

APA-1
Revised 7/2019

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 220 Department or Agency: Conservation and Natural Resources

Rule No.: 220-5-.16

Rule Title: **Possession Or Consumption Of Alcoholic Beverages At Certain State Park Areas.**

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? No

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 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 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.

MAR 21 2022

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 Services Agency.

Signature of Certifying Officer Ryan W. Colley
Secretary of Administrative Procedure

Date 3/21/2022

Department of Conservation and Natural Resources
State Parks Division

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Conservation and Natural Resources

RULE NO. & TITLE: 220-5-.16 Possession Or Consumption Of Alcoholic Beverages
At Certain State Park Areas.

INTENDED ACTION: Amend.

SUBSTANCE OF PROPOSED ACTION: To prohibit the possession or consumption alcoholic beverages while on the off-road vehicle (ORV) trail at Buck's Pocket State Park, the off-road vehicle (ORV) course at Lakepoint State Park, and the motorized nature trail at Lakepoint State Park.

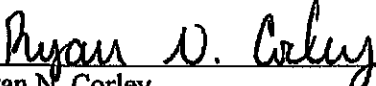
TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of State Parks Division at any time during the period stated below, or orally if requested in writing 48 hours in advance to the Director of State Parks Division, and then by personally appearing at Room 474, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Thursday, May 5, 2022.

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:

Thursday, May 5, 2022.

CONTACT PERSON AT AGENCY: Greg Lein, Director, State Parks Division, 5th Floor, 64 N. Union Street, Montgomery, Alabama 36130, 334-242-3334.



Ryan N. Corley
Secretary of Administrative Procedure

Christopher M. Blankenship

220-5-.16 Possession Or Consumption Of Alcoholic Beverages At Certain State Park Areas.

It shall be unlawful to possess or consume any alcoholic beverage at the following State Park areas, except as permitted in writing by the Commissioner of Conservation and Natural Resources or his designee:

- (1) The beach area and adjacent parking areas at Lake Lurleen State Park.
- (2) The beach area, adjacent parking lot, and north and south picnic areas, at Wind Creek State Park, and
- (3) The beach area, adjacent parking lot, and adjacent picnic areas, at Oak Mountain State Park, and
- (4) The following areas at Gulf State Park: All beach areas, including, but not limited to, the public beach areas at Alabama Point, Romar Beach, and Cotton Bayou; and adjacent parking areas at all beach areas; and also including the beach pavilion, the state saltwater pier, all picnic areas, and the camp pavilion.
- (5) The beach area, upper and lower picnic areas and all other day use only areas of Chewacla State Park.
- (6) The beach area, picnic area, and all other day use only areas of Frank Jackson State Park.
- (7) The spring, pool, picnic areas and all other day use only areas of Blue Springs State Park.
- (8) The picnic, beach, boat launch areas and all other day use only areas of Paul M. Grist State Park.
- (9) The picnic area, beach area and all other day use only areas of Cheaha State Park.
- (10) The off-road vehicles (ORV) trail at Buck's Pocket State Park.
- (11) The off-road vehicles (ORV) course and the motorized nature trail at Lakepoint State Park.
- (12) Any other portion of any State Park to the extent that such consumption or possession of alcoholic beverages is prohibited by state law.

Author: Christopher M. Blankenship

Statutory Authority: §§9-2-3, 9-2-9, and 9-2-12, Code of Alabama, 1975.

Penalty: As provided by Section 9-2-9, Code of Alabama, 1975.

History: Effective November 13, 1991. Amended: Filed July 12, 1995; effective August 17, 1995. Amended: Filed September 13, 1995; effective October 19, 1995. Amended: Filed August 20, 1996; effective September 25, 1996. Amended: Filed April 16, 1998; effective May 21, 1998. Amended: Filed June 16, 2003; effective July 20, 2003. Amended: Filed October 12, 2011; effective November 16, 2011. Amended: Filed May 15, 2015; effective June 19, 2015. Amended: 3/21/2022

**ECONOMIC IMPACT
STATEMENT FOR APA RULE
(Section 41-22-23(f))**

Control No. 220 Department or Agency Conservation

Rule No: 220-5-.16

Rule Title: Possession Or Consumption Of Alcoholic Beverages
At Certain State Park Areas.

New Amend Repeal Adopt by Reference

This rule has no economic impact.

This rule has an economic impact, as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:
2. COSTS/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:
3. EFFECT OF THIS RULE ON COMPETITION:
4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:
5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED: