

APA-1
6/93

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 220 Department or Agency Conservation and Natural Resources
Rule No.: 220-6-.63 Three Mile Creek Vessel Restrictions

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
Secretary of Administrative Procedure

Date July 20, 2012

APA-2
6/93

Department of Conservation and Natural Resources
Division of Marine Police

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Conservation and Natural Resources

RULE NO. & TITLE: **220-6-.63 Three Mile Creek Vessel Restrictions**

INTENDED ACTION: New.

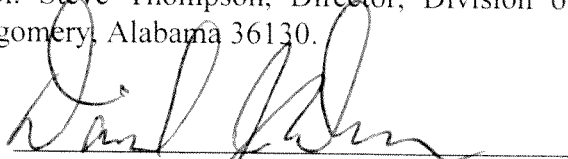
SUBSTANCE OF PROPOSED ACTION: 220-6-.63 - This new rule prohibits the use of a vessel with a combustible engine (gasoline or diesel powered) in a certain area of Three Mile Creek in Mobile County.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of the Division of Marine Police 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., Thursday, September 6, 2012.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Thursday, September 6, 2012.

CONTACT PERSON AT AGENCY: Col. Steve Thompson, Director, Division of Marine Police, 4th Floor, 64 N. Union Street, Montgomery, Alabama 36130.



DAVID J. DEAN
Secretary of Administrative Procedure

N. Gunter Guy, Jr.

220-6-.63 Three Mile Creek Vessel Restrictions

- (a) It shall be unlawful to operate a vessel with a combustible engine (gasoline or diesel powered) in the following area in Mobile County: from the headwaters of Three Mile Creek, to the railroad bridge at Telegraph Road. This prohibition shall not apply to law enforcement, government, or emergency vessels.
- (b) Any person violating any of the provisions of this regulation shall be punished as provided by §33-5-62, Code of Alabama 1975.

Statutory Authority: §33-5-62, Code of Alabama 1975.

Penalty: As provided by §33-5-62, Code of Alabama 1975.