternotherus depressus*).

(d) **BIRDS**

All nongame birds are protected under the provisions of this regulation except crows, and non-native species including starlings, house sparrows, Eurasian collared doves, rock pigeons.

(e) **MAMMALS**

<u>Common Name</u>	<u>Scientific Name</u>
• Bat, Brazilian Free-tailed	<i>Tadarida brasiliensis</i>
• Bat, Eastern Small-footed	<i>Myotis leibii</i>
• Bat, Gray	<i>Myotis grisescens</i>
• Bat, Indiana	<i>Myotis sodalis</i>
• Bat, Little Brown	<i>Myotis lucifugus</i>
• Bat, Northern Long-eared	<i>Myotis septentrionalis</i>
• Bat, Northern Yellow	<i>Lasiurus intermedius</i>
• Bat, Rafinesque's Big-eared	<i>Corynorhinus rafinesquii</i>
• Bat, Southeastern	<i>Myotis austroriparius</i>
• Bat, Tricolored	<i>Perimyotis subflavus</i>

- Gopher, Southeastern Pocket *Geomys pinetis*
- Manatee, West Indian *Trichechus manatus*
- Mouse, Alabama Beach *Peromyscus polionotus*
ammobates
- Mouse, Meadow Jumping *Zapus hudsonius*
- Mouse, Perdido Key Beach *Peromyscus polionotus*
trissylepsis
- Shrew, Pygmy *Sorex hoyi*
- Shrew, Smoky *Sorex fumeus*
- Cottontail, Appalachian *Sylvilagus obscurus*
- Rabbit, Marsh *Sylvilagus palustris*
- Skunk, Spotted *Spilogale putorius*
- Weasel, Long-tailed *Neogale frenata*
- Woodrat, Allegheny *Neotoma magister*

- (f) Other State or Federally protected nongame species.
- (2) It shall be unlawful for any person to take, capture, kill or possess any bullfrog (*Lithobates catesbeianus*) or pig frog (*Lithobates grylio*) from the public waters of this state for commercial purposes. Furthermore it shall be unlawful for any person to take, capture, kill or possess more than twenty (20) bullfrogs and pig frogs in aggregate from the public waters of this state during any twenty four (24) hour period from 12 noon to the following 12 noon.
- (3) It shall be unlawful for any person to sell, offer for sale, or trade anything of value for any Eastern Diamondback Rattlesnake (*Crotalus adamanteus*), hybrid, or any parts, or possess alive any Eastern Diamondback Rattlesnake or hybrid without a permit from the Commissioner. Nothing herein is intended to prevent the relocation of live Eastern Diamondback Rattlesnakes (*Crotalus adamanteus*) to suitable native habitat within the county of capture when conducted in the same day as capture and with landowner permission.
- (4) It shall be unlawful to possess more than one (1) box turtle or to offer for sale, sell, or trade for anything of value any box turtle (*Terrapene* spp.), box turtle part, or reproductive product except by permit as outlined in paragraph (1).

AUTHOR: Christopher M. Blankenship

STATUTORY AUTHORITY: §§9-2-7, 9-2-8, and 9-2-12,
Code of Alabama, 1975 and Act No. 82-424
Acts of Alabama.

PENALTY: As provided by law.

HISTORY: Effective July 18, 1987. **Amended:** January 2, 1990; September 16, 1992. **Amended:** Filed: October 13, 1994; effective November 18, 1994. **Amended:** Filed September 13, 1995; effective October 19, 1995. **Amended:** Filed August 18, 1997; effective September 23, 1997. **Amended:** Filed October 28, 1998; effective December 3, 1998. **Amended:** Filed April 1, 1999; effective May 6, 1999. **Amended:** Filed September 13, 1999; effective October 18, 1999. **Amended:** Filed June 9, 2000; effective July 14, 2000. **Amended:** Filed June 19, 2001; effective July 24, 2001. **Amended:** Filed July 16, 2002; effective August 20, 2002. **Amended:** Filed June 16, 2003; effective July 20, 2003. **Amended:** Filed June 10, 2004; effective July 15, 2004. **Amended:** Filed October 18, 2005; effective November 22, 2005. **Amended:** Filed August 10, 2006; effective September 14, 2006. **Amended:** Filed May 22, 2007; effective June 26, 2007. **Amended:** Filed September 12, 2007; effective October 17, 2007. **Amended:** Filed May 13, 2009; effective June 17, 2009. **Amended:** Filed August 26, 2011; effective September 30, 2011. **Amended:** Filed June 15, 2016; effective July 30, 2016. **Amended:** Filed May 9, 2017; effective June 23, 2017. **Amended:** Filed September 20, 2022; effective November 14, 2022.

Christopher M. Blankenship

220-2-.92 Protected Nongame Species.

(1) It shall be unlawful to take, capture, kill, or attempt to take, capture or kill; possess, sell, trade for anything of monetary value, or offer to sell or trade for anything of monetary value; or propagate the following nongame wildlife species, any parts or reproductive products of such species, or any hybrids of such species without a scientific collection permit or written permit from the Commissioner, Department of Conservation and Natural Resources, which shall specifically state what the permittee may do with regard to said species:

(a) **FISHES**

<u>Common Name</u>	<u>Scientific Name</u>
• Cavefish, Alabama	<i>Speoplatyrhinus poulsoni</i>
• Cavefish, Southern	<i>Typhlichthys subterraneus</i>
• Chub, Shoal	<i>Macrhybopsis hyostoma</i>
• Chub, Spotfin	<i>Erimonax monachus</i>
• Darter, Bankhead	<i>Percina sipsi</i>
• Darter, Blotchside	<i>Persina burtoni</i>
• Darter, Bluebreast	<i>Etheostoma camurum</i>
• Darter, Boulder	<i>Etheostoma wapiti</i>
• Darter, Brighteye	<i>Etheostoma lynceum</i>
• Darter, Coldwater	<i>Etheostoma ditrema</i>
• Darter, Crystal	<i>Crystallaria asprella</i>
• Darter, Goldline	<i>Percina aurolineata</i>
• Darter, Halloween	<i>Percina crypta</i>
• Darter, Holiday	<i>Etheostoma brevirostrum</i>
• Darter, Lipstick	<i>Etheostoma chuckwachatte</i>
• Darter, Lollipop	<i>Etheostoma neopteron</i>
• Darter, Rush	<i>Etheostoma phytophilum</i>
• Darter, Scaly Sand	<i>Ammocrypta vivax</i>
• Darter, Slackwater	<i>Etheostoma boschungii</i>
• Darter, Slenderhead	<i>Percina phoxocephala</i>
• Darter, Snail	<i>Percina tanasi</i>
• Darter, Trispot	<i>Etheostoma trisella</i>
• Darter, Tuscumbia	<i>Etheostoma tuscumbia</i>
• Darter, Vermilion	<i>Etheostoma chermocki</i>
• Darter, Watercress	<i>Etheostoma nuchale</i>
• Logperch, Blotchside	<i>Percina burtoni</i>
• Madtom, Frecklebelly	<i>Noturus munitus</i>
• Madtom, Mountain	<i>Noturus eleutherus</i>
• Minnow, Suckermouth	<i>Phenacobius mirabilis</i>

- Sculpin, Pygmy
- Shad, Alabama
- Shiner, Blackmouth
- Shiner, Blue
- Shiner, Bluestripe
- Shiner, Broadstripe
- Shiner, Cahaba
- Shiner, Dusky
- Shiner, Ironcolor
- Shiner, Palezone
- Sunfish, Spring Pygmy
- Sturgeon, Alabama
- Sturgeon, Gulf
- Sturgeon, Lake

Cottus paulus
Alosa alabamiae
Notropis melanostomus
Cyprinella caerulea
Cyprinella callitaenia
Pteronotropis euryzonus
Notropis cahabae
Notropis cummingsae
Notropis chalybaeus
Notropis albizonatus
Elassoma alabamiae
Scaphirynchus suttkusi
Acipenser oxyrhynchus desotoi
Acipenser fulvescens

(b) **AMPHIBIANS**

Common Name

Scientific Name

- Amphiuma, One-toed
- Frog, Crawfish
- Frog, Gopher
- Frog, Little Grass
- Frog, Mississippi Gopher
- Frog, River
- Frog, Wood
- Hellbender, Eastern
- Mudpuppy
- Salamander, Reticulated Flatwoods
- Salamander, Eastern Tiger
- Salamander, Green
- Salamander, Red Hills
- Salamander, Seal
- Salamander, Seepage
- Salamander, Small-mouthed
- Salamander, Southern Dusky
- Salamander, Southern Red-backed
- Salamander, Tennessee Cave
- Siren, Reticulated
- Treefrog, Pine Barrens
- Waterdog, Black Warrior

Amphiuma pholeter
Lithobates areolatus
Lithobates capito
Pseudacris ocularis
Lithobates sevosa
Lithobates heckscheri
Lithobates sylvaticus
Cryptobranchus sp
Necturus maculosus maculosus
Ambystoma bishopi
Ambystoma tigrinum
Aneides aeneus
Phaeognathus hubrichti
Desmognathus monticola
Desmognathus aeneus
Ambystoma texanum
Desmognathus auriculatus
Plethodon serratus
Gyrinophilus palleucus
Siren reticulata
Hyla andersonii
Necturus alabamensis

(c) **REPTILES**

<u>Common Name</u>	<u>Scientific Name</u>
• Lizard, Eastern Slender Glass	<i>Ophisaurus attenuates longicaudus</i>
• Lizard, Mimic Glass	<i>Ophisaurus mimicus</i>
• Skink, Coal	<i>Plestiodon anthracinus</i>
• Skink, Southeastern Five-Lined	<i>Plestiodon inexpectatus</i>
• Snake, Pine	<i>Pituophis melanoleucus</i> spp.
• Snake, Eastern Indigo	<i>Drymarchon couperi</i>
• Snake, Eastern Coral	<i>Micrurus fulvius</i>
• Snake, Gulf Salt Marsh	<i>Nerodia fasciata clarkia</i>
• Snake, All <u>Native</u> King	<i>Lampropeltis</i> spp.
• Snake, Rainbow	<i>Farancia erythrogramma</i>
• Snake, Southern Hognose	<i>Heterodon simus</i>
• Terrapin, Diamondback	<i>Malaclemys</i> spp.
• Tortoise, Gopher	<i>Gopherus polyphemus</i>
• Turtle, Alabama Red-bellied	<i>Pseudemys alabamensis</i>
• Turtle, All Map	<i>Graptemys</i> spp.
• Turtle, Flattened Musk	<i>Sternotherus depressus</i>
• Turtle, Alligator Snapping	<i>Macrochelys temminikii</i>
• Turtle, Razor-backed Musk	<i>Sternotherus carinatus</i>

Informational Note: See Section 9-11-269, Code of Alabama 1975, relating to protection of the flattened musk turtle (*Sternotherus depressus*).

(d) **BIRDS**

All nongame birds are protected under the provisions of this regulation except crows, and non-native species including starlings, house sparrows, Eurasian collared doves, rock pigeons.

(e) **MAMMALS**

<u>Common Name</u>	<u>Scientific Name</u>
• Bat, Brazilian Free-tailed	<i>Tadarida brasiliensis</i>
• Bat, Eastern Small-footed	<i>Myotis leibii</i>
• Bat, Gray	<i>Myotis grisescens</i>
• Bat, Indiana	<i>Myotis sodalis</i>
• Bat, Little Brown	<i>Myotis lucifugus</i>
• Bat, Northern Long-eared	<i>Myotis septentrionalis</i>
• Bat, Northern Yellow	<i>Lasiurus intermedius</i>
• Bat, Rafinesque's Big-eared	<i>Corynorhinus rafinesquii</i>
• Bat, Southeastern	<i>Myotis austroriparius</i>
• Bat, Tricolored	<i>Perimyotis subflavus</i>

- Gopher, Southeastern Pocket *Geomys pinetis*
- Manatee, West Indian *Trichechus manatus*
- Mouse, Alabama Beach *Peromyscus polionotus*
ammobates
- Mouse, Meadow Jumping *Zapus hudsonius*
- Mouse, Perdido Key Beach *Peromyscus polionotus*
trissylepsis
- Shrew, Pygmy *Sorex hoyi*
- Shrew, Smoky *Sorex fumeus*
- Cottontail, Appalachian *Sylvilagus obscurus*
- Rabbit, Marsh *Sylvilagus palustris*
- Skunk, Spotted *Spilogale putorius*
- Weasel, Long-tailed *Neogale frenata*
- Woodrat, Allegheny *Neotoma magister*

- (f) Other State or Federally protected nongame species.
- (2) It shall be unlawful for any person to take, capture, kill or possess any bullfrog (*Lithobates catesbeianus*) or pig frog (*Lithobates grylio*) from the public waters of this state for commercial purposes. Furthermore it shall be unlawful for any person to take, capture, kill or possess more than twenty (20) bullfrogs and pig frogs in aggregate from the public waters of this state during any twenty four (24) hour period from 12 noon to the following 12 noon.
- (3) It shall be unlawful for any person to sell, offer for sale, or trade anything of value for any Eastern Diamondback Rattlesnake (*Crotalus adamanteus*), hybrid, or any parts, or possess alive any Eastern Diamondback Rattlesnake or hybrid without a permit from the Commissioner. Nothing herein is intended to prevent the relocation of live Eastern Diamondback Rattlesnakes (*Crotalus adamanteus*) to suitable native habitat within the county of capture when conducted in the same day as capture and with landowner permission.
- (4) It shall be unlawful to possess more than one (1) box turtle or to offer for sale, sell, or trade for anything of value any box turtle (*Terrapene* spp.), box turtle part, or reproductive product except by permit as outlined in paragraph (1).

AUTHOR: Christopher M. Blankenship

STATUTORY AUTHORITY: §§9-2-7, 9-2-8, and 9-2-12,
Code of Alabama, 1975 and Act No. 82-424
Acts of Alabama.

PENALTY: As provided by law.

HISTORY: Effective July 18, 1987. **Amended:** January 2, 1990; September 16, 1992. **Amended:** Filed: October 13, 1994; effective November 18, 1994. **Amended:** Filed September 13, 1995; effective October 19, 1995. **Amended:** Filed August 18, 1997; effective September 23, 1997. **Amended:** Filed October 28, 1998; effective December 3, 1998. **Amended:** Filed April 1, 1999; effective May 6, 1999. **Amended:** Filed September 13, 1999; effective October 18, 1999. **Amended:** Filed June 9, 2000; effective July 14, 2000. **Amended:** Filed June 19, 2001; effective July 24, 2001. **Amended:** Filed July 16, 2002; effective August 20, 2002. **Amended:** Filed June 16, 2003; effective July 20, 2003. **Amended:** Filed June 10, 2004; effective July 15, 2004. **Amended:** Filed October 18, 2005; effective November 22, 2005. **Amended:** Filed August 10, 2006; effective September 14, 2006. **Amended:** Filed May 22, 2007; effective June 26, 2007. **Amended:** Filed September 12, 2007; effective October 17, 2007. **Amended:** Filed May 13, 2009; effective June 17, 2009. **Amended:** Filed August 26, 2011; effective September 30, 2011. **Amended:** Filed June 15, 2016; effective July 30, 2016. **Amended:** Filed May 9, 2017; effective June 23, 2017. **Amended:** Filed September 20, 2022; effective November 14, 2022.

STATE OF ALABAMA)
MONTGOMERY COUNTY)

REGULATION 2022-WFF-7
(Wildlife and Freshwater Fisheries)

By authority vested in me as Commissioner of Conservation and Natural Resources of the State of Alabama as provided for by the Code of Alabama, 1975, §§ 9-2-7, 9-2-8, 9-2-12, and Alabama Act No. 82-424, I do hereby establish, proclaim, and promulgate the following regulation which has the force and effect of law:

Section 1. **Rule 220-2-.92**, entitled “**Protected Nongame Species**” is hereby amended to read as follows:

“220-2-.92 Protected Nongame Species.

(1) It shall be unlawful to take, capture, kill, or attempt to take, capture or kill; possess, sell, trade for anything of monetary value, or offer to sell or trade for anything of monetary value; or propagate the following nongame wildlife species, (or any parts or reproductive products of such species), or any hybrids of such species without a scientific collection permit or written permit from the Commissioner, Department of Conservation and Natural Resources, which shall specifically state what the permittee may do with regard to said species:

(a) **FISHES**

<u>Common Name</u>	<u>Scientific Name</u>
• Cavefish, Alabama	<i>Speoplatyrhinus poulsoni</i>
• Cavefish, Southern	<i>Typhlichthys subterraneus</i>
• Chub, Shoal	<i>Macrhybopsis hyostoma</i>
• Chub, Spotfin	<i>Erimonax monachus</i>
• Darter, Bankhead	<i>Percina sipsi</i>
• Darter, Blotchside	<i>Persina burtoni</i>
• Darter, Bluebreast	<i>Etheostoma camurum</i>
• Darter, Boulder	<i>Etheostoma wapiti</i>
• Darter, Brighteye	<i>Etheostoma lynceum</i>
• Darter, Coldwater	<i>Etheostoma ditrema</i>
• Darter, Crystal	<i>Crystallaria asprella</i>
• Darter, Goldline	<i>Percina aurolineata</i>
• Darter, Halloween	<i>Percina crypta</i>
• Darter, Holiday	<i>Etheostoma brevirostrum</i>
• Darter, Lipstick	<i>Etheostoma chuckwachatte</i>
• Darter, Lollipop	<i>Etheostoma neopteron</i>
• Darter, Rush	<i>Etheostoma phytophilum</i>
• Darter, Scaly Sand	<i>Ammocrypta vivax</i>
• Darter, Slackwater	<i>Etheostoma boschungii</i>

- Darter, Slenderhead
- Darter, Snail
- Darter, Trispot
- Darter, Tuscumbia
- Darter, Vermilion
- Darter, Watercress
- Logperch, Blotchside
- Madtom, Frecklebelly
- Madtom, Mountain
- Minnow, Suckermouth
- Sculpin, Pygmy
- Shad, Alabama
- Shiner, Blackmouth
- Shiner, Blue
- Shiner, Bluestripe
- Shiner, Broadstripe
- Shiner, Cahaba
- Shiner, Dusky
- Shiner, Ironcolor
- Shiner, Palezone
- Sunfish, Spring Pygmy
- Sturgeon, Alabama
- Sturgeon, Gulf
- Sturgeon, Lake

Percina phoxocephala
Percina tanasi
Etheostoma trisella
Etheostoma tuscumbia
Etheostoma chermocki
Etheostoma nuchale
Percina burtoni
Noturus munitus
Noturus eleutherus
Phenacobius mirabilis
Cottus paulus
Alosa alabamiae
Notropis melanostomus
Cyprinella caerulea
Cyprinella callitaenia
Pteronotropis euryzonus
Notropis cahabae
Notropis cummingsae
Notropis chalybaeus
Notropis albizonatus
Elassoma alabamiae
Scaphirynchus suttkusi
Acipenser oxyrhynchus desotoi
Acipenser fulvescens

(b) AMPHIBIANS

<u>Common Name</u>	<u>Scientific Name</u>
• Amphiuma, One-toed	<i>Amphiuma pholeter</i>
• Frog, Crawfish	<i>Lithobates areolatus</i>
• Frog, Gopher	<i>Lithobates capito</i>
• Frog, Little Grass	<i>Pseudacris ocularis</i>
• Frog, Mississippi Gopher	<i>Lithobates sevosa</i>
• Frog, River	<i>Lithobates heckscheri</i>
• Frog, Wood	<i>Lithobates sylvaticus</i>
• Hellbender, Eastern	<i>Cryptobranchus sp</i>
• Mudpuppy	<i>Necturus maculosus maculosus</i>
• Salamander, Reticulated Flatwoods	<i>Ambystoma bishopi</i>
• Salamander, Eastern Tiger	<i>Ambystoma tigrinum</i>
• Salamander, Green	<i>Aneides aeneus</i>
• Salamander, Red Hills	<i>Phaeognathus hubrichti</i>
• Salamander, Seal	<i>Desmognathus monticola</i>
• Salamander, Seepage	<i>Desmognathus aeneus</i>

• Salamander, Small-mouthed	<i>Ambystoma texanum</i>
• Salamander, Southern Dusky	<i>Desmognathus auriculatus</i>
• Salamander, Southern Red-backed	<i>Plethodon serratus</i>
• Salamander, Tennessee Cave	<i>Gyrinophilus palleucus</i>
• Siren, Reticulated	<i>Siren reticulata</i>
• Treefrog, Pine Barrens	<i>Hyla andersonii</i>
• Waterdog, Black Warrior	<i>Necturus alabamensis</i>

(c) **REPTILES**

<u>Common Name</u>	<u>Scientific Name</u>
• Lizard, Eastern Slender Glass	<i>Ophisaurus attenuates longicaudus</i>
• Lizard, Mimic Glass	<i>Ophisaurus mimicus</i>
• Skink, Coal	<i>Plestiodon anthracinus</i>
• Skink, Southeastern Five-Lined	<i>Plestiodon inexpectatus</i>
• Snake, Pine	<i>Pituophis melanoleucus</i> spp.
• Snake, Eastern Indigo	<i>Drymarchon couperi</i>
• Snake, Eastern King	<i>Lampropeltis getula getula</i>
• Snake, Eastern Coral	<i>Micrurus fulvius</i>
• Snake, Gulf Salt Marsh	<i>Nerodia fasciata clarkia</i>
• Snake, All Native King	<i>Lampropeltis</i> spp.
• Snake, Prairie King	<i>Lampropeltis calligaster</i> <i>ealligaster</i>
• Snake, Rainbow	<i>Farancia erytrogramma</i>
• Snake, Black "Speckled" King	<i>Lampropeltis nigra</i>
• Snake, Southern Hognose	<i>Heterodon simus</i>
• Terrapin, Diamondback	<i>Malaclemys</i> spp.
• Tortoise, Gopher	<i>Gopherus polyphemus</i>
• Turtle, Alabama Red-bellied	<i>Pseudemys alabamensis</i>
• Turtle, All Map	<i>Graptemys</i> spp.
• Turtle, Flattened Musk	<i>Sternotherus depressus</i>
• Turtle, Alligator Snapping	<i>Macrochelys temminikii</i>
• Turtle, Razor-backed Musk	<i>Sternotherus carinatus</i>

Informational Note: See Section 9-11-269, Code of Alabama 1975, relating to protection of the flattened musk turtle (*Sternotherus depressus*).

(d) **BIRDS**

All nongame birds are protected under the provisions of this regulation except crows, and non-native species including starlings, Englishhouse sparrows, Eurasian collared doves, rock pigeons, and other non-native species

(e) MAMMALS

<u>Common Name</u>	<u>Scientific Name</u>
• Bat, Brazilian Free-tailed	<i>Tadarida brasiliensis</i>
• Bat, Eastern Small-footed-Myotis	<i>Myotis myotis-leibii</i>
• Bat, Gray Myotis	<i>Myotis grisescens</i>
• Bat, Indiana	<i>Myotis sodalis</i>
• Bat, Little Brown	<i>Myotis lucifugus</i>
• Bat, Northern Long-eared	<i>Myotis septentrionalis</i>
• Bat, Northern Yellow	<i>Lasiurus intermedius</i>
• Bat, Rafinesque's Big-eared	<i>Corynorhinus rafinesquii</i>
• Bat, Southeastern	<i>Myotis austroriparius</i>
• Bat, Tricolored	<i>Perimyotis subflavus</i>
• Gopher, Southeastern Pocket	<i>Geomys pinetis</i>
• Manatee, West Indian	<i>Trichechus manatus</i>
• Mouse, Alabama Beach	<i>Peromyscus polionotus</i> <i>ammobates</i>
• Mouse, Meadow Jumping	<i>Zapus hudsonius</i>
• Mouse, Perdido Key Beach	<i>Peromyscus polionotus</i> <i>trissylepsis</i>
• Shrew, Pygmy	<i>Sorex hoyi</i>
• Shrew, Smoky	<i>Sorex fumeus</i>
• Cottontail, Appalachian	<i>Sylvilagus obscurus</i>
• Rabbit, Marsh	<i>Sylvilagus palustris</i>
• Skunk, Spotted	<i>Spilogale putorius</i>
• Weasel, Long-tailed	<i>Mustela</i> <i>Neogale frenata</i>
• Allegheny , Woodrat, <u>Allegheny</u>	<i>Neotoma magister</i>

(f) Other State or Federally protected nongame species.

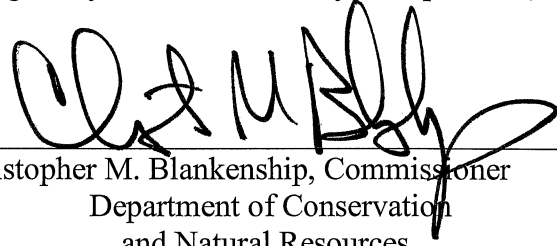
- (2) It shall be unlawful for any person to take, capture, kill or possess any bullfrog (*Lithobates catesbeianus*) or pig frog (*Lithobates grylio*) from the public waters of this state for commercial purposes. Furthermore it shall be unlawful for any person to take, capture, kill or possess more than twenty (20) bullfrogs and pig frogs in aggregate from the public waters of this state during any twenty four (-24) hour period from 12 noon to the following 12 noon.
- (3) It shall be unlawful for any person to sell, offer for sale, or trade anything of value for any Eastern Diamondback Rattlesnake (*Crotalus adamanteus*), hybrid, or any parts, or possess alive any Eastern Diamondback Rattlesnake (~~*Crotalus adamanteus*~~) or hybrid without a permit from the Commissioner. Nothing herein is intended to prevent the relocation of live Eastern Diamondback Rattlesnakes (*Crotalus adamanteus*) to suitable native habitat within the county of capture when conducted in the same day as capture and with landowner permission.

(4) It shall be unlawful to possess more than one (1) box turtle or to offer for sale, sell, or trade for anything of value any box turtle (*Terrapene* spp.), box turtle part, or reproductive product except by permit as outlined in paragraph (1)."

Section 2. The penalty for the violation of any of the provisions of this regulation shall be as provided by law.

Section 3. This regulation shall become effective on the 45th day after publication in the Alabama Administrative Monthly by the Legislative Services Agency.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of my office to be affixed in the City of Montgomery on this the 20th day of September, 2022.

A handwritten signature in black ink, appearing to read 'C. M. Blankenship', is written over a horizontal line. The signature is stylized and cursive.

Christopher M. Blankenship, Commissioner
Department of Conservation
and Natural Resources

**TRANSMITTAL SHEET FOR BUSINESS
ECONOMIC IMPACT STATEMENT (Section
41-22-5.1)**

Control No. 220 Department/Agency Conservation and Natural Resources

Rule No. 220-2-.92

Rule Title: Protected Nongame Species.

New Amend Repeal Adopt by Reference

Attached is a Business Economic Impact Statement filed pursuant to
Section 41-22-5.1, Code of Alabama, 1975.

Signature of Filing Officer _____

Date _____

(DATE FILED)
(STAMP)

Business Economic Impact Statement for 220-2-.26

The Alabama Department of Conservation and Natural Resources (DCNR) does not actively collect information about the number of reptile breeders in the State. DCNR does not currently license or regulate reptile breeders; however, DCNR does regulate the taking, capturing, killing, or attempting to take, capture or kill; possessing, selling, trading for anything of monetary value, or offering to sell or trade for anything of monetary value; or propagating the certain nongame wildlife species, any parts or reproductive products of such species, or any hybrids of such species in the State of Alabama. There are no additional reporting or recordkeeping requirements for compliance with the proposed regulation amendment. While there may be additional short-term administrative costs associated with the relocation of any of the listed reptiles, there are no additional long-term administrative costs required for the compliance with the proposed regulation. DCNR is aware of one business operated by a father and son out of Tennessee that pays for eastern diamondback rattlesnake skins. The comments received by the owners of this business indicating that their business will be impacted and their business poster are attached.

Randy Campbell, Sr.

Three minute talk August 4, 2022

My name is Randy Campbell, I'm here with my son, our business is called Campbell Farms. We pick up Eastern Diamondback Rattlesnakes in Florida, Georgia and southern Alabama and tan them into a usable leather product.

The majority of the Rattlesnakes we pick up are road kills or encountered in people's yard or on their farm resulting in a natural kill. My pick-up sites are country stores in rural Alabama. Rattlesnakes are not killed because I have pick-up sites, I have pick-up sites because Rattlesnakes are and always will be naturally killed.

There has never, and I repeat never been any data suggesting that my business negatively impacts the natural population of the Eastern Diamondback.

In fact Alabama's number one eastern diamondback professional is Dr. Craig Guyer. A retired professor from Auburn University. He has done extensive research on the Eastern Diamondback in the Conecuh National Forest, his record showed a healthy population of live Eastern Diamondback's. He found out about my report and asked for a copy. A few years ago he gave a speech to the Alabama Forestry Alliance he put up the graph of his report and mine and he said my data was believable and the Eastern Diamondback is doing well. You all received that report 2 years ago.

To give you a quick overview of the country stores where I pick up my dead snakes, it's like this. If I pick up 18 snakes a month for 8 months that's 144 snakes a year. That's an extra \$2800 a year for that store times 10 years is \$28,000 times 10 pick up sites is \$280,000. In 20 years is \$560,000. This natural resource would have been left to rot otherwise.

We buy the same amount of dead snakes year after year from the same pick-up sites, if we had any impact on the population our numbers would be dropping off, but they're not. When I pick up these naturally killed snakes, we create a high-end tanned product from a natural resource instead of letting it rot.

Governor Kay Ivey has stated that she cares as much about rural Alabama as she does any of the major cities. This is a boost to many small rural stores and families.

My son and I have been invited to participate on a team of private interest providing input and advice to the United States Fish and Wildlife Service in the development of a Species Status Assessment. I feel this state regulations should be delayed until the Federal listing has been made. This decision is approximately 18 to 24 months from now.

I believe that our business and our country pick-up sites should be grandfathered in and given permits until the Federal findings are in.

New regulations and amendments must consider the financial impact in the private sector. A question was asked on the Notice of Intended Action if this proposed rule had any economic impact and they answered NO. Well, it does.

If you do not consider all the data available to you then a denial of a permit will appear to be Arbitrary and Capricious.

Randy Campbell Jr. from TN

My name is Randy Campbell Jr, I have been working with my Dad for many years, and I take pride in knowing that we take a natural resource that will be thrown away and turn it into beautiful leathers. I plan to continue the family business, and this business has blessed and provided for so many families.

I have 4 kids of my own and I try my hardest to be the best Father I can to my kids. My oldest is 9, and my youngest is 3 years old and its hard to raise them to where they will make all the right decisions in life. But the one thing I know that helps, is that I am responsible to educate them in what I know, so that they can make their own decisions and be happy. We have 61 chickens, 35 quail, and 3 dogs, my kids have responsibilities and they are quickly learning about life cycles. They know we do not waist and whatever we do, we do it for a purpose, not just for sport. The most important lesson my wife and I have taught is that God gave us the gift and responsibility to be good stuarths of His creation:

I have been collecting rattlesnakes for my Dad's company for the past 6 years. I travel to our pick up sites, they are mostly to little Mom and Pop stores, most are in very rural areas. I have noticed the style of collecting and condition to which the Rattlesnakes have been collected, is mostly the same. The store owner usually shares a story about how and when one of the Rattlesnakes were collected and like always, its usually the biggest snake they have in the freezer. I then take all the snakes and put them into our custom built coolers in the back of our trucks, go back inside and proceed to write a check to the store for the snakes. I thank them for their services and go to the next store in another town.

Most of the people who bring in a Rattlesnake get paid \$12. The snakes I collect are encounter kills, not hunted. I see bullet holes in the heads, I see road kills, they use bird shot and I see quite a bit of rot. I even have seen red twin tied around some of the Rattlesnakes head, this indicates the people collecting pine straw have had encounter kills. Most of the snakes are fully complete, head, body, and rattle. I say this because if we had hunters, they would claim some kind of trophy, and best trophy would be the rattle, we rarely see Rattlesnakes with the rattle cut off. If we had hunters hunting the snakes for the money, snakes would come in multiples, our records show this rarely happens. If we had hunters out just for the money, we would be getting phone calls from the hunters so that the hunter could receive more money for the Rattlesnakes, we do not get phone calls from snake hunters, never have. If there were snake hunters, we would get most of our Rattlesnakes in the winter seasons because it is widely known, hunting Rattlesnakes is most advantageous hunting in the Gofer Tortis holes. Most of our collection happens in the Sumer and Fall seasons and we stop our collection through the winter seasons.

I have heard of so many stories of how people have found the Rattlesnake in their yard close to where the kids play, stories of how people were cleaning out a shed or moving piles of junk from the yard, and stories of when they were going to set up their deer stand in the woods and come across the Rattlesnake. One of our pick up sites have had one get into their house.

You see, our posters have the same message no matter where our sites are located, south in Florida to mid Georgia, our signs are the same, the store will pay the public for a dead Rattlesnake. The store pays whoever brings in a snake, \$3/ foot. We pay the store \$5/ foot, that's a 40% profit for the store. And many have told me that when the public gets the money, they turn right around and spend the money back into the store, therefore making the profit margins for the store owners increase more than the 40%. In the past we have had stores tell us, if it wasn't for the snake money, I would have been out of business long ago. The snake

collecting brings people to the store when they most likely would have gone to another competitive store in town.

So to wrap all this up, we are here today asking for understanding, understand where we are coming from, and to know better of where you are coming from with this law. We simply ask for our family business to continue, and continue to take a natural resource, that will rot away, and turn it into something useful and beautiful. Our evidence collected for over 30 years proves the population, the health, of the Eastern Diamondback Rattlesnake has thrived, maintained, and continues to thrive to this day with numbers higher than anyone has ever collected. Did you know that the Eastern Diamondback Rattlesnake is the only widely used leather on the mass market that is not hunted or farm raised, my Father designed this collection model to help people and to use something that was going to rot away. We want to be Grandfathered in and given a permit.

WANTED



Dead Rattlesnake
\$3.00 a Foot



Must Be 3Ft. or Longer