

APA-1
Revised 7/2019

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

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

Rule No.: 220-2-.16

Rule Title: Period For Training Bird Dogs

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.

REC'D & FILED

OCT 20 2020

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 10/20/2020

APA-2

Department of Conservation and Natural Resources
Wildlife & Freshwater Fisheries Division

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Conservation and Natural Resources

RULE NO. & TITLE: 220-2-.16 Period For Training Bird Dogs

INTENDED ACTION: Amendment.

SUBSTANCE OF PROPOSED ACTION: To amend this regulation to reflect the advancements in dog training technology that no longer require the use of leash control as the standard training method for bird dogs.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of Wildlife & Freshwater Fisheries Division at any time during the period stated below.

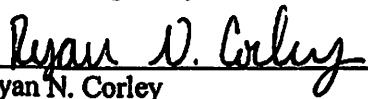
Due to the policies in place at the time of this filing to prevent the spread of COVID-19, a group commenting session will not be held. Interested persons may schedule a time to present their views orally during the period stated below. Please contact Ryan Corley at 334-242-3165 or ryan.corley@dcnr.alabama.gov to schedule a time.

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, December 4, 2020.

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



Ryan N. Corley
Secretary of Administrative Procedure

Christopher M. Blankenship

220-2-16 Period For Training Bird Dogs.

(1) Any licensed dog trainer may train bird dogs and any licensed hunter may train his/her own bird dog during the closed hunting season. Any licensed dog trainer, and any licensed hunter may train his/her bird dogs with the aid of a recovery pen to recover the pen raised quail used in training bird dogs. ~~Provided that all pen raised quail used,~~ shall be banded and any unbanded birds taken in the recovery pen shall be immediately released.

(2) Under no circumstances, however, shall such training be accomplished or allowed with the use of a gun during the closed hunting season other than as outlined below. Such trainer or owner may train such dogs by using a pistol loaded with blanks only. The training of bird dogs through the use of shotguns and live ammunition shall be allowed at any time of the year, provided that such training be restricted to a specific location predesignated to and approved by the Conservation Officer assigned to the area where the training is to take place; that the dogs ~~being so trained be~~ be controlled by ~~leash~~ in a manner restricting them to the specified training area; that only unprotected birds be involved; and that written permission for such training be obtained from said Conservation Officer assigned to such area.

Author: Christopher M. Blankenship

Statutory Authority: §§ 9-2-7, 9-2-12, and 9-11-52,
Code of Alabama, 1975.

Penalty: As provided by law.

History: Filed September 30, 1982. 10/20/2020

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

Control No. 220 Department or Agency Conservation

Rule No: 220-2-.16

Rule Title: Period For Training Bird Dogs

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: