

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-.157 Definition of Area 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

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 *Paul J. [Signature]*
Secretary of Administrative Procedure

Date March 17, 2013

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6/93

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-.157 Definition of Area Regulation

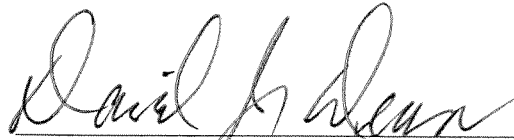
INTENDED ACTION: New.

SUBSTANCE OF PROPOSED ACTION: (1) 220-2-.157 -To provide for and define a certain area and rebuttable presumption relating to Section 9-11-244 and Rule 220-2-.11 and the hunting of deer and feral swine.

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., May 7, 2013.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
Tuesday, May 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-.157 Definition of Area Regulation

For the purposes of Section 9-11-244, Code of Alabama 1975, and Rule 220-2-.11, Alabama Administrative Code, as it applies to the hunting of deer and feral swine, there shall be a rebuttable presumption that any bait or feed (as defined in Section 9-11-244) located beyond 100 yards from the hunter and not within the line of sight of the hunter, is not a lure, attraction or enticement to, on or over the area where the hunter is attempting to kill or take the deer or feral swine. For the purpose of this regulation, "not within the line of sight" means being hidden from view by natural vegetation or naturally occurring terrain features. This regulation shall not apply on public lands.

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

PENALTY: As provided by law.