

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-.37 Restricted Use of Public Access Areas

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 *David J. Allen*
Secretary of Administrative Procedure

Date August 19, 2013

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-.26 Restrictions on Possession, Sale, Importation and/or Release of Certain Animals and Fish; (2) 220-2-.37 Restricted Use of Public Access Areas

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

SUBSTANCE OF PROPOSED ACTION: (1) 220-2-.26 -To further provide for restrictions on possession, sale, importation and/or release of certain animals and fish; and to further provide for certain exceptions from the rule; (2) 220-2-.37 – To further provide for restrictions on the use of public access areas; and to provide for a certain exception for certain lawfully possessed handguns.

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, October 7, 2013.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, October 7, 2013.

CONTACT PERSON AT AGENCY: Chuck Sykes, 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-.37 Restricted Use of Public Access Areas

(1) Definition: Unless the context clearly indicates otherwise, in this regulation, the term "public access area" shall include any state-owned, leased, and/or operated boat launching and/or landing access area, parking lot, ramp, pier, and any real or personal property within the boundaries of said areas.

(2) Picnicking, except at tables provided, and camping are prohibited at all public access areas. Swimming or any other activities, to the extent that swimming or any other activity may interfere with the intended use of any public access area by the public, are forbidden; provided, however, that in any event it shall be unlawful to swim or wade within fifty (50) feet of any ramp at any public access area.

(3) The mooring of boats, houseboats and other watercraft is forbidden at all public access areas. In addition, the dry-docking, storage, or abandonment, of any type of vessel, vehicle, or other personal property item, is prohibited at all public access areas.

(4) Public access areas are for the use of the pleasure boating, hunting and fishing public in general only. No commercial, industrial or construction equipment such as barges, dredges, etc., are to be loaded or unloaded without the specific written authorization of the Commissioner of Conservation and Natural Resources.

(5) Persons using public access areas shall either place their trash and refuse matter in cans provided for such purposes, or where cans are not available, take it with them when they leave. No trash or refuse matter shall be placed at, in, or on any public access area (including placing in cans) unless said matter is directly incidental to the use of said area.

(6) Persons using public access areas shall park their vehicles and/or trailers in designated parking areas or, when areas are not designated, in such a way so as not to block any part of the ramp or pier or approach to the ramp or pier or interfere with the use of the public access area by other persons.

(7) It shall be unlawful to discharge firearms on all public access areas. Nothing in this regulation prohibits the possession of handguns by lawfully authorized persons for personal protection, provided the handguns are not used to hunt or take or to attempt to take wildlife in violation of law.

(8) It shall be unlawful to swim, dive, sun bathe, or jump from any pier or ramp located at any public access area.

(9) Defacing or Destroying State Property -- Any person who litters, defaces or destroys any real or personal property on any of the public access areas or any property belonging to the State of Alabama in any of the public access areas, shall be in violation of this regulation.

(10) Only licensed vehicles shall be allowed on public access area roads and parking lots; no off-road traffic shall be permitted. No all-terrain vehicles shall be allowed to operate on any public access area. Nothing in this regulation shall prevent the use of properly licensed motorcycles on public access area roads or parking lots.

(11) Soliciting or Advertising on Public Access Areas -- No person shall solicit, sell, advertise, or install any sign on any public access area without the written authorization of the Commissioner of Conservation and Natural Resources.

(12) It shall be unlawful for any unauthorized person(s) to build, tend, or maintain any fire at any public access area.

(13) Removal of Shrubs or Wildflowers -- In order to protect all native, wild or domesticated trees, shrubs, plants, and flowers from destruction and to conserve the same, it is hereby made unlawful for any person to cut, destroy, damage or remove any such tree, bush, shrub, plant or flower growing at any public access area. Any person who willfully destroys, cuts, or breaks or removes any such tree, shrub, bush, plant or flower growing in any public access area, shall be in violation of this regulation unless given special permission to do so from the Commissioner of Conservation and Natural Resources.

(14) State Laws Applicable -- All state laws now in force and laws which may hereinafter be enacted by the Legislature shall be maintained in the public access areas.

(15) Personal Injuries or Accidents -- The Department of Conservation and Natural Resources shall not be responsible for any accident or injury to any person while at or in public facilities. Any person coming within the boundaries of the public access areas shall, by such entrance or use, waive any claim against the State of Alabama, its employees, or its agents for any accident or injury to person or property occurring while on or within the said public access areas.

(16) It shall be unlawful for any person or persons to loiter at any public access area.

(17) It shall be unlawful for any person or persons to consume alcoholic beverages at any public access area.

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

PENALTY: As provided by law.

9/30/82; 10/3/87; 11/16/89; 6/22/90; 10/20/93;