

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-.85 Hunter Orange Requirement for Hunting and Definition of Open Permit-
Public Land**

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

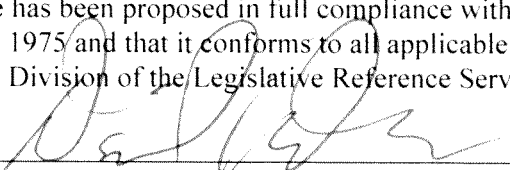
Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the rule? N/A

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 April 20, 2011

**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-.85 Hunter Orange Requirement for Hunting and Definition of Open Permit-Public Land; (2) 220-2-.03 Legal Specifications for Bow and Arrow

INTENDED ACTION: (1) – (2) Amendments.

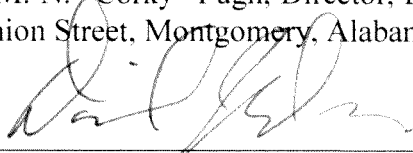
SUBSTANCE OF PROPOSED ACTION: (1) **220-2-.85-** to further provide for a hunter orange requirement for certain hunting; and to further clarify and provide for the gun deer seasons to which the requirement applies; (2) **220-2-.03** - to further provide for certain legal specifications for bow and arrow; and to further specify and provide for certain types of sighting and aiming devices.

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., Tuesday, June 7, 2011.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Tuesday, June 7, 2011.

CONTACT PERSON AT AGENCY: M. N. "Corky" Pugh, Director, Division of Wildlife and Freshwater Fisheries, 5th Floor, 64 N. Union Street, Montgomery, Alabama 36130.



DAVID J. DEAN
Secretary of Administrative Procedure

N. Gunter Guy, Jr.

220-2-.85 Hunter Orange Requirement for Hunting and Definition of Open Permit-Public Land

(1) All persons hunting any wildlife species, ~~(except turkey and migratory birds (including crows) and while hunting legally designated species during legal nighttime hours)~~ during dates and in areas open by regulation to gun deer season, including youth deer season and muzzleloader deer season, are required to wear an outer garment above the waist with a minimum of 144 square inches of hunter orange or either a full size hunter orange hat or cap. Hunters are not required to wear hunter orange when hunting from a stand elevated twelve (12) feet or more from the ground, when hunting in an enclosed box stand, when traveling in an enclosed vehicle, or when traveling on foot no more than twenty feet directly between an operating enclosed vehicle and a stand where the hunter is exempt from the hunter orange requirement. The hunter orange must be worn when traveling on foot between an operating enclosed vehicle and exempt stand when the distance is more than a direct distance of twenty feet. A small logo and/or printing is permitted on the front of hunter orange caps; otherwise, hunter orange must be of solid color and visible from any angle. Only hunter orange, commonly called blaze orange, ten mile cloth, etc., is legal. The various shades of red as well as camo orange are not legal.

(2) "Open Permit-Public Land" is defined as governmentally owned land open for public hunting and/or lands made available to the public on an individual basis whether for a fee or not. Examples of such lands would be national forest lands, lands owned by lumber companies and utility companies available for use by hunters either through free permits, fee permits or no permit requirement.

Statutory Authority: §§9-2-7, 9-2-8, and 9-2-12
Code of Alabama 1975

PENALTY: As provided by law.

10/19/85; 6/13/86; 9/13/86; 10/22/87; 9/23/88; 12/21/88; 11/16/89; 10/16/97; 9/16/98;
11/28/2007;