

**CERTIFICATION OF PEREMPTORY RULES  
FILED WITH THE  
LEGISLATIVE SERVICES AGENCY**

The Alabama Department of Conservation and Natural Resources  
(Name of Agency, Commission, Board, or Department)

certifies that the attached hereto is a true and correct copy of:

Rule No. and Title: 220-2-.165 Mallard-Fox And Swan Creek Wildlife  
Management Areas Waterfowl Hunting

which was duly amended by peremptory rule making

On this: Monday, June 17, 2024

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

Dated this: Monday, June 17, 2024

*Christopher M. Blankenship*

Christopher M. Blankenship

Signature of Certifying Officer

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

**Mallard-Fox And Swan Creek Wildlife Management  
Areas Waterfowl Hunting.**

(1) In addition to 220-2-.55, it shall be unlawful on Swan Creek and Mallard-Fox 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~~handicapped parking location at the main launch only.

(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 floatation and/or remaining in position overnight) anywhere on the Swan Creek or Mallard-Fox Creek WMAs, ~~except on the Swan Creek WMA dewatering unit where specified.~~ 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.

(d) For any person using waterfowl decoys on Swan Creek WMA to leave said decoys out overnight ~~unless they are at a limited quota blind location.~~

~~(e) 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 Swan Creek WMA and Mallard-Fox Creek WMA.~~

(2) The following shall apply to the dewatering unit on Swan Creek WMA:

(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 shall be unlawful for any person to fish 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 when gates are closed. There shall be no activity from 7:00 PM to 3:00 AM, during the periods when gates are open. Gates are opened the morning of the November youth/military waterfowl hunt day and closed that night. Gates are opened the opening day of regular waterfowl season. Gates are closed each Monday night and opened each Friday morning of regular waterfowl season, until the last fourteen days of regular waterfowl season during which gates remain open. Gates are closed the night~~

~~of the last day of regular waterfowl season and opened the morning of the February youth/military waterfowl hunt day and remain open until June 1st.~~ All activity is prohibited in the DWU when gates are closed. There shall be no activity from 7:00 PM to 4:30 AM, during the periods when gates are open.

~~(e)~~ (d) It shall be unlawful to use airboats.

~~(f) It shall be unlawful to hunt waterfowl on Tuesdays, Wednesdays, and Thursdays, except during the last two weeks of waterfowl season. During the dates between the youth/military waterfowl hunting days and regular season, gates to West Dike Road and the Main Launch Road will be locked. All waterfowl hunting activity in the Swan Creek dewatering unit 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) All limited quota blinds to be placed in the Swan Creek WMA dewatering unit must be registered in accordance with~~ (e) All limited quota walk-in and boat blind locations within the Swan Creek WMA DWU will be permitted through a limited quota permit system determined by random computerized drawing for weekend hunts or in-person drawings on the day of weekday hunts. With the following conditions:

~~1. The allocation of blinds will be determined through a limited quota system by random selection for individuals 16 years of age or older.~~ In order to apply, ALL applicants are required to obtain a Conservation Identification Number (CID); registration is restricted to individuals 16 years of age and older; those residents who are aged 16 to 64 and non-residents aged 16 years or older must have a valid WMA license to register for the Swan Creek WMA hunt selection process~~those who are 16 to 64 years of age must have a hunting license (All Game, Small Game, or Heritage license), State Duck Stamp, and a WMA license to register for the blind drawing.~~

Successful resident applicants and hunting Applicants will be processed through

www.outdooralabama.com. guests aged 16 to 64 and non-residents aged 16 or older must obtain and have in possession a valid Alabama hunting license, WMA license, HIP, and state and federal duck stamps if applicable.

Any violation of any rules, regulations, or laws by permit holder or ~~guest while hunting the dewatering unit will result in that individual losing their eligibility for the remainder of the waterfowl season and their blind being disqualified for the remainder of the season. The disqualified blind will have to be removed within 48 hours of notification. Any violator may be~~

~~prevented from entering future online blind drawings, depending on the severity of the violation. All waterfowl hunting blinds of selected applicants must be at Swan Creek WMA between the hours of 8:00 AM — 11:00 AM on the third Saturday of October for inspection. Only thirty (30) selected blinds will be installed at predetermined sites in the dewatering unit. All registered blinds receiving one of the 30 predetermined sites must be installed at the predetermined blind location marker prior to gate closing on October 31st~~ guests while hunting on Swan Creek WMA will result in those individuals forfeiting the remainder of their hunt and forfeiting their Swan Creek WMA hunt eligibility for the remainder of the current season and the entire following season. Failure to participate in solicited hunt without providing Wildlife and Freshwater Fisheries 7 day prior notice by email to hunt coordinator of cancellation will result in that individual losing their eligibility for future Swan Creek WMA DWU limited quota hunts for the present and following year.

2. ~~Blinds must meet "Selected Blind Specifications" established by the Wildlife and Freshwater Fisheries Division and deemed acceptable by an inspecting team to be approved for use. For information or a copy of the specifications, call (256) 353-2634~~ Boat blinds must meet all U.S. Coast Guard Minimum Requirements for Recreational Boats. Life vests and kill switches must be worn at all times when the boat is under power and in motion.

3. ~~All blinds passing inspection will~~ Permit holders and guests shall only hunt on their assigned dates and within thirty (30) feet of their assigned hunt location marker.

4. It shall be unlawful for any limited quota permitted hunter to hunt without checking in and out of Swan Creek WMA on each hunt using the Outdoor Alabama WMA check-in Application and reporting harvest OR with a daily permit from the self-service kiosk. When using daily permit, the tear-off stub with number matching daily permits must be filled out and deposited in the return slot of self-service box. The Harvest Report portion of the permit is to be retained in possession of the hunter until the end of the day, then filled out and deposited in the self-service box before leaving Swan Creek WMA each hunt. ~~be tagged by a Wildlife and Freshwater Fisheries employee~~

5. It shall be unlawful to access or hunt on Swan Creek DWU unless selected for a limited quota permit for specific hunt dates and hunt location. The permit

holder and three properly licensed guest(s) may only access and hunt the DWU permitted hunt location and on permitted times and days. The guests may be different individuals each hunt day. Permit holder must be present with hunting party each hunt.~~The tag must remain attached~~

6. Permitted walk-in and boat blind hunters must be anchored or stationed to hunt within 30 feet of the appropriate hunt location marker for the duration of the limited quota hunt.~~to the blind for the duration of the blind's stay on the WMA. Tags may not be transferred 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.~~

~~4. The Wildlife and Freshwater Fisheries Division's Blind Governing Committee shall be the final authority in resolving any dispute concerning selected waterfowl blinds. The Blind Governing Committee shall be made up of the following people: District I Conservation Enforcement Supervisor, two (2) Conservation Enforcement Officers, District I Supervising Wildlife Biologist, and the Wildlife Biologist for Swan Creek WMA.~~

~~5. Each selected blind must be completely camouflaged with natural material (cane, oak limbs, 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.~~

~~6. Selected blinds 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.~~ Blind Hunt location

markers shall not be moved or otherwise altered or tampered with. No blind may be attached to the location marker in any way. If a boat or blind is found to be attached to a marker, all hunters in the blind will be deemed in violation of this regulation. ~~If it is determined by the Blind Governing Committee that a blind marker has been moved, otherwise altered, or tampered with, that blind shall be subject to disqualification from hunting by the Blind Governing Committee~~ Walk-in locations must be accessed by foot only.

~~7. Any blind location that is unoccupied by the selected party 30 minutes prior to legal shooting hours may be utilized by the public.~~ Permitted hunters and guests may enter Swan Creek DWU at 4:30AM; Hunting may begin at legal shooting hours; all hunting activity is prohibited after 12:00NOON; and all parties must exit the

~~8. The removal of all blinds shall be conducted from the Sunday following the February youth/military waterfowl day to no later than the third Sunday of February DWU no later than 1:30PM.~~

~~9. It shall be unlawful to hunt waterfowl within 150 yards of an occupied or unoccupied blind. It shall be unlawful to leave assigned hunt location except when retrieving a downed bird or departing the DWU for the day.~~

~~10. It shall be unlawful~~ 8. Limited quota hunt selections will be conducted by:

(1) Weekends (Saturday and Sunday) and Special Youth and Veteran Hunts, applicants will register pre-season on the limited quota hunt platform on [www.outdooralabama.com](http://www.outdooralabama.com). Randomized computer selections will occur prior to the season opening. Successful permit holders will be able to hunt both days. ~~to be within~~

(2) Weekdays (Tuesdays and Thursdays), applicants will register in person on the ~~the Swan Creek WMA dewatering unit on youth/military waterfowl hunt days unless you are an eligible hunter or are accompanying an eligible hunter (only the eligible hunter may hunt).~~

~~11. The committee shall have the authority to disqualify any blind if a dispute occurs and it cannot be resolved; or for any violation involving Selected Blind Specifications; or for any violation of any portion of this section of the regulation pertaining to the Swan Creek dewatering unit. 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 and Freshwater Fisheries Division~~ day of the hunt. Drawing will occur at the District I Wildlife and Freshwater Fisheries Office (21453 Harris Station Road, Tanner, AL 35671) each Tuesday and Thursday during waterfowl season. Registration begins at 4:00AM, registration

ends at 4:25AM and drawing will occur at 4:30AM.  
Successful permit holders can hunt only the day they are  
successfully selected.

**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 August 31, 2022; effective August 1, 2022. **Amended (PE):** Published June 28, 2024; effective June 28, 2024.

**Penalty:** As provided by law.