

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-.114 Normal Agricultural Planting and Hunting of Dove.
 x New Amend x 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

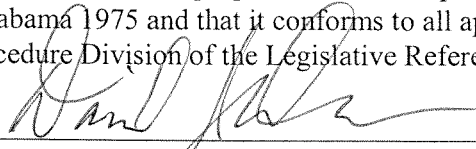
Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the rule? N/A

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 July 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-.146 Antlered Buck and Turkey Harvest Record; (2) 220-2-.55 Wildlife Management Areas, Community Hunting Areas, Public Hunting Areas, and Refuges of Alabama; (3) 220-2-.02 Legal Arms, Ammunition, and Equipment for Hunting; (4) 220-2-.131 Establishment of Youth Turkey Hunting Area; (5) 220-2-.08 Hunting of Raccoon, Opossum, Squirrel, Rabbit and Deer During Closed Gun Season; (6) 220-2-.143 Alligator Hunting Season and Regulations; (7) 220-2-.30 Fur-Bearing Animals Designated/Trap Specifications/and Prohibited Devices/Tagging Requirement; (8) 220-2-.126 Public Shooting Range Regulation; (9) 220-2-.142 Turtle Dealer/Farmer Regulation; (10) 220-2-.114 Normal Agricultural Planting and Hunting of Dove.

INTENDED ACTION: (1)-(9) Amendments; (10) New; Repeal.

SUBSTANCE OF PROPOSED ACTION: (1) 220-2-.146 -To provide for a certain game check system, deer and turkey harvest record, and reporting requirement; (2) 220-2-.55 – To provide for and regulate conduct at the areas; (3) 220-2-.02 – To provide for and regulate the use of arms, ammunition and equipment for hunting and delete a certain prohibition while using muzzle-loaders and black powder handguns for deer hunting; (4) 220-2-.131- To provide for a certain exception for certain lawfully authorized handguns; (5) 220-2-.08 – To provide for a certain exception for certain lawfully authorized handguns; (6) 220-2-.143 – To provide for an alligator hunting season and regulations relating thereto, and to provide for a certain exception for certain lawfully authorized handguns; (7) 220-2-.30 – To further designate fur-bearing animals in Alabama; (8) 220-2-.126 – To further specify license requirements for certain Alabama residents using a public shooting range; (9) 220-2-.142 – To provide for an exception for the taking of certain nuisance turtles; (10) 220-2-.114 – To further provide for and define recognized practices or methods of planting or preparing fields relating to dove hunting and to repeal the existing rule.

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., September 6, 2013.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, September 6, 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-.114 Normal Agricultural Planting and Hunting of Dove

It shall be unlawful to hunt mourning dove or white winged doves over fields that are planted or prepared outside of or contrary to the recognized practices or methods prescribed by the most recent Alabama Cooperative Extension System publications, available through the Alabama Cooperative Extension System.

Rule 220-2-.114, as previously adopted, is hereby repealed in its entirety.

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

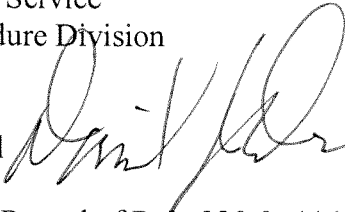
PENALTY: As provided by law.

8/15/96; 8/26/98; 10/2/2001(ER); 4/20/2002;

July 19, 2013

MEMORANDUM

TO: Legislative Reference Service
Administrative Procedure Division

FROM: David J. Dean
Deputy Legal Counsel 

RE: Statement Relative to Repeal of Rule 220-2-.114

In accordance with the provisions of Legislative Reference Service, Administrative Procedure Division, Rules 1-1-1-.03 and 1-1-4-.02, the following statement is submitted: Rule 220-2-.114- This new proposed rule repeals previously existing Rule 220-2-.114, which had been adopted effective April 20, 2002 (copy attached). The differences between the new rule and the old rule are the following: The new rule provides for the restriction on hunting of mourning doves or white winged doves over fields that are planted or prepared outside of or contrary to the recognized practices or methods prescribed by the most recent ACES publications, whereas the previous version defined normal agricultural planting and prohibited hunting dove over wheat planted before or outside certain dates furnished by ACES, defined any small grain planting not in conformance with the guidelines as bait, prohibited multiple seedings, and prohibited hunting dove on, over, or near any baited area until all bait is completely gone for 10 days.

DJD/djd

Attachment

[REPEAL]

Riley Boykin Smith

220-2-.114 Normal Agricultural Planting and Hunting of Dove

1. Top sowing of wheat is a recommended planting practice for establishing a cover crop in low-input management systems. This planting practice requires a well-prepared seedbed. A well prepared seedbed involves adequate tilling of the soil so that when the seeds are planted there will be good soil-to-seed contact and the soil is not excessively hard (i.e., it can easily be penetrated by the developing root of the germinating small grain seed). Growers should be aware that the risk associated with this planting practice is higher than with drilling or other methods that result in coverage of seed. Recommended practices of planting small grain without a prepared seedbed are: (1) no till drilling; (2) broadcasting small grains into the cotton stubble that remains after harvest followed by mowing the cotton stubble; (3) aerial seeding small grains into standing crops such as cotton or soybeans prior to defoliation or leaf drop.

2. It is recommended that small grain other than as outlined above be planted into a prepared seedbed by broadcasting or drilling and a bona fide attempt be made to cover seed by cultipacking, disking, raking, etc. Some incidental seed may remain on the surface following a bona fide covering attempt. All small grain planting should adhere to planting dates recommended in printed tables furnished by the Alabama Cooperative Extension System. The earliest planting dates for wheat are included by zone in this regulation. Recommended seeding rate for small grain is no more than 200 lbs./acre. Seeds should be uniformly distributed.

The planting zones for the State of Alabama are as follows:

- | | |
|-------------------------|--|
| North Zone Counties - | Blount, Calhoun, Cherokee, Clay, Cleburne, Colbert, Cullman, DeKalb, Etowah, Fayette, Franklin, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Limestone, Madison, Marion, Marshall, Morgan, Randolph, Shelby, St. Clair, Talladega, Walker, Winston |
| Central Zone Counties - | Autauga, Bibb, Bullock, Chambers, Chilton, Coosa, Dallas, Elmore, Greene, Hale, Lee, Lowndes, Macon, Montgomery, Perry, Pickens, Russell, Sumter, Tallapoosa, Tuscaloosa |
| South Zone Counties - | Baldwin, Barbour, Butler, Choctaw, Clarke, Coffee, Conecuh, Covington, Crenshaw, Dale, Escambia, Geneva, Henry, Houston, Marengo, Mobile, Monroe, Pike, Washington, Wilcox |

[REPEAL]

The earliest recommended planting dates for wheat in the North, Central and South planting zones are as follows:

North Zone – August 25

Central Zone – September 1

South Zone – September 15

It will be illegal to hunt over wheat planted before these dates or outside of dates recommended in printed tables furnished by the Alabama Cooperative Extension System. Any small grain planting that does not conform with these guidelines shall be considered bait. Multiple seedings are not permitted under this regulation.

It is illegal to hunt dove on, over, or near any baited area until all bait is completely gone for 10 days.

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

PENALTY: As provided by law.

8/15/96; 8/26/98; 10/2/2001(ER); 4/20/2002.