

Phase I: Administrative Rule Inventory for Alabama Forestry Commission

Due date: September 15, 2023 | Inventory current as of September 1, 2023

Rule Citation	Short Description	Regulatory Text	Statutory Authority	# of Discretionary Regulatory Restrictions
390-X-1-.02	Requests for information	"Any citizen who makes such a request <u>shall</u> pay all costs..."	Ala. Code § 41-22-4	1
390-X-3-.03	Acreage assessment homestead exemption	"No exemptions to the acreage assessment shall apply for the homestead exemption..." "The acreage owned by taxpayers exempted ... <u>shall</u> be exempt." "All other acreage that is exempt from ad valorem taxes <u>shall</u> be exempt from the acreage also."	Ala. Code § 9-13-190	0
390-X-6-.01	Training required for prescribed burning certification	"[C]andidates <u>must</u> complete a training course..."	Ala. Code § 9-13-273(c)	1
390-X-6-.03	Prescribed burning certification process	"Prescribed Burn Manager Certifications will have a five (5) year term, <u>requiring</u> renewal prior to the expiration of that term. Each certified prescribed burn manager (CPBM) <u>must</u> , over that five year period, earn six (6) hours of continuing education credit..."	Ala. Code § 9-13-273(c)	2
390-X-6-.04	Prescribed burning recertification process	"[T]he burn manager <u>must</u> begin the process again by meeting the educational requirements..." "Continuing education credits <u>must</u> be earned before the certification expires..."	Ala. Code § 9-13-273(c)	2
390-X-6-.05	Prescribed burning training and certification fees	"The State Forester <u>shall</u> annually set the fees to be charged..." "Such fees <u>shall not</u> exceed..."	Ala. Code §§ 9-3-9, 9-13-273	0
390-X-7-.01	State forest visitor regulations - Use of facilities	"All persons registering at any cabin or campsite in any State Forest <u>shall</u> record the name and address of each responsible party..." "Persons under eighteen (18) years of age <u>shall</u> be permitted to register for a cabin or campsite only as agents acting for their parents." "Any person who willfully makes an erroneous entry in such registration <u>shall</u> be in violation of this regulation." "Upon leaving any cabin the renter thereof <u>shall</u> wash all dishes and cooking utensils and shall turn off all electric appliances, oil or gas	Ala. Code § 9-13-10.2	10

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		heaters and stoves, extinguish all fires except pilot lights, and leave the premises in a clean and sanitary condition." "No person <u>shall</u> maintain any State Forest campsite in an unsanitary or dangerous condition." "No person <u>shall</u> pitch a tent or park a trailer or other camping or recreational equipment in an area not designated for such purpose." "No person <u>shall</u> possess or use any container made of glass or other breakable material at any State Forest swimming area." "Abandoned personal property <u>shall</u> be subject to disposal in accordance with law. "No person <u>shall</u> leave unattended at any State Forest any child under the age of sixteen (16). For the purpose of this regulation, "unattended" <u>shall</u> mean without direct supervision by a person at least twenty-one (21) years of age." "No person <u>may</u> enter any area of a State Forest for which an admission fee is charged without having a valid permit in his or her possession."		
390-X-7-.02	State forest visitor regulations - Swimming, fishing, boating	"Visitors <u>shall</u> swim or wade only in areas designated for such use." "All persons fishing in any of the State Forests <u>shall</u> abide by the fishing regulations..." "Appropriate permits <u>must</u> be purchased or obtained prior to fishing..." "A person so fishing <u>shall</u> , upon demand, exhibit his catch, fishing license, or permit..." "No fish <u>shall</u> be placed in the State Forest lakes or waters except with permission of the State Forester." "Any person who catches, takes or has in his or her possession more fish than allowable by the posted creel or possession limits <u>shall</u> be in violation..." "Fish <u>shall</u> be taken by rod and reel or pole and line only..." "Use of other methods of fishing ... is <u>prohibited</u> ."	Ala. Code § 9-13-10.2	9

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		“Gasoline powered vessels are <u>prohibited</u> on any of the lakes or waters of the State Forests unless by special written permission from the State Forester.”		
390-X-7-.03	State forest visitor regulations - Fees	“No person <u>shall</u> evade or attempt to evade ... any fee or other charge...”	Ala. Code § 9-13-10.2	1
390-X-7-.04	State forest visitor regulations - Operation of vehicles	<p>“Driving a motor vehicle in excess of posted speed <u>shall</u> be unlawful. The maximum speed limit for any power driven vehicles <u>shall</u> be 25 miles per hour unless otherwise posted.”</p> <p>“Driving any vehicle carelessly and heedlessly disregarding the rights or safety of others, or without due caution or at a speed, or in a manner so as to endanger or be likely to endanger any person or property <u>shall</u> be unlawful.”</p> <p>“Riding on the hood, roof, fenders, or trunk, or other exterior portion of automobiles, or riding on the roof, fenders, hood, or bumper of trucks, while traveling on or through a State Forest <u>shall</u> be unlawful.”</p> <p>“[M]otorized vehicle[s] and bicycles <u>shall</u> not be operated in any areas or on any trails not designated for their use.”</p> <p>“No motorized vehicles of any kind or bicycles <u>shall</u> be allowed on horse trails, hiking trails, bodies of water or swimming areas in any State Forest, except where specifically permitted.”</p> <p>“Operating a motor vehicle at any time without a muffler in good working order, or operating a motor vehicle in such a manner as to create excessive, or annoying noise or smoke, or using a muffler cut off, by pass, or similar device <u>shall</u> be unlawful.”</p> <p>“No person <u>shall</u> park any vehicle, camper, trailer or any towed conveyance in any area not specifically designed for said vehicle.”</p>	Ala. Code § 9-13-10.2	7
390-X-7-.05	State forest visitor regulations - Animals	“Bringing a dog, cat or other animal into a State Forest <u>shall</u> be unlawful unless such animal is crated, caged, or kept upon a leash or otherwise under physical restrictive control at all times.”	Ala. Code § 9-13-10.2	5

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		<p>“No person <u>shall</u> keep a noisy, vicious, or dangerous dog or animal in any area of a State Forest.”</p> <p>“No animal of any type <u>shall</u> be allowed in any cabin, building, or swimming area in any State Forest. This rule <u>shall</u> not prohibit the use of service animals used by disabled persons.”</p> <p>“Bringing saddle, pack or draft animals into a site which has not been developed to accommodate them and posted accordingly <u>shall</u> be unlawful.”</p> <p>“Riding or bringing a horse or draft animal in any areas or on any trails not designated for their use <u>shall</u> be unlawful.”</p>		
390-X-7-.06	State forest visitor regulations - Sanitation	<p>“Failure to dispose of all garbage ... <u>shall</u> be unlawful.”</p> <p>“No person <u>shall</u> dump any refuse or waste from any trailer or other vehicle except in places or receptacles provided for such use.”</p> <p>“Cleaning of fish or food, or washing clothing or articles of household use in any stream, pond, lake or at any hydrant or faucets located in restrooms <u>shall</u> be unlawful.”</p> <p>“No person <u>shall</u> pollute or contaminate any water or water supply used for human consumption.”</p> <p>“No person <u>shall</u> use State Forest refuse containers or other state forest refuse facilities for dumping household or commercial garbage or trash brought as such from private property.”</p> <p>“No person <u>shall</u> deposit, except into receptacles provided for that purpose, any body waste in or on any portion of any restroom or structure, or deposit any bottles, cans, cloths, rags, metal, wood, stone, or other damaging substance in any of the fixtures in such restrooms or structures.”</p>	Ala. Code § 9-13-10.2	6
390-X-7-.	State forest visitor regulations - Conduct	<p>“It <u>shall</u> be unlawful to incite or participate in riots, indulge in boisterous, abusive, threatening, indecent or disorderly conduct in any State Forest area.”</p>	Ala. Code § 9-13-10.2	7

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		<p>“Creating disturbing and unnecessary noise in campground and cabin areas between the hours of 10:00 p.m. and 6:00 a.m. <u>shall</u> be unlawful.”</p> <p>“It <u>shall</u> be unlawful for any person to destroy, deface or remove any native wild or domesticated tree, shrub, plant or wildflower in any State Forest.”</p> <p>“Destroying, injuring, defacing, removing or disturbing in any manner any real, personal or public property in any State Forest <u>shall</u> be unlawful.”</p> <p>“No person <u>shall</u> solicit, sell or advertise in any State Forest without the written authorization of the State Forester.”</p> <p>“It <u>shall</u> be unlawful for any person to destroy, disturb, deface, collect or remove any significant natural, cultural, historical, archeological, geological, or mineralogical objects or artifacts from any State Forest.”</p> <p>“It <u>shall</u> be unlawful for any person ... to permit sound from [a] sound system ... to be operated at a volume so as to be audible at a distance greater than fifty (50) feet...”</p>		
390-X-7-.08	State forest visitor regulations - Prohibited devices	“No person <u>shall</u> possess, discharge, ignite, or otherwise set off on or within a State Forest any firecrackers, torpedoes, rockets, cap pistols, sky lanterns (also known as Chinese lanterns), or any other fireworks.”	Ala. Code § 9-13-10.2	1
390-X-7-.09	State forest visitor regulations - Fires	<p>“Building any fire in a State Forest outside of ... places provided for such purposes <u>shall</u> be unlawful.”</p> <p>“All fires <u>shall</u> be attended to at all times and shall not be abandoned until such fires have been completely extinguished.”</p> <p>“No person <u>shall</u> build or start any fire in a State Forest during any period for which a drought emergency or burn ban has been declared...”</p>	Ala. Code § 9-13-10.2	3
390-X-7-.10	State forest visitor regulations - Hours of operation	<p>“Unless otherwise posted or authorized, the hours of operation for all State Forests <u>shall</u> be sunrise to sunset.”</p> <p>“It <u>shall</u> be unlawful to enter or use a site or area ... which is closed to public use.”</p>	Ala. Code § 9-13-10.2	2

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		“Only registered overnight guests and persons having special permission from the State Forester <u>shall</u> be admitted or allowed to remain in any State Forest after the designated closing hour.”		
390-X-7-.11	State forest visitor regulations - Disclaimer	“The Alabama Forestry Commission <u>shall</u> not be responsible for any accident or injury to any person while on State Forest... “Any person ... using a State Forest ... <u>shall</u> ... waive any claim against the State and its employees or agents for any accident or injury occurring while on or within a State Forest.” “[T]he State of Alabama <u>shall</u> not be responsible for any property or article lost or stolen from any cabin, campsite, bathhouse, parking area, or any other building or facility.”	Ala. Code § 9-13-10.2	1
390-X-7-.12	State forest visitor regulations - Wildlife sanctuaries	“It <u>shall</u> be unlawful [within a State Forest wildlife sanctuary] for any person to hunt, trap, pursue, catch or kill any wild bird or wild animal...”	Ala. Code § 9-13-10.2	1
390-X-7-.13	State forest visitor regulations - Enforcement	“The words "State Forest" as used in any regulation in this chapter <u>shall</u> include and embrace all land or water that is owned, leased, or otherwise controlled by the Alabama Forestry Commission.” “All State and Federal laws now in force and laws which may hereafter be enacted <u>shall</u> be maintained in all State Forests, and it <u>shall</u> be a violation of this regulation for any person to break or attempt to break any State or Federal law.” “Any person who violates any regulation of this chapter <u>shall</u> be guilty of a Class C misdemeanor and shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) for each offense, and may be required to pay all costs of the proceedings.” “Any person who violates any regulation of this chapter or otherwise commits any unlawful activity on a State Forest may be summarily excluded from the property, and such person <u>shall</u> not be entitled to a	Ala. Code § 9-13-10.2	3

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		refund of any fee or other charge paid for admission to or use of any State Forest area or facility.” “The regulations of this chapter <u>shall</u> be enforced by Alabama Forestry Commission personnel ... or by any law enforcement officer having general powers of a peace officer in the State of Alabama.”		
390-X-7-.14	State forest visitor regulations - Alcoholic beverages	“It <u>shall</u> be unlawful to possess or consume any alcoholic beverage on State Forests.”	Ala. Code § 9-13-10.2	1
390-X-8-.01	Volunteer fire departments - VFDs already certified	“Any volunteer fire department certified ... prior to adoption of these regulations <u>shall</u> remain certified unless ... decertified pursuant to the[se] procedures...”	Ala. Code § 9-3-17(e)	0
390-X-8-.02	Volunteer fire departments - Certification requirements	“A group seeking certification as a volunteer fire department ... must satisfy all the following standards and criteria before seeking certification by the Alabama Forestry Commission: (a) The group must be incorporated as a nonprofit entity or be operated under authority of a municipality, fire district, or other legal subdivision; (b) The group must have no fewer than four members, and the overall membership of the department shall have no less than 80 percent unsalaried membership; (c) The group must have all the fire fighting apparatus, equipment, and facilities specified ...; and (d) The county fire association where the group is located must formally recognize a clearly defined coverage area where the group will serve as the primary fire protection provider.”	Ala. Code § 9-3-17(e)	0
390-X-8-.03	Volunteer fire departments - Certification process	“If the group is so recognized by a majority vote, the county fire association <u>shall</u> then recommend in writing to the State Forester that the group be inspected and certified as a volunteer fire department...” “Upon receiving a county fire association’s recommendation, the State Forester (or his or her designee) <u>shall</u> make an inspection of the group seeking certification...” “If the group has satisfied all the standards and criteria ... the State Forester <u>shall</u> certify the group as a volunteer fire department.”	Ala. Code § 9-3-17(e)	0

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390-X-8-.05	Volunteer fire departments - Inspections	<p>“Upon receiving a certification inspection request from a county fire association, the State Forester <u>shall</u> give notice of the request to the county commission and, if applicable, city council where such department is located.”</p> <p>“This notice <u>shall</u> include a copy of any Alabama Forestry Commission forms that will be used in conducting the inspection.”</p> <p>“[T]he Alabama Forestry Commission <u>shall</u> prepare a written report detailing any certification deficiencies and/or grounds for decertification. This report <u>shall</u> be provided to the county fire association and the inspected department...”</p> <p>“[T]he State Forester <u>shall</u> direct that a second inspection be conducted...”</p> <p>“[T]he Alabama Forestry Commission <u>shall</u> again prepare a written report detailing any remaining certification deficiencies and/or grounds for decertification. This report <u>shall</u> be provided to the county fire association and the inspected department...”</p>	Ala. Code § 9-3-17(e)	0
390-X-8-.06	Volunteer fire departments - Decertification process	<p>“[T]he State Forester <u>shall</u> determine whether grounds yet exist for decertification of such department...”</p> <p>“Before decertifying a department, the State Forester <u>shall</u> consider any written responses or other materials submitted by the department. The State Forester <u>shall</u> also consider whether any direct assistance from the Alabama Forestry Commission could enable the department to meet minimum certification requirements...”</p> <p>“[I]f the Alabama Forestry Commission determines to decertify a department, the department <u>shall</u> be given notice of the decision in writing, and a copy of the notice <u>will</u> be provided to the county fire association and local government(s) where the department is located. After receiving such notice, the group <u>shall</u> cease to operate as a volunteer fire department.”</p>	Ala. Code § 9-3-17(e)	1

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390-X-8-.07	Volunteer fire departments - Default decertification	<p>“If a volunteer fire department ... refuses to allow a decertification inspection [or] fails to respond to any notice of a decertification inspection within 30 days of its issuance, then that department <u>shall</u> be in default.”</p> <p>“Once a department is in default, the State Forester <u>shall</u> give written notice to the department...”</p>	Ala. Code § 9-3-17(e)	1
390-X-8-.08	Volunteer fire departments - Voluntary decertification	<p>“To effectuate a voluntary decertification, the governing body of the department <u>must</u> adopt a resolution ... and that resolution <u>must</u> be transmitted in writing to the State Forester (or his or her designee). After such resolution is received, the department <u>shall</u> cease to be recognized as a volunteer fire department...”</p> <p>“The request <u>must</u> include a sworn affidavit from the current chief...”</p> <p>“[T]he department <u>shall</u> cease to be recognized as a volunteer fire department...”</p> <p>“[T]he State Forester <u>shall</u> have the discretion to summarily reinstate the affected department’s certification...”</p>	Ala. Code § 9-3-17(e)	5