

Department of Conservation and Natural Resources
Wildlife and Freshwater Fisheries Division

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Conservation and Natural Resources

RULE NO. & TITLE: 220-2-.55 Wildlife Management Areas, Community Hunting Areas, Public Hunting Areas, and Refuges of Alabama

INTENDED ACTION: Amendment.

SUBSTANCE OF PROPOSED ACTION: Amend paragraph (1)(c) to include "small game where dogs are expressly prohibited;" eliminate previous paragraph (1)(d) and change the dates in previous paragraph (1)(e) which is now (1)(d). Add paragraph (1)(e) which makes it unlawful to "conduct organized man drives during stalk deer hunts outside the hours of 10:00AM – 2:00PM;" change the age of the adult in paragraph (1)(f) to 21; amend paragraph (1)(g) to make it unlawful "to use or possess any firearm, weapon or method that does not conform with Regulation 220-2-.02 and 220-2-.03. Amend paragraph (1)(g)1. to make "Deer stalk gun hunting on Grand Bay WMA limited to shotguns with slugs only." Amend paragraph (1)(g)2. to make deer stalk hunting – primitive weapons hunts restricted to "muzzle-loading rifles and muzzle-loading handguns (.40 caliber or larger), muzzle-loading shotguns, air-powered guns .30 caliber or larger, or bow and arrow (including crossbow)." Amend paragraph 1(g)3. to make deer dog hunts "restricted to shotguns using buckshot only." Amend paragraph (1)(g)4. to allow feral swine to be hunted with legal arms permitted for other game birds and animals during scheduled WMA hunts." Amend paragraph (1)(g)5. So that turkey hunting with centerfire handguns or pistols is prohibited. Amend paragraph (1)(g)6. to eliminate "dove, woodcock, snipe, and rail" and add specifications for "bobcat, coyote, and fox." Eliminate paragraphs (1)(g)7.-14. Add paragraph (1)(h) to make it unlawful to "possess or use devices, or firearms or methods while trapping furbearers that are not in conformance with 220-2-.30. Renumber previous paragraph (1)(h) to become (1)(i); previous paragraph (1)(i) to become (1)(j); previous paragraph (1)(j) to become (1)(k); previous paragraph (1)(k) to become (1)(l); previous paragraph (1)(l) to become (1)(m); previous paragraph (1)(m) to become (1)(n); previous paragraph (1)(n) to become (1)(o); previous paragraph (1)(o)6. to become (1)(o)7.; previous paragraph (1)(o)7. to become (1)(o)8.; previous paragraph (1)(o)8. to become (1)(o)9.; previous paragraph (1)(o)9. to become (1)(o)10.; and previous paragraph (1)(o) to become (1)(p). Amend new paragraph (1)(j) to change "(gg)" to "(ff)." Consolidate paragraph (1)(o) by eliminating the list of designated target ranges that this paragraph doesn't apply to and replace that with the phrase "except on designated target ranges." Reorganize the list of rules for target range users in paragraph (1)(o)1.-10. to make it clear and concise. Amend new paragraph (1)(p) to clarify that the roads that standers are allowed to hunt during schedules dog deer hunts are WMA roads and to eliminate previous paragraph (1)(p). Remove "Wolf Creek" from the list of exceptions in new paragraph (1)(r). Amend new paragraph (1)(u) to make it unlawful for "any person to hunt any wildlife species (except turkey

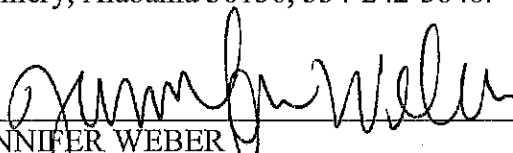
and migratory birds and while hunting legally designated species during legal nighttime hours) without wearing hunter orange” and to eliminate previous paragraph (1)(x). Renumber previous paragraph (1)(y) to become paragraph (1)(x); previous paragraph (1)(z) to become paragraph (1)(y); previous paragraph (1)(aa) to become paragraph (1)(z); previous paragraph (1)(bb) to become paragraph (1)(aa); previous paragraph (1)(cc) to become paragraph (1)(bb); previous paragraph (1)(dd) to become paragraph (1)(cc); previous paragraph (1)(ee) to become paragraph (1)(dd); previous paragraph (1)(ff) to become paragraph (1)(ee); previous paragraph (1)(ff) to become paragraph (1)(ee); previous paragraph (1)(gg) to become paragraph (1)(ff); previous paragraph (1)(hh) to become paragraph (1)(gg). Amend new paragraph (1)(y) to make it unlawful to “install any screw-in type steps, spikes, nails or otherwise damage any standing live tree” and amend new paragraph (1)(z) to make it unlawful to “intentional cast a light...from motor vehicles except those traveling in a normal manner on an open established road.” Amend paragraph (2)(a) so that the adult supervisor must remain within “thirty (30) feet” of the youth at all times and amend paragraph (2)(c) to change the age of an adult to “twenty-one (21).” Amend paragraph (2)(f) so that both the adult and youth must wear hunter orange while deer hunting, as “defined in 220-2-.86.” Eliminate previous paragraph (2)(g) and eliminate previous paragraph (4). Renumber previous paragraph (5) to become paragraph (4); previous paragraph (6) to become paragraph (5); previous paragraph (7) to become paragraph (6); previous paragraph (8) to become paragraph (7); previous paragraph (9) to become paragraph (8); previous paragraph (10) to become paragraph (9); and previous paragraph (11) to become paragraph (10). Amend new paragraph (5) to eliminate the list of AREAS so that it is now unlawful for “anyone to destroy or attempt to destroy the antlers of any deer so as to make the determination of the legal status of the deer uncertain” in any area. Eliminate previous paragraph (7)(c) so that, with the renumbering, previous paragraph (7)(d) is now paragraph (6)(c). Amend the dates in new paragraphs (9)(d), (9)(h), and (9)(j). Amend new paragraph (10) so that in order to hunt waterfowl on AREAS, all persons must have, in addition to the otherwise required licenses and permit, “a HIP and” valid State (ages 16 through 64) and a valid Federal (ages 16 and over) Waterfowl Stamp.

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., Monday, October 5, 2015.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

October 5, 2015.

CONTACT PERSON AT AGENCY: Chuck Sykes, Director, Wildlife and Freshwater Fisheries Division, 5th Floor, 64 N. Union Street, Montgomery, Alabama 36130, 334-242-3848.



JENNIFER WEBER
Secretary of Administrative Procedure