

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 Alligator Hunting Season and Regulations

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 17, 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-.143 Alligator Hunting Season and Regulations

A hunting season for American alligator (*Alligator mississippiensis*) will be open in three areas of Alabama. The first hunt will be in ~~portions of Baldwin and Mobile Counties~~ portions of 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 Walter F. George Reservoir. The third hunt area will be in Dallas, Wilcox and the portion of Monroe north of U.S. Highway 84. The rules will govern according to the following restrictions and regulations:

Locations:

SOUTHWEST ALABAMA MOBILE/BALDWIN COUNTIES

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 of the Mobile-Tensaw Delta south of the Washington, Clarke and Monroe Counties lines, west of Alabama Highway 59 to intersection of 225 south to U.S. 31, north of U.S. 31, north and east of U.S. Truck Route 90 to intersection of U.S. Highway 43, and east of U.S. Highway 43 to the Mobile-Washington County line.

SOUTHEAST ALABAMA, includes private and public waters in Barbour, Coffee, Covington, Dale, Geneva, Henry, Houston and Russell Counties.

WEST CENTRAL ALABAMA, includes private and public waters in Monroe (north of U.S. Highway 84), Wilcox, and Dallas Counties.

Dates:

SOUTHWEST ALABAMA MOBILE/BALDWIN COUNTIES- From 8:00 p.m. August 15, 2013 16, 2012 until 6:00 a.m. August 18, 2013 19, 2012 and from 8:00 p.m. August 22, 2013 23, 2012 until 6:00 a.m. August 25, 2013 26, 2012

SOUTHEAST ALABAMA- From 8:00 p.m. August 9, 2013 10, 2012 until 6:00 a.m. August 25, 2013 26, 2012

WEST CENTRAL ALABAMA - From 8:00 p.m. August 15, 2013 16, 2012 until 6:00 a.m. August 18, 2013 19, 2012 and from 8:00 p.m. August 22, 2013 23, 2012 until 6:00 a.m. August 25, 2013 26, 2012

Hunting Hours:

8:00 PM till 6:00 AM for all venues.

Permits:

SOUTHWEST ALABAMA MOBILE/BALDWIN COUNTIES

One hundred and fifty (150) ~~twenty-five (125)~~ people will be randomly drawn by computer to be eligible for an Alligator Possession Tag. Possession permits are non-transferable.

SOUTHEAST ALABAMA

Seventy-five (75) ~~One hundred and twenty (120)~~ people will be randomly drawn by computer to be eligible for an Alligator Possession Tag. Possession permits are non-transferable.

WEST CENTRAL ALABAMA

Fifty (50) people will be randomly drawn by computer to be eligible for an Alligator Possession Tag. Possession permits 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 ~~six (6) feet in length or longer.~~

Persons Eligible:

Only residents and Lifetime 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 boat must have a hunting license.

Applications:

Applications for Tags will be accepted only at the Alabama Department of Conservation and Natural Resources Web-Site at **www.outdooralabama.com** beginning June 4th, 2013 ~~5th, 2012~~ at 8:00AM. Registration will end July 12th ~~13th~~ at 8:00AM. The drawings for each area will be held on July 12th ~~13th~~. All applicants will be able to check for their results on the same web-site that they registered on. Selected applicant's acceptance is required by 8:00AM July 16th. 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.

Mandatory Training Course:

For the Southeast Alabama hunt venue 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 Mobile/Baldwin Counties hunt and have attended the course at Five Rivers, as the permittee, 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 the permittee, 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 MOBILE/BALDWIN COUNTIES

The course will be held twice on July 27th ~~28th~~ 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

The course will be held on August 3rd 4th 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 27th ~~28, 2012~~ 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 Alligator Possession Tag.

Capture and Dispatch Methods:

MOBILE/BALDWIN COUNTIES AND WEST CENTRAL ALABAMA HUNTS

Alligators must be captured and brought adjacent to the boat 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). **No use of bait is allowed.**

All alligators, ~~if legal,~~ 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 ~~Ne~~ 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. A 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). **No use of bait is allowed.**

All alligators, ~~if legal,~~ 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 ~~Ne~~ 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.

Mandatory Check Station:

SOUTHWEST ALABAMA MOBILE/BALDWIN COUNTIES

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 issued a Temporary Alligator Possession Tag on the first day of their 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 Permit at the training session prior to the hunt. The permanent 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 Permit, and information regarding length, weight, girth, and sex in order to receive their permanent Alligator Possession Tag. Alligator harvest record sheets detailing the required information will be issued at the training session on August 3rd 4th. Upon validation of alligator harvest data, a Federal CITES tag 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 Permit 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.

Harvest Reporting and Tagging:

SOUTHWEST ALABAMA MOBILE/BALDWIN COUNTIES 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 tag will be attached to the alligator.

SOUTHEAST ALABAMA

The permanent 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 Permit, and information regarding length, weight, girth, and sex in order to receive their permanent Alligator Possession Tag. Alligator harvest record sheets detailing the required information will be issued at the training session on August 3rd 4th. Upon validation of alligator harvest data, a Federal CITES 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.

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 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;**