APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control:	220
Department or Agency:	Alabama Department of Conservation and Natural Resources
Rule No.:	220-2-.92
Rule Title:	Protected Nongame Species
Intended Action	Amend

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?	No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule?	NA
Are all facets of the rule-making 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

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Does the proposed rule have an 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 Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer: Christopher M. Blankenship
Chris Blankenship

REC'D & FILED

Date: Friday, December 19, 2025 DEC 19, 2025

LEGISLATIVE SVC AGENCY

APA-2

ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Conservation and Natural Resources

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

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The 2025 Alabama State Wildlife Action Plan identifies 27 salamander species as Species of Greatest Conservation Need, an increase from 15 currently protected. Due to the similarity among salamander species, species-specific listings create compliance challenges.

Protecting all native salamanders would improve regulatory clarity, prevent incidental or intentional take of at-risk species, and align with recent U.S. Fish and Wildlife Service actions addressing disease risks from Batrachochytrium salamandrivorans (Bsal). This revision would provide a proactive and practical approach to salamander conservation in Alabama.

TIME, PLACE AND 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., Wednesday, February 4, 2026.

If ADA accommodations are needed, please contact Heidi Bowers at (334) 242-3165 or heidi.bowers@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:

Wednesday, February 4, 2026

CONTACT PERSON AT AGENCY:

Chris Lewis, Director
Wildlife & Freshwater Fisheries
5th Floor, 64 N. Union Street
Montgomery, Alabama 36130
334-242-3465

Christopher M. Blankenship

Chris Blankenship

(Signature of officer authorized to promulgate and adopt rules or his or her deputy)

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

Common Name	Scientific Name
• Cavefish, Alabama	Speoplatyrhinus poulsoni
• Cavefish, Southern	Typhlichthys subterraneus
• Chub, Shoal	Macrhybopis hyostoma
• Chub, Spotfin	Erimonax monacus
• Darter, Bankhead	Percina sipsi
• Darter, Blotchside	Persina burtoni
• Darter, Bluebreast	Etheostoma camurum
• Darter, Boulder	Etheostoma wapiti
• Darter, Brighteye	Etheostoma lynceum
• Darter, Coldwater	Etheostoma ditrema
• Darter, Crystal	Crystallaria asprella
• Darter, Goldline	Percina aurolineata
• Darter, Halloween	Percina crypta
• Darter, Holiday	Etheostoma brevirostrum
• Darter, Lipstick	Etheostoma chuckwachatte
• Darter, Lollipop	Etheostoma neopterum
• Darter, Rush	Etheostoma phytophilum
• Darter, Scaly Sand	Ammocrypta vivax
• Darter, Slackwater	Etheostoma boschungi
• Darter, Slenderhead	Percina phoxocephala
• Darter, Snail	Percina tanasi
• Darter, Trispot	Etheostoma trisella
• Darter, Tuscumbia	Etheostoma tuscumbia
• Darter, Vermilion	Etheostoma chermocki
• Darter, Watercress	Etheostoma nuchale
• Logperch, Blotchside	Percina burtoni
• Madtom, Frecklebelly	Noturus munitus
• Madtom, Mountain	Noturus eleutherus
• Minnow, Suckermouth	Phenacobius mirabilis
• Sculpin, Pygmy	Cottus paulus
• Shad, Alabama	Alosa alabamae
• Shiner, Blackmouth	Notropis melanostomus

• Shiner, Blue	Cyprinella caerulea
• Shiner, Bluestripe	Cyprinella callitaenia
• Shiner, Broadstripe	Pteronotropis euryzonus
• Shiner, Cahaba	Notropis cahabae
• Shiner, Dusky	Notropis cummingsae
• Shiner, Ironcolor	Notropis chalybaeus
• Shiner, Palezone	Notropis albizonatus
• Sunfish, Spring Pygmy	Elassoma alabamae
• Sturgeon, Alabama	Scaphirynchus suttkusi
• Sturgeon, Gulf	Acipenser oxyrhynchus desotoi
• Sturgeon, Lake	Acipenser fulvescens

(b) Amphibians

Common Name	**Scientific Name**
~~• Amphiuma, One-toed~~	~~*Amphiuma pholeter*~~
~~•~~ Frog, Crawfish	*Lithobates areolatus*
• Frog, Gopher	*Lithobates capito*
• Frog, Little Grass	*Pseudacris ocularis*
• Frog, Mississippi Gopher	*Lithobates sevosa*
• Frog, River	*Lithobates heckscheri*
• Frog, Wood	*Lithobates sylvaticus*
~~• Hellbender, Eastern~~	~~*Cryptobranchus sp*~~
~~• Mudpuppy~~	~~*Necturus maculosus*~~
~~• Salamander, Reticulated Flatwoods~~	~~*Ambystoma bishopi*~~
~~• Salamander, Eastern Tiger~~	~~*Ambystoma tigrinum*~~
~~• Salamander, Green~~	~~*Aneides aeneus*~~
~~• Salamander, Red Hills~~	~~*Phaeognathus hubrichti*~~
~~• Salamander, Seal~~	~~*Desmognathus monticola*~~
~~• Salamander, Seepage~~	~~*Desmognathus aeneus*~~
~~• Salamander, Small-mouthed~~	~~*Ambystoma texanum*~~
~~• Salamander, Southern Dusky~~	~~*Desmognathus auriculatus*~~
~~• Salamander, Southern Red-backed~~	~~*Plethodon serratus*~~
~~• Salamander, Tennessee Cave~~	~~*Gyrinophilus palleucus*~~
~~• Siren, Reticulated~~	~~*Siren reticulata*~~
~~•~~ Treefrog, Pine Barrens	*Hyla andersonii*
~~• Waterdog, Black Warrior~~	~~*Necturus alabamensis*~~

All native salamander species, including those in the genera *Ambystoma, Amphiuma, Aneides, Cryptobranchus, Desmognathus, Eurycea, Gyrinophilus, Hemidactylium, Necturus, Notophthalmus, Phaeognathus, Plethodon, Pseudotriton, and Siren.*

(c) Reptiles

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

Informational Note: See Section 9-11-269, Code of Ala. 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

Common Name	Scientific Name
• Bat, Brazilian Free-tailed	Tadarida brasiliensis
• Bat, Eastern Small-footed	Myotis leibi
• Bat, Gray	Myotis grisescens
• Bat, Indiana	Myotis sodalis
• Bat, Little Brown	Myotis lucifugus
• Bat, Northern Long-eared	Myotis septentrionalis
• Bat, Northern Yellow	Lasiurus intermedius
• Bat, Rafinesque's Big-eared	Corynorhinus rafinesquii
• Bat, Southeastern	Myotis austroriparius
• Bat, Tricolored	Perimyotis subflavus
• 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 polionotustrissylepsis
• 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: Code of Ala. 1975, §§9-2-7, 9-2-8, 9-2-12 and Act No. 82-424, Acts of Alabama.
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:** Published September 30, 2022; effective November 14, 2022. **Amended:** Published ; effective .

Penalty: As provided by law.