



APA-2

ALABAMA FORESTRY COMMISSION  
FOREST MANAGEMENT DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Forestry Commission

CHAPTER NO. & TITLE: 390-X-7 State Forest Visitor Regulations

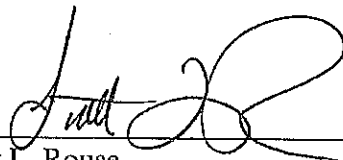
INTENDED ACTION: To amend the entire chapter (§§ 390-X-7-.01, 390-X-7-.02, 390-X-7-.03, 390-X-7-.04, 390-X-7-.05, 390-X-7-.06, 390-X-7-.07, 390-X-7-.08, 390-X-7-.09, 390-X-7-.10, 390-X-7-.11, 390-X-7-.12, 390-X-7-.13, and 390-X-7-.14).

SUBSTANCE OF PROPOSED ACTION: The proposed amendments to Chapter 390-X-7 are needed to reauthorize each of the regulations therein in accordance with ALA. CODE § 9-13-10.2, which was enacted during the 2018 Session of the Alabama Legislature. Other proposed changes are needed to update and clarify these various regulations.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Views may be presented orally or in writing on or before June 15, 2018. Such input should be addressed to Scott L. Rouse, General Counsel, Alabama Forestry Commission, 513 Madison Avenue, Montgomery, Alabama 36104.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: June 15, 2018

CONTACT PERSON AT AGENCY: Scott L. Rouse, General Counsel, Alabama Forestry Commission, 513 Madison Avenue, Montgomery, Alabama 36104, (334) 240-9342.



Scott L. Rouse  
Secretary of Administrative Procedure

ALABAMA FORESTRY COMMISSION  
FOREST MANAGEMENT DIVISION  
 ADMINISTRATIVE CODE

CHAPTER 390-X-7  
 STATE FOREST VISITOR REGULATIONS

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390-X-7-.01	Use Of Facilities.

(1) ~~Alabama State Law requires that all~~ All persons registering at any cabin or campsite in any State Forest shall record the name and address of each responsible party in a registration book or upon a guest register card, or a permit provided for such use. Persons under eighteen (18) years of age shall be permitted to register for a cabin or campsite only as agents acting for their parents. Any person who willfully makes an erroneous entry in such registration shall be in violation of this regulation.

(2) Upon leaving any cabin the renter thereof shall wash all dishes and cooking utensils and shall turn off all electric appliances, oil or gas heaters and stoves, extinguish all fires except pilot lights, and leave the premises in a clean and sanitary condition.

(3) ~~It shall be unlawful to erect or occupy any site with unsightly or inappropriate camping equipment.~~ No person shall maintain any State Forest campsite in an unsanitary or dangerous condition.

~~(4) No person shall Pitching pitch a tents or parking a trailers or other camping or recreational equipment in an areas not designated for such purposes shall be unlawful.~~

~~(5) No person shall picnic in any area in any State Forest or on any State Forest way except in the designated places without the specific approval of the Forest Manager.~~

~~(65) It shall be unlawful for any No person to shall possess or use, any container made of glass or other breakable material at any State Forest swimming area, any container which is subject to break, shatter, fracture, disintegrate, or become fragmented, including, but not limited to, glass, breakable plastics, etc.~~

~~(76) Abandoned personal property shall be subject to disposal in accordance with law.~~

~~(87) It shall be unlawful to No person shall leave unattended at any State Forest any person child under the age of fourteen ~~(14)~~ sixteen (16). For the purpose of this paragraph regulation, "unattended" shall mean without direct adult supervision by a person at least twenty-one (21) years of age.~~

~~(98) (a) It shall be unlawful for any No person to may enter any area of a State Forest for which an admission fee is charged or levied for admission to, or use of, any area or facility contained therein without having a valid permit in their his or her possession. A valid permit can be obtained one of two ways:~~

~~(1) From a self serve station located at the entrance of a state forest. The patron must take an envelope, place the required fee in the envelope, tear off the corresponding stub of the envelope and place the envelope containing the fee in the provided receptacle. The stub shall serve as the permit and proof of fee payment; or~~

~~(2) From a forestry commission employee who will collect the appropriate admission/use fee(s) and will issue the patron the appropriate permit which may be in the form of a numbered ticket or other form as directed by the State Forester.~~

~~(b) It shall be unlawful for any person to refuse to produce for inspection any permit required by this regulation to any Alabama Forestry Commission employee upon demand.~~

**Author:** Scott L. Rouse

**Statutory Authority:** ALA. CODE § 9-13-10.2

**History:** Promulgated May 17, 2005; amended March 9, 2010; additional amendment proposed April 30, 2018.

390-X-7-.02 Swimming, Fishing And Boating.

(1) Visitors shall swim or wade only in areas designated for such use.

(2) All persons fishing in any of the State Forests shall abide by the fishing regulations promulgated by the State Forester and by other fishing laws and regulations that are in force in the State of Alabama. Appropriate permits must be purchased or obtained prior to fishing in any body of water located on or within a State Forest~~state forest lake~~.

(a) A person so fishing shall, upon demand, exhibit his catch, fishing license, or permit to any agent or employee of the Alabama Forestry Commission or to any Conservation officer for inspection.

(b) No fish shall be placed in the State Forest lakes or waters except with permission of the State Forester.

(c) ~~The~~ Daily creel limits are posted in a conspicuous place at each State Forest lake. Any person who catches, takes or has in his or her possession more fish than allowable by the posted creel or possession limits shall be in violation of this regulation.

~~(d) Live minnows used for bait shall be limited to the following species: Goldfish minnows, commonly called "Indiana" minnows; golden shiners, commonly called "Shinners," and fathead minnows, commonly called "Toughies." No person shall release any minnow whatsoever, either dead or alive, by emptying from a minnow bucket or any other method. All minnow buckets or other receptacles for holding minnows used shall at all times be open to inspection by Forestry Officers, Conservation Officers, or other agents or employees of the Alabama Forestry Commission.~~

(ed) Fish shall be taken by rod and reel or pole and line only, in State Forest lakes or waters. Use of other methods of fishing such as trot lines, set hooks, gigs, nets, seines, spear guns, bow and arrow, jug fishing, noodle fishing, etc., is prohibited.

(3) Gasoline powered vessels are prohibited on any of the lakes or waters of the State Forests unless by special written permission from the State Forester.

Author: Scott L. Rouse

Statutory Authority: ALA. CODE § 9-13-10.2

History: Promulgated May 17, 2005; amendment proposed April 30, 2018.

**390-X-7-.03 Fees.** ~~It shall be a violation of this regulation for~~ any No person ~~to shall~~ evade or attempt to evade by any method or means any fee or other charge which may be levied for admission to, or use of, any State Forest area or facility contained therein.

**Author:** Scott L. Rouse

**Statutory Authority:** ALA. CODE § 9-13-10.2

**History:** Promulgated May 17, 2005; amendment proposed April 30, 2018.

**390-X-7-.04 Operation Of Vehicles.**

(1) Driving a motor vehicle in excess of posted speed shall be unlawful. The maximum speed limit for any power driven vehicles shall be 25 miles per hour unless otherwise posted.

(2) Driving any vehicle carelessly and heedlessly disregarding the rights or safety of others, or without due caution ~~and~~ or at a speed, or in a manner so as to endanger or be likely to endanger any person or property shall be unlawful.

(3) Riding on the hood, roof, fenders, or trunk, or other exterior portion of automobiles, or riding on the roof, fenders, hood, or bumper of trucks, while traveling on or through a State Forest ~~forest roads or other forest premises~~ shall be unlawful.

(4) Motor bikes, all-terrain vehicles, minibikes, motorcycles, motor scooters, go-carts, any other type of motorized vehicle and bicycles shall not be ~~driven~~ operated in any areas or on any trails not designated for their use. ~~Only licensed vehicles shall be allowed to be utilized by the public on State Forest roads.~~

(5) No motorized vehicles of any kind or bicycles shall be allowed on horse trails, hiking trails, bodies of water, or beachswimming areas in any State Forest, except where specifically permitted.

(6) Operating a motor vehicle at any time without a muffler in good working order, or operating a motor vehicle in such a manner as to create excessive, ~~or unusual~~ or annoying noise or ~~annoying~~ smoke, or using a muffler cut off, by pass, or similar device shall be unlawful.

(7) No person shall park any vehicle, camper, trailer or any towed conveyance in any area not specifically designed for said vehicle.

Author: Scott L. Rouse

Statutory Authority: ALA. CODE § 9-13-10.2

History: Promulgated May 17, 2005; amendment proposed April 30, 2018.

**390-X-7-.05 Pets And Animals; Horses And Draft Animals.**

(1) Bringing a dog, cat or other animal into a State Forest shall be unlawful unless itsuch animal is crated, caged, or kept upon a leash not longer than 6 feet or otherwise under physical restrictive control at all times, shall be unlawful, except that animals used in legally authorized hunting activities are exempt.

(2) No person shall keep a noisy, vicious, or dangerous dog or animal ~~or one which is disturbing other persons,~~ in any area of a State Forest and remain therein after he has been asked by a State Forest officer to leave.

(3) No animal of any type shall be allowed in any cabin, ~~or forestry building,~~ or at any swimming area in any State Forest. This rule shall not prohibit the use of helpingservice animals used by disabled persons.

(4) Bringing saddle, pack or draft animals into a site which has not been developed to accommodate them and posted accordingly shall be unlawful.

(5) Riding or bringing a horse or draft animal in any areas or on any trails not designated for their use shall be unlawful.

Author: Scott L. Rouse

Statutory Authority: ALA. CODE § 9-13-10.2

History: Promulgated May 17, 2005; amendment proposed April 30, 2018.

**390-X-7-.06 Sanitation.**

(1) Failure to dispose of all garbage, including paper, cans, bottles, waste materials, and rubbish by removal from the site or area, or disposal at places provided for such disposition shall be unlawful.

(2) No person shall dump any refuse or waste from any trailer or other vehicle except in places or receptacles provided for such use.

(3) Cleaning of fish or food, or washing clothing or articles of household use in any stream, pond, lake or at any hydrant or faucets located in restrooms shall be unlawful.

(4) No person shall pollute or contaminate any water or water supply used for human consumption.

(5) No person shall use State Forest refuse containers or other state forest refuse facilities for dumping household or commercial garbage or trash brought as such from private property.

(6) No person shall deposit, except into receptacles provided for that purpose, any body waste in or on any portion of any ~~camp~~ station restroom or any ~~public~~ structure, or deposit any bottles, cans, cloths, rags, metal, wood, stone, or other damaging substance in any of the fixtures in such station restrooms or structures.

**Author:** Scott L. Rouse

**Statutory Authority:** ALA. CODE § 9-13-10.2

**History:** Promulgated May 17, 2005; amendment proposed April 30, 2018.

#### 390-X-7-.07 Conduct.

(1) It shall be unlawful to incite or participate in riots, indulge in boisterous, abusive, threatening, indecent or disorderly conduct in any State Forest area. ~~Anyone in violation of this regulation may be forcibly ejected from the forest or arrested and shall not be entitled to a refund of any fee or rental.~~

(2) ~~Failure to maintain quiet~~ Creating disturbing and unnecessary noise in campground and cabin areas between the hours of 10:00 p.m. and 6:00 a.m. shall be unlawful.

(3) It shall be unlawful for any person to destroy, deface or remove any native wild or domesticated tree, shrub, plant or wildflower in any State Forest.

(4) Destroying, injuring, defacing, removing or disturbing in any manner any real, personal or public property in any State Forest shall be unlawful.

(5) No person shall solicit, sell or advertise in any State Forest without the written authorization of the State Forester.

(6) It shall be unlawful for any person to destroy, disturb, deface, collect or remove any significant natural, cultural, historical, archeological, geological, or mineralogical, ~~etc.~~ objects or artifacts from any ~~Alabama~~ State Forest.

(7) It shall be unlawful for any person in control of or operating a motor vehicle or portable stereo equipment to permit



sound from the sound system, including but not limited to a cell phone, MP3 player, radio, tape player, compact disc player, or other musical device, whether or not affixed to the vehicle, to be operated at a volume so as to be audible at a distance greater than fifty (50) feet from said equipment.

**Author:** Scott L. Rouse

**Statutory Authority:** ALA. CODE § 9-13-10.2

**History:** Promulgated May 17, 2005; amended March 9, 2010; additional amendment proposed April 30, 2018.

### **390-X-7-.08 Prohibited Devices.**

~~(1)~~ No person shall possess, discharge, ignite, or otherwise set off on or within a State Forest any firecrackers, torpedoes, rockets, cap pistols, sky lanterns (also known as Chinese lanterns), or any other fireworks.

**Author:** Scott L. Rouse

**Statutory Authority:** ALA. CODE § 9-13-10.2

**History:** Promulgated May 17, 2005; amended March 9, 2010; amended April 9, 2016; additional amendment proposed April 30, 2018.

### **390-X-7-.09 Fires.**

(1) Building any fire in a State Forest outside of stoves, grills, fireplaces, fire rings, or other places provided for such purposes shall be unlawful. All fires shall be attended to at all times and ~~upon~~ shall not be abandoned abandonment of same the until such fires shall have been completely extinguished.

(2) No person shall build or start any fire in a State Forest during any period for which a drought emergency or burn ban has been declared by the State Forester.

**Author:** Scott L. Rouse

**Statutory Authority:** ALA. CODE § 9-13-10.2

**History:** Promulgated May 17, 2005; amendment proposed April 30, 2018.

### **390-X-7-.10 Hours Of Operation.**

(1) Unless otherwise posted or authorized, the hours of operation for all State Forests shall be sunrise to sunset.

~~(12)~~ It shall be unlawful to enter or use a site or area, or portion of a site or area, which is closed to public use.

~~(23) Only registered overnight guests and persons having special permission from the State Forester shall be admitted or allowed to remain in any State Forest after the designated closing hour unless such person has special written permission of the manager of said Forest.~~

~~(3) Leaving a camp unit unoccupied or unattended for a period of more than 24 hours without permission from the manager shall be in violation of State Forest regulations.~~

**Author:** Scott L. Rouse

**Statutory Authority:** ALA. CODE § 9-13-10.2

**History:** Promulgated May 17, 2005; amendment proposed April 30, 2018.

### 390-X-7-.11 Disclaimer Of Liability.

(1) The Alabama Forestry Commission shall not be responsible for any accident or injury to any person while on State Forest property or when using any State Forest facility. Any person coming within a State Forest or using a State Forest facility shall by such entrance or use waive any claim against the State ~~and~~ its employees or agents for any accident or injury occurring while on or within a State Forest.

(2) Subject to the other provisions of state law, the State of Alabama shall not be responsible for any property or article lost or stolen from any cabin, campsite, bathhouse, parking area, or any ~~forestry~~ other building or facility.

**Author:** Scott L. Rouse

**Statutory Authority:** ALA. CODE § 9-13-10.2

**History:** Promulgated May 17, 2005; amendment proposed April 30, 2018.

**390-X-7-.12 Designated Wildlife Sanctuaries.** Each State Forest or other Forestry Commission property ~~now in existence, and those which may be hereafter designated as same, which are not in a designated Wildlife Management Area or Handicapped Hunting Area~~ designated by the Alabama Department of Conservation and Natural Resources, ~~are~~ is hereby designated as a game and wildlife sanctuaryies, and it shall be unlawful therein for any person to hunt, trap, pursue, catch or kill any wild bird or wild animal ~~in any of the places herein mentioned, unless such activities are specifically approved in advance~~ by the State Forester.

**Author:** Scott L. Rouse

**Statutory Authority:** ALA. CODE § 9-13-10.2

History: Promulgated May 17, 2005; amendment proposed April 30, 2018.

390-X-7-.13 General Scope And Enforcement Of Rules; Applicability Of Laws.

(1) The words "State Forest" as used in any regulation in this chapter shall include and embrace all land or water under the supervision of that is owned, leased, or otherwise controlled by the Alabama Forestry Commission.

(2) All State and Federal laws now in force and laws which may hereafter be enacted shall be maintained in all State Forests, and it shall be a violation of this regulation for any person to break or attempt to break any State or Federal law.

(3) Any person who violates any regulation of this chapter shall be guilty of a Class C misdemeanor and shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) for each offense, and may be required to pay all costs of the proceedings.

(4) Any person who violates any regulation of this chapter or otherwise commits any unlawful activity on a State Forest may be summarily excluded from the property, and such person shall not be entitled to a refund of any fee or other charge paid for admission to or use of any State Forest area or facility.

(5) The regulations of this chapter shall be enforced by Alabama Forestry Commission personnel authorized in accordance with ALA. CODE § 9-13-10 or ALA. CODE § 9-13-10.2, or by any law enforcement officer having general powers of a peace officer in the State of Alabama.

(6) Notwithstanding the foregoing, the State Forester may for good cause and within his sole discretion temporarily suspend any of the regulations of this chapter.

Author: Scott L. Rouse

Statutory Authority: ALA. CODE § 9-13-10.2

History: Promulgated May 17, 2005; amendment proposed April 30, 2018.

390-X-7-.14 Possession Of Or Consumption Of Alcoholic Beverages At Certain On State Forests Areas. It shall be unlawful to possess or consume any alcoholic beverage on State Forests.

Author: Scott L. Rouse

Statutory Authority: ALA. CODE § 9-13-10.2

History: Promulgated May 17, 2005; amendment proposed April 30, 2018.