

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-.55 Wildlife Management Areas, Community Hunting Areas, Public
Hunting Areas, and Refuges of Alabama**

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

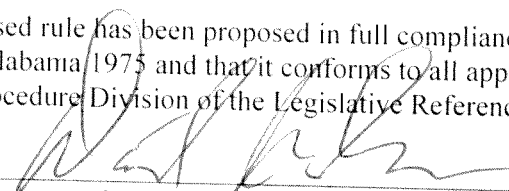
Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the rule? N/A

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 March 20, 2012

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-.02 Legal Arms, Ammunition, and Methods for Hunting; (2) 220-2-.10 The Possession of Firearms by Bow Hunters Prohibited; (3) 220-2-.21 Possession of Firearms or Bow and Arrow in Any Wildlife Management Area, Refuge or Sanctuary Prohibited; (4) 220-2-.55 Wildlife Management Areas, Community Hunting Areas, Public Hunting Areas, and Refuges of Alabama; (5) 220-2-.142 Turtle Catcher/Dealer/Farmer Regulation

INTENDED ACTION: Amendments.

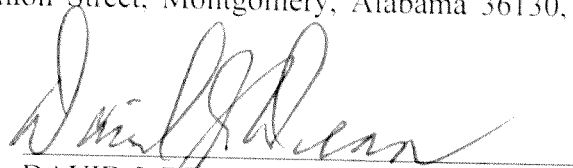
SUBSTANCE OF PROPOSED ACTION: (1) 220-2-.02 - To further provide for and regulate the legal arms, ammunition and methods for hunting; and to provide for a certain exception provided for in 220-2-.03 relating to bows; (2) 220-2-.10 – To further provide for and regulate the possession of firearms by bow hunters; and to provide for a certain exception; (3) 220-2-.21 – To further provide for and regulate the possession of firearms or bow and arrow in state sanctuaries; to delete certain reference to wildlife management areas; and to delete certain language; (4) 220-2-.55 – To further provide for and regulate certain conduct and activities on wildlife management areas, community hunting areas, public hunting areas, and refuges of Alabama; to further provide for certain possession of handguns for personal protection; to further provide for use of handguns for hunting squirrel, crow, and rabbit; to further provide for and regulate the possession of firearms while hunting with bow and arrow or crossbow; and to further provide for and regulate certain waterfowl hunting; (5) 220-2-.142 – To further provide for and regulate certain activities relating to certain turtles in Alabama; to further define “Turtle Farmer” and “Turtle Dealer” and delete the term “Turtle Catcher”; to prohibit certain taking, sale, or possession of turtles or turtle eggs; to provide for certain removal of turtles; to provide for certain taking of turtles; to further provide for certain permitting of turtle farmers and turtle dealers; to delete certain provisions; to prohibit certain importation of turtle species; to require certain turtle farmer reports; and to further regulate and provide for possession of certain box turtles.

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, May 7, 2012.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Monday, May 7, 2012.

CONTACT PERSON AT AGENCY: Fred Harders, Acting Director, Division of Wildlife and Freshwater Fisheries, 5th Floor, 64 N. Union Street, Montgomery, Alabama 36130, 334-242-3465.

A handwritten signature in black ink, appearing to read "David J. Dean", written over a horizontal line.

DAVID J. DEAN

Secretary of Administrative Procedure

N. Gunter Guy, Jr.

**220-2-.55 Wildlife Management Areas, Community Hunting Areas,
Public Hunting Areas, and Refuges of Alabama**

(1) It shall be unlawful on ALL WILDLIFE MANAGEMENT AREAS, COMMUNITY HUNTING AREAS, PUBLIC HUNTING AREAS, AND REFUGE AREAS, all of which are established as "wildlife management areas" by Rule 220-2-.22 and all of which are hereinafter sometimes collectively referred to herein as "AREAS" or "AREA":

(a) To hunt, trap, use dogs, possess firearms, traps, or bow and arrow, except on open designated target ranges and except bow fishing equipment from March 1 -August 31, 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. See ~~(ff)~~ (p) and (ff) for limited exception for certain lawfully ~~licensed~~ authorized handguns possessed for personal protection.

(b) To use dogs for stalk hunting of deer or for turkey hunting.

(c) To use dogs for small game hunting where dogs are expressly prohibited.

(d) To use dogs for hunting, training or any purpose from March 1 until the opening of the following fall gun season.

(e) For any person under 16 years of age to hunt on any AREA unless accompanied by a licensed hunter at all times.

(f) To have in possession any fully automatic rifle or any firearms, ammunition or bow and arrow except as described below:

1. DEER: Stalk Hunts - Centerfire rifles that have been plugged or are otherwise incapable of holding more than 11 cartridges and using mushrooming and/or expanding type ammunition, shotguns using slugs or single round balls, muzzle loading firearms .40 caliber or larger, or centerfire handguns with a minimum 4 inch barrel length using mushrooming and/or expanding type ammunition. All applicable laws regarding possessing and carrying handguns must be followed.
2. DEER: Stalk Hunting - Primitive Weapons Hunt -using only muzzle loading rifles, muzzle loading handguns, muzzle loading shotguns, or bow and arrow (including crossbow). Rifles and handguns to be .40 caliber or larger; shotguns to use single round balls only. Firearms must be incapable of holding more than one charge per barrel.

3. DEER: Dog Hunts - Shotguns using buckshot only.
 4. FERAL SWINE SPECIAL SEASONS: the same provisions as set out in (1)(f)1. and (1)(f) 2. above, except at Seven Mile Island where Primitive Weapons Stalk Deer Hunt provisions only apply, as set out in (1)(f) 2. above.
 5. TURKEY: Shotguns using No. 2 shot or smaller and bow and arrow (no crossbows).
 6. DOVE, WOODCOCK, SNIPE AND RAIL: Shotguns using No. 2 shot or smaller.
 7. WATERFOWL: Shotguns using steel shot, T size or smaller. Waterfowl may also be hunted with other U. S. Fish and Wildlife Service approved shot and sizes.
 8. QUAIL: Shotguns using No. 4 shot or smaller.
 9. SQUIRREL, CROW AND RABBIT: Shotguns using No. 4 shot or smaller, rimfire firearms, muzzle loading rifles and handguns .40 caliber or smaller, or rifles operated by air.
 10. RACCOON AND OPOSSUM - Daylight hours: shotguns using No. 4 shot or smaller or rimfire firearms only. Nighttime hours: shotguns using No. 6 shot or smaller; or .22 caliber rimfire firearms.
 11. BOBCAT AND FOX – May be killed during any scheduled AREA hunt within the time period of deer and turkey seasons in that county, when possessing a valid permit and using weapons and ammunition that are legal for such designated hunts during daylight hours only. Only one (1) fox per day may be harvested.
 12. BOW AND ARROW (not including Crossbows) will be legal on all AREA scheduled hunts. Crossbows will be legal during any open bow and arrow season dates for any species (except turkey). Broadhead points will be legal only during scheduled deer and turkey hunts. All archery equipment used during the bow fishing season of March 1 - August 31 must conform to the provisions of Rule 220-2-.46, relating to bow fishing.
 13. Falconry will be legal on all AREA scheduled hunts for legally permitted falconers. Falconers may take migratory game birds (not more than 3 per day) and resident game birds and animals on dates those seasons are open on each AREA.
 14. TRAPPING: Standard .22 caliber or smaller rimfire firearms (no magnums) only, during daylight hours only - except where expressly forbidden.
- (g) For any person to hunt deer with gun without first presenting his required hunting licenses for certain specified hunts at the checking station except on David K. Nelson

(formerly Demopolis), Grand Bay Savanna, Riverton, St. Clair, Upper Delta, W. L. Holland and Mobile-Tensaw Delta, Wolf Creek, and Yates Lake West AREAS.

(h) For any person to carry in or on a vehicle, any of the following: any firearms [including pistols/handguns, except as described in ~~(ff)~~ (p) and (ff)] with ammunition in the magazine, breech or clip attached to firearms, or black powder weapons with primer, cap or flash powder in place, or cocked crossbows. See ~~(ff)~~ (p) and (ff) for limited exception for certain lawfully ~~licensed~~ authorized handguns possessed for personal protection.

(i) For hunters on dog deer hunts to leave stand assigned to them until instructed.

(j) To camp on any AREA except in designated sites. Campers using generators must camp in site designated for generator use. On AREAS located on U. S. Forest Service lands, this camping restriction applies October 1 - January 31, except on Choccolocco AREA, where the camping restriction shall also be in effect from October 1 through April 30 of each year. Individuals or groups may camp on AREAS for a period not to exceed nine (9) days in any thirty (30) day period. Campfires must be extinguished before departing. No warming fires shall be permitted away from camping area. All campers (portable shelters on wheels) must be removed from Barbour or Freedom Hills AREAS by sundown on the first Sunday following April 30th; otherwise, the camper may be towed from the AREA at the owner's expense; or, may be relocated to another portion of the AREA without AREA personnel being responsible for any damages and the owner assessed a \$10.00 per day storage fee without the State or AREA personnel responsible for any damage, loss, etc. No campers are permitted on Barbour or Freedom Hills AREAS, until September 1, unless approved by special PERMIT issued by the AREA biologist. All campers left unattended overnight must display the owner's contact information to include name, address, and phone numbers.

(k) To kill or willfully molest any species of wildlife except those designated for hunting. However, this regulation shall not apply to coyote or feral swine, which may be killed during all scheduled AREA hunts, when possessing a valid permit and using weapons and ammunition that are legal for such designated hunts during daylight hours only (NO DOGS).

(l) To discharge fireworks at any time.

(m) To discharge firearms for target practice provided, however, that this regulation shall not apply to the designated target range on Barbour, Black Warrior, William R. Ireland, Sr. - Cahaba River, Choccolocco, Coosa, Freedom Hills, Sam R. Murphy, James D. Martin - Skyline, Oakmulgee, Swan Creek and Upper Delta AREAS. All range users shall abide by the listed rules. Permits for the excepted uses will be issued by the AREA biologist. The range may be closed as necessary by the AREA biologist.

1. Range is open during daylight hours only (except by permit).
2. No alcoholic beverages allowed.

3. Any legal firearm and ammunition (except armor-piercing or tracer by permit only) may be used on target range.

4. Keep all firearms unloaded and muzzles pointed in a safe direction when not firing. Action on uncased guns shall be open when not on the firing line.

5. All persons are to remain behind the shooting line while firing is taking place. No firing shall be allowed while anyone is down range.

6. All firearms (except as noted below in #7.) shall only be fired from designated stations on the concrete shooting line into the embankment at stationary paper targets. Targets must be placed so shots will impact the embankment no higher than 5' above ground level at the base of the embankment. Only one person may shoot from each designated location at any given time.

7. Shotguns with No. 4 shot or smaller may be fired at moving clay targets on designated clay areas only.

8. All used targets, brass, shotgun hulls, and other trash shall be placed in a garbage can, or removed from the AREA.

9. To violate any posted restriction.

(n) To hunt or discharge firearms within 150 yards of any camping area, dwelling, dam or timber operation, 100 yards of any paved public road or highway, or from within the right-of-way of any developed U.S. Forest Service road (paved or unpaved) which is open for vehicular traffic; within a posted safety zone or on Sunday within one-half mile of any church.

(o) To use fire to smoke out game.

(p) For any person to possess any firearm while hunting with bow and arrow or crossbow, except on days of either sex gun deer hunts. This prohibition shall not apply to the possession of handguns by lawfully authorized persons for their personal protection, provided the handguns are not used to hunt or take or to attempt to take wildlife except as otherwise provided by this regulation.

~~(p)~~ (q) To transport deer killed during gun hunts from any AREA before being checked at the designated checking stations for scientific data, except on David K. Nelson (formerly Demopolis), Grand Bay Savanna, Riverton, St. Clair, Upper Delta, W. L. Holland and Mobile-Tensaw Delta, Wolf Creek, and Yates Lake West AREAS.

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

~~(r)~~ (s) For any unauthorized person to possess and/or operate ANY UNLICENSED MOTOR DRIVEN VEHICLE (2, 3, 4, or 6 wheel) on Autauga, Black Warrior, William R. Ireland, Sr. - Cahaba River, Coosa, David K. Nelson (formerly Demopolis), Mulberry Fork, Perdido River, and Yates Lake West AREAS. For any unauthorized person at any time to

operate a motor scooter, motorcycle, motorized trail bike, or any motor driven vehicle on any AREA except on regularly used roads open for public use by four wheel vehicle traffic and except on U.S. Forest Service land in an AREA where "all terrain" vehicles (ATV's) must be used on open designated ATV trails only; or for any unauthorized person to ride or possess horses on any AREA except: (1) on roads open to four-wheel motorized vehicles, except Autauga; and (2) in areas, roads, and trails, designated as open to horses, except Autauga. Riding or possession of horses is prohibited on any AREA on days of scheduled gun deer hunts, and during legal hours of turkey hunting, except those portions of AREAS kept open to such activity by the U. S. Forest Service and Geneva State Forest, and except on Freedom Hills and James D. Martin-Skyline where horses are only allowed on designated horse trails and in addition at Freedom Hills horses are only allowed from March 1 to the beginning of turkey season and May 1 to September 30. Riding or possession of horses on wildlife management AREAS, except those on U.S. Forest Service lands and Geneva State Forest, shall be restricted to holders of a current valid Wildlife Management Area license and a valid wildlife management area permit.

~~(s)~~(t) For any person to hunt deer or feral swine on days of scheduled gun or primitive weapons hunts without wearing an outer garment above the waist containing a minimum of 144 square inches of hunter orange color or either a full size hunter orange hat or cap. Hunters are not required to wear hunter orange when hunting from a stand elevated twelve (12) feet or more above the ground. 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. All persons hunting any wildlife species (except turkey and migratory birds and while hunting legally designated species during legal nighttime hours) on the W.L. Holland and Mobile-Tensaw Delta AREAS during dates and in areas open by regulation to feral swine season are required to wear an outer garment above the waist with a minimum of 144 square inches of hunter orange or either a full size hunter orange hat or cap.

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

~~(u)~~(v) For any person to deposit, distribute or scatter grain, salt, litter, or any other materials on any AREA maintained by the Department of Conservation and Natural Resources prior to receiving approval from said Department.

~~(v)~~(w) To hunt small game during gun deer hunts and primitive weapons hunts except on the Grand Bay Savanna, and W. L. Holland and Mobile-Tensaw Delta AREAS , and except waterfowl in the Daub's Swamp, Spidle Lake, and Dead Lake units of the David K. Nelson (formerly Demopolis) AREA and in the Grand Bay Savanna and Upper Delta AREAS .

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

~~(x)~~ (y) To erect or use a permanent tree stand or scaffold without written permission from the landowners. No portable stands may be used within 50 yards of the boundary line on Barbour and Geneva State Forest AREAS.

~~(y)~~ (z) To cast a light of any kind, either hand held, affixed to a vehicle, or otherwise, between the hours of sunset and sunrise except in areas where the state law is more restrictive. This paragraph does not apply to the headlights of vehicles traveling in a normal manner on an open established road.

~~(z)~~ (aa) To hunt from an elevated stand or platform without attaching themselves to the tree or platform with a full body safety harness capable of supporting their weight.

~~(aa)~~ (bb) To violate any posted restrictions on entry, hunting, fishing, or other conduct.

~~(bb)~~ (cc) To release any animal, bird, fish, or other wildlife without first obtaining written permission from the Wildlife and Freshwater Fisheries Division.

~~(cc)~~ (dd) To possess or use alcoholic beverages on the Coosa AREA.

~~(dd)~~ (ee) The provisions of Rule 220-2-.109 entitled "Physically Disabled Hunting Areas", shall apply to that area entitled "Shiloh Hill Physically Disabled Hunting Area" located within Blue Spring Wildlife Management Area; provided further, that as to said physically disabled hunting area, in the event of a conflict between the provisions of Rule 220-2-.109 and this rule, Rule 220-2-.109 shall control.

~~(ee)~~ (ff) Nothing in this regulation prohibits or requires a wildlife management area permit for the possession of handguns by lawfully ~~licensed~~ authorized persons for personal protection, provided the handguns are not used to hunt or take or to attempt to take wildlife except as otherwise provided by this regulation.

~~(ff)~~ (gg) Nothing in this regulation prohibits issuing each youth under 16 years of age and/or properly licensed female an either sex deer permit good for that day of each gun stalk deer hunt.

(2) Individuals must follow the listed rules to participate in the scheduled youth deer or turkey hunts on any AREA.

(a) Each youth participant must be accompanied by an adult supervisor. The adult supervisor is to remain within arm's length of the youth at all times.

(b) Youth is defined as those individuals who have not reached their sixteenth birthday.

(c) Adult is defined as those individuals twenty-five years old or older or the parent of the youth who are in possession of all state hunting licenses required to hunt deer or turkey on any AREA. Proof of possession of the required hunting licenses will be required on the scheduled date.

(d) Only one firearm will be allowed per youth. Only the youth hunter will be permitted to utilize the firearm for hunting. The adult is to review with the youth the rules of firearm safety and to ensure they are followed.

(e) The adult-youth pair is to check in and out at the AREA checking station as a single unit, except at David K. Nelson (formerly Demopolis), Grand Bay Savanna, St. Clair, Upper Delta, W.L. Holland and Mobile-Tensaw Delta, and Wolf Creek AREAS.

(f) Both the adult and youth will be required to wear hunter orange while deer hunting, as required by state regulation.

(g) All other rules and regulations to hunt on an AREA are in effect.

(3) All antlered bucks and turkeys harvested must be properly recorded on the hunter's Antlered Buck and Turkey Harvest Record form before field dressing or moving.

(4) It shall be unlawful on Coosa AREA for any person to carry firearms in boats with ammunition in the magazine, breech or clip attached to firearms except when hunting waterfowl from a stationary boat.

(5) It shall be unlawful on Coosa AREA for any person to ride or possess horses except on roads designated for four wheel motorized vehicles. Horses are not permitted in the campgrounds from October 1 to April 30.

(6) It shall be unlawful on Barbour (except on Youth Deer Hunt), Freedom Hills (except on Youth Deer Hunt), Geneva State Forest (except on Youth Deer Hunt), Lauderdale, Lowndes (except on Youth Deer Hunt), and Riverton AREAS for any person, hunting by any method, to harvest, attempt to harvest, or possess any antlered buck with less than 3 points, 1 inch or greater, on at least one antler; and it shall be unlawful on Black Warrior Zone B AREA for any person, hunting by any method, to harvest, attempt to harvest, or possess any antlered buck with less than 4 points, 1 inch or greater, on at least one antler. It shall also be unlawful for anyone to destroy or attempt to destroy the antlers of any deer so as to make the determination of the legal status of the deer uncertain.

(7) It shall be unlawful on Swan Creek, Crow Creek, Mud Creek and Raccoon Creek AREAS:

(a) For any vehicle not authorized by the Alabama Department of Conservation and Natural Resources or TVA to be driven beyond and/or between the dyke gates.

(b) For any person to leave his vehicle parked at the approved launching sites. Hunters must use the designated parking areas. However, handicapped persons with approved handicapped vehicles may be parked at the designated handicap parking location at the main launch only.

(c) For any person to take, catch, kill, or attempt to take, catch, or kill mussels during the prescribed waterfowl hunting season.

(d) For any person to excavate, to hunt or attempt to hunt from any dug-out or excavated area.

(8) The following shall apply to the dewatering sloughs on Swan Creek, Mud Creek and Raccoon Creek AREAS:

(a) All boats and/or boat blinds used in the harvest of waterfowl on said dewatering sloughs shall be launched and removed daily or shall be floated to an approved launching site for overnight mooring. [For the Swan Creek AREA, see (9)(i).]

(b) It shall be unlawful for any person to take fish for commercial purposes and/or to use commercial fishing gear within said dewatering units from November 1 through January 31 of each fiscal year.

(c) Temporary blinds may be used for one day only. All such blinds, except boat blinds, left in said areas for more than one day shall be disposed of as deemed advisable by the Wildlife and Freshwater Fisheries Division of the Department of Conservation and Natural Resources.

(d) The construction or use of permanent blinds requiring building material, flooring and/or flotation materials shall not be permitted in, or within 150 yards of, the Mud Creek and Raccoon Creek dewatering units.

(e) It shall be unlawful for any person using duck and/or goose decoys in the Mud Creek and Raccoon Creek dewatering units to leave said decoys overnight. In addition, all unauthorized activity is prohibited from the herein mentioned dewatering units; from 7:00 p.m. to 12 midnight each day during Nov. 1 – Feb. 15; and, 48 hours prior to waterfowl season openings.

(f) It shall be unlawful to use airboats.

(9) It shall be unlawful to install permanent waterfowl hunting blinds (those using building materials and/or remaining in position overnight) anywhere on the Swan Creek or Mallard-Fox Creek Wildlife Management Areas (WMA) except on the Swan Creek WMA dewatering unit where specified. All such blinds to be placed in the dewatering area must be registered with Wildlife and Freshwater Fisheries Division officials in accordance with the following conditions:

(a) The Wildlife and Freshwater Fisheries Division's Blind Governing Committee shall be the final authority in resolving any dispute concerning permanent waterfowl blinds. The Blind Governing Committee shall be made up of the following people: District I Conservation Enforcement Supervisor; two Conservation Enforcement Officers; District I Supervising Wildlife Biologist, and the Area Biologist for Swan Creek AREA. See also subsection (k) concerning the authority of the Blind Governing Committee.

(b) Blinds must meet "Qualifications and Registration Procedures" established by the Wildlife and Freshwater Fisheries Division and deemed acceptable by an inspecting official in order to be registered. For information or a copy of the procedures, call (256) 353-2634.

(c) All blinds passing inspection will be tagged by the inspecting official. The tag must remain attached to the blind for the duration of the blind's stay on the Area. Tags shall not be moved to a different blind. It is the hunter's responsibility to make sure the blind they hunt from is properly tagged. No person may hunt from an untagged blind. See also subsection (k).

(d) All permanent waterfowl hunting blinds will be inspected and registered between the hours of 8:30 a.m. - 10:00 a.m. on Saturday October 22, 2011 ~~23, 2010~~. Only one blind may be registered per individual. In addition, that person, if required to have a hunting license or Federal waterfowl stamp to hunt waterfowl, must present a valid hunting license, a WMA license, a state waterfowl stamp and/or a federal waterfowl stamp before the blind is inspected. Owners of blinds passing inspection must present along with their blind certification receipt at the registration table in order to complete their registration. Only fifty (50) permanent blinds will be installed at preselected sites in the dewatering area. All registered blinds drawing one of the 50 preselected sites must be installed as near as possible to the preselected site prior to gate closing on November 7, 2011 ~~7, 2010~~. See also subsection (k).

(e) Each selected blind must be completely camouflaged with natural material (cane, oak limbs, Fast Grass®, or other similar materials) except for the boat entrance and the shooting holes before being placed in the dewatering unit. Camouflaged netting, burlap or other similar materials will not be accepted as camouflage, except when used to cover the boat entrance and/or shooting holes. See also subsection (k).

(f) In order for a blind to be eligible to be hunted from it must be anchored within 10 feet of the appropriate blind location marker. Blinds must remain within 10 feet of the blind location marker during the entire waterfowl season. This is not intended to prevent a blind owner from removing his blind from the WMA. Blind markers shall not be moved or otherwise altered or tampered with. If it is determined by the blind governing committee that a blind marker has been moved or otherwise altered or tampered with, that blind shall be subject to disqualification from hunting by the Blind Governing Committee. See also subsection (k).

(g) No blind may be attached to the location marker in any way. If a blind is found to be attached to a marker, all hunters in the blind will be deemed to be in violation of this regulation. See also subsection (k).

(h) Blinds that are drawn and installed in the dewatering unit must be completely removed from the WMA no later than February 20, 2012 ~~21, 2011~~. Any blind not drawn and installed on one of the 50 sites must be removed from the WMA by sunset of the day following the opening day of waterfowl season. (This includes all blinds within the boundaries of the Swan Creek WMA.) Any such blinds, trailers, or parts thereof remaining on the WMA after the above dates shall be deemed to be the property of the Department of Conservation and Natural Resources and shall be utilized or destroyed as deemed advisable by the Wildlife and Freshwater Fisheries Division.

(i) Anyone launching a boat preparing to hunt waterfowl within the dewatering unit may not depart any launch site before 4:00 AM daily. With the exception above, all other hunters preparing to hunt waterfowl within the dewatering unit shall not be allowed in the water before 4:00 AM daily. All boats and boat blinds used in the harvest of waterfowl within the dewatering area shall be floated to an approved launching site for overnight mooring or removed from the dewatering unit no later than 7:00 PM daily.

(j) Dewatering area access gates will be closed on November 7, 2011 ~~1, 2010~~ and will be opened by 10:00 AM of the day before the opening day of waterfowl season. No boats with motors are allowed in the dewatering unit during the period gates are closed except as specified on decoy days.

(k) The committee shall have the authority to disqualify any blind if a dispute occurs and it can not be resolved; or for any violation involving Blind Regulations or Permanent Blind Qualifications and Registration Procedures; or for any violation of any portion of this section of the regulation pertaining to the Swan Creek dewatering area. Any blind that is disqualified by the committee shall be deemed immediately ineligible to be hunted from and shall be removed from the dewatering unit for the remainder of the waterfowl season following notification of the blind owner. The blind owner will have 48 hours in which to move the blind to an approved launch site for mooring and no more than seven-days following notification of disqualification, for its complete removal from the WMA. Should the blind owner of a disqualified blind fail to move the blind to an approved launch for mooring and/or to completely remove any such blinds, trailers, or parts thereof from the WMA within the specified times listed above, the blind shall be deemed to be the property of the Department of Conservation and Natural Resources and shall be utilized or destroyed as deemed advisable by the Wildlife & Freshwater Fisheries Division.

(10) It shall be unlawful on the St. Clair Community Hunting AREA:

(a) To hunt, trap, use dogs, possess firearms, ammunition, traps, archery equipment or utilize the area for any other recreational purposes without a valid permit in possession.

(b) To hunt or perform any other recreational activities other than during daylight hours, except raccoon, opossum, and fox hunting, which may be hunted at night during the AREA seasons for those mentioned species. All other recreational activities are prohibited after 7:00 p.m. each day until daylight hours the following day.

(c) To possess alcoholic beverages while on the AREA at any time.

(d) To operate any motorized vehicle on the AREA except on roads designated on the current year's permit for motorized vehicular usage.

(e) To camp overnight or have warming fires on the AREA.

(11) A \$15.00 Wildlife Management Area License, PLUS the applicable Resident or Non-Resident Hunting License [for Alabama residents 16 through 64 years of age and for non-residents 16 years of age and older], PLUS a Wildlife Management Area Permit [free of charge], are required for hunting on AREAS; provided however, that properly licensed persons under the "Wildlife Heritage License" may hunt legal small game except waterfowl on AREAS without the other licenses described herein. PLUS, in order to hunt waterfowl on AREAS, all persons must have, in addition to the otherwise required licenses and permit, a valid State (ages 16 through 64) and a valid Federal (ages 16 and over) Waterfowl Stamp.

Statutory Authority: §§9-11-301 and 9-11-305
Code of Alabama 1975

PENALTY: As provided by law.

9/30/82; 10/18/83; 10/13/84; 10/19/85; 10/17/86; 10/22/87; 9/23/88; 12/21/88; 11/16/89;
11/16/90; 11/13/91; 1/18/92; 10/24/92; 10/20/93; 10/19/94; 10/19/95; 9/25/96; 9/16/97;
9/16/98; 10/19/99; 3/22/2000(ER); 9/15/2000; 10/3/2001; 10/22/2002; 10/18/2002(ER);
2/11/2003; 9/26/2003; 11/23/2004; 9/14/2005; 10/26/2006; 10/18/2007; 10/17/2008;
10/21/2009; 11/11/10; 8/26/2011(ER); 9/19/2011(ER);