

APA-1
Revised 4/2018

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 220 Department or Agency Conservation and Natural Resources
Rule No.: 220-2-.98
Rule Title: Invertebrate Species 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

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? 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 Ryan V. Curley
Secretary of Administrative Procedure

Date 5/21/18

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6/93

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: 220-2-.98 Invertebrate Species Regulation

INTENDED ACTION: Amendment.

SUBSTANCE OF PROPOSED ACTION: To make it 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, the listed invertebrate species (or any parts or reproductive products of such species) without a scientific collection permit or written permit from the Commissioner.

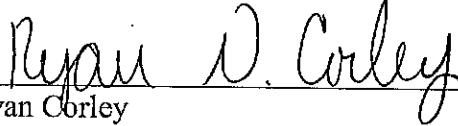
TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of the Division of Wildlife and Freshwater Fisheries at any time during the period stated below, or orally if requested in writing 48 hours in advance to the Director of the Division of Wildlife and Freshwater Fisheries, by personally appearing at Room 474, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Thursday, July 5, 2018.

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:

July 5, 2018.

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



Ryan Corley
Secretary of Administrative Procedure

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

Control No. 220 Department or Agency Conservation

Rule No: 220-2-.98

Rule Title: Invertebrate Species Regulation

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:

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

3. EFFECT OF THIS RULE 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:

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

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

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:

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

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

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

Christopher M. Blankenship

220-2-.98 Invertebrate Species Regulation.

(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, the following invertebrate species (or any parts or reproductive products 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) <u>Common Name</u>	<u>Scientific Name</u>
• <u>Alabama cave crayfish</u>	<u><i>Cambarus jonesi</i></u>
• <u>Alabama cave shrimp</u>	<u><i>Palaemonias alabamiae</i></u>
• <u>Alabama creekmussel</u>	<u><i>Strophitus connasaugaensis</i></u>
• <u>Alabama creekshell</u>	<u><i>Anodontoides radiatus</i></u>
• <u>Alabama hickorynut</u>	<u><i>Obovaria unicolor</i></u>
• <u>Alabama lamp-pearly-mussel</u>	<u><i>Lampsilis virescens</i></u>
• <u>Alabama moccasinshell</u>	<u><i>Medionidus acutissimus</i></u>
• <u>Alabama pearlshell</u>	<u><i>Margaritifera marrianae</i></u>
• <u>Alabama rainbow</u>	<u><i>Villosa nebulosa</i></u>
• <u>Alabama spike</u>	<u><i>Elliptio arca</i></u>
• <u>American burying beetle</u>	<u><i>Nicrophorus americanus</i></u>
• <u>Ample elimia</u>	<u><i>Elimia ampla</i></u>
• <u>Angled marstonia</u>	<u><i>Marstonia angulobasis</i></u>
• <u>Angular dwarf crayfish</u>	<u><i>Cambarellus lesliei</i></u>
• <u>Anthony's riversnail</u>	<u><i>Athearnia anthonyi</i></u>
• <u>Armored marstonia</u>	<u><i>Marstonia pachyta</i></u>
• <u>Armored rocksnail</u>	<u><i>Lithasia armigera</i></u>
• <u>Auger elimia</u>	<u><i>Elimia teretria</i></u>
• <u>Black clubshell</u>	<u><i>Pleurobema curtum</i></u>
• <u>Black mudalia</u>	<u><i>Elimia melanoides</i></u>
• <u>Black sandshell</u>	<u><i>Ligumia recta</i></u>
• <u>Boxclaw crayfish</u>	<u><i>Cambarus distans</i></u>
• <u>Brooch elimia</u>	<u><i>Elimia broccata</i></u>
• <u>Burrowing bog crayfish</u>	<u><i>Creaserinus burrisi</i></u>
• <u>Cahaba ancyliid</u>	<u><i>Rhodacmea cahawbensis</i></u>
• <u>Cahaba pebblesnail</u>	<u><i>Clappia cahabensis</i></u>
• <u>Cajun dwarf crayfish</u>	<u><i>Cambarellus shufeldtii</i></u>
• <u>Canoe creek clubshell</u>	<u><i>Pleurobema athearni</i></u>
• <u>Capillaceous crayfish</u>	<u><i>Procambarus capillatus</i></u>
• <u>Celestial crayfish</u>	<u><i>Procambarus holifieldi</i></u>
• <u>Chattahoochee crayfish</u>	<u><i>Cambarus howardi</i></u>
• <u>Chipola slabshell</u>	<u><i>Elliptio chipolaensis</i></u>

• Choctaw bean	<i>Villosa Obovaria choctawensis</i>
• Clubshell	<i>Pleurobema elava</i>
• Cobble elimia	<i>Elimia vanuxemiana</i>
• Cockle elimia	<i>Elimia cochliaris</i>
• Cockscomb crayfish	<i>Procambarus clemmeri</i>
• Coosa creekshell	<i>Villosa umbrans</i>
• Coosa moccasinshell	<i>Medionidus parvulus</i>
• Coosa pyrg	<i>Marstonia hershleri</i>
• Coosa River spiny crayfish	<i>Faxonius spinosus</i>
• Corpulent hornsnail	<i>Pleurocera corpulenta</i>
• Cracking pearly-mussel	<i>Hemistena lata</i>
• Creeper	<i>Strophitus undulatus</i>
• Crisscross crayfish	<i>Procambarus marthae</i>
• Cumberland combshell	<i>Epioblasma brevidens</i>
• Cumberland moccasinshell	<i>Medionidus conradicus</i>
• Cumberland monkeyface pearly-mussel	<i>Quadrula Theliderma intermedia</i>
• Cumberlandian combshell	<i>Epioblasma brevidens</i>
• Cylindrical lioplax	<i>Lioplax cyclostomaformis</i>
• Dark pigtoe	<i>Pleurobema furvum</i>
• Dromedary peraly mussel	<i>Dromus dromas</i>
• Delicate spike	<i>Elliptio arctata</i>
• Depression crayfish	<i>Cambarus rusticiformis</i>
• Downy rainbow	<i>Villosa villosa</i>
• Duck river dartersnapper	<i>Epioblasma ahlstedti</i>
• Elktoe	<i>Alasmidonta marginata</i>
• Engraved elimia	<i>Elimia perstriata</i>
• Escambia crayfish	<i>Procambarus escambiensis</i>
• Etowah heelsplitter	<i>Lasmigona etowaensis</i>
• Fanshell	<i>Cyprogenia stegaria</i>
• Fine-lined pocketbook	<i>Lampsilis Hamiota altilis</i>
• Fine-rayed pigtoe	<i>Fusconaia cuneolus</i>
• Fire elimia	<i>Elimia exusta</i>
• Fireback crayfish	<i>Cambarus pyronotus</i>
• Flat Ppebblesnail	<i>Lepyrium showalteri</i>
• Flatnose crayfish	<i>Procambarus planirostris</i>
• Flaxen elimia	<i>Elimia boykiniana</i>
• Flint river crayfish	<i>Faxonius cooperi</i>
• Florida floater	<i>Utterbackia peggyae</i>
• Fuzzy pigtoe	<i>Pleurobema stroadianum</i>
• Georgia pigtoe	<i>Pleurobema hanleyianum</i>
• Greensaddle crayfish	<i>Cambarus manningi</i>
• Gulf moccasinshell	<i>Medionidus penicillatus</i>
• Heavy pigtoe	<i>Pleurobema taitiana</i>
• Inflated heelsplitter	<i>Potamilus inflatus</i>

• <u>Inflated spike</u>	<u><i>Elliptio purpurella</i></u>
• <u>Jacknife crayfish</u>	<u><i>Procambarus hubbelli</i></u>
• <u>Judge Tait's mussel</u>	<u><i>Pleurobema taitianum</i></u>
• <u>Kidneyshell</u>	<u><i>Ptychobranhus fasciolaris</i></u>
• <u>Lacon exit cave crayfish</u>	<u><i>Cambarus laconensis</i></u>
• <u>Lacy elimia</u>	<u><i>Elimia crenatella</i></u>
• <u>Lagniappe crayfish</u>	<u><i>Procambarus lagniappe</i></u>
• <u>Latticed elimia</u>	<u><i>Elimia mihalcikae</i></u>
• <u>Lavender burrowing crayfish</u>	<u><i>Creaserinus byersi</i></u>
• <u>Least crayfish</u>	<u><i>Cambarellus diminutus</i></u>
• <u>Lilyshoals elimia</u>	<u><i>Elimia annettae</i></u>
• <u>Linear cobalt crayfish</u>	<u><i>Cambarus gentryi</i></u>
• <u>Little-wing pearly mussel</u>	<u><i>Pegias fabula</i></u>
• <u>Longnose crayfish</u>	<u><i>Cambarus longirostris</i></u>
• <u>Longsolid</u>	<u><i>Fusconaia subrotunda</i></u>
• <u>Manitou cavesnail</u>	<u><i>Antrorbis breweri</i></u>
• <u>Marshall's mussel</u>	<u><i>Pleurobema marshalli</i></u>
• <u>Mississippi pigtoe</u>	<u><i>Pleurobema beadleianum</i></u>
• <u>Mobile crayfish</u>	<u><i>Procambarus lecontei</i></u>
• <u>Monkeyface</u>	<u><i>Theliderma metanevra</i></u>
• <u>Moss pyrg</u>	<u><i>PyrgulopsisMarstonia scalariformis</i></u>
• <u>Mountain fork crayfish</u>	<u><i>Cambarus diupalma</i></u>
• <u>Mountain midget crayfish</u>	<u><i>Cambarus parvoculus</i></u>
• <u>Mucket</u>	<u><i>Actinonaias ligamentina</i></u>
• <u>Muddy rocksnail</u>	<u><i>Lithasia salebrosa</i></u>
• <u>Narrow pigtoe</u>	<u><i>Fusconaia escambia</i></u>
• <u>Oblong rocksnail</u>	<u><i>Leptoxis compacta</i></u>
• <u>Ohio pigtoe</u>	<u><i>Pleurobema cordatum</i></u>
• <u>Okaloosa crayfish</u>	<u><i>Procambarus okaloosae</i></u>
• <u>Orange-footed pearly mussel</u>	<u><i>Plethobasus cooperianus</i></u>
• <u>Orange-naere mucket</u>	<u><i>Lampsilis perovalis</i></u>
• <u>Orangenacre pocketbook</u>	<u><i>Hamiota perovalis</i></u>
• <u>Oval pigtoe</u>	<u><i>Pleurobema pyriforme</i></u>
• <u>Ovate clubshell</u>	<u><i>Pleurobema perovatum</i></u>
• <u>Oyster mussel</u>	<u><i>Epioblasma capsaeformis</i></u>
• <u>Painted creekshell</u>	<u><i>Villosa taeniata</i></u>
• <u>Painted rocksnail</u>	<u><i>Leptoxis taeniatacoosaensis</i></u>
• <u>Pale Lilliput-pearly mussel</u>	<u><i>Toxolasma cylindrellus</i></u>
• <u>Panhandle crayfish</u>	<u><i>Procambarus evermani</i></u>
• <u>Peninsula crayfish</u>	<u><i>Procambarus paeninsulanus</i></u>
• <u>Phantom cave crayfish</u>	<u><i>Cambarus pecki</i></u>
• <u>Pheasantshell</u>	<u><i>Actinonaias pectorosa</i></u>
• <u>Penitent mussel</u>	<u><i>Epioblasma penita</i></u>
• <u>Pink mucket-pearly mussel</u>	<u><i>Lampsilis abrupta</i></u>

• Plicate rocksnail	<i>Leptoxis plicata</i>
• Prickly cave crayfish	<i>Cambarus hamulatus</i>
• Princess elimia	<i>Elimia bellacrenata</i>
• Prominence riverlet crayfish	<i>Hobbseus prominens</i>
• Purple bankclimber	<i>Elliptoideus sloatianus</i>
• Purple cat's paw pearly mussel	<i>Epioblasma obliquata bliquata</i>
• Puzzle elimia	<i>Elimia varians</i>
• Pyramid pigtoe	<i>Pleurobema rubrum</i>
• Rabbitsfoot	<i>Quadrula Theliderma cylindrica</i>
• Rayed kidneyshell	<i>Ptychobranhus foremanianus</i>
• Ring pink pearly mussel	<i>Obovaria retusa</i>
• Rough hornsnail	<i>Pleurocera foremani</i>
• Rough pigtoe	<i>Pleurobema plenum</i>
• Round ebonyshell	<i>Reginaia rotulata</i>
• Round hickorynut	<i>Obovaria subrotunda</i>
• Round pigtoe	<i>Pleurobema sintoxia</i>
• Round-ribbed elimia	<i>Elimia nassula</i>
• Round rocksnail	<i>Leptoxis ampla</i>
• Rugged hornsnail	<i>Pleurocera alveare</i>
• Saddle crayfish	<i>Faxonius durelli</i>
• Salt Spring hydrob	<i>Pseudotryonia grahamae</i>
• Sculpin snail	<i>Stiobia nana</i>
• Sculptured pigtoe	<i>Cyclonaias infucata</i>
• Sheepnose	<i>Plethobasus cyphus</i>
• Shelta cave crayfish	<i>Orconectes sheltae</i>
• Shiny pigtoe	<i>Fusconaia cor</i>
• Shiny-rayed pocketbook	<i>Lampsilis Hamiota subangulata</i>
• Shrimp crayfish	<i>Faxonius lancifer</i>
• Silt elimia	<i>Elimia haysiana</i>
• Skirted hornsnail	<i>Pleurocera pyrenella</i>
• Slabside pearly mussel	<i>Lexingtonia Pleuronaia dolabelloides</i>
• Slackwater crayfish	<i>Cambarus halli</i>
• Slender campeloma	<i>Campeloma decampii</i>
• Slenderclaw crayfish	<i>Cambarus cracens</i>
• Slippershell mussel	<i>Alasmidonta viridis</i>
• Smoothnose crayfish	<i>Procambarus hybus</i>
• Snuffbox	<i>Epioblasma triquetra</i>
• Southeastern prairie crayfish	<i>Procambarus hagenianus hagenianus</i>
• Southern Arcornshell	<i>Epioblasma othealeogensis</i>
• Southern clubshell	<i>Pleurobema decisum</i>
• Southern combshell	<i>Epioblasma penita</i>
• Southern elktoe	<i>Alasmidonta triangulata</i>
• Southern hickorynut	<i>Obovaria jacksoniana</i>
• Southern kidneyshell	<i>Ptychobranhus jonesi</i>

• Southern pigtoe	<i>Pleurobema georgianum</i>
• <u>Southern purple lilliput</u>	<i>Toxolasma corvunculus</i>
• Southern sandshell	<i>Lampsilis Hamiota australis</i>
• <u>Southern White River crayfish</u>	<i>Procambarus zonangulus</i>
• <u>Speckled burrowing crayfish</u>	<i>Creaserinus danielae</i>
• <u>Speckled crayfish</u>	<i>Cambarus lentiginosus</i>
• Spectaclecase	<i>Cumerlandia Margaritifera monodonta</i>
• Spike	<i>Eurynaia dilatata</i>
• <u>Spindle elimia</u>	<i>Elimia capillaris</i>
• Spotted rocksnail	<i>Leptoxis picta</i>
• <u>Spur crayfish</u>	<i>Procambarus lewisi</i>
• <u>Squat elimia</u>	<i>Elimia variata</i>
• <u>Stately elimia</u>	<i>Elimia dickinsoni</i>
• Stirrup-shell	<i>Quadrula stapes</i>
• <u>Straightedge crayfish</u>	<i>Procambarus hayi</i>
• <u>Striate hornsnail</u>	<i>Pleurocera striata</i>
• <u>Sweet home Alabama cave crayfish</u>	<i>Cambarus speleocoopi</i>
• <u>Tallapoosa crayfish</u>	<i>Cambarus englishi</i>
• <u>Tapered pigtoe</u>	<i>Fusconaia burkei</i>
• <u>Teardrop elimia</u>	<i>Elimia lachryma</i>
• <u>Tennessee bean</u>	<i>Venustaconcha trabalis</i>
• <u>Tennessee bottlebrush crayfish</u>	<i>Barbicambarus simmonsii</i>
• <u>Tennessee clubshell</u>	<i>Pleurobema oviforme</i>
• <u>Tennessee heelsplitter</u>	<i>Lasmigona holstonia</i>
• <u>Tennessee pigtoe</u>	<i>Pleurobema barnesiana</i>
• <u>Triangular kidneyshell</u>	<i>Ptychobranchus greenii</i>
• <u>Tubereled blossom pearly mussel</u>	<i>Epioblasma torulosa torulosa</i>
• <u>Tulotoma snail</u>	<i>Tulotoma magnifica</i>
• <u>Turgid blossom pearly mussel</u>	<i>Epioblasma turgidula</i>
• <u>Twisted dwarf crayfish</u>	<i>Cambarellus rotatus</i>
• <u>Upland combshell</u>	<i>Epioblasma metastrata</i>
• <u>Vernal crayfish</u>	<i>Procambarus viaeviridis</i>
• <u>Warrior pigtoe</u>	<i>Pleurobema rubellum</i>
• <u>Warty rocksnail</u>	<i>Lithasia lima</i>
• <u>Watercress Snail</u>	<i>Fontigens nickliniana</i>
• <u>White spring cave crayfish</u>	<i>Cambarus veitchorum</i>
• <u>White wartyback pearly mussel</u>	<i>Plethobasus cicatricosus</i>
• <u>Wicker ancylid</u>	<i>Rhodacmea elatior</i>
• <u>Yellow blossom pearly mussel</u>	<i>Epioblasma Florentina florentina</i>
• <u>Zebra crayfish</u>	<i>Cambarus clairitae</i>

(b) Other State or Federally protected invertebrate species. In addition any required federal permits for federally protected species must be obtained.

Author: Christopher M. Blankenship

Statutory Authority: §§ 9-2-7, 9-2-8, 9-2-12, and 9-11-371,
Code of Alabama, 1975.

Penalty: As provided by law.

History: Effective June 1, 1990. **Amended:** Filed September 13, 1995; effective October 19, 1995. **Amended:** Filed August 11, 1997; effective September 16, 1997. **Amended:** Filed July 21, 1998; effective August 26, 1998. May 22, 2018