

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-.143

Rule Title: Alligator Hunting Season and Regulations

 New x 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 Jennifer Welke
Secretary of Administrative Procedure
Date 5-20-15

APA-2
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: 220-2-.143 Alligator Hunting Season and Regulations
INTENDED ACTION: Amendment.

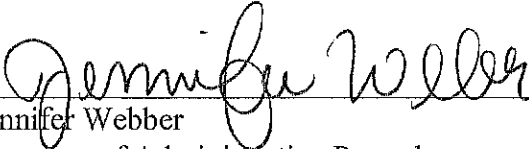
SUBSTANCE OF PROPOSED ACTION: To further provide for the season and methods for the taking of alligator.

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 writing 48 hours in advance to the Director of the Division of Wildlife and Freshwater Fisheries, by personally appearing at Room 474, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Monday, July 6, 2015.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

July 6, 2015.

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


Jennifer Webber
Secretary of Administrative Procedure

N. Gunter Guy, Jr.

220-2-.143 Alligator Hunting Season and Regulations

A hunting season for American alligator (*Alligator mississippiensis*) will be open in ~~three~~four areas of Alabama. The first hunt will be in Baldwin and Mobile Counties and portions of Washington, Clarke, and Monroe Counties. The second hunt will include: Barbour, Coffee, Covington, Dale, Geneva, Henry, Houston, and Russell Counties ~~including the portions of Henry, Barbour and Russell counties included in the,~~ excluding public Alabama state waters of Walter F. George Reservoir (Lake Eufaula) and its navigable tributaries. The third hunt area will be in Dallas, Wilcox and the portion of Monroe north of U.S. Highway 84. The fourth will be the public Alabama state waters in the Walter F. George Reservoir (Lake Eufaula) and its navigable tributaries. The rules will govern according to the following restrictions and regulations:

Locations:

SOUTHWEST ALABAMA

The private and public waters in Baldwin and Mobile Counties and private and public waters in Washington, Clarke, and Monroe Counties that lie east of U.S. Highway 43 and south of U.S. Highway 84.

SOUTHEAST ALABAMA, ~~includes~~

~~The private and public waters in Barbour, Coffee, Covington, Dale, Geneva, Henry, Houston and Russell Counties,~~ (excluding public Alabama state waters in Walter F. George Reservoir (Lake Eufaula) and its navigable tributaries).

WEST CENTRAL ALABAMA, ~~includes~~

~~The private and public waters in Monroe (north of U.S. Highway 84), Wilcox, and Dallas Counties.~~

LAKE EUFAULA

The public Alabama state waters only in the Walter F. George Reservoir (Lake Eufaula) and its navigable tributaries, south of Hwy 208, Omaha Bridge, (excluding Eufaula National Wildlife Refuge).

Dates:

SOUTHWEST ALABAMA - From 8:00 p.m. August 14, ~~2014~~13, 2015 until 6:00 a.m. August 17, ~~2014~~16, 2015 and from 8:00 p.m. August 21, ~~2014~~20, 2015 until 6:00 a.m. August 24, ~~2014~~23, 2015.

SOUTHEAST ALABAMA - From 8:00 p.m. August 8, ~~2014~~15, 2015 until 6:00 a.m. ~~August 24, 2014~~September 7, 2015.

WEST CENTRAL ALABAMA - From 8:00 p.m. August 14, ~~2014~~13, 2015 until 6:00 a.m. August 17, ~~2014~~16, 2015 and from 8:00 p.m. August 21, ~~2014~~20, 2015 until 6:00 a.m. August 24, ~~2014~~23, 2015.

LAKE EUFAULA – From sunrise August 14 until sunrise October 5.

Hunting Hours:

Southwest, Southeast and West Central Zones - 8:00 PM till 6:00 AM for all venues.
Lake Eufaula Zone - Daytime and Nighttime Hours.

Permits:

SOUTHWEST ALABAMA

One hundred and fifty (150) people will be randomly drawn by computer to be eligible for an Alligator Possession Tag. Possession permittstags are non-transferable.

SOUTHEAST ALABAMA

Forty (40) people will be randomly drawn by computer to be eligible for an Alligator Possession Tag. Possession permittstags are non-transferable.

WEST CENTRAL ALABAMA

Fifty (50) people will be randomly drawn by computer to be eligible for an Alligator Possession Tag. Possession permittstags are non-transferable.

LAKE EUFAULA

Twenty (20) people will be randomly drawn by computer to be eligible for an Alligator Possession Tag. Possession tags are non-transferable.

If a person is selected for an Alligator Possession Tag at two or more locations they will be allowed to choose which location they would like to hunt. The other spot(s) not chosen will be filled from +the Alternates list.

Bag Limit:

Each person receiving an Alligator Possession Tag will be allowed to harvest one (1) alligator. Alligators harvested in the ~~Southwest Alabama~~ Lake Eufaula Zone must be a minimum of eight (8) feet in length.

Persons Eligible:

Only ~~Residents~~ and Lifetime Hunting License holders of the State of Alabama who are sixteen (16) years of age or older may apply for an Alligator Possession Tag (see License Requirements). Non-residents may only participate as alligator hunting assistants (see License Requirements). ~~All persons in the~~ The permittee and all individuals assisting during the boathunt must have possess a valid Alabama hunting license.

Applications:

Applications for Alligator Possession Tags will be accepted only at the Alabama Department of Conservation and Natural Resources ~~Web Site~~ Website at www.outdooralabama.com beginning June 3rd, ~~2014~~, 2015 at 8:00AM. Registration will end July 8th 14th at 8:00AM. A minimal administrative fee will be charged for each hunt area application submitted. There is no charge for the Alligator Possession Tag. The drawings

for each area will be held on July 8th-14th. All applicants will be able to check for their results on the same ~~web-site~~ website that they registered on. Selected applicant's acceptance is required by 8:00AM July 15th-21st. If a tag is not accepted the next name on the list will be notified and given 24 hours to respond. These notifications will continue until all vacancies have been obligated. Only one (1) application shall be allowed per person per zone. Applications shall be in accordance with the procedure set out at www.outdooralabama.com.

Preference Points:

The random selection process will utilize a preference point system. The system increases the likelihood of repeat registrants being selected for a hunt as long as the applicant continues to apply. The more years an applicant participates in the registration, the higher the likelihood of being selected. If an applicant ceases to register for the hunt in a given year or is selected for a hunt, the preference point status is forfeited.

Mandatory Training Course:

For the Southeast Alabama and Lake Eufaula hunt venues, all successful applicants will be required to attend and complete the Alligator Training Course provided by the Wildlife and Freshwater Fisheries staff offered in Eufaula. If you are selected for the Southwest Alabama hunt and have attended the course at Five Rivers, as thea permittee or alternate, in prior years, you may be exempted from this requirement. All others will be required to attend this year's class at Five Rivers in Spanish Fort. If you are selected for the West Central Alabama hunt and have attended the course at the Alabama Farmer's Coop in Selma, as thea permittee or alternate, in prior years, you may be exempted from this requirement. All others will be required to attend and complete this year's class at Alabama Farmers Coop in Selma.

SOUTHWEST ALABAMA

The course will be held twice on July 26th at the Five Rivers complex in Spanish Fort, AL. The first class will be from 10:00 AM until 12:00 Noon. The second class will be from 1:00 PM until 3:00 PM. Upon completion of the course, drawn applicants will be eligible for an Alligator Possession Tag.

SOUTHEAST ALABAMA and LAKE EUFAULA

The course will be held on August 2nd 8th at the Chamber of Commerce Office in Eufaula, AL. The class will be from 10:00 AM until 12:00 Noon. Upon completion of the course, drawn applicants will be eligible for an Alligator Possession Tag.

WEST CENTRAL ALABAMA

The course will be held on ~~July 26th~~ August 1st at the Alabama Farmers COOP in Selma, Alabama. The class will be from 10:00 AM until 12:00 Noon. Upon completion of the course, drawn applicants will be ~~issued a temporary~~ eligible for an Alligator Possession Tag.

Capture and Dispatch Methods:

MOBILE/BALDWIN COUNTIES AND WEST CENTRAL ALABAMA HUNTS

For All Hunt Zones

Alligators must be captured and brought adjacent to the boat, bank or dock prior to shooting or otherwise dispatching the animal. It is unlawful to shoot at or kill an unrestrained alligator. Restrained is defined as an alligator that has a noose or snare secured around the neck or leg in a manner that the alligator is controlled. Capture methods are restricted to hand-held snares, snatch hooks (hand-held or rod/reel), harpoons (with attached line), and bowfishing equipment (with line attached from arrow to bow or crossbow). **No use of bait is allowed.**

All alligators must be dispatched immediately after capture or released. Firearms used for dispatching an alligator are restricted to shotguns with shot size no larger than #4 and bangsticks chambered in .38 caliber or larger or shotgun (using #4 shot or smaller). All shotguns and bangsticks must be cased and unloaded at all times until a restraining line has been attached to the alligator. Except as otherwise provided herein, no other firearm or ammunition may be in possession of the permittee or hunting party. No firearm or bangstick may be discharged within 100 yards of any residence, building, boat ramp, or occupied campsite in Mobile/Baldwin Counties and on the Alabama River, Claiborne Lake, and William "Bill" Dannelly Reservoir and Lake Walter F. George (Lake Eufaula). The Temporary Alligator Possession Tag, supplied by Alabama Wildlife and Freshwater Fisheries, must be attached to the alligator's tail, as demonstrated in training course, immediately after being dispatched and prior to moving or transporting.

SOUTHEAST ALABAMA

~~Alligators must be captured and brought adjacent to the boat, bank, or dock prior to shooting or otherwise dispatching the animal. It is unlawful to shoot at or kill an unrestrained alligator. Restrained is defined as an alligator that has a noose or snare secured around the neck or leg in a manner that the alligator is controlled. Capture methods are restricted to hand-held snares, snatch hooks (hand-held or rod/reel), harpoons (with attached line), and bowfishing equipment (with line attached from arrow to bow or crossbow). **No use of bait is allowed.**~~

~~All alligators must be dispatched immediately after capture or released. Firearms used for dispatching an alligator are restricted to shotguns with shot size no larger than #4 and bangsticks chambered in .38 caliber or larger. All shotguns and bangsticks must be cased and unloaded at all times until a restraining line has been attached to the alligator. Except as otherwise provided herein, no other firearm or ammunition may be in possession of the permittee or hunting party. No firearm or bangstick may be discharged within 100 yards of any residence, building, boat ramp, or occupied campsite on Lake Walter F. George. The Temporary Alligator Possession Tag, supplied by Alabama Wildlife and Freshwater Fisheries, must be attached to the alligator's tail, as demonstrated in training course, immediately after being dispatched and prior to moving or transporting.~~

Mandatory Check Station:

SOUTHWEST ALABAMA

~~All participating permittees must register at the checking station located at the District 5 office prior to hunting. All permitted hunters must have on their person a valid Alabama~~

~~Hunting License. Each permittee selected to receive an Alligator Possession Tag will be pre-registered and issued a Temporary Alligator Possession Tag at the training session prior to the hunt. The permanent Alligator Possession Tag will be affixed to the harvested alligator by Wildlife and Freshwater Fisheries personnel at the checking station. The check station will be open from 8:00 PM till 7:00 AM.~~

SOUTHEAST ALABAMA

All permitted hunters must have on their person a valid Alabama Hunting License. Each permittee selected to receive an Alligator Possession Tag will be pre-registered and issued a Temporary Alligator Possession Tag at the conclusion of the training session prior to the hunt. The permanent Federal CITES Alligator Possession Tag will be affixed to the harvested alligator by Wildlife and Freshwater Fisheries personnel at the check station. All successful permittees must bring their harvested alligators from this zone to the check station, located at the District V Division of Wildlife and Freshwater Fisheries Office between the hours of 8:00 PM till 7:00 AM on the days of the hunts.

SOUTHEAST ALABAMA and LAKE EUFAULA

All permitted hunters must have on their person a valid Alabama Hunting License. Each permittee selected to receive an Alligator Possession Tag will be pre-registered and issued a Temporary Alligator Possession Tag at the conclusion of the training session prior to the hunt. The permanent Federal CITES Alligator Possession Tag must be obtained from a Wildlife and Freshwater Fisheries district office within 10 business days of the conclusion of the hunt. Hunters must bring alligator hides, their Temporary Alligator Possession Tag, and information regarding length, weight, girth, and sex in order to receive their permanent Federal CITES Alligator Possession Tag. Alligator harvest record sheets detailing the required information will be issued at the training session on August 2nd-8th. Upon validation of alligator harvest data, a permanent Federal CITES Alligator Possession Ttag will be attached to the alligator by WFF personnel.

WEST CENTRAL ALABAMA

All permitted hunters must have on their person a valid Alabama Hunting License. Each permittee selected to receive an Alligator Possession Tag will be pre-registered and issued a Temporary Alligator Possession Tag at the conclusion of the training session prior to the hunt. The permanent Federal CITES Alligator Possession Tag will be affixed to the harvested alligator by Wildlife and Freshwater Fisheries personnel at the checking station at Roland Cooper State Park. ~~The~~ All successful permittees must bring their harvested alligator from this zone to the check station ~~will be open from~~ between the hours of 8:00 PM till 7:00 AM on the days of the hunts.

Harvest Reporting and Tagging:

SOUTHWEST ALABAMA and WEST CENTRAL ALABAMA

All harvested alligators must be validated at the designated check station by posted closing time. The Temporary Alligator Possession Tag must be attached to the alligator immediately after being dispatched and prior to moving. Upon validation at the check station, a Federal CITES Alligator Possession Ttag will be attached to the alligator.

SOUTHEAST ALABAMA and LAKE EUFAULA

The permanent Federal CITES Alligator Possession Tag must be obtained from a Wildlife and Freshwater Fisheries district office within 10 business days of the conclusion of the hunt. Hunters must bring alligator hides, their Temporary Alligator Possession Tag, and information regarding length, weight, girth, and sex in order to receive their permanent Federal CITES Alligator Possession Tag. Alligator harvest record sheets detailing the required information will be issued at the training session on August 2nd-8th. Upon validation of alligator harvest data, a permanent Federal CITES Alligator Possession Tag will be attached to the alligator by WFF personnel.

License Requirements:

Alligator Hunting Permittee: All Alligator Hunting Permittees must have a government issued picture identification and a resident hunting license as required by Alabama law. ~~If Mobile-Tensaw / W. L. Holland Wildlife Management Area properties are to be hunted, a Wildlife Management Area (WMA) license is also required.~~ A Temporary Alligator Possession Tag will be issued at registration following the conclusion of the workshop.

Alligator Hunting Assistant: All assistants in the hunting party sixteen (16) years of age or older are required to purchase and have on their person a valid Alabama hunting license as required by Alabama law. Any non-residents in the hunting party sixteen (16) years of age or older are required to have a valid Alabama hunting license. All persons in the boat or assisting boats are considered Hunt Permittees or Hunting Assistants ~~and are required to have a WMA license if on the WMA.~~ All funds are non-refundable.

General:

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.

ALL ALABAMA BOATING AND HUNTING REGULATIONS MUST BE FOLLOWED.

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

Penalty: As provided by law.

5/22/2006 (ER); 9/15/2006; 8/16/2007(ER);7/20/2009(ER); 10/15/2009;
8/10/2010(ER);11/11/10; 6/17/2011(ER);10/1/2011;6/22/2012(ER); 9/25/2012;
7/31/2013(ER); 10/14/2013; 05/28/2014(ER); 08/20/2014; 06/01/2015(ER).