

APA-1
Revised 4/2018

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 220 Department or Agency Conservation and Natural Resources

Rule No.: 220-5-.02

Rule Title: Swimming, Fishing and Boating

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

Reyan D. Corley
Secretary of Administrative Procedure

Date

6/19/18

Department of Conservation and Natural Resources
State Parks Division

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Conservation and Natural Resources

RULE NO. & TITLE: 220-5-.02 Swimming, Fishing and Boating

INTENDED ACTION: Amendment.

SUBSTANCE OF PROPOSED ACTION: To remove an outdated section that required State Park fishing permits in certain park lakes or waters that didn't require a "day use" fee or payment of a cabin, hotel or motel, or campsite fee that included permission to fish; to clarify any conflict with other regulations; and to remove the volt limit on electric troll motor batteries for Oak Mountain, Chewacla, and Paul M. Grist State Parks.

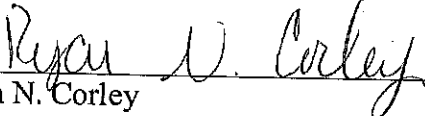
TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of State Parks Division at any time during the period stated below, or orally if requested in writing 48 hours in advance to the Director of State Parks Division, and then by personally appearing at Room 474, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Friday, August 3, 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, August 3, 2018.

CONTACT PERSON AT AGENCY: Greg Lein, Director, State Parks Division, 5th Floor, 64 N. Union Street, Montgomery, Alabama 36130, 334-242-3334.



Ryan N. Corley
Secretary of Administrative Procedure

Christopher M. Blankenship

220-5-.02 Swimming, Fishing and Boating

(1) Visitors shall swim only in designated areas and all persons swimming in any of the waters of any State Park shall obey any order of the lifeguard or other Park official in charge.

(2) All persons fishing in any of the State Parks shall abide by the fishing regulations promulgated by the Commissioner of the Department of Conservation and Natural Resources and other fishing laws which are in force in the State of Alabama.

(a) A person so fishing shall, upon demand, exhibit his catch or fishing license to any game warden or other officer of the Department for inspection.

(b) No fish shall be placed in the State Park lakes or waters except with permission of the Commissioner of Conservation and Natural Resources.

(c) The daily creel limits are posted in a conspicuous place at each State Park 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) Fish shall be taken by rod and reel or pole and line only, in State Park lakes or waters. Use of other methods of fishing such as trot lines, set hooks, gigs, nets, seines, spear guns, bow and arrow, etc., is prohibited.

~~(e) State Park fishing permits are required in all park lakes or waters where fishing is authorized with the exception of DeSoto State Park and impoundments at Lake Guntersville, Lakepoint Resort, Joe Wheeler, Wind Creek, Roland Cooper, Florala, and Buck's Pocket State Parks, and with the exception of certain parks where payment of a "day use" fee or payment of a cabin, hotel or motel room, or campsite fee may include permission to fish.~~

~~(fe) It shall be unlawful to fish for sharks or use any type of shark fishing gear on any Gulf State Park Public Beach or on the Gulf State Park Saltwater Pier, unless specifically provided otherwise by regulation. It shall be unlawful to land or to attempt to land any shark on any line originally cast from said State Park Pier or Beach, unless specifically provided otherwise by regulation.~~

~~(gf) It shall be unlawful to participate in any water related activity within 100 yards of the Gulf State Park Saltwater Pier. This shall include but not be limited to, wading, swimming, surfing, fishing, boating, and scuba diving.~~

(3) Motorized vessels are prohibited on any of the waters of the State Parks unless by special written permission from the Commissioner of the Department of Conservation and Natural Resources, except as otherwise provided for herein. At Oak Mountain, Chewacla and Paul M. Grist State Parks, electric troll motors not to exceed a size that can be operated by a 6,

~~12, or 24 volt~~ storage battery may be used. At Lake Shelby in Gulf State Park, Lake Lurleen State Park and Frank Jackson State Park, any size motor may be used.

(a) It shall be unlawful to operate a vessel of any kind on the waters within Frank Jackson and Lake Lurleen State Parks to tow a person or persons on water skis, aquaplane or any other recreational device.

(b) It shall be unlawful to operate any personal watercraft on any fresh water lake within Gulf State Park, Lake Lurleen, and Frank Jackson State Park.

Author: Christopher M. Blankenship

Statutory Authority: §§ 9-2-3, 9-2-9, and 9-2-12, Code of Alabama 1975

Penalty: As provided by § 9-2-9, Code of Alabama 1975

History: Filed September 30, 1982. **Amended:** November 19, 1983; November 16, 1989. **Amended:** Filed April 14, 1998; effective May 19, 1998. **Amended:** Filed May 11, 2015; effective June 15, 2015. June 19, 2018.

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

Control No. 220 Department or Agency Conservation

Rule No: 220-5-.02

Rule Title: Swimming, Fishing and Boating

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: