

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 220
Department or Agency: Alabama Department of Conservation and Natural Resources
Rule No.: 220-2-.164
Rule Title: Crow Creek, Mud Creek, And Raccoon Creek Wildlife Management Areas Waterfowl Hunting
Intended Action: Amend

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? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an 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 Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Christopher M. Blankenship
Chris Blankenship

Date

Monday, June 17, 2024

REC'D & FILED JUN 17, 2024 LEGISLATIVE SVC AGENCY

ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Conservation and Natural Resources

RULE NO. & TITLE: 220-2-.164 Crow Creek, Mud Creek, And Raccoon Creek Wildlife Management Areas Waterfowl Hunting

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:
This amendment is to clarify that air-cooled motors are prohibited during certain dates in Mud Creek and Raccoon Creek dewatering units.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:
Interested persons may present their views in writing to the Director of Wildlife & Freshwater Fisheries at any time during the period stated below, or orally if requested in writing 48 hours in advance to the Director of Wildlife & Freshwater Fisheries, and then by personally appearing at Room 474, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Friday, August 2, 2024.

If ADA accommodations are needed, please contact Daisy Perry at (334) 242-3165 or daisy.perry@dcnr.alabama.gov. Requests should be made as soon as possible but at least seven days prior to the date of a personal appearance to present views regarding the proposed rules.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
Friday, August 2, 2024

CONTACT PERSON AT AGENCY:
Charles F. Sykes, Director,
Wildlife & Freshwater Fisheries,
5th Floor, 64 N. Union Street,
Montgomery, Alabama 36130,
334-242-3465.

Christopher M. Blankenship

Chris Blankenship

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

**Crow Creek, Mud Creek, And Raccoon Creek
Wildlife Management Areas Waterfowl Hunting.**

(1) In addition to 220-2-.55, it shall be unlawful on Crow Creek, Mud Creek and Raccoon Creek Wildlife Management Areas (WMA):

(a) For any person to leave any vehicle parked at the established launching sites. Hunters must use the designated parking areas. However, physically disabled persons with approved handicapped vehicles may be parked at the designated handicap parking locations.

(b) For any person to create or hunt from any dug-out or excavated area.

(c) To construct and/or utilize permanent waterfowl hunting blinds (those using building materials, flooring, or flotation and/or remaining in position overnight) anywhere on the Jackson County Waterfowl (Mud Creek, Crow Creek, and Raccoon Creek) WMAs.

(d) For any blinds to be left in said areas for more than one (1) day. All such blinds shall be disposed of as deemed advisable by the Wildlife and Freshwater Fisheries Division of the Department of Conservation and Natural Resources.

(e) For any person to leave waterfowl decoys overnight.

~~(f) For any person to access the water in the section of Mud Creek WMA that lies west of the railroad tracks and east of the furthest west Mud Creek WMA boundary 48 hours prior to waterfowl season openings. Persons may enter that area at 3:00 AM on waterfowl season opening days.~~

~~(g) To have more than 25 shotgun shells in the possession of each hunter (excluding youth hunters during the designated youth hunt days) while hunting waterfowl on all Jackson County Waterfowl Management Areas (Crow Creek WMA, Mud Creek WMA, and Raccoon Creek WMA).~~

g) For any person to operate airboats or air-cooled motors (go-devil type motors) on all portions of Mud Creek WMA lying west of Highway 72 from the beginning of youth/Veteran waterfowl season in November to the first Saturday in February.

(2) The following shall apply to the DEWATERING UNITS on Mud Creek and Raccoon Creek WMAs:

(a) All boats and/or boat blinds used for hunting waterfowl shall be launched and removed daily or shall be floated to an approved launching site for overnight mooring.

(b) It is unlawful for any person to use commercial fishing gear from October 31st through the second Saturday in February.

(c) Temporary blinds may be used for one (1) day only and removed by the hunter. All such blinds, except boat blinds, left for more than one (1) day shall be disposed of as deemed advisable by the Wildlife and Freshwater Fisheries

Division of the Department of Conservation and Natural Resources.

(d) All activity is prohibited from 7:00 PM to 3:00 AM during the period of Nov. 1 - Feb. 15 and 48 hours prior to waterfowl season openings.

(e) It is unlawful to use airboats.

(f) It is unlawful to hunt waterfowl on Tuesdays, Wednesdays, and Thursdays, except during the Special Teal Season, the Special Early Goose Season, and the last two weeks of waterfowl season. All waterfowl hunting activity in the Mud Creek (Wannville) and Raccoon Creek dewatering units is prohibited on those days unless authorized by the personnel of the Wildlife and Freshwater Fisheries Division of the Department of Conservation and Natural Resources.

(g) It is unlawful to use ~~gasoline-powered~~air-cooled motors (go-devil type motors) in Mud Creek (Wannville) dewatering unit and Raccoon Creek dewatering unit (North of ~~Hwy~~Highway 117).

(h) It is unlawful to launch any vessel prior to 3:00 AM daily. All hunters preparing to hunt waterfowl are not allowed in the water prior to 3:00 AM daily.

(3) It is unlawful to operate airboats and air-cooled motors (go-devil type motors) on all portions of Crow Creek Refuge and North Sauty Refuge from November 1 to ~~April 14~~March 31 of each year. Airboats are prohibited on the Green Tree Reservoir in the Mud Creek WMA at all times.

Author: Christopher M. Blankenship

Statutory Authority: Code of Ala. 1975, §9-11-301.

History: New Rule: Published June 30, 2021; effective August 14, 2021. **Amended (PE):** Published July 29, 2022; effective July 19, 2022. **Amended:** Published June 28, 2024; effective October 14, 2024.

Penalty: As provided by law.