

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-.73 The Alabama Cooperative Deer Management Assistance Program

 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

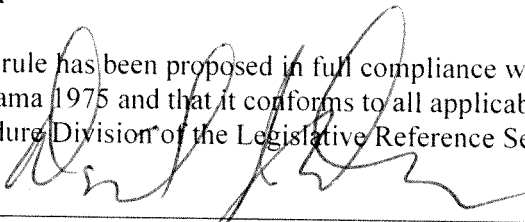
Are all facets of the rulemaking process designed solely for the
purpose of, and so they have, as their primary effect, the
protection of the public? YES

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 
Secretary of Administrative Procedure

Date June 20, 2012

APA-2
6/93

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-.35 Daily Creel Limits, Possession Limits and Size Limits; (2) 220-2-.73 The Alabama Cooperative Deer Management Assistance Program; (3) 220-2-.55 Wildlife Management Areas, Community Hunting Areas, Public Hunting Areas, and Refuges of Alabama; (4) 220-2-.151 Archery Range Regulation; (5) 220-2-.29 Open Trapping Seasons on Fur-Bearers; (6) 220-2-.143 Alligator Hunting Season and Regulations; (7) 220-2-.02 Legal Arms, Ammunition, and Methods for Hunting.

INTENDED ACTION: Amendments.

SUBSTANCE OF PROPOSED ACTION: (1)220-2-.35 -To further provide for and regulate the daily creel limits, possession limits and size limits for certain fish; to further provide for certain creel and size limits; to prohibit certain cullings; (2)220-2-.73 -To further provide for and regulate the Alabama Cooperative Deer Management Assistance Program; to require certain minimum number of contiguous acres; and to delete certain provisions relating to certain fees; (3) 220-2-.55-To further provide for and regulate conduct at such areas; to further provide for certain youth hunting, use of certain firearms, transportation of certain turkey, wearing of hunter orange, waterfowl hunting, and to further specify the areas to which certain provision apply; (4)220-2-.151- To further provide for and regulate certain archery ranges; to specify certain additional archery parks; and to further provide for certain requirements to use the archery ranges; (5)220-2-.29 -To further provide for and regulate trapping seasons and methods; to set the season and to delete certain provisions relating to trapping of certain woodchuck (groundhog); (6)220-2-.143 -To further provide for and regulate alligator hunting season and methods; to set the season and to provide for an application process, training requirements, and certain check station requirements, reporting and tagging; (7) 220-2-.02 To further provide for and regulate legal arms, ammunition, and equipment for hunting, including, but not limited to, certain hunting for deer, turkey, migratory birds, bobcat, groundhog, unprotected wildlife, fox, coyote, feral swine, and falconry; and to amend the title of the rule.

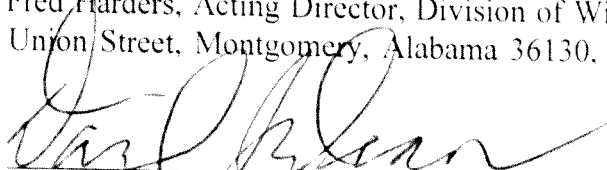
TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of the Division of Wildlife and Freshwater Fisheries at any time during the period stated below, or orally if requested in advance by personally appearing at Room 469, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Monday, August 6, 2012.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
Monday, August 6, 2012.

CONTACT PERSON AT AGENCY:

and Freshwater Fisheries, 5th Floor, 64 N. Union Street, Montgomery, Alabama 36130, (334) 242-3465.

Fred Harders, Acting Director, Division of Wildlife



DAVID J. DEAN

Secretary of Administrative Procedure

N. Gunter Guy, Jr.

220-2-.73 The Alabama Cooperative Deer Management Assistance Program

Section 1. The Division of Wildlife and Freshwater Fisheries of the Alabama Department of Conservation and Natural Resources shall administer a program entitled "The Alabama Cooperative Deer Management Assistance Program" to improve management of white-tailed deer through cooperative agreements with landowners and hunting clubs.

Section 2. Each prospective participant shall submit an application on a form to be supplied by the Division of Wildlife and Freshwater Fisheries. Each application must be accompanied by two copies of a map of the area to be included in the Deer Management Program that are of sufficient detail to allow the area's boundaries to be readily determined. Cooperators in Wildlife and Freshwater Fisheries Districts 1-2 and 3-5 shall have at least 200 and 500 contiguous acres, respectively. Approval of the application shall be at the discretion of the Division of Wildlife and Freshwater Fisheries. Each landowner/club approved shall be termed a "cooperator."

Section 3. Each cooperator shall designate a person with authority to represent all parties with a controlling interest in hunting activities on the land to serve as the cooperator's contact with the Division of Wildlife and Freshwater Fisheries.

Section 4. The Division of Wildlife and Freshwater Fisheries shall designate a Wildlife Biologist, knowledgeable in deer management, as the agency's contact with each cooperator.

Section 5. Cooperators must abide by all hunting laws and regulations. Failure to do so shall be cause to terminate participation in the Deer Management Assistance Program.

Section 6. Each cooperator shall make a written statement of its deer management objectives. Those objectives must be within the capabilities of the harvest and management strategies that can be applied.

Section 7. Each cooperator shall collect specified biological information from deer harvested and submit the data to the Division of Wildlife and Freshwater Fisheries as directed. Failure to do so shall be cause to terminate participation in the Deer Management Assistance Program.

Section 8. Information concerning past harvest, existing conditions and deer management objectives will be considered in the development of a deer management and harvest strategy for each cooperator. Harvest of unantlered deer will be prescribed as appropriate.

Section 9. Harvest of unantlered deer outside the regular Hunter's Choice hunting season will be allowed only where appropriate to meet the deer management objectives of the cooperator. The number of unantlered deer to be taken, dates of harvest and bag limits will be

designated and shall be by written permit as approved by the Division of Wildlife and Freshwater Fisheries Director based on recommendations submitted by the Wildlife and Enforcement Sections. The regular Hunter's Choice hunting season shall not apply to the extent of its conflict with the provisions of said permits.

Section 10. Any person hunting on areas included in the Deer Management Program shall comply with all applicable laws, rules, and regulations, including those relating to the wearing of hunter orange.

Section 11. The Division of Wildlife and Freshwater Fisheries shall provide the cooperator a report based on the biological information submitted.

~~Section 12. Cooperators will be required to pay an annual user fee to help defray the cost of operating the Deer Management Assistance Program. The amount of the fee will be determined by multiplying the number of acres included in the Program by six cents and adding \$35.00 to the result. The fee will be increased by an additional \$65.00 for cooperators who operate a commercial hunting business charging \$25.00 or more per day for deer hunting privileges and/or accommodations used while deer hunting. Cooperators having available the technical expertise, computer hardware and computer software necessary to collect and analyze biological data as specified by the Division of Wildlife and Freshwater Fisheries may apply for a waiver of the portion of the user fee based on acreage. The annual user fee will be increased \$50.00 for cooperators who fail to submit completed forms and materials required for participation in the Deer Management Assistance Program in accordance with schedules established by the Division of Wildlife and Freshwater Fisheries. Failure to pay the required user fee as directed by the Division of Wildlife and Freshwater Fisheries shall be cause to terminate participation in the Deer Management Assistance Program.~~

Section 12. The penalty for the violation of any of the provisions of this regulation shall be as provided by law.

Section 13. This regulation shall become effective on the 36th day after filing with the Legislative Reference Service.

Statutory Authority: §§9-2-7, 9-2-8, and 9-11-240
Code of Alabama 1975

PENALTY: As provided by law.

11/17/84; 12/23/86; 10/22/87; 10/15/88; 11/13/91; 10/20/93; 8/26/98; 9/30/2003;