

APA-1
6/93

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 220 Department or Agency Conservation and Natural Resources
Rule No. 220-2-.11 Prohibited Methods and Devices for Hunting

Rule Title: Prohibited Methods and Devices for Hunting

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 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 
Secretary of Administrative Procedure

Date August 22, 2011

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: (1) 220-2-.151 Archery Range Regulation; (2) 220-2-.126 Public Shooting Range Regulation; (3) 220-2-.22 Wildlife Management Areas and Sanctuaries Established; (4) 220-2-.35 Daily Creel Limits, Possession Limits, and Size Limits; (5) 220-2-.110 Establishment of Physically Disabled Hunting Areas; (6) 220-2-.11 Prohibited Methods and Devices for Hunting.

INTENDED ACTION: (1)-(2), (4)-(6):Amendments. (3):New and repeal.

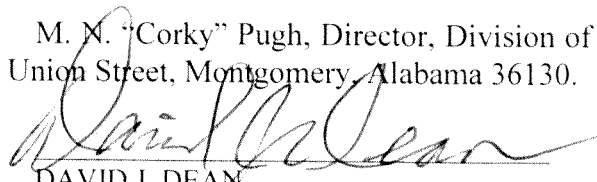
SUBSTANCE OF PROPOSED ACTION: (1)220-2-.151-To further regulate conduct at certain archery ranges and parks; to add names of additional archery parks; to further provide for the use of bows and arrows; and to provide for additional posted restrictions; (2)220-2-.126-To further regulate conduct at certain public shooting ranges; and to provide for additional posted restrictions; (3)220-2-.22-To further provide for the names, boundary lines, and maps of certain wildlife management areas, refuges, and a sanctuary; to also list certain Federal refuges in Alabama; and to repeal existing rule; (4)220-2-.35- To further provide for the creel, possession and size limits for certain fish; and to restrict the taking of, and to require the release of certain, species on certain areas; (5)220-2-.110-To further provide for and establish certain physically disabled hunting areas; to revise maps; to rename a certain area; and to add an additional area and map; (6)220-2-.11-To further provide for prohibited methods and devices for hunting; and to provide for a certain exception for certain range finders on bows.

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 advance by personally appearing at Room 469, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Thursday, October 6, 2011.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Thursday, October 6, 2011.

CONTACT PERSON AT AGENCY: M. N. "Corky" Pugh, Director, Division of Wildlife and Freshwater Fisheries, 5th Floor, 64 N. Union Street, Montgomery, Alabama 36130.


DAVID J. DEAN
Secretary of Administrative Procedure

N. Gunter Guy, Jr.

220-2-.11 Prohibited Methods and Devices for Hunting

It shall be unlawful to concentrate, drive, rally, molest or to hunt, take, capture or kill or attempt to hunt, take, capture or kill any bird or animal from or by the aid of:

- (1) Any automobile, motorcar, airplane, train, motorboat, sailboat or any type mechanically propelled device, or any other device being operated in conjunction with any of the above mentioned devices of transportation. Provided, however, that nothing in this regulation shall prevent hunting from a floating craft (except a sinkbox), including those propelled by motor, sail and wind, or both, when the motor of such craft has been completely shut off and/or the sails furled, as the case may be, its progress therefrom has ceased, and it is drifting, beached, moored, resting at anchor, or it is being propelled by paddle, oars or pole, and provided further that nothing in this regulation shall prevent the taking of game birds and game animals from any stationary motor vehicle or stationary motor driven land conveyance provided any forward motion is ceased and engine is shut off. Nothing in this regulation allows the hunting, taking or killing or attempting to hunt, take or kill any bird or animal from any vehicle on a public road.
- (2) Any electrically amplified bird calls or sound whether real or imitation. Nothing in this regulation shall prevent the use of electrically amplified crow calls. The possession of any electrical device and/or records capable of producing real or imitation bird calls of any type except crow calls in the woods, field, or on the waters of this State shall be a violation of this regulation; and provided further nothing shall prohibit the use of an electronic quail call to recall captive bred quail, provided the person using an electronic quail call has acquired and has in possession a permit issued by an authorized representative of the Division of Wildlife and Freshwater Fisheries, and provided that only banded pen raised quail shall be used and any unbanded birds taken in the recovery pen shall be immediately released.
- (3) Fire or smoke whether man-made or natural.
- (4) Any live decoys, except when hunting unprotected birds or animals, provided that banded live pen raised quail may be used in a recovery pen as a call bird when such recovery pen is used to recover pen raised quail as provided for in Regulation 220-2-.16.
- (5) It shall be unlawful for any person while engaged in hunting turkey in this State to use or have in his possession a decoy which has mechanical or electronic parts which makes the decoy capable of movement or producing sound or which can be manipulated to produce movement or sound. It is further provided, however, that no turkey decoys shall be lawful except during spring turkey season in the area of use.

- (6) From floodwater. It shall be a violation of this regulation to hunt or attempt to hunt or take any species of resident bird or animal taking refuge in, swimming through, flying over, or resting in a tree, bush, or log standing or floating in any floodwaters or backwaters or taking refuge on any island less than forty acres in size created by any such flood or backwaters. Provided, however, that nothing in this regulation shall prevent the taking of migratory waterfowl from such areas.
- (7) Any area where feeding has taken place, until all the feed has been removed or consumed for at least 10 days prior to such hunting.
- (8) Gasoline or any noxious chemical or gaseous substance to drive wildlife from their burrows, dens, or retreats.

Except as otherwise provided by Rule 220-2-.03 for laser type range finders with computational capabilities on bows, it shall be unlawful for any person to hunt with a bow or gun that has a light source attached that is capable of casting a beam of light (including a laser sight) forward of said bow or gun or to possess such a light source adapted for attachment to said bow or gun while hunting.

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

PENALTY: As provided by law.

9/30/82; 9/12/83; 1/22/86; 8/18/88; 12/3/88; 11/16/89; 9/27/90; 11/13/91; 10/3/2001; 9/15/2004;
3/13/2010;