

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**

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 May 17, 2012

APA-2  
6.93

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-.109 Physically Disabled Hunting Areas; (2) 220-2-.26 Restrictions on Possession, Sale, Importation and/or Release of Certain Animals and Fish; (3) 220-2-.11 Prohibited Methods and Devices for Hunting; (4) 220-2-.30 Fur-Bearing Animals Designated/Trap Specifications/and Prohibited Devices/Tagging Requirement; (5) 220-2-.101 Hunting of Captive Bred Mallard Ducks and Non-Native Game Birds on Commercial Fowl Hunting Preserves; (6) 220-2-.25 Imported Game Birds, Game Animals, Wildlife and Raw Furs Subject to State Laws; (7) 220-2-.05 Legal Hunting Hours for Game Birds; (8) 220-2-.86 Feral Swine Regulation; (9) 220-2-.18 Possession Limit; (10) 220-2-.54 Hunting Dates, Etc. on State Wildlife Management Areas; (11) 220-2-.93 Prohibition of Importation/Possession of the Fishes Rudd and Roach; (12) 220-2-.102 Prohibition of Use of Certain Animals in Greyhound Racing or Training; (13) 220-2-.14 Deer Hunting Confined To Bucks Only With Bare Antlers Visible Above Hairline; (14) 220-2-.19 Permit for Shipping 2 Days Bag Limit.

**INTENDED ACTION:** (1) - (9) Amendments; (10) - (14) Repeals.

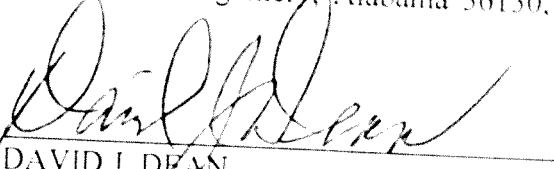
**SUBSTANCE OF PROPOSED ACTION:** (1) 220-2-.109 -To further provide for the regulation of physically disabled hunting areas; and to further provide for the possession of certain handguns; (2) 220-2-.26 - To further provide for certain restrictions on the possession, sale, importation, and release of certain animals and fish; and to further provide for certain exceptions; (3) 220-2-.11 - To further provide for the prohibition of certain methods and devices for hunting; and to amend certain provisions relating to calls; (4) 220-2-.30 - To further provide for the specifications for traps and for tagging bobcat/otter pelts; and to delete a provision relating to predatory calls; (5) 220-2-.101 To further provide for hunting of captive bred mallard ducks and non-native game birds on commercial fowl hunting preserves; and to add certain provisions that had previously been in 220-2-.25 relating to hunting on private commercial shooting preserves and licensed hunting preserves; (6) 220-2-.25 - To further provide for the regulation of certain imported game birds, wildlife, game or fur-bearing animals; and to delete certain provisions that have been placed in 220-2-.101; (7) 220-2-.05 - To further specify legal hours for hunting of game birds; (8) 220-2-.86 - To delete an archaic provision relating to the repeal of a prior version of this rule; (9) 220-2-.18 - To delete reference to 220-2-.19 (which is being repealed); and to delete an archaic provision relating to the repeal of a prior version of the rule; (10) 220-2-.54 - To repeal in its entirety; (11) 220-2-.93 - To repeal in its entirety; (12) 220-2-.102 To repeal in its entirety; (13) 220-2-.14 - To repeal in its entirety; and (14) 220-2-.19 - To repeal in its entirety.

**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., Monday, July 9, 2012.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:**  
Monday, July 9, 2012.

**CONTACT PERSON AT AGENCY:** Fred Harders, Acting Director, Division of Wildlife and Freshwater Fisheries, 5th Floor, 64 N. Union Street, Montgomery, Alabama 36130, 334-242-3465.

  
\_\_\_\_\_  
DAVID J. DEAN  
Secretary of Administrative Procedure

**N. Gunter Guy, Jr.**

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

(a) 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~~ turkey, dove or waterfowl 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~~ turkey, dove or waterfowl 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.

(b) 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; 11/17/2011;