

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-.55

**Rule Title: Wildlife Management Areas, Community Hunting Areas, Public Hunting Areas,
and Refuges of Alabama**

☐ 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 Services Agency.

Signature of Certifying Officer

Ryan W. Corley
Secretary of Administrative Procedure

Date

8/16/18

Department of Conservation and Natural Resources
Wildlife & Freshwater Fisheries

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Conservation and Natural Resources

RULE NO. & TITLE: 220-2-.55 Wildlife Management Areas, Community Hunting Areas, Public Hunting Areas, and Refuges of Alabama

INTENDED ACTION: Amendment.

SUBSTANCE OF PROPOSED ACTION: To allow leashed dogs to be used for the expressed purpose of retrieving wounded deer, limited to two dogs per tracking event; to make it unlawful to possess any weapon that doesn't conform with regulations 220-2-.02 & 220-2-.03 and the stated exceptions; for deer stalk hunting, shotguns are restricted to slugs, to add primitive weapons to the list of restricted weapons allowed for deer stalk hunting on Grand Bay WMA; to change the date of when dogs aren't allowed; to require possession of a daily permit from check station on specific deer hunt dates at certain locations; to put the Geneva WMA dog hunt on a permit system selected by random selection; manage where firearms can be discharged at target ranges; require deer & turkey killed on any area to be checked at designated check station; to allow exceptions for those with a mobility disability; allow for exceptions for operating a motor driven vehicle; to provide exceptions for riding horses; to regulate the use of blinds, boats, and boat blinds on Swan Creek, Mud Creek, and Raccoon Creek AREAS; and to provide requirements for participating in limited quota permit system hunts, selected by random selection, on Cedar Creek, Crow Creek, Fred T. Stimpson, Portland Landing, Uchee Creek, and Upper State SOAs.

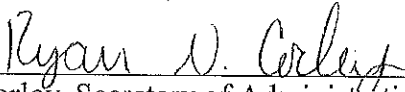
TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of Wildlife & Freshwater Fisheries at any time during the period stated below, or orally if requested in writing 48 hours in advance to the Director of Wildlife & Freshwater Fisheries, and then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

Friday, October 5, 2018.

CONTACT PERSON AT AGENCY: Chuck Sykes, Director, Wildlife & Freshwater Fisheries, 5th Floor, 64 N. Union Street, Montgomery, Alabama 36130, 334-242-3465.


Ryan N. Corley, Secretary of Administrative Procedure

Christopher M. Blankenship

220-2-.55 Wildlife Management Areas, Community Hunting Areas, Public Hunting Areas, and Refuges of Alabama

(1) It shall be unlawful on ALL WILDLIFE MANAGEMENT AREAS, COMMUNITY HUNTING AREAS, SPECIAL OPPORTUNITY AREAS, PUBLIC HUNTING AREAS, AND REFUGE AREAS, all of which are established as "wildlife management areas" by Rule 220-2-.22 and all of which are hereinafter sometimes collectively referred to herein as "AREAS" or "AREA":

(a) To hunt, trap, use dogs, possess firearms, traps, or bow and arrow, except on open designated target ranges and except bow fishing equipment without a valid permit. A permit is valid only during scheduled AREA seasons during legal hunting hours and only with the required hunting license(s) and stamps and only with weapons and ammunition permitted for hunting the wildlife listed on permit. See (r) and (ii) for limited exception for certain lawfully authorized handguns possessed for personal protection.

(b) To use dogs for stalk hunting of deer or for turkey hunting (leashed dogs may be used for the expressed purpose of retrieving wounded deer, limited to two dogs per tracking event).

(c) To use dogs for hunting of feral swine or small game where dogs are expressly prohibited (except for the special feral swine dog hunt on W.L. Holland and Mobile-Tensaw Delta WMAs on September 1-10).

(d) To use dogs for hunting, training or any purpose from March ~~64~~ until August 31.

(e) To conduct organized man drives during stalk deer hunts outside the hours of 10:00AM – 2:00 PM.

(f) For any person under 16 years of age to hunt on any AREA unless accompanied by an adult who is either 21 years old or older or the parent, and who is in possession of all state hunting licenses required to hunt on a WMA.

(g) To use or possess any firearm, weapon, or weapon for hunting [with exception as specified in (r) or (ii)] that does not conform with Regulation 220-2-.02 and 220-2-.03 except that:

1. DEER: Stalk Hunting – shotguns are restricted to slugs (no buckshot).

~~42.~~ DEER: Stalk ~~Gun~~-Hunting on Grand Bay WMA is restricted to archery, primitive weapons, and shotguns with slugs.

23. DEER: Stalk Hunting - Primitive Weapons Hunts are restricted to muzzle-loading rifles and muzzle-loading handguns (.40 caliber or larger), muzzle-loading shotguns, air-powered guns .30 caliber or larger, or bow and arrow (including crossbow).

34. DEER: Dog Hunts are restricted to shotguns using buckshot only.

45. FERAL SWINE SPECIAL SEASONS: the same provisions as ~~set out~~established in (1)(g), (1)(g)1. and (1)(g)2. above, except at Seven Mile Island where only (1)(g)1. and (1)(g)2. apply. Feral Swine may also be hunted with legal arms permitted for other game birds and animals during scheduled WMA hunts.

5. ~~TURKEY: Centerfire handguns or pistols are prohibited.~~

6. Bobcat, Coyote and Fox may only be hunted with legal arms permitted for other game birds or animals during those scheduled WMA seasons.

(h) To trap furbearers except as permitted under 220-2-.30.

(i) For any person to hunt deer with gun without first ~~presenting his required hunting licenses for certain specified hunts at the check~~obtaining and possessing a daily permit from check station on specific deer hunt dates as designated on WMA map permit except on ~~David K. Nelson, Grand Bay Savanna, Martin Community Hunting Area, Riverton, Upper Delta, W. L. Holland and Mobile-Tensaw Delta, and Forever Wild Gothard -- AWF Yates Lake AREAS, and all Special Opportunity Areas.~~

(j) For any person to hunt on Boggy Hollow, Coosa, David K. Nelson, and Hollins, Coosa-AREAS without possessing a daily permit from kiosk self-service boxes located on WMA. The tear-off stub with number matching daily permit must be deposited in return slot of self-service box. Remaining permit portion is to be retained in possession of hunter while hunting and completely filled out and deposited into self-service box at kiosk for each day hunted.

(k) For any person to possess or to carry in or on a vehicle, any of the following: any firearms [including pistols/handguns, except as described in (r) and (ii)] with ammunition in the magazine, breech or clip attached to firearms, or black powder weapons with primer, cap or flash powder in place, or cocked crossbows. See (r) and (ii) for limited exception for certain lawfully authorized handguns possessed for personal protection.

(l) For hunters on dog deer hunts to leave stand assigned to them until instructed. The Geneva WMA dog hunt ~~on December 1-2~~ will be limited to 100 standers, registered and permitted through a ~~first-come first-serve registration~~

~~process through www.outdooralabama.com~~ permit system selected by random selection. Further, it shall be unlawful for any hunter to release a dog not approved by DCNR personnel on the Geneva WMA during the hunt referenced in the preceding sentence.

(m) To camp on any AREA except in designated sites. Campers using generators must camp in site designated for generator use. On AREAS located on U. S. Forest Service lands, ~~this camping restriction applies October 1—January 31, except on Choctawhatchee AREA, where the camping restriction shall also be in effect from October 1 through April 30 of each year~~ hunters must camp in designated camping areas, unless excepted by U.S. Forest Service rules specific to a unit – see local Forest Service rules. Individuals or groups may camp on AREAS for a period not to exceed nine (9) days in any thirty (30) day period. Campfires must be extinguished before departing. No warming fires shall be permitted away from camping area. All campers (portable shelters on wheels) must be removed from Barbour or Freedom Hills AREAS by sundown on the first Sunday following April 30th; otherwise, the camper may be towed from the AREA at the owner's expense; or, may be relocated to another portion of the AREA without AREA personnel being responsible for any damages and the owner assessed a \$10.00 per day storage fee without the State or AREA personnel responsible for any damage, loss, etc. No campers are permitted on Barbour or Freedom Hills AREAS, until September 1, unless approved by special PERMIT issued by the AREA biologist. All campers left unattended overnight must display the owner's contact information to include name, address, and phone numbers.

(n) To kill or willfully molest any species of wildlife except those designated for hunting.

(o) To discharge fireworks at any time.

(p) To discharge firearms for target practice except on designated target ranges in accordance with listed rules during posted times and dates. Permits for excepted uses may be issued by the AREA biologist. The range may be closed as necessary by the AREA biologist. It shall be unlawful for designated target range users to:

1. Use range without a hunting, fishing, WMA or Heritage license.
2. Use range except during daylight hours within posted times and dates.
3. Possess any alcoholic beverages.
4. Use armor-piercing or tracer ammunition or exploding targets.
5. Point firearms in an unsafe direction or possess a loaded weapon outside the firing line.
6. Stand on or in front of the firing line except when shooting.
7. Shoot while persons are down range.
8. Discharge firearms (except as noted below in #89.) anywhere other than designated stations on the concrete shooting line into the embankment at stationary paper targets, self-healing targets, or metal automatic reset

targets. Targets must be placed so shots will impact the embankment no higher than 5' above ground level at the base of the embankment. Only one person may shoot from each designated location at any given time.

9. Shoot clays except in designated areas.

10. Fail to place targets, hulls and trash in trash can or fail to remove same from area.

11. Violate any posted restriction.

(q) To hunt or discharge firearms within 150 yards of any camping area, dwelling, dam or timber operation, 100 yards of any paved public road or highway, or from within the right-of-way of any developed road (paved or unpaved) which is open for vehicular traffic [provided, however, that standers hunting the non-State or County maintained WMA roads on Geneva and Upper Delta AREAS are allowed during scheduled dog deer hunts]; within a posted safety zone or on Sunday within one-half mile of any church.

(r) For any person to possess any firearm while hunting with bow and arrow or crossbow, except on days of either sex gun deer hunts. This prohibition shall not apply to the possession of handguns by lawfully authorized persons for their personal protection, provided the handguns are not used to hunt or take or to attempt to take wildlife except as otherwise provided by this regulation.

(s) To transport deer or turkey killed during ~~gun~~-hunts from any AREA before being checked at the designated checking stations or reported as specified for each Area, ~~except on David K. Nelson, Grand Bay Savanna, Riverton, Upper Delta, W. L. Holland and Mobile-Tensaw Delta, and Forever Wild Gothard~~ AWF Yates Lake AREAS Map Permit.

(t) For any person except authorized personnel to operate any motor driven vehicle behind, under or around any locked gate, barricaded road or sign which prohibits vehicular traffic. Individuals with a mobility disability may request authorization in writing to use motorized vehicles or other power-driven mobility devices on state-owned lands under the jurisdiction of the Wildlife and Freshwater Fisheries Division. Such request will be evaluated based on the provisions of the Americans with Disabilities Act of 1990, as amended, and 28 C.F.R. § 35.137.

(u) For any unauthorized person to possess and/or operate ANY UNLICENSED MOTOR DRIVEN VEHICLE on Autauga, Black Warrior, William R. Ireland, Sr. - Cahaba River, Choccolocco, Coosa, David K. Nelson, Mulberry Fork, Perdido River~~Hollins~~, Little River (within Little River Canyon National Preserve), Lowndes, Martin Community Hunting Area, Mulberry Fork, Oakmulgee, Perdido River, and Forever Wild Gothard – AWF Yates Lake AREAS.

(v) For any unauthorized person to possess and/or operate ANY UNLICENSED MOTOR DRIVEN VEHICLE on any AREA, except when utilized for the expressed purpose of retrieving game animals~~harvested deer~~, traveling to or from a hunting location, or any other hunting related activity while

remaining(excluding Geneva State Forest Zone B). ALL VEHICLES, whether licensed or unlicensed must remain on regularly used roads open for public use by four-wheel vehicle traffic except on U.S. Forest Service land in an AREA where "all-terrain" vehicles (ATV's) must be used on open designated ATV trails (unless noted above or excluded by the cooperating landowner and excluding Geneva State Forest Zone B). Any other recreational use of ANY UNLICENSED MOTOR DRIVEN VEHICLE on any AREA is prohibited as prohibited above in (u)).

(w) For any unauthorized person to ride or possess horses on any AREA except: (1) on roads open to licensed four-wheel motorized vehicles, except excluding Autauga and Geneva Zone A (where no horses are permitted); and (2) in areas, roads, and trails, designated as open to horses, except excluding Autauga. Riding or possession of and Geneva Zone A (where no horses are permitted). On Coosa horses are not permitted in the campgrounds from October 1 to April 30.

(x) For any unauthorized person to ride of possess horses is prohibited on any AREA on days of scheduled gun deer hunts, and during legal hours of turkey hunting, except those portions of AREAS kept open to such activity by the National Park Service, U. S. Forest Service, and except on Freedom Hills and James D. Martin-Skyline where horses are only allowed on designated horse trails and, in addition at Freedom Hills and the Jacinto Port Tract of W.L. Holland and Mobile-Tensaw Delta, horses are only allowed from March 1 to the beginning of turkey season and May 1 to September 30. Riding or possession of horses on wildlife management AREAS, except those on National Park Service Lands, U.S. Forest Service lands, and Geneva State Forest, shall be restricted to holders of a valid Wildlife Management Area license and a valid wildlife management area permit.

(y) It shall be unlawful on Coosa AREA for any person to ride or possess horses except on roads designated for licensed motorized vehicles. Horses are not permitted in the campgrounds from October 1 to April 30.

(z) For any person to hunt any wildlife species (except turkey and, migratory birds, and while hunting legally designated species during legal nighttime hours) without wearing the minimum requirement of hunter orange as described in 220-2-.85.

(yaa) For any person except authorized personnel to block or otherwise stop traffic on any road or at any gate by parking a vehicle in such a way that passage around the vehicle is impossible.

(zbb) For any person to deposit, distribute or scatter grain, salt, litter, or any other materials on any AREA maintained by the Department of Conservation and Natural Resources prior to receiving approval from said Department.

(aacc) To damage or remove any artifacts, trees, firewood, crops, or other plants, dirt, gravel or sod without legal authorization.

~~(bbdd)~~ To erect any permanent tree stand or install any screw-in type steps, spikes, nails or otherwise damage any standing live tree. ~~No portable stands may be used within 50 yards of the boundary line on Barbour and Geneva State Forest AREAS.~~

(eeee) To intentionally cast a light of any kind, either handheld, affixed to a vehicle, or otherwise, between the hours of sunset and sunrise from motor vehicles except those vehicles traveling in a normal manner on an open established road.

(edff) To hunt from an elevated stand or platform without attaching themselves to the tree or platform with a full body safety harness capable of supporting their weight.

(eegg) To violate any posted restrictions on entry, hunting, fishing, or other conduct.

(ffhh) To release any animal, bird, fish, or other wildlife on any WMA, Refuge, or Public Lands without first obtaining written permission from the Wildlife and Freshwater Fisheries Division.

(ggii) To possess any open alcoholic beverages outside designated camping areas. Possession of alcoholic beverages shall be prohibited in counties that prohibit the possession of alcohol and on campgrounds of Coosa WMA.

~~(hh)~~ ~~The provisions of Rule 220-2-109 entitled "Physically Disabled Hunting Areas", shall apply to that area entitled "Shiloh Hill Physically Disabled Hunting Area" located within Blue Spring Wildlife Management Area; provided further, that as to said physically disabled hunting area, in the event of a conflict between the provisions of Rule 220-2-109 and this rule, Rule 220-2-109 shall control.~~

(hijj) Nothing in this regulation prohibits or requires a wildlife management area permit for the possession of handguns by lawfully authorized persons for personal protection, provided the handguns are not used to hunt or take or to attempt to take wildlife except as otherwise provided by this regulation.

(jjkk) To hunt small game during gun deer hunts and primitive weapon hunts except on Grand Bay Savanna, and the W.L. Holland and Mobile-Tensaw Delta AREAS, and except waterfowl in the Daub's Swamp, Spidle Lake, and Dead Lake units of the David K. Nelson and Upper Delta (Zone B) AREAS.

(2) Individuals must follow the listed rules to participate in the scheduled youth deer or turkey hunts on any AREA.

(a) Up to two (2) youth participants must be accompanied by an adult supervisor. The adult supervisor is to remain within 30 feet of the youth at all times.

(b) Youth is defined as those individuals who have not reached their sixteenth birthday.

(c) Adult is defined as those individuals twenty-one years old or older or the parent of the youth who are in possession of all required state hunting licenses (and state and federal waterfowl stamps if required to hunt waterfowl). ~~Possession of the required hunting licenses and stamps are required.~~

(d) Only one firearm will be allowed per youth. Only the youth hunter will be permitted to utilize the firearm for hunting. ~~The adult is to review with the youth the rules of firearm safety and to ensure they are followed.~~

(e) The adult/youth group is to check in and out at the AREA checking station as a single unit, except at David K. Nelson, Grand Bay Savanna, Upper Delta, W.L. Holland and Mobile-Tensaw Delta AREAS.

(f) Both the adult and youth will be required to wear hunter orange while deer hunting, as defined in 220-2-.85.

(3) All deer and turkeys harvested must be properly recorded ~~on the hunter's Antlered Buck and Turkey Harvest Record form or~~ reported through Gamecheck pProgram ~~before field dressing or moving per Regulation 220-2-.146.~~

~~(4) It shall be unlawful on Coosa AREA for any person to ride or possess horses except on roads designated for four wheel motorized vehicles. Horses are not permitted in the campgrounds from October 1 to April 30.~~

(54) It shall be unlawful on Swan Creek, Crow Creek, Mud Creek and Raccoon Creek AREAS:

(a) For any person to leave his vehicle parked at the approved launching sites. Hunters must use the designated parking areas. However, handicapped physically disabled persons with approved handicapped vehicles may be parked at the designated handicap parking location at the main launch only.

(b) For any person to excavate, to hunt or attempt to hunt from any dug-out or excavated area.

(c) For all blinds to be left in said areas for more than one day. All such blinds shall be disposed of as deemed advisable by the Wildlife and Freshwater Fisheries Division of the Department of Conservation and Natural Resources.

(65) The following shall apply to the dewatering sloughs ~~units~~ on Swan Creek, Mud Creek and Raccoon Creek AREAS:

(a) All boats and/or boat blinds used ~~in the harvest for hunting~~ of waterfowl on said dewatering sloughs ~~units~~ shall be launched and removed daily or shall be

floated to an approved launching site for overnight mooring. [For the Swan Creek AREA, see (87).]

- (b) It shall be unlawful for any person to use commercial fishing gear within said dewatering units from November 1 through January 31 of each fiscal year.
- (c) Temporary blinds may be used for one day only and removed. All such blinds, except boat blinds, left in said areas for more than one day shall be disposed of as deemed advisable by the Wildlife and Freshwater Fisheries Division of the Department of Conservation and Natural Resources.
- (d) The use of permanent blinds constructed with building material, flooring and/or flotation materials shall be prohibited -in, or within 150 yards of, the Mud Creek and Raccoon Creek dewatering units.
- (e) It shall be unlawful for any person using waterfowl decoys in the Mud Creek and Raccoon Creek dewatering units to leave said decoys overnight. In addition, all unauthorized activity is prohibited from the herein mentioned dewatering units; from 7:00 PM to 2:00 AM during the period of Nov. 1 – Feb. 15; and, 48 hours prior to waterfowl season openings.
- (f) It shall be unlawful to use airboats.
- (g) It shall be unlawful to hunt waterfowl in Mud Creek (Wannville) and Raccoon Creek dewatering units, and Crow Creek AREAS on Tuesdays, Wednesdays, and Thursdays, excepted for the last two weeks of waterfowl season. All activity in the Mud Creek (Wannville), Raccoon Creek dewatering units, and Crow Creek AREAS is prohibited on those days unless authorized by WFF personnel.
- (h) It shall be unlawful to hunt waterfowl in Swan Creek WMA Dewatering Unit on Tuesdays, Wednesdays and Thursdays, except for the last two weeks of waterfowl season. All activity in the Swan Creek WMA dewatering unit is prohibited on those days unless authorized by WFF personnel. During splits between the youth season and regular season, gates to West Dike Road and the Main Launch Road will be locked. All activity in the dewatering unit during this time is prohibited.
- (i) It shall be unlawful to have more than 25 shotgun shells per hunter in possession while hunting waterfowl on all Jackson County Waterfowl Management Areas (Crow Creek, Mud Creek and Raccoon Creek), Swan Creek WMA and Mallard-Fox AREAS.
- (j) It shall be unlawful to use gasoline-powered motors in Mud Creek (Wannville) dewatering unit and Raccoon Creek dewatering unit (North of Hwy 117).

(k) It shall be unlawful to launch any vessel in Mud Creek (Wannville) and Raccoon Creek dewatering units and Crow Creek WMA prior to 2:00 AM daily. All hunters preparing to hunt waterfowl are not allowed in the water prior to 2:00 AM daily.

(76) It shall be unlawful to operate airboats and air-cooled motors (go-devil type motors) on those portions of Crow Creek and North Sauty Refuges lying north of U.S. Hwy 72 and the Green Tree Reservoir on Mud Creek from November 1 to April 30 of each year.

(87) It shall be unlawful to install permanent waterfowl hunting blinds (those using building materials and/or remaining in position overnight) anywhere on the Swan Creek or, Mallard-Fox Creek, or Jackson County Wildlife Management Areas (WMA) except on the Swan Creek WMA dewatering unit where specified. All such blinds to be placed in the dewatering area must be registered with Wildlife and Freshwater Fisheries Division officials in accordance with the following conditions:

(a) The Wildlife and Freshwater Fisheries Division's Blind Governing Committee shall be the final authority in resolving any dispute concerning permanent waterfowl blinds. The Blind Governing Committee shall be made up of the following people: District I Conservation Enforcement Supervisor; two Conservation Enforcement Officers; District I Supervising Wildlife Biologist, and the Area Wildlife Biologist for Swan Creek AREA. See also subsection (k) concerning the authority of the Blind Governing Committee.

(b) Blinds must meet "Qualifications and Registration Procedures" established by the Wildlife and Freshwater Fisheries Division and deemed acceptable by an inspecting team in order to be approved for use. For information or a copy of the procedures, call (256) 353-2634.

(c) All blinds passing inspection will be tagged by a Wildlife and Freshwater Fisheries employee. The tag must remain attached to the blind for the duration of the blind's stay on the Area. Tags shall not be moved to a different blind. It is the hunter's responsibility to make sure the blind they hunt from is properly tagged. No person may hunt from an untagged blind. See also subsection (k).

(d) All permanent waterfowl hunting blinds will be registered between the hours of 8:30 AM - 10:00 AM on the first Saturday of October. Only one blind may be registered per individual. Only persons 16 years of age and older may register a blind. The registrant must present all valid licenses and stamps required for them to hunt at Swan Creek AREA. Ages 16 through 64 must have an Alabama Hunting License, WMA License, Federal Waterfowl Stamp, Alabama State Waterfowl Stamp and HIP verification. Ages 65 and greater must possess a Federal Waterfowl Stamp to hunt waterfowl. Owners of blinds must present their blind number receipt at the registration table in order to complete their registration. Only fifty (50) permanent blinds will be installed at preselected sites in the dewatering area. All registered blinds receiving one of the 50 preselected sites must be installed

as near as possible to the preselected site prior to gate closing on the first Saturday of November. See also subsection (k).

(e) Each selected blind must be completely camouflaged with natural material (cane, oak limbs, or other similar materials) except for the boat entrance and the shooting holes before being placed in the dewatering unit. Camouflaged netting, burlap or other similar materials will not be accepted as camouflage, except when used to cover the boat entrance and/or shooting holes. See also subsection (k).

(f) In order for a blind to be eligible to be hunted from it must be anchored within 10 feet of the appropriate blind location marker. Blinds must remain within 10 feet of the blind location marker during the entire waterfowl season. This is not intended to prevent a blind owner from removing his blind from the WMA. Blind markers shall not be moved or otherwise altered or tampered with. If it is determined by the blind governing committee that a blind marker has been moved or otherwise altered or tampered with, that blind shall be subject to disqualification from hunting by the Blind Governing Committee. See also subsection (k).

(g) No blind may be attached to the location marker in any way. If a blind is found to be attached to a marker, all hunters in the blind will be deemed to be in violation of this regulation. See also subsection (k).

(h) Blinds that are drawn and installed in the dewatering unit must be completely removed from the WMA no later than the second Sunday in February. Any blind not drawn and installed on one of the 50 sites must be removed from the WMA by sunset of the day following the opening day of waterfowl season. (This includes all blinds within the boundaries of the Swan Creek WMA.) Any such blinds, trailers, or parts thereof remaining on the WMA after the above dates shall be deemed to be the property of the Department of Conservation and Natural Resources and shall be utilized or destroyed as deemed advisable by the Wildlife and Freshwater Fisheries Division.

(i) Anyone launching a boat preparing to hunt waterfowl within the dewatering unit may not depart any launch site before 2:00 AM daily. With the exception above, all other hunters preparing to hunt waterfowl within the dewatering unit shall not be allowed in the water before 2:00 AM daily. All boats and boat blinds used in the harvest of waterfowl within the dewatering area shall be floated to an approved launching site for overnight mooring or removed from the dewatering unit no later than 7:00 PM daily.

(j) Dewatering area access gates will be closed on the first Saturday in November and will be opened by 2:00 AM the opening day of waterfowl season. No boats with motors are allowed in the dewatering unit during the period gates are closed ~~except as specified on deery days.~~

(k) The committee shall have the authority to disqualify any blind if a dispute occurs and it cannot be resolved; or for any violation involving Blind Regulations

or Permanent Blind Qualifications and Registration Procedures; or for any violation of any portion of this section of the regulation pertaining to the Swan Creek dewatering area. Any blind that is disqualified by the committee shall be deemed immediately ineligible to be hunted from and shall be removed from the dewatering unit for the remainder of the waterfowl season following notification of the blind owner. The blind owner will have 48 hours in which to move the blind to an approved launch site for mooring and no more than seven-days following notification of disqualification, for its complete removal from the WMA. Should the blind owner of a disqualified blind fail to move the blind to an approved launch for mooring and/or to completely remove any such blinds, trailers, or parts thereof from the WMA within the specified times listed above, the blind shall be deemed to be the property of the Department of Conservation and Natural Resources and shall be utilized or destroyed as deemed advisable by the Wildlife & Freshwater Fisheries Division.

(98) Hunting on Cedar Creek, Crow Creek, Fred T. Stimpson-and, Portland Landing, Uchee Creek, and Upper State Special Opportunity Areas (SOA) will be permitted through a limited quota permit system selected by random selection. Participants are required to attain a Conservation Identification Number (CID) and apply through www.outdooralabama.com to register for a limited number of quota permits available for hunts on these AREAS. **Any violation of SOA any rules-and, regulations, or any other regulation or law by permit holder or guest while hunting on any SOA will result in that individual forfeiting the remainder of their hunt and losing their eligibility for future SOA hunts.** Failure to participate in solicited hunt without providing Wildlife and Freshwater Fisheries 7 days' prior notice of cancellation will result in that individual losing their eligibility for future SOA hunts. Hunters and guests shall only hunt and scout in their assigned hunt unit(s). ~~ATV's and UTV's are not allowed on the SOA.~~ All deer and turkey hunters are required to properly record and report all deer harvests within 48 hours through Game-Check Gamecheck Program per regulation 220-2-.146. Other requirements for hunters participating in limited quota hunts on the SOAs include:

(a) **On Cedar Creek, Portland Landing, and Uchee Creek SOA:**

a1. It shall be unlawful to hunt on ~~the AREA~~ any SOA unless selected by random draw for a limited quota permit for specific hunt dates on the assigned SOA and hunt unit. The permit holder and one guest may only access (excluding approved scouting days) and hunt the assigned SOA and hunt unit for those permitted days. No substitutions will be allowed.

b2. Each deer hunt begins at noon on Day 1 and ends on Day 4 of the hunt at noon. On other days of the hunt, hunters may enter the ~~AREA~~ SOA 1 ½ hour prior to legal sunrise and must exit the AREA by 1 ½ hour after legal sunset.

e3. ~~Travel~~During deer and turkey hunts, travel to and from assigned hunt units shall be from 1 ½ hour prior to legal sunrise and up to 1 ½ hour after legal sunset and between 10:00 AM and 2:00 PM.

d4. Antlered bucks harvested are required to have a minimum main beam spread of 16" (outside the ears) or ~~20~~18" main beam (3x the length of the ear). One antlered buck and three antlerless deer per hunter per permit duration.

e. ~~Two antlerless deer per hunter per permit duration. If hunter fails to harvest an antlered buck during assigned hunt period, 3 antlerless deer are allowed per hunter per permit duration.~~

f5. ~~Hunters~~Deer hunters are required to record the data of harvest date, sex, lactation presence, weight, extract jawbone and antler measurements on provided data forms at AREASOA kiosk, as well as complete the hunter observation data sheet. Deer hunters are also required to extract the jawbone and leave it at SOA kiosk.

6. Turkey hunters are required to record the harvest date, weight, spur length, and beard length on provided data forms at SOA kiosk, as well as complete the hunter observation data sheet.

g7. Hunters are required to email pictures of their harvest to the managing biologist.

(b) On Crow Creek SOA, it shall be:

1. Waterfowl Hunting:

a. It shall be unlawful to hunt on the ~~AREA~~Crow Creek SOA unless selected by random draw for a limited quota permit for specific hunt dates on the assigned hunt unit. The permit holder and four guests may only access (excluding scouting days) and hunt the assigned hunt unit for those permitted times and days. No substitutions will be allowed.

b. It shall be unlawful to operate any motorized vehicle on the ~~AREA~~SOA without authorization.

c. It shall be unlawful to use gasoline-powered motors on the ~~AREA~~SOA.

d. Unauthorized activity is prohibited in the ~~AREA~~SOA. In addition, hunters may enter the Crow Creek SOA at 4: AM; all

hunting activity is prohibited after 12:00 noon; all parties should be off the AREASOA no later than 1:30 PM.

e. It shall be unlawful to leave assigned Unit/hunt unit for any reason except when departing the AREASOA for the day.

f. Temporary blinds may be used for the duration of the hunt and removed by permit holder. All such blinds left in said AREASOA after the hunt will be disposed of as deemed advisable by Wildlife and Freshwater Fisheries Division of the Department of Conservation and Natural Resources.

g. It shall be unlawful to have more than 25 shotgun shells per hunter in possession while hunting waterfowl on the AREASOA. This does not apply to Youth Waterfowl Days.

h. It shall be unlawful for any limited quota permitted hunter to hunt without possessing a daily permit from kiosk self-service box located at entrance. When obtaining permit, the tear-off stub with number matching daily permit must filled out and deposited in return slot of self-service box. The Harvest Report portion of the permit is to be retained in possession of hunter until the end of the day. The harvest report portion of the permit is to be filled out and deposited in return slot of the self-service box no later than 1:30 PM after each day.

2. Archery Deer Hunts:

a. It shall be unlawful to hunt on Crow Creek SOA unless selected by random draw for a limited quota permit for specific hunt dates on the assigned hunt unit. The permit holder and one guest may only access (excluding approved scouting days) and hunt the assigned hunt unit for those permitted times and days. No substitutions will be allowed.

b. Each deer hunt begins at legal shooting hours, hunters may enter the Crow Creek SOA 1 ½ hour prior to legal sunrise and must exit the AREA by 1 ½ hour after legal sunset.

c. It shall be unlawful to operate any motorized vehicle on the SOA without authorization.

d. It shall be unlawful to use gasoline-powered motors on the SOA.

e. Unauthorized activity is prohibited in the SOA.

f. It shall be unlawful to leave assigned hunt unit for any reason except when departing the SOA for the day.

g. It shall be unlawful for any limited quota permitted hunter to hunt without possessing a daily permit from kiosk self-service box located at entrance. When obtaining permit, the tear-off stub with number matching daily permit must filled out and deposited in return slot of self-service box. The Harvest Report portion of the permit is to be retained in possession of hunter until the end of the day. The harvest report portion of the permit is to be filled out and deposited in return slot of the self-service box no later than 6:30 PM after each day.

h. Antlered bucks harvested are required to have at least four (4) antler points (1 inch or longer) on at least one main beam. One antlered buck and two unantlered deer per hunter per permit duration.

(c) On Fred T. Stimpson SOA:

1. Archery Deer Hunts:

a. It shall be unlawful to hunt on Fred T. Stimpson SOA unless selected by random draw for a limited quota permit for specific hunt dates on the assigned hunt unit. The permit holder and one guest may only access excluding approved scouting days) and hunt the assigned hunt unit for those permitted times and days. No substitutions will be allowed.

b. A properly licensed permit holder accompanied by one properly licensed guest hunter must sign in together. Hunters may sign in at 12:00 noon on Day 1 of the pre-selected hunt. There will be no entry after 3:00 PM. On all other Days sign-in begins at 5:00 AM. Travel to and from assigned hunt unit will only be permitted prior to legal sunrise and after legal sunset, with the exception of the hours of 10:00 AM and 2:00 PM. Only travel to and from hunt unit is permitted. On Days 1-3 hunters must sign out within 1½ hours after legal sunset. On Day 4 hunters must check out by 1:30 PM. Scouting is not permitted outside of your assigned hunt dates.

c. One antlered buck and three unantlered deer per hunter per permit duration. All deer must be checked at check station prior to exiting the SOA. Field dressing deer is permitted.

2. Youth Gun Deer hunts:

a. Properly licensed limited quota permit holders may be accompanied by two youth guest hunters and a properly licensed supervising adult 21 years old or older or parent of the youth. Hunters may only hunt in their assigned hunt unit on their specified hunt date. Only the youth may hunt.

b. On the specified 2-day hunt hunters may sign in beginning at 5:00 AM. All hunters must be signed in prior to legal sunrise. All hunters must check out within 1 ½ hours after legal sunset. Travel to and from assigned hunt unit will be allowed between the hours of 10:00 AM and 2:00 PM. Only travel to and from hunt unit is permitted.

c. One antlered buck and two unantlered deer per hunter per permit duration. All deer must be checked out prior to exiting the SOA. Deer may be field dressed.

3. Youth Squirrel Hunts:

a. Properly licensed limited quota permit holders 21 years old or older must be accompanied by one youth hunter, and will be allowed to have two additional youth guest hunters and one properly licensed supervising adult 21 years old or older or parent of the youth, for a maximum of 5 hunters per party per hunt unit. Hunters are only allowed to hunt in their assigned hunt unit on their assigned hunt date. Both youth and supervisors are allowed to hunt.

b. Permits will be issued at the check station beginning at 6:00 AM. Permitted hunters must exit the area within 1 hour after legal sunset. All squirrels harvested must be recorded at check station prior to leaving the SOA.

4. Youth Waterfowl Hunt:

a. Properly licensed limited quota permit holders 21 years old or older must be accompanied by one youth hunter and may have one additional guest youth hunter and one supervising guest hunter 21 years old or older or the parent of the youth. Hunters may sign in beginning at 5:00 AM. Hunters must hunt in their assigned hunt unit on their specified hunt date. All ducks must be recorded at the check station prior to leaving the SOA. Both youth and supervisors are allowed to hunt.

(d) On Upper State SOA:

1. Archery Deer Hunts:

- a. It shall be unlawful to hunt on Upper State SOA unless selected by random draw for a limited quota permit for specific hunt dates on the assigned hunt unit. The permit holder and one guest may only access (excluding approved scouting days) and hunt the assigned hunt unit for those permitted times and days. No substitutions will be allowed.
- b. It shall be unlawful for any limited quota permitted hunter to hunt without possessing a daily permit obtained from kiosk self-service box located at the entrance. When obtaining permit, the tear-off stub with number matching daily permit must be filled out and deposited in slot of self-service box. The Harvest Report portion of the permit is to be retained in possession of hunter until the end of the day. The Harvest Report portion of the permit is to be filled out and deposited in return slot of the self-service box no later than 1 ½ hours after legal sunset on Days 1-3 of hunt period. On Day 4 Harvest Report portions of the permit must be deposited in self-service box by 6:30 PM. A new permit is required for each day hunted.
- c. Deer hunters are required to record harvest date, sex, evidence of lactation, weight, and antler measurements for bucks, along with hunter observations on data forms located at SOA kiosk.
- d. Each deer hunt begins at noon on Day 1 and ends at noon on day 4. On Days 2-4 hunters may enter the SOA 1 ½ hours before legal sunrise. On Days 1-3 hunters must exit the area by 1 ½ hours after legal sunset. After legal sunrise hunters may only travel to and from assigned hunt unit between the hours of 10:00 AM and 2:00 PM. The hunt will conclude at 12:00 noon on Day 4 and hunters must exit the area by 6:30 PM. Scouting is not permitted outside of the dates for which you are drawn to hunt.
- e. One antlered buck and three unantlered deer per hunter per permit duration. All deer must be checked at check station prior to exiting the SOA. Field dressing deer is permitted.

(409) A Wildlife Management Area License (required for deer, turkey, and waterfowl), PLUS the applicable Resident or Non-Resident Hunting License [for Alabama residents 16 through 64 years of age and for non-residents 16 years of age and older], PLUS a Wildlife Management Area Permit [free of charge], are required for hunting on AREAS; provided however, that properly licensed persons under the "Wildlife Heritage License" may hunt legal small game except waterfowl on AREAS without the other licenses described herein. PLUS, in order to hunt waterfowl on AREAS, all persons must have, in

addition to the otherwise required licenses and permit, a HIP and valid State (ages 16 through 64) and a valid Federal (ages 16 and over) Waterfowl Stamp.

AUTHOR: Christopher M. Blankenship

STATUTORY AUTHORITY: §§ 9-11-301, and 9-11-305,
Code of Alabama 1975.

PENALTY: As provided by law.

HISTORY: Filed September 30, 1982. **Amended:** October 18, 1983; October 13, 1984; October 19, 1985; October 17, 1986; October 22, 1987; September 23, 1988; December 21, 1988; November 16, 1989; November 16, 1990; November 13, 1991; January 18, 1992; October 24, 1992. **Amended:** Filed: September 14, 1993; effective October 19, 1993. **Amended:** Filed September 13, 1994; effective October 19, 1994. **Amended:** Filed September 13, 1995; effective October 19, 1995. **Amended:** Filed August 20, 1996; effective September 24, 1996. **Amended:** Filed August 11, 1997; effective September 16, 1997. **Amended:** Filed August 11, 1998; effective September 16, 1998. **Amended:** Filed September 13, 1999; effective October 18, 1999. **Amended:** Filed August 10, 2000; effective September 14, 2000. **Amended:** Filed August 28, 2001; effective October 2, 2001. **Amended:** Filed September 16, 2002; effective October 21, 2002. **Amended:** Filed January 6, 2003; effective February 10, 2003. **Amended:** Filed August 21, 2003; effective September 25, 2003. **Amended:** Filed October 18, 2004; effective November 22, 2004. **Amended:** Filed August 9, 2005; effective September 13, 2005. **Amended:** Filed September 20, 2006; effective October 25, 2006. **Amended:** Filed September 17, 2007. **Amended:** Filed September 11, 2008; effective October 16, 2008. **Amended:** Filed September 15, 2009; effective October 20, 2009. **Amended:** Filed October 6, 2010; effective November 10, 2010. **Amended:** Filed June 15, 2012; effective July 20, 2012. **Amended:** Filed September 6, 2013; effective October 14, 2013. **Amended:** Filed July 16, 2014; effective August 20, 2014. **Amended:** Filed February 26, 2015; effective April 2, 2015. **Amended:** Filed October 14, 2015; effective November 18, 2015. **Amended:** Filed August 11, 2016; effective September 25, 2016. **Amended:** Filed August 14, 2017; effective September 28, 2017. **Amended:** Filed December 12, 2017; effective January 26, 2018. August 16, 2018.

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

Control No. 220 Department or Agency Conservation

Rule No: 220-2-.55

Rule Title: Wildlife Management Areas, Community Hunting Areas, Public Hunting Areas, and Refuges of Alabama

 New X Amend Repeal Adopt by Reference

 X 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: