

APA-1
Revised 4/2018

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 220 Department or Agency: Conservation and Natural Resources

Rule No.: 220-4-.15

Rule Title: Certain Conduct on Lands Under State Lands Division Jurisdiction

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? No

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

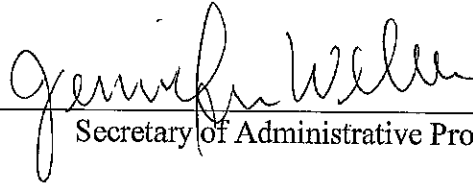
Does the proposed rule have any economic impact? No

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



Secretary of Administrative Procedure

Date

7-22-19

Department of Conservation and Natural Resources
State Lands Division

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Conservation and Natural Resources

RULE NO. & TITLE: 220-4-.15 Regulation of Certain Conduct on Lands Under State
Lands Division Jurisdiction

INTENDED ACTION: Amend Rule

SUBSTANCE OF PROPOSED ACTION: To amend the rule to add "embedded submerged logs" to paragraph (1)(1) so that it is unlawful to damage or remove embedded or submerged logs from state-owned lands under the jurisdiction of the State Lands Division.

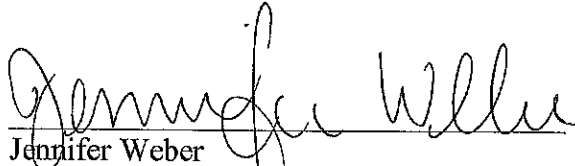
TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of State Lands Division at any time during the period stated below, or orally if requested in writing 48 hours in advance to the Director of State Lands Division, and then by personally appearing at Room 474, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Thursday, September 5, 2019.

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:

Thursday, September 5, 2019.

CONTACT PERSON AT AGENCY: Director of the State Lands Division c/o Jennifer Weber, Legal Section, 4th Floor, 64 N. Union Street, Room 474, Montgomery, Alabama 36130, 334-242-3165.


Jennifer Weber
Secretary of Administrative Procedure

Christopher M. Blankenship

220-4-.15 Regulation of Certain Conduct on Lands Under State Lands Division Jurisdiction

(1) Except as otherwise authorized in writing by the Director of the State Lands Division, it shall be unlawful on any state-owned lands under the jurisdiction of the State Lands Division:

- (a) To hunt, trap, use dogs, possess firearms, traps, or bow and arrow, without a proper license. See (1)(r) for limited exception for certain lawfully authorized handguns possessed for personal protection.
- (b) For any person to carry in or on a vehicle, any of the following: any firearms [including pistols/handguns, except as described in (1)(r)] 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 (1)(r) for limited exception for certain lawfully authorized handguns possessed for personal protection.
- (c) To camp except in designated areas. Campers using generators must camp in an area designated for generator use. Individuals or groups may camp 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.
- (d) To kill, collect or willfully molest any species of wildlife except those designated for hunting.
- (e) To discharge fireworks at any time.
- (f) To discharge firearms or archery equipment for target practice.
- (g) To hunt or discharge firearms or shoot a bow and arrow or crossbow within 150 yards of any designated camping area, dwelling, dam or timber operation, 100 yards of any paved or unpaved public road or highway, or within a posted safety zone or on Sunday within one-half mile of any church.
- (h) 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.
- (i) For any unauthorized person at any time to operate a motor scooter, ATV, motorcycle, motorized trail bike, or any motor driven vehicle except on

regularly used roads open for public use by four wheel vehicle traffic; or for any unauthorized person to ride or possess horses except: (1) on roads open to four-wheel motorized vehicles; and (2) in areas, roads, and trails designated as open to horses.

- (j) For any person except authorized personnel to block or otherwise stop traffic on any road or at any gate by any means including by parking a vehicle in such a way that passage around the vehicle is impossible.
- (k) For any person to deposit, distribute or scatter grain, salt, litter, or any other materials.
- (l) To damage or remove any trees, embedded submerged logs, crops, plants or other vegetation, minerals, precious metals, dirt, gravel, stones, artifacts, fossils, firewood, mulch, leaf litter, sod or pine straw.
- (m) To erect or use a permanent tree stand or scaffold.
- (n) To cast a light of any kind, either hand held, affixed to a vehicle, or otherwise, between the hours of sunset and sunrise except in areas where the state law is more restrictive. This paragraph does not apply to the headlights of vehicles traveling in a normal manner on an open established road.
- (o) 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.
- (p) To violate any posted restrictions on entry, hunting, fishing, or other conduct.
- (q) To release any animal, bird, fish, other wildlife, or introduce any plant or other vegetative material.
- (r) Nothing in this regulation prohibits 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 in violation of law.
- (s) To possess any open alcoholic beverages outside a designated camping area, a lodging accommodation, a dining facility, or other special event areas as may be designated by the Commissioner or his designee.
- (t) For any unauthorized person, at any time, to operate a motor scooter, ATV, UTV, motorcycle, motorized trail bike, or any motor driven vehicle (NOT to include vessels) on state-owned submerged lands.

(2) 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 State Lands 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.

AUTHOR: Christopher M. Blankenship

STATUTORY AUTHORITY: § 9-2-12, Code of Alabama 1975.

PENALTY: As provided by law.

HISTORY: **New Rule:** Filed May 22, 2007; effective June 26, 2007. **Amended:** Filed October 12, 2011; effective November 16, 2011. **Amended:** Filed August 11, 2014; effective September 15, 2014. **Amended:** Filed September 8, 2015; effective September 13, 2015. **Amended:** Filed August 11, 2016; effective September 25, 2016. **Amended:** Filed March 6, 2018; effective April 20, 2018. 7/22/2019

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

Control No. 220 Department or Agency Conservation

Rule No: 220-4-.15

Rule Title: Regulation of Certain Conduct on Lands Under State
Lands Division Jurisdiction

 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: