

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control No.: 220

Department or Agency: Conservation and Natural Resources

Rule No.: 220-2-.60

Rule Title: Airboat Regulation

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

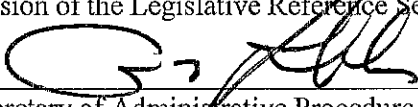
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Does the proposed rule have any economic impact? NO

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.  
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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 4/19/15

**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-.60, Airboat Regulation

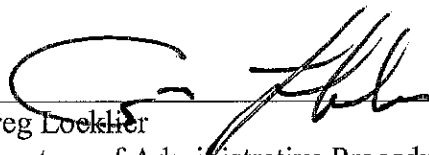
INTENDED ACTION: Amendment

SUBSTANCE OF PROPOSED ACTION: To clarify airboat restrictions in Baldwin and Mobile counties and to clarify that the restrictions do not apply to law enforcement personnel and utility company personnel.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of the Wildlife and Freshwater Fisheries Division at any time during the period stated below, or orally if requested in advance by personally appearing at Room 474, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Friday, June 5, 2015.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Written comments will be received until the close of the record at 5:00 p.m. on June 5, 2015. Written comments and requests for copies of the proposed amendments should be addressed to the contact person listed below.

CONTACT PERSON AT AGENCY: Chuck Sykes, Director, Wildlife Freshwater Fisheries, 5th Floor, 64 N. Union Street, Montgomery, Alabama 36130.

  
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Greg Loekler  
Secretary of Administrative Procedure

**220-2-.60      Airboat Regulation.**

(1) It shall be unlawful for any person to use an airboat on any of the public waters of this State in Baldwin or Mobile counties ~~that are subject to the ebb and flow of the tide of at least two (2) inches;~~ between November 15th of each year and the end of the waterfowl seasons, ~~in the area of operation.~~

(2) The prohibition prescribed in Paragraph (1) above shall not apply to the use of airboats by ~~State or Federal game wardens~~ law enforcement personnel, state aquatic plant management personnel, ~~acting in their official capacity nor by oil and gas exploration crews, or utility company personnel while operating air boats in their official capacities.~~

**AUTHORS:**

Conservation Advisory Board; N. Gunter Guy, Jr.

**STATUTORY AUTHORITY:**

Code of Ala. 1975, §§ 9-2-15.1, 9-2-14, 9-2-15.

**HISTORY:**

Emergency adoption effective: October 25, 1982; October 27, 1983; November 15, 1986.

**Permanent adoption:** effective October 7, 1987.

**PENALTY:** As provided by Code of Ala. 1975, § 9-2-15.1.