

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-.109 Physically Disabled Hunting Areas

 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 *W. Paul Pearson*
Secretary of Administrative Procedure

Date June 18, 2011

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-.143 Alligator Hunting Season and Regulations; (2) 220-2-.30 Fur-Bearing Animals Designated; (3) 220-2-.92 Nongame Species Regulation; (4) 220-2-.142 Commercial Turtle Catcher/Dealer/Farmer Regulation; (5) 220-2-.109 Physically Disabled Hunting Areas.

INTENDED ACTION: Amendments.

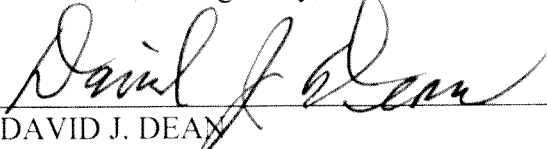
SUBSTANCE OF PROPOSED ACTION: (1) 220-2-.143-To further provide for the special alligator season and means and methods therefor; (2) 220-2-.30-To delete Civet Cat; (3) 220-2-.92-To further regulate certain species; to add/delete certain species; and to delete certain provisions relating to turtles; (4) 220-2-.142-To further regulate certain turtles, and the collection, dealing, farming, and possession thereof, the means and methods for the taking thereof, and to re-title said rule; (5) 220-2-.109 To further regulate certain conduct at said areas, including certain hunting license, authorization, and check in requirements; the protection of certain artifacts; certain hunting from elevated stands; and to provide for the revocation of certain permits.

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., Monday, August 8, 2011.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, August 8, 2011.

CONTACT PERSON AT AGENCY: M. N. "Corky" Pugh, Director, Division of Wildlife and Freshwater Fisheries, 5th Floor, 64 N. Union Street, Montgomery, Alabama 36130.


DAVID J. DEAN
Secretary of Administrative Procedure

N. Gunter Guy, Jr.

220-2-.109 Physically Disabled Hunting Areas

(1) It shall be unlawful on any area designated by the Department of Conservation and Natural Resources as a "Physically Disabled Hunting Area":

(a) To violate any terms or conditions of his certificate of qualification, permit, or other authorization, for participation in any such hunts, including, but not limited to, the times, dates, locations, manners and means for hunting.

(b) To hunt, trap, use dogs, possess firearms, traps, or bow and arrow, without a valid permit. A permit is valid only during scheduled area seasons during legal hunting hours and only with the required hunting license(s) and stamps and only with weapons and ammunition permitted for hunting the wildlife listed on permit.

(c) To have in possession any fully automatic rifle or any firearms, ammunition or bow and arrow (including crossbows) except as allowed by law for the species hunted.

(d) For any person to hunt without having his/her required hunting licenses and authorization and checking in at the checking station, except Big Oak ~~where each hunter must present proper licenses and authorization at checking station on two-day hunts.~~

(e) For any person to carry firearms in or on vehicle with ammunition in the magazine, breech or clip attached to firearms, cocked crossbow, or black powder weapons with primer, cap or flash powder in place.

(f) To camp in the area, except Big Oak where the designated campground must be used.

(g) To kill or willfully molest any species of wildlife except those designated for hunting. However, bobcat or fox may be killed during all scheduled area hunts that occur during the dates of the gun deer and turkey seasons, and coyote or feral swine may be killed during all scheduled area hunts.

(h) To discharge fireworks at any time.

(i) To discharge firearms for target practice.

(j) To use fire to smoke out game.

(k) For any person to possess any firearm while hunting with bow and arrow.

(l) To transport deer killed from the area before recording pertinent data at the designated checking station, except Big Oak ~~deer must be checked at checking stations on two-day hunts.~~

(m) For any person except those authorized to operate any motor driven vehicle behind, under or around any locked gate, barricaded road or sign which prohibits vehicular traffic.

(n) For any person to hunt deer or assist in said hunting, on days of scheduled hunts without wearing a vest containing a minimum of 144 square inches of hunter orange color or either a full size hunter orange hat or cap. The hunter orange must be of solid color, except for a small logo and/or printing on the front of the cap, and visible from any angle.

(o) For any person except authorized personnel to block or otherwise stop traffic on any road or gate by parking a vehicle in such a way that passage around the vehicle is impossible.

(p) To damage or remove any trees, crops, or other plants, dirt, gravel, ~~or~~ sod or artifacts without legal authorization.

(q) To hunt from an elevated platform, except at Big Oak (where it is unlawful to hunt from an elevated stand or platform without attaching themselves to the tree or platform with a full body harness capable of supporting their weight).

(r) To hunt without first making a reservation for the particular hunt, except at Big Oak.

(s) To hunt more often at any area than is authorized. Failure to cancel a reservation at least 48 hours prior to the hunt date will be considered the same as if the individual hunted in determining when that person could reserve another hunt date, except at Big Oak.

(t) To hunt outside the area designated to the hunter for each hunt. At the time of check-in the hunter will receive, on a first come basis, a shooting house on a segment of the hunting area that will be his/her exclusive area for the day, except at Big Oak. Hunter must hunt from the shooting house, except at Big Oak.

(2) Individuals must follow the listed rules to participate in the scheduled deer hunts for the physically disabled.

(a) Each participant must submit, on a Department form, an application to participate in such hunts. The application will include a doctor's statement certifying the physical disability. The Department will review the application and notify each participant if they are approved for such hunts.

(b) Each participant must provide any assistants that are required. Only the physically disabled individual will be eligible to hunt

(c) All license requirements and other rules, laws, and regulations, are in effect.

(d) Physical disability is defined as an individual that is permanently physically disabled by one or more of the following:

(1) Has a permanent physical disability, is unable to ambulate and requires a wheelchair, walker, one long leg brace or two short leg braces, external prosthesis below knee or above, two canes or two crutches for mobility.

(2) Has at least 80% permanent impairment of one hand or arm as determined by a physician using the standards outlined in the "Guide to Evaluation of Permanent Impairment Rating," published by the American Medical Association.

(3) Has a permanent physical disability for which they are considered "totally" disabled under guidelines established by the Veterans' Administration and/or the U.S. Social Security Administration.

(3) If convicted of violating any part of this regulation or any other regulation relating to Game, Fish, and Fur-Bearing Animals, the individual's Physically Disabled Permit may be revoked up to and including permanently.

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

PENALTY: As provided by law.

11/9/94(ER); 2/17/95; 11/1/2004(ER); 3/10/2005; 10/15/2009;