

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-.146 Antlered Buck and Turkey Harvest Record

 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 *David J. Dean*
Secretary of Administrative Procedure

Date July 19, 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.

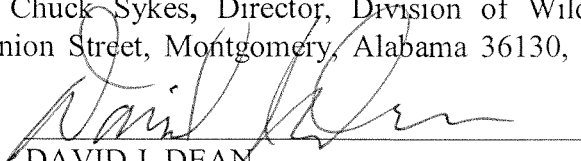
SUBSTANCE OF PROPOSED ACTION: (1) 220-2-.146 -To provide for a certain game check system, deer and turkey harvest record, and reporting requirement; (2) 220-2-.55 – To provide for and regulate conduct at the areas; (3) 220-2-.02 – To provide for and regulate the use of arms, ammunition and equipment 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-.146 Antlered Buck Game Check System - Deer and Turkey Harvest Record and Reporting Requirement

(1) For the purpose of paragraph (2) of this regulation, “antlered buck” shall be defined as a male whitetail deer with antlers visible above the natural hairline, and “unantlered deer” shall be defined as an unantlered whitetail deer.

(2) **DEER AND TURKEY HARVEST RECORD FORM** :Any person hunting deer or turkey, whether required to be licensed or not, shall maintain and have in his/her possession an ~~“Antlered Buck a~~ “Deer and Turkey Harvest Record” which shall be in the following form:

(a)

<u>RECORD BEFORE FIELD DRESSING OR MOVING CARCASS DEER AND TURKEY</u>	
HARVEST RECORD	
Name _____	
License No. (if applicable) _____	
<u>Antlered Buck Harvest Record</u>	

<u>One of the three must have 4 pts, 1” or longer on one side</u>	
Antlered Buck _____ / _____ / _____ (date of harvest)	Points: Right _____ Left _____
Antlered Buck _____ / _____ / _____ (date of harvest)	Points: Right _____ Left _____
Antlered Buck _____ / _____ / _____ (date of harvest)	Points: Right _____ Left _____
<p>Note: For Barbour County – minimum of 3 points, 1 inch or longer, on one antler for all antlered bucks. Further restrictions apply on certain management areas. See Wildlife Management Area information.</p>	
<u>Turkey Harvest Record</u>	
_____ / _____ / _____	_____ / _____ / _____
(date of harvest)	(date of harvest)

Harvest Record must be in possession when hunting
Record before field dressing or moving carcass
Obtain confirmation number within 24 hours

ANTLERED BUCK – One of the three must have 4 pts, 1” or longer on one side			UNANTLERED DEER	
Harvest Date	Points	Confirmation #	Harvest Date	Confirmation #
____ / ____ / ____	R: _____ L: _____	_____	____ / ____ / ____	_____
____ / ____ / ____	R: _____ L: _____	_____	____ / ____ / ____	_____
____ / ____ / ____	R: _____ L: _____	_____	____ / ____ / ____	_____
NOTE: For Barbour County – minimum of 3 points, 1” or longer, on one antler for all antlered bucks. Further restrictions apply on certain management areas. See Wildlife Management Area information.			____ / ____ / ____	_____
			____ / ____ / ____	_____

2013 - 2014

TURKEY

Harvest Date	<u> / / </u>	<u> / / </u>	<u> / / </u>	<u> / / </u>	<u> / / </u>
Confirmation #					

~~(b) (3) Hunting license holders whose licenses have a harvest record form on their licenses. All hunters shall be required to utilize the a paper harvest record form located on their licenses. All other persons shall utilize a form substantially identical to the form shown in paragraph (a) (2) above. In the event more spaces are needed to complete for unantlered deer harvest, the hunter shall utilize the back of the paper form or a separate sheet of paper to be attached to the form.~~

~~(c) (4) All antlered bucks, unantlered deer or turkey harvested shall be recorded completely on the harvest record by the hunter harvesting the antlered buck deer or turkey, before the antlered buck deer or turkey is moved or field dressed; provided however, that confirmation numbers for each deer or turkey harvested shall be obtained by following the procedures set forth in paragraph (3) hereof, and shall be entered on the harvest record form within twenty-four (24) hours of harvest.~~

~~(d) (5) Any person who harvests an antlered buck, unantlered deer or turkey, shall have in their possession the harvest record of that antlered buck deer or turkey until it is processed and stored in a cooler or freezer at one's residence or delivered to a commercial processing plant. In addition, any other person who is in possession of an antlered buck, unantlered deer or turkey not harvested by that person shall have in their possession written documentation including the name, address, license number (if applicable), telephone number, date of harvest and signature of the person who harvested the antlered buck deer or turkey, until it is processed and stored in a cooler or freezer at one's residence or delivered to a commercial processing plant.~~

~~(6) It shall be a violation of this regulation to obtain, possess, or utilize duplicate harvest record forms, or to provide false information on harvest record forms, for the purpose of avoiding the requirements of this regulation.~~

(3) DEER AND TURKEY HARVEST REPORTING REQUIREMENT:

- (a) All hunters shall report to the State of Alabama, Department of Conservation and Natural Resources ("DCNR"), Division of Wildlife and Freshwater Fisheries, their harvest of each and every whitetail deer or turkey within twenty-four (24) hours of harvest, by using one of the following methods, as further described herein: (i) the DCNR "Game Check" reporting site at www.OutdoorAlabama.com/Gamecheck ; or (ii) Toll-Free Voice Response Call.
- (b) Online reporting shall be done by accessing the web site stated above. On the Deer Harvest Reporting page, the hunter shall be required to provide his or her 16-digit hunting license number or lifetime license number or other authorized identification number, whether the deer is an "antlered buck" or an "unantlered deer", whether the harvest location is public or private land, and the county of harvest. On the Turkey Harvest Reporting page, the hunter shall be required to provide his or her 16-digit hunting license number or lifetime license

number or other authorized identification number, the turkey's age (whether a jake or adult), and the county of harvest. Once data is submitted, it cannot be changed. A confirmation number shall be provided which shall be entered in the appropriate corresponding space on the harvest record form.

(c) Hunters may use a Toll-Free Voice Response Call by calling an 800 number from a touchtone phone. The phone number will be provided on the DCNR website. The hunter shall be required to provide his or her 16-digit hunting license number or lifetime license number or other authorized identification number, using the phone keypad. For deer harvest, the hunter shall provide whether the deer is an "antlered buck" or an "unantlered deer", whether the harvest location is public or private land, and the county of harvest. For turkey harvest, the hunter shall provide the turkey's age (whether a jake or adult), and the county of harvest. A confirmation number shall be provided at the end of the call, which shall be entered in the appropriate corresponding space on the harvest record form.

(4) It shall be a violation of this regulation for any person to fail to comply with the requirements of this regulation. Further, it shall be a violation of this regulation to present an incomplete deer and turkey harvest record for inspection, or to intentionally enter false information into the deer and turkey harvest record form provided for in paragraph (2) hereof or into the deer and turkey harvest reporting database provided for in paragraph (3) hereof.

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

PENALTY: As provided by law.

10/12/2007; 10/15/2009;