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<p>1 DEPARTMENT OF CONSERVATION AND  2 NATURAL RESOURCES  3 ADVISORY BOARD MEETING  4  5  6  7 TRANSCRIPT OF PROCEEDINGS  8  9  10  11  12 Location: Elliot Center  13 2829 West Meighan Boulevard,  14 Gadsden, Alabama 35904  15 Date: March 13, 2010  16 Time: 9:01 a.m.  17  18  19  20  21  22  23 Before: Victoria M. Castillo, CCR #17</p>	<p>1 Lawley to introduce the Conservation  2 Advisory Board. Commissioner.  3 COMMISSIONER LAWLEY: I want  4 to welcome everybody to the Advisory Board  5 here in Gadsden. We're proud to be here.  6 We were hosted last night by the Etowah  7 Tourism Association. It was a very nice  8 meal. It was in this building, and we  9 certainly appreciate the hospitality.  10 I'd like to introduce as a noted  11 guest, former commissioner, Jim Martin, who  12 is with us today. This is his hometown.  13 We are proud to have you, Jim.  14 (Audience applause.)  15 COMMISSIONER LAWLEY: And as  16 we always do, we're going to let our Board  17 introduce themselves so you will be  18 familiar with their voice in case they hold  19 something up in front of their face or a  20 bag-something.  21 We will start with George  22 Harbin, who is also from Gadsden and our  23 host for this meeting. George.</p>
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<p>1 CHAIRMAN MOULTRIE: The  2 March 13, 2010 meeting of the Conservation  3 Advisory Board will come to order, and I'd  4 like to welcome everybody to Gadsden. The  5 Board is glad that you're able to be here  6 today.  7 The invocation will be given by  8 Mr. Bill Hatley. Mr. Hatley.  9 MR. HATLEY: Let us pray.  10 Our gracious and eternal heavenly Father,  11 once again we come before thy glorious  12 soul, begging thy forgiveness for our many  13 sins.  14 We pray now that you would  15 bestow thy richest blessings upon this  16 gathering and all of our endeavors, that we  17 may better serve our fellow man and the  18 creatures that are placed in our charge.  19 These things we ask in Jesus  20 Christ's name and for His sake. Amen.  21 CHAIRMAN MOULTRIE: Thank  22 you, Mr. Hatley. For the next order of  23 business, I'd like to call on Commissioner</p>	<p>1 MR. HARBIN: I am George  2 Harbin. I represent District 4.  3 MR. SELF: I'm Ross Self,  4 and I represent District 1.  5 MR. HATLEY: I'm Bill  6 Hatley, and I represent District 1.  7 MR. LYNCH: I'm Grant Lynch,  8 and I represent District 3.  9 MR. HARTZOG: I'm Grady  10 Hartzog. I represent District 2.  11 DR. MAY: Wayne May,  12 representing District 7.  13 MR. B. JONES: Brock Jones,  14 District 7.  15 DR. SMITH: Gaines Smith,  16 statewide.  17 COMMISSIONER LAWLEY:  18 Barnett Lawley.  19 CHAIRMAN MOULTRIE: Dan  20 Moultrie, six. Thank you, Commissioner  21 Lawley.  22 The next order of business is  23 the approval of the February 6, 2010</p>

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1 Advisory Board minutes.  
 2 Are there any changes to these  
 3 minutes?  
 4 (No response.)  
 5 CHAIRMAN MOULTRIE: If not,  
 6 then the minutes stand approved as read.  
 7 The next order of business is  
 8 the public hearing. When your name is  
 9 called, please go to the microphone and  
 10 give your name and the subject you wish to  
 11 speak upon.  
 12 I will remind you that you only  
 13 may speak at the time you are called and  
 14 any interference will not be tolerated.  
 15 The first speaker today is Avery  
 16 Bates.  
 17 MR. BATES: I'm vice  
 18 president of Organized Seafood  
 19 Association. My name is Avery Bates. I'm  
 20 here to speak on behalf of the bill for the  
 21 gill-netters on the mass reduction for the  
 22 Spanish mackerel and also will speak on the  
 23 oyster industry. There's really a grave

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1 concern in south Mobile County.  
 2 But Mr. Martin here, we go way  
 3 back. We fought to build our oyster  
 4 industry back many years ago. In fact, me  
 5 and him sit in the courtroom fighting for  
 6 Heron Bay. Remember (inaudible) --  
 7 You-all just wouldn't believe  
 8 the stories I heard come from Mr. Martin.  
 9 You know he was with Patton, and he  
 10 actually got to see the death counts.  
 11 Quite interesting. Rough case for me  
 12 because it was our oyster bottoms. Like  
 13 many of our bottoms today, we're fighting  
 14 to improve. It's so important to us. It's  
 15 so important to our fishermen, too, to get  
 16 this bill.  
 17 Thank you-all for considering,  
 18 Mr. Barnett Lawley. I've been through  
 19 quite a few commissioners, still commercial  
 20 fishermen. And I'm here on behalf of our  
 21 commercial fishermen. It's so important  
 22 that some of these bills that you-all vote  
 23 on that you know something about what

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1 you're voting.  
 2 The Bill 3-15 that you-all all  
 3 voted for, I know you-all don't know some  
 4 of our state laws that protect us. We need  
 5 to protect our oyster industry bylaws, and  
 6 we're governed by laws. And we hope  
 7 you-all understand how important it is that  
 8 you can take us under consideration.  
 9 We have 39 oyster shops now  
 10 probably in Mobile County, and this last  
 11 bill you voted to support could affect  
 12 them. We've been working, and I want to  
 13 tell you you got a good man in Chris  
 14 Blankenship. We appreciate him sitting  
 15 with us.  
 16 We have an oyster board now that  
 17 consists of so many years of experience --  
 18 Lawrence Johnson; Jack Skinner; Ms. Kinney,  
 19 Sandra Kinney, who oyster shops -- and on  
 20 and on -- Ernest Harris. Some of these  
 21 names you probably remember, Mr. Martin.  
 22 They're still in it, and we're still  
 23 fighting to keep our people working.

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1 But it's so important that you  
 2 know some of our situations. We need the  
 3 proper amount of checkpoints, as we  
 4 discussed. We are very concerned about  
 5 some of the areas not having sufficient  
 6 amount to cover all our oystermen when they  
 7 go in to check out. Without this proper  
 8 amount of checkpoints, we put our people  
 9 out of business.  
 10 I mentioned in the past in their  
 11 meeting, Shirley Goldman. Shirley Goldman  
 12 is a grandfather who's now raising his  
 13 grandchildren. He's adopted them. If you  
 14 put him out of business, you put his  
 15 grandchildren with no money coming into his  
 16 house.  
 17 If you put Chris Zerlot(sic) and  
 18 him out of business, we have so many  
 19 people --  
 20 MS. MITCHELL: Time.  
 21 CHAIRMAN MOULTRIE: If you  
 22 will sum it up, Mr. Bates, please, sir.  
 23 COMMISSIONER LAWLEY: Let me

<p style="text-align: right;">Page 9</p> <p>1 say one thing, Avery, that will give us a 2 little bit of a break, Paula, if you 3 wouldn't mind telling everybody -- of 4 course it's been a year and a half 5 effort -- but what it's going to mean and 6 what we're doing moving those oysters out 7 of Mobile River back and then creating 8 bedding and restocking ones that we got. 9 MR. BATES: Yes, sir, it's a 10 pleasure. I've been 25-years plus trying 11 to get this done. We thank Chris and them 12 at the meeting, and I want to thank the 13 commissioner for his time. And if you only 14 knew the effort the Board of Health put 15 into this, too -- and it was a joint 16 effort. 17 And it's a blessing to get miles 18 and miles of bottoms reclassified so that 19 we could utilize this resource. We can use 20 them for seed stock, and we're just 21 discussing with Chris Denson the amount of 22 people in our end of the county that will 23 be utilized as a workforce to relay these</p>	<p style="text-align: right;">Page 11</p> <p>1 And I know it was a shock to 2 you-all because you didn't actually know -- 3 as I was talking to Mr. Hartzog, I think it 4 is -- I mean, Mr. Harbin -- and he said "we 5 don't know nothing about oysters", and I 6 understand that. There's some things I 7 don't know about hunting. 8 CHAIRMAN MOULTRIE: 9 Mr. Bates, if you could sum it up, please. 10 MR. BATES: But please, 11 we're trying to work this out. It's went 12 through the House. A change is needed to 13 be made to this Bill 3-15. I want you to 14 know that -- big changes -- changes that 15 we're concerned about putting oystermen out 16 of work. 17 So be aware -- in the future I 18 hope we can have better input and you-all 19 will have a better understanding of our way 20 of life, and I hope you keep an ear to see 21 what happens with this oyster relay. We 22 think it's going to be a plus. 23 But I would have loved to sit</p>
<p style="text-align: right;">Page 10</p> <p>1 oysters. Two hundred licensed oysters are 2 signed up with us, and on the other end -- 3 Mr. Wright's organization -- probably 100 4 drudging boats is down there. 5 So it's going to be a massive 6 project, and this is going to bring in 7 money to our county and try to build back 8 new reefs. We've got other areas that we 9 want to build back in the state, but 10 remember, we've been out of business for 11 five years, the state of Alabama, almost 12 zero production. 13 And this is the reason when 14 something comes up in state law that might 15 affect us, it's terribly important that you 16 understand whether you support it, that 17 might hurt us, or whether you understand 18 why it might hurt us. 19 And we're trying to work this 20 out with the Department, but it went 21 through the House and we didn't even know 22 it was going to come up on the agenda last 23 week until the last five to ten minutes.</p>	<p style="text-align: right;">Page 12</p> <p>1 down with you-all and explained to you-all 2 what Bill 3-15 would do and come from that 3 experience of these other six men we have 4 on the Board and let you have their 5 concerns, so you would have a proper 6 knowledge which way to vote. It would be a 7 great thing for you to have a knowledge 8 that we've acquired. 9 And through the years working 10 with people like Mr. Jim and all these 11 other commissioners that we've worked with, 12 you've been a pleasure. You're going out. 13 And it's been a pleasure to work 14 with Mr. Martin over the years -- getting 15 Heron Bay back, getting Fowl River back, 16 getting this bottom in north Mobile Bay 17 where we can utilize this resource. 18 But please be careful on some of 19 these bills because it could put people out 20 of work, some of this Bill 3-15. 21 CHAIRMAN MOULTRIE: 22 Mr. Bates -- 23 MR. BATES: Thank you-all so</p>

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1 much. Sorry about the length.  
 2 MR. HARTZOG: Dan --  
 3 CHAIRMAN MOULTRIE: Yes,  
 4 Mr. Hartzog, go ahead.  
 5 MR. HARTZOG: Could we ask  
 6 Mr. Bates to send us a synopsis of that  
 7 bill?  
 8 CHAIRMAN MOULTRIE:  
 9 Mr. Bates, please, go back to the  
 10 microphone, please, sir.  
 11 MR. HARTZOG: Why don't you  
 12 get a synopsis of the bill to all the Board  
 13 members.  
 14 COMMISSIONER LAWLEY: Grady,  
 15 we have it. We will get it to you.  
 16 CHAIRMAN MOULTRIE: Okay,  
 17 that's fine, Mr. Bates.  
 18 MR. BATES: And I suggest  
 19 that you can call me at the office, or  
 20 whatever, and Chris, then we'll work with  
 21 you. I know Chris has been a tremendous  
 22 help to us.  
 23 MR. HARTZOG: Thank you.

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1 CHAIRMAN MOULTRIE: Thank  
 2 you. You-all may have noticed, too, that  
 3 today Robin is missing, and she's been a  
 4 fixture in the Advisory Board meetings.  
 5 She had a beautiful baby girl this week.  
 6 But if you-all thought Robin was  
 7 tough, I suggest you don't cross our new  
 8 sergeant at arms down here.  
 9 Paula, if you will raise your  
 10 hand so they can see who's -- Paula is  
 11 tough.  
 12 Okay, the next speaker will be  
 13 Mr. George Fant.  
 14 DR. FANT: Gentlemen, I'm  
 15 Dr. George Fant. I live here in Gadsden in  
 16 Etowah County, and I'm to address the  
 17 Sipsey River Trout Fishery. I've been a  
 18 fisherman for over 50 years. I've fished  
 19 from the Atlantic to the Pacific Ocean.  
 20 In the past year I have fished  
 21 in the Naknek River in Alaska, four  
 22 different rivers in Georgia, Pere Marquette  
 23 River in Michigan, three different rivers

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1 in North Carolina, the Yampa River in  
 2 Colorado, four different rivers in  
 3 Tennessee.  
 4 The one thing all these other  
 5 rivers have in common is single-hook  
 6 artificial lure, catch and release, fly  
 7 fishing only.  
 8 When you put a -- when you catch  
 9 a six-inch stocked rainbow trout, it's kind  
 10 of like going into a pasture with a bucket  
 11 of corn and trying to catch a cow, they're  
 12 going to come to you.  
 13 But if you will leave that  
 14 six-inch trout in the water a year,  
 15 something really wonderful happens. That  
 16 fish becomes a wild fish. It becomes  
 17 exciting and fun to catch.  
 18 We can create a destination  
 19 fishery on the Sipsey River, just like we  
 20 have at Guntersville. At Guntersville, I'm  
 21 old enough to remember when we've had a  
 22 slot limit at Guntersville started, we had  
 23 exactly the same objections that we have

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1 now to our current fishery on the Sipsey.  
 2 People didn't want a slot limit because it  
 3 would limit the fishing.  
 4 The slot limit at Guntersville  
 5 has created an outstanding destination  
 6 fishery. Without a slot limit at  
 7 Guntersville, we wouldn't have Bassmasters  
 8 Classic there. People go to Guntersville  
 9 not to catch a six-inch bass, but to catch  
 10 a six-pound bass.  
 11 It's the same way on the  
 12 Sipsey. People -- it's fun catching a  
 13 six-inch trout. It's a whole lot more fun  
 14 to catch a 26-inch trout.  
 15 When you catch a big trout on a  
 16 fly rod, single-hook artificial lure, it's  
 17 a life-changing experience for the person  
 18 because you release that trout back in the  
 19 water. You took it upon yourself to have  
 20 that option to give that fish its life  
 21 back.  
 22 It's a life-changing experience  
 23 for people to do that. It's like when you

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1 catch that trophy bass. It's a life-  
 2 changing experience to catch a trophy bass  
 3 for people.  
 4 People pivot their life -- "oh,  
 5 yes, I remember when I caught that  
 6 six-pounder". It's like the year their kid  
 7 was born.  
 8 I strongly encourage you to  
 9 consider creating a quality fishery on the  
 10 Sipsey River. It will become a destination  
 11 for people to come to instead of having to  
 12 leave Alabama to go to these destination  
 13 fisheries. People will come to Alabama to  
 14 catch those fish.  
 15 CHAIRMAN MOULTRIE: Thank  
 16 you very much, Dr. Fant.  
 17 DR. FANT: Thank you.  
 18 CHAIRMAN MOULTRIE: Stan,  
 19 the Commissioner and I were talking. We  
 20 had a question.  
 21 What is the survival rate on  
 22 those trout from stocking to one years  
 23 old?

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1 MR. COOK: We have not done  
 2 any survival or mortality studies on that  
 3 population. But when you -- there's plenty  
 4 of science out there in states that do have  
 5 cold water fisheries. And the problem you  
 6 run into is when you stock a (inaudible)  
 7 versus stocking like a pen-raised type of  
 8 fish that's an adult fish that's been  
 9 grain-fed, those grain-fed types of fish  
 10 just do not hold up very well. And other  
 11 states have suggested that the mortality  
 12 ranges somewhere around 50 percent within  
 13 the first month.  
 14 There are some that will  
 15 eventually figure out they're in a wild  
 16 state, but mortality is a whole lot higher  
 17 than you would expect from, say, a wild  
 18 strain that would exist there naturally or  
 19 be stocked at a smaller size.  
 20 CHAIRMAN MOULTRIE: So  
 21 mortality rate of one-year-old fish would  
 22 be extremely high?  
 23 MR. COOK: Extremely high.

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1 CHAIRMAN MOULTRIE: Very  
 2 good. Thank you.  
 3 The next speaker will be Wallis  
 4 Harrison.  
 5 MR. HARRISON: Good  
 6 morning. I'm here to speak again in  
 7 support of the Sipsey tailrace trout  
 8 fishing.  
 9 I am a biologist. I have spent  
 10 my career in research and development, 29  
 11 years with Southern Company. I currently  
 12 run the only mercury research center in the  
 13 world for capture and sequestration of  
 14 mercury.  
 15 But my wife and I fish the  
 16 Sipsey and most of the other southern  
 17 states as often as we can, particularly the  
 18 Sipsey because it's an hour and a half from  
 19 my house.  
 20 When we look at the programs  
 21 that are done in Arkansas, Tennessee,  
 22 Colorado, we see wonderful places that  
 23 attract huge numbers of people. The

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1 economic benefits are estimated to be in  
 2 the millions of dollars.  
 3 The Sipsey is -- I think we have  
 4 the opportunity for the Sipsey to become  
 5 the premier cold water trout fishing spot  
 6 in the state, and currently it suffers  
 7 from, you know, a number of problems.  
 8 One, of course, is access. As I  
 9 get older, I have more trouble getting down  
 10 to the Sipsey and getting back up out of  
 11 the Sipsey because of the steep  
 12 embankment.  
 13 I do support the eight items  
 14 that the Sipsey Trout Unlimited Chapter has  
 15 presented to you. I am not a member of  
 16 that organization. I probably should be,  
 17 but too many other things going on.  
 18 I do understand that Alabama  
 19 Power has recently completed a million-  
 20 dollar plus project on the Smith Lake Dam  
 21 to provide for continuous flow, which will,  
 22 of course, improve drastically the water  
 23 temperature all the way downstream from the

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<p>1 dam and the dissolved oxygen. And of 2 course, those two items are critical for 3 trout survival rates. 4 The other thing I think that is 5 very attractive in the other states is that 6 all of the other states stock at least two 7 species -- typically the rainbow and the 8 brown -- and many of them also stock a 9 cutthroat or a brook, so it's not uncommon 10 to find three different species available 11 to fish. 12 As I said earlier, the economic 13 benefit, I think, would be very good to the 14 state, and the local area -- 15 MS. MITCHELL: Time. 16 CHAIRMAN MOULTRIE: Sum it 17 up, please, sir. 18 MR. HARRISON: Okay, and 19 that's what I was doing. And I think it 20 would be a really good thing for the 21 commission to consider. Thank you very 22 much. 23 MR. HARBIN: Mr. Harrison,</p>	<p>1 then put some sort of a limit, catch and 2 release area or something, so that we allow 3 those trout to grow larger and they 4 become -- of course we already have a creel 5 limit. But you know, a larger fish is 6 better to eat and you get more of him. 7 But by having catch-and-release 8 areas, you grow larger fish and then those 9 fish will move out of that area and you get 10 into areas where you can, you know, harvest 11 the fish. 12 MR. HARBIN: Mr. Harrison, 13 how many -- what is the rate of death of, 14 say, the rainbow trout? 15 MR. HARRISON: I don't -- 16 MR. HARBIN: If they get 17 below that tail water in Sipsey Dam, what's 18 their rate of -- how much survival chance 19 have they got? 20 MR. HARRISON: That I do not 21 know. It's one of the things I'm 22 interested in finding out. 23 MR. HARBIN: Well, the</p>
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<p>1 how many members do you have there in the 2 Sipsey River Trout there? How many people 3 are going to be affected by this? 4 CHAIRMAN MOULTRIE: He was 5 not a member -- 6 MR. HARRISON: Yes, I'm not 7 a member of that organization. I'm just a 8 fisherman. 9 MR. SELF: I have a question 10 for you. 11 MR. HARRISON: Yes, sir. 12 MR. SELF: What is it 13 exactly that you would like us as a Board 14 to do? Is there some something specific 15 that you would request of us? 16 MR. HARRISON: Well, just 17 right off the top of my head -- I think two 18 things that would -- I mean, Alabama Power 19 has taken it upon themselves to improve the 20 Sipsey by their modifications. 21 I think if we provided better 22 access to the river and stocked an 23 additional -- at least brown trout, and</p>	<p>1 reason I ask, we're more of a warm water 2 fishery -- you know, warm water than we are 3 cold water. 4 MR. HARRISON: I understand 5 that, yes. 6 MR. HARBIN: And so that's 7 kind of confusing to all of us. 8 MR. HARRISON: Well, my 9 company is -- one of the things we do is 10 research and development in a lot of areas, 11 and one of the things that I'm very 12 interested in doing is assisting in any way 13 that I can in this process. 14 We were just speaking earlier of 15 doing a dissolved oxygen temperature 16 profile from, say, the dam down to the 17 bridge. I think that's information that 18 doesn't exist right now, and I'm going to 19 see if I can't get that done. 20 MR. HARBIN: Thank you, 21 sir. 22 CHAIRMAN MOULTRIE: Thank 23 you very much, sir.</p>

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1 MR. HARRISON: Thank you.  
 2 CHAIRMAN MOULTRIE: The next  
 3 speaker will be Ronald Higgins.  
 4 MR. HIGGINS: Thank you,  
 5 gentlemen. My name is Ronald Higgins. I  
 6 live here in Gadsden. Jim Martin and I  
 7 have been friends for many years. We're in  
 8 the local Kiwanis Club together. I fished  
 9 in the lake behind his house quite a few  
 10 times.  
 11 I am a dedicated fly fisherman,  
 12 have been for over 40 years. I've fished  
 13 in Tennessee, Georgia, North Carolina, and  
 14 Michigan.  
 15 And I'm interested in having the  
 16 Sipsey River developed to become a first-  
 17 class trout fishery because I think it will  
 18 have an economic impact on the state and  
 19 that area.  
 20 I know from my experience of  
 21 over 40 years of fishing in other places  
 22 and reading all about trout fishing around  
 23 the country that when you put trout in just

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1 for people to go in, catch their limit,  
 2 take them home to eat, that it costs you  
 3 more to put the trout in than you get in  
 4 benefits because the people who do that  
 5 will go just a few miles from home and  
 6 they'll catch their fish and they will go  
 7 home and eat them. They won't spend much  
 8 money on it. They'll really spend only  
 9 enough money to get to drive the five, or  
 10 ten, or 15 miles it takes to go from home.  
 11 If you have a quality fishery  
 12 that's interesting to people who go just  
 13 for the fun of fishing, who want to just  
 14 catch the fish for the pleasure of it and  
 15 aren't interested in taking the fish home  
 16 to eat, where you have fish that can be  
 17 caught over and over and bigger fish, you  
 18 will have people coming in from all over,  
 19 from -- even from other states.  
 20 MS. MITCHELL: Time.  
 21 CHAIRMAN MOULTRIE: If you  
 22 would sum it up, please, sir.  
 23 MR. HIGGINS: So if you will

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1 help us create a quality trout fishery on  
 2 the Sipsey River, I think it will benefit  
 3 the businesses that are in that area  
 4 because it will bring in tourism dollars.  
 5 Thank you.  
 6 CHAIRMAN MOULTRIE: Thank  
 7 you very much, sir.  
 8 The next speaker will be Brandon  
 9 Jackson.  
 10 MR. B. JACKSON: Good  
 11 morning. Brandon Jackson from Jasper,  
 12 Alabama, Walker, Cullman. We own a fly  
 13 fishing shop, and I'm the president of the  
 14 Sipsey Tailrace Chapter. I drafted this  
 15 document, along with the help of some of  
 16 our other team members.  
 17 And it's just a response to the  
 18 document that you received from Stan Cook,  
 19 and it contains some of our research and  
 20 our thoughts concerning the ideas that were  
 21 proposed in that original statement.  
 22 And so we would really  
 23 appreciate any response that you might have

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1 to it. Your time -- I know it's a fairly  
 2 long document, but we would certainly  
 3 appreciate your time in taking the  
 4 opportunity to read that and request an  
 5 opportunity to meet with you to go over it  
 6 to show you why we included what we  
 7 included and what our thoughts were  
 8 concerning it.  
 9 What we hope to do and hope to  
 10 accomplish is to create a better fishery,  
 11 and that isn't for one group in opposition  
 12 to another group. It is simply just to  
 13 provide a better opportunity for all those  
 14 who want to fish to fish.  
 15 One of the questions asked was  
 16 about the survival rate, and we included  
 17 two studies -- one done in Texas, the other  
 18 in Tennessee -- that showed that the  
 19 majority of the fish that were -- the  
 20 reason that they were having a hard time  
 21 keeping fish in a certain area wasn't due  
 22 to mortality and that it was due to heavy  
 23 fishing pressure.

<p style="text-align: right;">Page 29</p> <p>1 I think the Tennessee study 2 showed that 90-something percent of the 3 fish were being taken out immediately after 4 stocking, and so they're having a very 5 difficult time keeping those fish in there. 6 We want to create a quality zone 7 to allow the opportunity for those fish to 8 be protected, an opportunity for those fish 9 to stay, to grow, and to provide fun and 10 opportunities for anyone -- fly fishermen, 11 bait fishermen -- 12 MS. MITCHELL: Time. 13 MR. B. JACKSON: -- not 14 necessarily bait fishermen -- sorry. 15 CHAIRMAN MOULTRIE: If you 16 would sum it up, please, sir. 17 MR. B. JACKSON: Bait 18 fishermen would be able to utilize the area 19 downstream of the quality zone or above the 20 quality zone to catch those same fish. 21 It's just an isolated area to protect and 22 to preserve this very limited resource. 23 CHAIRMAN MOULTRIE: Thank</p>	<p style="text-align: right;">Page 31</p> <p>1 points -- 2 MR. LYNCH: One side and -- 3 MR. B. JACKSON: Yes. 4 MR. LYNCH: Okay, it would 5 be nice if you-all could, maybe before May, 6 get with them and see if you can convince 7 them to, you know -- and I'd get with the 8 counties on both sides and help us out to 9 know that the people that represent all of 10 the citizens of the surrounding area back 11 one way or another on this issue. 12 MR. B. JACKSON: Certainly. 13 We have discussed it with the Cullman 14 County Commission and the commissioners 15 there, and I believe that's probably -- I 16 think they're setting up an opportunity for 17 us to further discuss the issue. 18 But we haven't had a chance to 19 discuss it with Walker County since they 20 don't have any accesses available to the 21 public on that side of the river. 22 MR. LYNCH: I see what 23 you're saying.</p>
<p style="text-align: right;">Page 30</p> <p>1 you very much. 2 MR. B. JACKSON: Thank you. 3 MR. LYNCH: Mr. Jackson, we 4 have a letter that we received this morning 5 up here from the Walker Community 6 Commission, and I believe the chairman and 7 four commissioners signed it. And it 8 pretty much states that they would like to 9 see the river remain as it is. 10 Have you-all met with the 11 community commissioners? 12 MR. B. JACKSON: We have not 13 had an opportunity to discuss our proposal 14 from them. I would love to see who 15 presented that to them or where they were 16 asked to give their input. Because as far 17 as we know, they have never seen our 18 proposal or discussed it at all. 19 MR. LYNCH: Well, we're in 20 their county. I think the river is located 21 in the county. 22 MR. B. JACKSON: The river 23 is the county line. All of the access</p>	<p style="text-align: right;">Page 32</p> <p>1 MR. B. JACKSON: Yes, sir. 2 CHAIRMAN MOULTRIE: Thank 3 you very much, Mr. Jackson. 4 The next speaker is Randall 5 Jackson. 6 MR. R. JACKSON: Thank you, 7 and I appreciate the opportunity to speak 8 to you. My name is Randy Jackson, and I'm 9 here to speak on behalf of the Sipsey 10 tailrace waters that have been talked 11 about, especially the Sipsey TU proposal 12 that has been presented. 13 I'd like to make a couple of 14 comments in regards to that. One is that 15 Stan and -- Mr. Cook and Mr. Floyd pointed 16 out -- and we totally agree with it -- that 17 Alabama was blessed with 77,000 stream 18 miles in the state. A lot of people don't 19 realize this, but we're ranked seventh in 20 the nation. And in that regards, we are 21 blessed. 22 Second is that it's also a fact, 23 in the same report, that the people that</p>

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1 are asking for the quality zone represent  
 2 about one-tenth of one percent of the total  
 3 anglers in the state of Alabama, and we  
 4 totally agree with that. We think that it  
 5 does.  
 6 But if you look at -- and it  
 7 doesn't take much calculation -- one-tenth  
 8 of one percent of that 77,000 miles, that  
 9 represents 77 miles, okay. If you're just  
 10 looking at it from an equity standpoint,  
 11 you'd have access for a cold water  
 12 fishery. So 77 miles of fishery would be  
 13 equitable, based on all the other facts.  
 14 The Sipsey river from the dam to  
 15 Sipsey community, which is the cold water,  
 16 it's only 12 miles. Now if you consider  
 17 the fact it's being -- the portion that's  
 18 being asked for for quality zone is only  
 19 two miles.  
 20 I think the inequality of the  
 21 availability of a fishing place is a little  
 22 bit misunderstood by a whole lot of folks.  
 23 Second point is that brown

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1 trout --  
 2 MS. MITCHELL: Time.  
 3 MR. R. JACKSON: -- it's not  
 4 native not only to this state, they're not  
 5 native to the United States, but yet  
 6 they're in 39 states.  
 7 One other thing on the point  
 8 that's just been brought up -- if I may  
 9 have the opportunity in 30 seconds?  
 10 CHAIRMAN MOULTRIE: You've  
 11 got 30 seconds. Go.  
 12 MR. R. JACKSON: As far as  
 13 the mortality rate, Stan is totally right.  
 14 Whenever you drop adult trout in and don't  
 15 have any management practices and factors  
 16 that can significantly improve those --  
 17 which we don't have on the Sipsey -- he's  
 18 right, you get 50 or 60 percent mortality  
 19 rate.  
 20 But there are management  
 21 practices that you can put in place.  
 22 There's only one that has been. Alabama  
 23 Power did that with the over one million

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1 dollars worth of modification to the dam --  
 2 just completed it -- for continuous flow  
 3 and dissolved oxygen.  
 4 That will help because a whole  
 5 lot of other cold water management  
 6 practices that will increase that -- or  
 7 decrease that mortality rate up to 80  
 8 percent if we could use some of those  
 9 practices on that stream. Thank you.  
 10 CHAIRMAN MOULTRIE: Very  
 11 good. Thank you, sir.  
 12 COMMISSIONER LAWLEY: I have  
 13 a question. On the 77,000 miles of  
 14 water --  
 15 MR. R. JACKSON: Yes, sir.  
 16 COMMISSIONER LAWLEY: --  
 17 you're saying that fly fishermen are denied  
 18 from fishing that? I don't understand your  
 19 inequities.  
 20 MR. R. JACKSON: Sure, I  
 21 mean, in that two miles that we're asking  
 22 -- less than two miles that we're asking  
 23 for quality zone, nobody is denied access

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1 for fishing there. They can fish for  
 2 anything, except --  
 3 COMMISSIONER LAWLEY: So can  
 4 you, on the 77,000 miles that -- you know,  
 5 we're talking about public waters.  
 6 MR. R. JACKSON: We're  
 7 talking about cold water fishery. That's a  
 8 cold water fishery, sir. Is it not a cold  
 9 water fishery? If it's not a cold water  
 10 fishery, then this is my new discussion for  
 11 everybody --  
 12 CHAIRMAN MOULTRIE: Thank  
 13 you, Mr. Jackson. Mr. Hartzog.  
 14 COMMISSIONER LAWLEY: I can  
 15 tell you, I've been all over Alaska,  
 16 Brazil, fly fishing, and yes, I'd say it's  
 17 a cold water fishery.  
 18 But I'm saying you're talking  
 19 about public waters. And because there are  
 20 so many public waters, I don't think you  
 21 have any entitlement because of the  
 22 percentage of people that fly fish there.  
 23 MR. R. JACKSON: But you use

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1 the same percentages the other way around  
 2 though in limiting by the position that you  
 3 took with one-tenth of one percent of the  
 4 total anglers.  
 5 And not looking at it that way,  
 6 I just use the same percentages, use your  
 7 numbers. We agree with them. Use the same  
 8 numbers.  
 9 And looking at it, we agree with  
 10 you. We are not denied access on the other  
 11 77,000 miles. We are denied catching trout  
 12 using any method that we want to on those  
 13 77,000 miles.  
 14 Can you tell me where else year-  
 15 round in the state of Alabama I can go on  
 16 those 77,000 miles to catch trout, sir?  
 17 COMMISSIONER LAWLEY: I  
 18 can't tell you that. That's not the point  
 19 I'm trying to make.  
 20 MR. R. JACKSON: Okay, the  
 21 point is -- I'm sorry --  
 22 COMMISSIONER LAWLEY: Just  
 23 tell me where any other fishermen in

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1 Alabama can go to catch trout on that  
 2 77,000 miles?  
 3 MR. R. JACKSON: Sir?  
 4 COMMISSIONER LAWLEY: Tell  
 5 me where any other kind of fishermen can go  
 6 to catch trout on that 77,000 miles.  
 7 MR. R. JACKSON: Well, I  
 8 mean, those are warm water miles.  
 9 COMMISSIONER LAWLEY: Some  
 10 of them are and some of them aren't.  
 11 MR. R. JACKSON: Well, if  
 12 they're not -- I mean, just the argument  
 13 that we're both --  
 14 COMMISSIONER LAWLEY: Well,  
 15 I mean, we have walleye. Do you consider  
 16 that a cold water fish?  
 17 MR. R. JACKSON: In some  
 18 respects I do, because I've fished all over  
 19 the place, like you have, and caught them  
 20 and caught them on fly rods, too, as well  
 21 as --  
 22 COMMISSIONER LAWLEY: What  
 23 I'm saying is there's more than one species

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1 of cold water fish that everybody is  
 2 entitled to.  
 3 MR. R. JACKSON: Absolutely  
 4 --  
 5 COMMISSIONER LAWLEY: I  
 6 didn't mean to get in this debate because  
 7 this is burning time, and we're getting  
 8 nowhere.  
 9 CHAIRMAN MOULTRIE:  
 10 Mr. Hartzog?  
 11 MR. HARTZOG: Mr. Chairman  
 12 --  
 13 CHAIRMAN MOULTRIE: Yes,  
 14 sir.  
 15 MR. HARTZOG: I'm an avid  
 16 fly fisherman. I have fly fished all these  
 17 cold water streams that everybody else has  
 18 fished and fished them all my life --  
 19 fished Canada, fished, you know -- with  
 20 permission of the Board, I would like to  
 21 make a proposal -- since I am the fly  
 22 fisherman of the group -- that we --  
 23 because we are burning time -- is that

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1 before the May meeting -- and after April  
 2 15th where I don't have to work so hard --  
 3 I will make a trip up there, with you-all's  
 4 permission, to review the site and look at  
 5 it and get with the different groups, as  
 6 well as the consumptive use folks, as well  
 7 as the fly fishermen, and come back with a  
 8 recommendation of what I've seen and  
 9 what -- you know, and that will cut out  
 10 some of the time today and get a report as  
 11 to what we --  
 12 CHAIRMAN MOULTRIE: That  
 13 would be great.  
 14 Does anyone on the Board have a  
 15 problem with Mr. Hartzog being appointed to  
 16 that?  
 17 (No response.)  
 18 CHAIRMAN MOULTRIE: Very  
 19 good, Mr. Hartzog. We look forward to your  
 20 report next meeting.  
 21 Thank you, Mr. Jackson.  
 22 MR. R. JACKSON: Thank you,  
 23 sir.

<p style="text-align: right;">Page 41</p> <p>1 CHAIRMAN MOULTRIE: The next 2 speaker will be Michael Key. 3 MR. KEY: I would like to 4 thank you for this opportunity. My name is 5 Mike Key, and I'm here to represent the 6 people that don't have the opportunity to 7 go out of state or very far distances to 8 enjoy fly fishing. 9 I am a fly fisherman. I am the 10 person that went to the Walker and Cullman 11 County Commissions to ask for their 12 thoughts and their feelings on representing 13 their people. 14 Walker County was able to give 15 us a document representing over 70,000 16 people. Cullman County apologized, but 17 asked me to mention that their document 18 will be very similar to the Walker County 19 document, and it will be presented and I 20 will get it to you-all. It's representing 21 over 80,000 people. 22 Some of the points that's been 23 brought up today we can actually try to</p>	<p style="text-align: right;">Page 43</p> <p>1 most of them are lost as a goose. They 2 have no clue where they are and what 3 they're doing there. 4 MS. MITCHELL: Time. 5 CHAIRMAN MOULTRIE: If you 6 would sum it up, Mr. Key. 7 MR. KEY: I would like to 8 say that the majority of the people in our 9 area -- and I believe in Alabama -- already 10 have a first-class trout fishery, but we do 11 not want a high-class trout fishery. Thank 12 you. 13 CHAIRMAN MOULTRIE: Thank 14 you very much, Mr. Key. The next speaker 15 will be Shannon McCurley. 16 MR. McCURLEY: Morning, 17 gentlemen. I'm Shannon McCurley. I'm the 18 current president of local fly fishing club 19 that we got here in Gadsden. 20 Something a little bit 21 different -- I've been fly fishing in 22 Little River Canyon for approximately 15 23 years. And in my opinion it's a unique</p>
<p style="text-align: right;">Page 42</p> <p>1 help out on. As far as trout releases and 2 catch and release, that goes together as 3 far as I'm concerned. 4 The 3,500 fish that we stock 5 every other month, seven times a year, I 6 used the same figures of about 50 percent 7 mortality rate. So if we've got 1,750 fish 8 in that fishery and we dump 3,500 fish at 9 the next stocking day on top of these fish, 10 well, I used some very loose figures 11 because I didn't go ahead and say just lose 12 1,750 fish. But I'm saying we lose half of 13 what's in there at that time. 14 So the next release we'll have 15 2,625 fish in that fishery and we put 3,500 16 on top of it, we got 6,125 fish. And it 17 just keeps escalating. Just went by the -- 18 no scientific study -- just by common 19 sense. 20 So the major area of this 21 fishery that is utilized by the rainbow 22 trout is that first two miles. Some do 23 happen to go down. It's been proven. But</p>	<p style="text-align: right;">Page 44</p> <p>1 fishery, an attraction in north Alabama, 2 draws in a lot of tourism. 3 Over the past several years it's 4 gained attention and recognition through 5 several magazine articles, Internet, and 6 word of mouth -- including the Fly Fishing 7 America magazine about six, seven years 8 ago. It put it at as one of the top 50 9 places in the United States to fly fish. 10 With this attention, I'm noticed 11 increased angling pressure and decline in 12 the fishery itself. In my opinion the only 13 thing from keeping Little River from 14 declining drastically is the natural 15 geographic design -- basically the high 16 high gap over the Canyon keeps a lot of 17 people from going in. 18 Outside of that, it's been 19 getting a lot of pressure over the past 20 several years. Each year the number of 21 anglers increases. I see a lot more people 22 on the stream. I see a lot more people 23 carrying fish out every time I go in.</p>

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1           And in my opinion the quality of  
2 the fish and the quantity of the fish in  
3 the streams is drastically declining every  
4 year.  
5           And the state seems not to have  
6 a problem introducing special creel limits  
7 on lakes -- such as Guntersville, Weiss  
8 Lake, whatever -- that are heavily  
9 pressured, depending on certain species.  
10          And I would like to see the  
11 state do the same thing for a lot of  
12 extremes.  
13          But I would like the Board to  
14 consider possibly checking into the Little  
15 River Canyon, Little River Stream, and  
16 maybe put in special creel limits as far as  
17 size and species on the Little River.  
18          Just a suggestion maybe two bass  
19 over 12 inches and ten bream. You get out  
20 there, take a competent angler to the 50  
21 bream limit, you can take a section of  
22 stream, they can decimate that section of  
23 stream for a couple of years and everything

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1 before it ever bounces back.  
2          So I'd just like for you to  
3 consider maybe special creel limits up on  
4 Little River, especially around the Canyon  
5 area. Thank you.  
6          CHAIRMAN MOULTRIE: Thank  
7 you very much, Mr. McCurley.  
8          The next speaker will be Charles  
9 Osbun.  
10          MR. OSBUN: Gentlemen, good  
11 morning. My name is Chuck Osbun. I live  
12 in Birmingham. I don't have any particular  
13 qualifications other than I've had a first  
14 fishing license for about 24 years in the  
15 state.  
16          I'm new to the sport of fly  
17 fishing, and I'm interested in the Sipsey  
18 tail water. I have canoed there a little  
19 bit. Haven't done any real fishing there.  
20 I'm just learning how to fly fish, and I  
21 read the article in the paper last Sunday  
22 in the Birmingham News and something was  
23 said about this meeting at the Birmingham

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1 Fly Fishers Club meeting Monday night that  
2 I'm a new member of.  
3          And I can't speak to any  
4 technical aspects of the various issues,  
5 but I am here in general to support the  
6 addition of brown trout to the Sipsey tail  
7 water.  
8          I don't want to repeat a lot of  
9 what's been said this morning and could not  
10 debate the issues effectively. But if  
11 there's anything you could do to improve  
12 that site -- I think from an economic  
13 benefit to north central Alabama -- it  
14 seems to me that to have a first-class  
15 destination fishery that would attract  
16 fishermen both in state and out of state  
17 would benefit our area and our economy  
18 tremendously.  
19          So I'm just here to urge you to  
20 support the additional stocking of brown  
21 trout in the Sipsey tail water. Thank  
22 you.  
23   CHAIRMAN MOULTRIE: Thank

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1 you very much.  
2          The next speaker --  
3          MR. HARBIN: Did we get  
4 Mr. Cook's opinion on this stocking of the  
5 brown trout and all, how the state is set  
6 up for it and all?  
7          CHAIRMAN MOULTRIE:  
8 Mr. Cook, are you prepared to give us a  
9 quick opinion?  
10          MR. COOK: I say I am. For  
11 several years we've been asked to look at  
12 brown trout stockings in the Sipsey Fork,  
13 and we are looking at that. Because we  
14 don't typically work with cold water  
15 species, we're not as knowledgeable as we  
16 are with warm water species.  
17          The problem that we have on one  
18 hand is: What kind of environmental harm  
19 could they potentially carry? When you  
20 look in the Sipsey Fork, we're not too  
21 worried about that habitat if they got  
22 established in there because it's a changed  
23 habitat. It's not the warm water stream it

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1 used to be.  
 2 But if they was able to move  
 3 down and to establish a home range within  
 4 the Mulberry Fork, that would be a concern  
 5 of ours.  
 6 So we're doing some surveys of  
 7 other states to see what kind of  
 8 information they have on that, so that's  
 9 the environmental concern that we're  
 10 looking at.  
 11 On the other side, the source is  
 12 an issue for us. The state is a warm water  
 13 state. We do not have cold water supplies  
 14 at our hatchery, so we can't raise them  
 15 ourselves. So we would be dependent on  
 16 other hatcheries -- whether they be public  
 17 or private hatcheries -- to provide us  
 18 those fish.  
 19 They are fairly limited in the  
 20 southeast, for sure, so it would be an  
 21 expense there that would be an issue as  
 22 well.  
 23 But we are not saying "no" to

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1 the stocking, we're just saying we need  
 2 more study on it before we can render an  
 3 opinion whether or not we feel like it's  
 4 something we can proceed with.  
 5 CHAIRMAN MOULTRIE: That  
 6 suffice, Mr. Harbin?  
 7 MR. HARBIN: Yes.  
 8 CHAIRMAN MOULTRIE: Thank  
 9 you, Mr. Cook.  
 10 The next speaker will be Frank  
 11 Roden.  
 12 MR. RODEN: Gentlemen, I'm  
 13 Frank Roden from Gadsden, here in Etowah  
 14 County. I'm here to talk about the Sipsey  
 15 again, talking about the quality zone for  
 16 the Sipsey or on the tail race there.  
 17 It's been spoken and covered  
 18 pretty well already before I've got here,  
 19 but I'd offer a personal experience. I  
 20 have a fly fishing shop here in Gadsden,  
 21 and between the second week of September  
 22 and the second week of January -- except  
 23 for two holidays -- I had clients scheduled

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1 to take them on fly fishing trips.  
 2 We went out of state in order to  
 3 catch both brown and rainbow trout, but the  
 4 other thing is quality zone. A lot of fish  
 5 won't survive. They won't make it up to  
 6 that 12, 14, 15, 20-inch range. But the  
 7 few that does will draw people in from out  
 8 of state.  
 9 We're going after those 18,  
 10 20-inch fish, and we're traveling out of  
 11 state almost every weekend with clients.  
 12 We're carrying a lot of money out of state  
 13 that we could be carrying up here to Walker  
 14 and Cullman County.  
 15 Let's put a limited, for smaller  
 16 area, small portion of the river, under a  
 17 quality zone that's only catch and release  
 18 and artificial-lure only. Just doesn't  
 19 limit it to fly fishing. Everybody can  
 20 fish it.  
 21 If you're standing in that  
 22 portion of the stream, release the fish.  
 23 Hopefully we'll get a few hold-overs, we'll

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1 get some trophy fish. It won't be limited  
 2 to anybody, taking anything away from  
 3 anyone else. It will just allow a portion  
 4 of the stream there for the fish to grow  
 5 and become trophy fish where we can cease  
 6 carrying these dollars out of state and do  
 7 it here in north Alabama.  
 8 I'd like to see the brown trout  
 9 introduced.  
 10 MS. MITCHELL: Time.  
 11 MR. RODEN: I'm not aware of  
 12 any problems that they would bring in, so I  
 13 ask for your consideration in these.  
 14 CHAIRMAN MOULTRIE: Thank  
 15 you, Mr. Roden.  
 16 The next speaker will be Michael  
 17 McAlpine.  
 18 MR. McALPINE: Good  
 19 morning. My name is Michael McAlpine, and  
 20 I'm here about the legalization of  
 21 magnification lens for crossbow.  
 22 I was here at the last meeting,  
 23 and I believe I misspoke about or thought

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1 some of the Board members was asking not  
 2 what I was asking for.  
 3 I'm not trying to extend the  
 4 range. I'm very well aware that it is a  
 5 short-range sport. I'm an active member of  
 6 BHA. I've taken my IBEP course. I've  
 7 worked at the (inaudible) program. I've  
 8 drug archery equipment all over the United  
 9 States. I know it's a short-range sport.  
 10 What I'm asking for is just to  
 11 be able to use the magnification lenses  
 12 that the crossbow companies are putting  
 13 out.  
 14 Right now they produce two types  
 15 of -- mainly two types of sights. One is a  
 16 red dot sight, and the other one is a  
 17 crosshair sight, which has magnification in  
 18 it.  
 19 I have shot the ones with the  
 20 magnification -- not hunted with it, but  
 21 shot them -- and they have worked greatly  
 22 for me.  
 23 I am partially color blind to

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1 where I can see the red in the sunlight.  
 2 It's some, whatever technical term it is,  
 3 but the red I cannot see in a sunlight. So  
 4 I can't use the red dot sight right now.  
 5 Right now I'm forced -- I've  
 6 only been able to find one sight that I can  
 7 use that has green in it, but it is battery  
 8 operated. So there's another piece of  
 9 equipment there that's subject to failure.  
 10 With the magnification lenses  
 11 that they are putting out right now, it's  
 12 there but I can't legally use it here in  
 13 Alabama. And that was, that was --  
 14 You know, and if I misled at the  
 15 last meeting thinking I was trying to  
 16 extend my hunting range, I apologize for  
 17 that. That was by no means what I'm asking  
 18 for. Thank you.  
 19 CHAIRMAN MOULTRIE: Thank  
 20 you, Mr. McAlpine.  
 21 The next speaker will be Darrell  
 22 Blankenship.  
 23 MR. BLANKENSHIP: My name is

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1 Darrell Blankenship. I'm here about the  
 2 proposed standards for the care of wildlife  
 3 used for public exhibit.  
 4 I guess I'm out of place. I  
 5 don't hunt or fish. But anyway, we had  
 6 talked about -- and I brought it up at the  
 7 last meeting down in Montgomery -- about  
 8 where the study material was going to come  
 9 from this test they're going to give for  
 10 it.  
 11 They said -- I can't remember  
 12 your name -- but they said that the State  
 13 was going to provide it, and we saw the new  
 14 draft this morning. It's still not in  
 15 there.  
 16 Have you-all talked to anything  
 17 about that?  
 18 UNIDENTIFIED SPEAKER: We  
 19 have not come up with the test yet.  
 20 CHAIRMAN MOULTRIE: Please  
 21 address the Board.  
 22 MR. BLANKENSHIP: Okay,  
 23 sorry about that.

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1 But that's my concern is they're  
 2 going pull out 100 questions out of the  
 3 blue that nobody can answer. And if it  
 4 hadn't been addressed yet, then I guess we  
 5 will be at the next Board meeting and see  
 6 if it has then.  
 7 CHAIRMAN MOULTRIE: Very  
 8 good. Thank you very much.  
 9 The next speaker will be Tony  
 10 Fallin.  
 11 MR. FALLIN: My name is Tony  
 12 Fallin. I'm from Blount County, Alabama,  
 13 T&N Acres Zoo. You-all have a little bitty  
 14 pamphlet here that I put together from the  
 15 regulation that was given to you-all at the  
 16 last meeting.  
 17 I got the new draft that they  
 18 come up with yesterday afternoon, so I  
 19 wasn't really able to prepare it as  
 20 needed. But it was presented to you-all  
 21 last time that this been kept chicken  
 22 coops.  
 23 Gentlemen, it has nothing to do

<p style="text-align: right;">Page 57</p> <p>1 with private ownership. It has to do with 2 the licensed exhibitors, which according to 3 the paperwork we got from the State, there 4 ain't but about eight of us in the state 5 that they're trying to go after on this 6 regulation. 7 We already meet the USDA 8 regulations on all aspects of it. I'm not 9 no public speaker. And the law that 10 they're trying to enforce was passed in 11 1971, but now they just now starting to 12 enforce it. 13 So something has happened in the 14 last three or four years to bring this on, 15 and I haven't figured out what it is yet. 16 And also it says they're going 17 to regulate the exhibitors, but they don't 18 say if it's going to be the state 19 exhibitors that just get licensed by the 20 state or the exhibitors licensed by the 21 USDA. It's just going to be select ones. 22 And the USDA regulates everybody -- the big 23 zoos, the little bitty individuals, the man</p>	<p style="text-align: right;">Page 59</p> <p>1 CHAIRMAN MOULTRIE: Thank 2 you, Mr. Fallin. 3 The next speaker will be John 4 Perkins. 5 MR. PERKINS: Thank you, 6 Mr. Chairman, Mr. Commissioner, Board 7 members. My name is John Perkins. I 8 reside in Danville, Alabama, but I hunt in 9 Tuscaloosa County with Buck Horn Hunting 10 Club. 11 And I asked at last meeting, 12 Dr. May, we discussed the -- giving us a 13 footage -- I guess for lack of another 14 word -- of how far a feeder could be before 15 we could go out and hunt anywhere close in 16 the proximity. 17 I'm not asking to hunt over a 18 feeder. I don't want to hunt over one, but 19 I would like to increase the food that our 20 deer receive. And I'd like to be able for 21 us to, you know, go out and put food out. 22 We have a large club, but still it's at 23 anybody's discretion -- it seems like to</p>
<p style="text-align: right;">Page 58</p> <p>1 that goes out there and shows the chickens 2 how to dance. They cover all of that. 3 And in the paperwork it shows by 4 us being grandfathered in, if we get 5 grandfathered in, it's still going to cost 6 me about \$10,000 to get their requirements 7 within the next two years, just to put the 8 eight-foot fence that they want. 9 And the large perimeter fences 10 they want didn't keep them from getting the 11 deer out of the Birmingham Zoo. I do have 12 perimeter fences. I have various types in 13 different situations on (inaudible) stock. 14 The regulation will probably be 15 good, but it needs to be fine-tuned before 16 it's voted on and passed. I wish you-all 17 would take that into consideration because 18 if you don't, I believe in the future if 19 this gets passed it's going to penalize the 20 children of the state of Alabama. 21 MS. MITCHELL: Time. 22 MR. BLANKENSHIP: Thank 23 you.</p>	<p style="text-align: right;">Page 60</p> <p>1 me -- as to how far I can be from that 2 feeder. 3 And I would like to know before 4 I went out and got in the woods if I was a 5 half a mile from one or out of sight or 6 what, and I just wonder if anything has 7 been done on that. Thank you. 8 CHAIRMAN MOULTRIE: Thank 9 you, sir. 10 The next speaker will be Dan 11 King. 12 MR. KING: Good morning. My 13 name is Dan King. I live here in Gadsden. 14 I'm on the same issue. We need a 15 nonequivocal bait law. I don't hunt over 16 bait. I've got green fields, but I do have 17 feeders in one of my farms. And I don't 18 know if they are Moultrie or not, but -- 19 CHAIRMAN MOULTRIE: Please 20 don't say that. 21 MR. KING: I'm just messing 22 with him. I couldn't help that. Anyway, 23 but we do need a nonequivocal bait law.</p>

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1 I don't hunt over bait, but I do  
 2 have feeders. And I've got three we  
 3 scratched currently. I've been told that  
 4 it's a discretionary thing in the state of  
 5 Alabama. I left up there with Mr. Harbin  
 6 three proposals.  
 7 One -- and I'm going to go ahead  
 8 and get into it because I understand I only  
 9 have three minutes. And I typed them out.  
 10 One, I understand, was presented  
 11 about two years ago by the Conservation  
 12 Department. See, the problem is not only  
 13 the hunters but also the game wardens.  
 14 We've got a lot of good game  
 15 wardens that are told they've got  
 16 discretion if there's an individual hunting  
 17 over a trail miles away on other people's  
 18 property, they can arrest them because  
 19 somebody's baiting. That's a little  
 20 farfetched, from a lawyer standpoint. We  
 21 need certainty. And I don't have any  
 22 current clients that are dealing with these  
 23 issues.

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1 But the first one was the State  
 2 of Alabama's proposal, to the best I could  
 3 understand.  
 4 Hunt anywhere, bait food is --  
 5 it says -- in your game magazine you have  
 6 on Item 1, "it is illegal to" -- in Item 1  
 7 -- "hunt anywhere" -- and this is what they  
 8 proposed -- "hunt anywhere bait food is  
 9 located or has been located within a  
 10 ten-day period unless the hunter is in a  
 11 shoot house, tree stand 200 yards or more  
 12 from the last place the bait food could be  
 13 seen in the line of vision".  
 14 Now that's the Conservation  
 15 Department's --  
 16 MS. MITCHELL: Time.  
 17 CHAIRMAN MOULTRIE: If you  
 18 would sum it up, please, sir.  
 19 MR. KING: Yes, sir. Well,  
 20 I gave you "B" and "C" some other options,  
 21 the same type things. We need certainty,  
 22 and we really appreciate you-all taking  
 23 this time. Thank you.

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1 CHAIRMAN MOULTRIE: Thank  
 2 you very much, sir.  
 3 The next speaker will be Danny  
 4 McCarty.  
 5 MR. McCARTY: Hello, I'm  
 6 Danny McCarty from Calhoun County, and I  
 7 want to address the Board about the deer  
 8 hunting Talladega National Forest on  
 9 Tuesday and Wednesday.  
 10 About 20 years ago the hunting  
 11 on Tuesday and Wednesday was taken away  
 12 from the deer hunters on Talladega National  
 13 Forest, except for two weeks a season and  
 14 that has been up to three weeks lately in  
 15 the last few years.  
 16 And in a meeting they had at the  
 17 Anniston Museum by the Conservation Board  
 18 shortly thereafter they stated that the  
 19 reason of this was because of the low deer  
 20 population in the Talladega National Forest  
 21 and they wanted the population to increase  
 22 on the hunting lands.  
 23 So we went along with that for a

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1 while, but then they started having a  
 2 three-day (inaudible) hunt which has since  
 3 been upgraded to a eight-day feeder  
 4 (inaudible) hunt on the Talladega National  
 5 Forest and still they won't allow hunting  
 6 on Tuesday and Wednesday.  
 7 So if the population has  
 8 increased that much to allow you to  
 9 (inaudible) hunt, it should be allowed to  
 10 hunt on Tuesday and Wednesday.  
 11 There also has been a three-buck  
 12 limit put in place in the state which  
 13 further limits the number of deer that can  
 14 be killed.  
 15 Public land, the national forest  
 16 is open to all other hunters for all other  
 17 game animals, except for deer, on a daily  
 18 basis. And some hunters may have their off  
 19 days during the middle of the week, like  
 20 Tuesday and Wednesday, from their job, so  
 21 therefore they cannot hunt on Tuesday and  
 22 Wednesday for deer in the national forest.  
 23 And as far as the numbers go on

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1 the national forest if there's just one  
2 deer per acre, it should be the hunter's  
3 prerogative to hunt that area if they so  
4 desire.  
5       Allowing hunting on Tuesday and  
6 Wednesday would increase participation for  
7 hunters and increase their chances of  
8 harvesting a deer -- where there are low  
9 numbers or not a lot -- it still would give  
10 them the opportunity.  
11       A lot of times just having the  
12 opportunity is what you're really after  
13 anyway.  
14       MS. MITCHELL: Time.  
15       CHAIRMAN MOULTRIE: Go ahead  
16 and finish, please, sir.  
17       MR. McCARTY: So what I  
18 would like to have is hunting deer on  
19 Tuesday and Wednesday in the Talladega  
20 National Forest in the Talladega  
21 Division -- which is Cleburne, Clay, and  
22 Talladega Counties -- so that we can have  
23 more opportunity to harvest deer.

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1       CHAIRMAN MOULTRIE: Gary, do  
2 you have any comment on that at this  
3 time -- or Randy Lyles? Randy --  
4       MR. MOODY: Thank you,  
5 Mr. Chairman. We regularly meet with the  
6 Forest Service on this issue and all other  
7 issues related to wildlife on national  
8 forest lands.  
9       This year in your recommendation  
10 you have a recommendation to open Cleburne  
11 County, and we continue to have dialogue  
12 with the Forest Service on these other  
13 issues. So that's where we are right now.  
14       CHAIRMAN MOULTRIE: Very  
15 good. Thank you.  
16       Okay, the next speaker will be  
17 Jerome Boone.  
18       MR. BOONE: My name is  
19 Jerome Boone, and I'm president of the High  
20 Hill(sic) Conservation Club. It's a dog  
21 hunting club in Jacksons Gap, Alabama.  
22 We're a 30-year-old club.  
23       And the club that was there

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1 before was probably 30 years or more old.  
2 This is where dog hunting started. So what  
3 I'm addressing is these -- there's a guy  
4 complained about us getting on his land.  
5 And the guy that complained, he has 245  
6 acres. He don't lease it. It's not in his  
7 name.  
8       I called the president of that  
9 club the other night. He knowed nothing  
10 about this, and he said "Jerome, we don't  
11 have no problem with you-all. We never  
12 have."  
13       What he had done, after his  
14 daddy died, he had subleased it to some  
15 guys for the last six or seven years. And  
16 we never had a complaint on them. They  
17 never complained on us. They killed all  
18 the deer that run down there, but --  
19       And another thing, we hadn't got  
20 a lot of deer. Blue tongue hit us five,  
21 six years ago and it about wiped us out.  
22       The other guy that complained,  
23 their land don't even join us. I mean, not

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1 in the middle of us. It's at the back  
2 side, joining the river.  
3       I talked with a guy at Camp  
4 ASCCA, the director down there. He has no  
5 problem with us. There's seven addresses  
6 in Camp ASCCA Road. That's all that lives  
7 on it.  
8       I talked with six of them. One  
9 wasn't at home. I couldn't get in touch  
10 with him, but them six has no problem with  
11 us.  
12       I came down Rock Springs Road  
13 where all of our other land is. I have  
14 talked to all of them folks. Nobody in our  
15 community that sits in the middle of our  
16 land that we've got leased has no problem  
17 with us, and this all started -- this guy,  
18 this --  
19       MS. MITCHELL: Time.  
20       MR. BOONE: -- is his first  
21 up there, and all I ask is -- there's a guy  
22 that come up here. He's a hunting member.  
23 He don't lease the land. It's his first

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1 year. He don't own no land there. They  
 2 don't homestead. None of the guys that  
 3 complained live on that land or homestead  
 4 it.  
 5 We've been there -- I'm a fourth  
 6 generation. The guy back here with me, he  
 7 has lived there -- me and him started this  
 8 club right out of high school.  
 9 And another guy back there, he's  
 10 a landowner of my kinfolks. And the people  
 11 that's in the club that's landowners, there  
 12 are probably six or 700 acres that's owned  
 13 in the club.  
 14 And all I ask is that power  
 15 company land -- one of them is -- and they  
 16 put the no dog hunting. We've had our dogs  
 17 killed in the last ten years, probably over  
 18 100 dogs --  
 19 CHAIRMAN MOULTRIE: Go ahead  
 20 and wind it up, Mr. Boone, please, sir.  
 21 MR. BOONE: And that's all.  
 22 I mean, I just want you to understand. Any  
 23 of you is welcome to come down there. I

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1 will take you to meet anybody you want to  
 2 see. If you want to talk to me, contact  
 3 my.  
 4 But I ask you-all, please don't  
 5 take our -- what we enjoy away from us.  
 6 Thank you.  
 7 CHAIRMAN MOULTRIE: Thank  
 8 you, Mr. Boone.  
 9 The next speaker will be Don  
 10 Knight.  
 11 MR. KNIGHT: Good morning,  
 12 gentlemen. I'm Don Knight. I'm the state  
 13 president of the Alabama Dog Hunters  
 14 Association. I live in Anniston. I hunt  
 15 in Barbour County.  
 16 What I'd like to approach this  
 17 morning is one of the gentlemen that came  
 18 down and talked to us about dog hunting  
 19 called me the other day and his driveway  
 20 had been tacked.  
 21 Okay, we do not tolerate any  
 22 such actions by any dog hunters. We want  
 23 you to understand and we want the dog

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1 hunters -- I want to be sure that they all  
 2 understand this does nothing but hurt us,  
 3 if it's a dog hunter.  
 4 Now, I'd also recommend to the  
 5 dog hunters in the area where this happened  
 6 to get out there and do everything you can  
 7 to find out who did the tacking. Sometimes  
 8 it's just as important and just as  
 9 impressive if we find out who it is, turn  
 10 them in, get it stopped.  
 11 The tacking or anything like  
 12 that toward anybody will do nothing but  
 13 hurt deer hunting over the whole state as  
 14 far as dogs or any other way. We don't  
 15 need the headaches or the problems.  
 16 We had this come up about, I  
 17 guess, seven, eight years ago we had a  
 18 fellow that got tacked, and we found out  
 19 later that he was a schoolteacher -- which  
 20 opens up a few doors.  
 21 We got to understand that  
 22 there's other situations. So I asked the  
 23 people -- and Mr. Boone was one of them --

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1 I asked them to investigate and try to find  
 2 out who it is, put them in jail, do  
 3 whatever it takes to get them in jail.  
 4 Now, on the other hand, we as  
 5 dog hunters love our dogs. I had a fellow  
 6 give me a dog a couple of years ago -- a  
 7 lady give me a dog a couple of years ago.  
 8 They ask about that dog every time I see  
 9 them.  
 10 We love our dogs. We don't want  
 11 them killed. We would like to come to you  
 12 this morning as the Board and the  
 13 Conservation Department and ask you to put  
 14 the law in our book that we put out every  
 15 year that it is a Class C felony for  
 16 killing a dog.  
 17 There's so many people in this  
 18 state that don't understand --  
 19 MS. MITCHELL: Time.  
 20 MR. KNIGHT: Thank you --  
 21 that it is a Class C felony to kill a dog.  
 22 I'd also like to ask that you  
 23 put it in your training seminars when you

<p style="text-align: right;">Page 73</p> <p>1 train these kids and all that it is against 2 the law to kill a dog. 3 You have so many kids that come 4 up and they go somewhere and hunt and they 5 say "oh, we shoot the dogs that come across 6 here". They don't know any better. They 7 lose their license. They lose -- a lot of 8 problems. We need to educate our people in 9 both ways. Don't cause problems. Don't 10 shoot no dogs. Don't poison no dogs. 11 Thank you. 12 CHAIRMAN MOULTRIE: The next 13 speaker will be Susan Morrow. 14 MS. MORROW: Chairman, 15 members of the Board, I'm Susan Morrow. 16 I'm from Mobile. You-all know me. I'm 17 here again to ask you -- we have 37 18 management areas. We only have four that 19 we're allowed to dog hunt. 20 When you look at the days that 21 you can bow and arrow hunt, you can stalk 22 hunt, and primitive weapon hunt versus the 23 dog hunting days, it doesn't compare.</p>	<p style="text-align: right;">Page 75</p> <p>1 on the last stalk hunt at Scotch with me. 2 The only hunting that she had done, she 3 done it on her grandpa's land up in 4 McIntosh with him, which is really close to 5 Double Gates. 6 And she was really excited, and 7 she spent the money and the time to go on 8 this hunt. And we was on this hunt -- and 9 if you have ever been to Scotch, they start 10 giving out permits at five. So we had to 11 be up -- at four o'clock we was in line. 12 So you have to pick your areas 13 because it's first-come, first-served. So 14 I usually try to go to a place that's not 15 too populated, and I try to go to the end 16 of the road so hopefully we won't have 17 anybody come in on us. 18 Well, we went to one of the 19 roads, and I put her not far from me -- 20 MS. MITCHELL: Time. 21 CHAIRMAN MOULTRIE: Go ahead 22 and finish, Ms. Morrow. 23 MS. MORROW: And she was</p>
<p style="text-align: right;">Page 74</p> <p>1 A couple of years ago two of the 2 management areas that we can dog hunt, the 3 dog days was put on the same day so that 4 cut our dog hunting down. 5 There is a lot of families out 6 there that cannot afford to be in a hunting 7 club, and that's the only time that they 8 can go. And the kids, they dearly love 9 it. 10 And you know, the Upper Delta, 11 the last two years we have not been able to 12 drive into it and not everybody is 13 fortunate to have a boat. 14 This past year -- I told you-all 15 back at the last meeting in Montgomery 16 about taking my great nephew. Well, now I 17 want to tell you a quick little story about 18 a stalk hunt I went on at the Scotch 19 Management area. 20 I took a girl that had -- she 21 had to go and take -- she took her hunting 22 course online. She is 19 years old. She 23 went and took her field course just to go</p>	<p style="text-align: right;">Page 76</p> <p>1 sitting there, and I heard a shot and I 2 figured that she'd got to shoot. Well, I 3 waited a while and I come back to the 4 truck, and I said "well, what did you get"? 5 And she said "I didn't get nothing". She 6 said "the weirdest thing happened". 7 She was sitting in the middle of 8 the road in a chair with her orange on, and 9 she said "a doe come out in the road". She 10 said "I got my gun up. I got my finger on 11 the trigger. My heart was pounding, and I 12 was ready to shoot." She said "and next 13 thing I know, I heard a shot and the doe 14 run off and a man come out of the woods". 15 She said "I didn't know what to 16 do". And so that's how the stalk hunting 17 goes, and she was highly upset. She said 18 "I told him" -- she said "did you not see 19 me sitting here"? 20 But I would really like -- I 21 know that we are pressed for time. I would 22 really like for you-all to consider giving 23 us more dog days on the management area.</p>

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1 Thank you.  
2 CHAIRMAN MOULTRIE: Thank  
3 you, Ms. Morrow.  
4 The next speaker is Tony Wynn.  
5 MR. WYNN: My name is Tony  
6 Wynn. I live in Cullman County. I deer  
7 hunt, rabbit hunt, squirrel hunt, do most  
8 all my hunting in Tuscaloosa County.  
9 I'd mostly today like to commend  
10 the Board, you Dan and you Commissioner and  
11 the rest of you, for the actions that you  
12 have taken to preserve the dog hunting  
13 within the state.  
14 I think it's a tremendous step,  
15 and I think all of you need all the  
16 applause and high lifting, whatever you  
17 want to call it, that anybody could give  
18 you.  
19 And if, Dan, I could, I'd also  
20 like to address a couple of more issues  
21 rather than dog hunting.  
22 CHAIRMAN MOULTRIE: Go  
23 ahead.

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1 MR. WYNN: One would be the  
2 Sipsey River on the fly fishing area --  
3 excuse me -- I got four grandboys that love  
4 to catch those trout, but they want to eat  
5 them.  
6 The portion of the stream in  
7 question for the trophy fishing, or  
8 whatever they're asking for, is the only  
9 part of that stream that you stand very  
10 much chance of catching a fish.  
11 If they want a trophy zone, give  
12 them the rest of it. There ain't nothing  
13 on it no way.  
14 The other one would be the -- I  
15 think it's the 31-inch catfish limit. I  
16 have no objections to the limit going out  
17 of state, but we try to have every spring  
18 catch several flatheads. And if you-all  
19 know what flathead fishing is, most of them  
20 are going to be over 31 inches. I don't  
21 like to catch them and throw them back in.  
22 They say all your fish are going  
23 to live if you throw them back in. I don't

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1 think one out of ten live, regardless how  
2 he's caught.  
3 But I would like for you to  
4 consider some change or whatever you got on  
5 the fish. And again, you know, I don't  
6 care if any of them's carried out of state  
7 or not, but give the residents a chance to  
8 catch more than one fish that's over the  
9 31 --  
10 MS. MITCHELL: Time.  
11 MR. WYNN: -- the weight is  
12 31-inch limit.  
13 And if I might, the other thing  
14 is the dog hunting versus deer hunting on a  
15 hog. Any area that is closed to the dog  
16 deer hunting, I can't take my hog dogs --  
17 and these dogs are not going to bark at a  
18 deer. They know what's going to happen to  
19 them if they do. They will only bark at  
20 two things, one's a hog and a bear -- and  
21 we don't have any bear in the state.  
22 But due to the fact of areas  
23 being closed to dog deer hunting, I can't

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1 go hog hunt November, December, and  
2 January, which is the three months that  
3 weather is actually cool enough to hunt.  
4 If you-all would give that a  
5 little consideration. Thank you very much  
6 for your time.  
7 CHAIRMAN MOULTRIE: Thank  
8 you, Mr. Wynn.  
9 The next speaker will be Bruce  
10 Baughman.  
11 MR. BAUGHMAN: Thank you,  
12 Mr. Chairman. I'm Bruce Baughman from  
13 Tuscaloosa County. I'm here to speak  
14 concerning the permit system for dog deer  
15 hunting in Tuscaloosa County.  
16 Dog deer hunting was banned in  
17 this area three or four years ago. I own  
18 several thousand acres and several thousand  
19 more in surrounding counties. Any permit  
20 system that you would consider would be  
21 inconsistent with the Tuscaloosa Countywide  
22 Leash Law, and I've sent a copy to each of  
23 you, I think.

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1 I believe that to be eligible  
 2 for a permit all adjoining landowners,  
 3 leaseholders should have to give unanimous  
 4 approval in writing to be considered.  
 5 This isn't the case that's been  
 6 applied here. I know of no one that has  
 7 been contacted or asked, landowner or  
 8 leaseholder or anyone else, that's in favor  
 9 of this permit.  
 10 None of these large adjoining  
 11 landowners, Westervelt, formerly Gulf  
 12 States Paper, who has over 600,000 acres of  
 13 land -- Alawest(sic) has over 200,000  
 14 acres. None of them allow dog deer hunting  
 15 on their areas, and they are large  
 16 adjoining areas in this area that's been  
 17 requested.  
 18 I adjoin about a mile and a half  
 19 of the property. A client of mine has over  
 20 three miles of common boundaries. We  
 21 hadn't been contacted. We're strongly  
 22 opposed to it.  
 23 The major landowner in this

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1 particular case, the Cassidy family, who  
 2 has over 7,000 acres on this permit that's  
 3 being requested, was not contacted, did not  
 4 approve of the permit and is not in favor  
 5 of it.  
 6 My clients and I strongly  
 7 request that not only this permit be  
 8 denied, but that no future permits be  
 9 allowed in any closed area in Tuscaloosa  
 10 County or any other closed areas.  
 11 MS. MITCHELL: Time.  
 12 MR. BAUGHMAN: I got about  
 13 one more paragraph.  
 14 We further request that south  
 15 Fayette County be closed to dog deer  
 16 hunting. This area has been a terrible  
 17 disruption to every landowner in north  
 18 Tuscaloosa County. The landowners,  
 19 shareholders, even miles away, are having  
 20 problems on a daily basis.  
 21 I know of no landowner or  
 22 leaseholder in the area of north Tuscaloosa  
 23 County that's in favor of dog deer

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1 hunting.  
 2 My wife, who used to come up and  
 3 go with me on a regular basis, she doesn't  
 4 hunt. She doesn't kill things. She went  
 5 to a hunting stand and was attacked by  
 6 three different dogs and knocked to the  
 7 ground. She didn't have a gun. She was  
 8 lucky enough to beat them off with a  
 9 flashlight, which was her only protection.  
 10 After that, she's never come back to go  
 11 with me. And this is just terribly wrong.  
 12 CHAIRMAN MOULTRIE: Thank  
 13 you, Mr. Baughman.  
 14 The next speaker is Keith  
 15 Dollar.  
 16 MR. DOLLAR: Good morning,  
 17 Mr. Chairman, Commissioners. My name is  
 18 Keith Dollar. I'm a landowner in  
 19 Tuscaloosa County, north part of the  
 20 county. I'm third generation of this area  
 21 there. Our land is -- the northern  
 22 boundary of our land is about a mile from  
 23 the southern Fayette County line.

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1 I want to do two things. First  
 2 of all, thank you for the action you took  
 3 on limiting dog deer hunting in the north  
 4 part of the county. It made a world of  
 5 difference.  
 6 The problem is Fayette County  
 7 being a mile away we still have dogs on a  
 8 regular basis. Anybody in my area, and  
 9 certainly associated with our property, we  
 10 abide by the laws.  
 11 Our only options when dogs come  
 12 onto our property is to catch the dog, call  
 13 the conservation officer or sheriff, turn  
 14 the dog over to them.  
 15 Two things happen then, my  
 16 hunt's over. My enjoyment is over at that  
 17 point. And also I'm responsible for the  
 18 man's dog until I turn it over to the  
 19 conservation officer. It's a bad position  
 20 to put a landowner in.  
 21 I just ask that you take  
 22 consideration limiting dog deer hunting on  
 23 the southern part of the county to move

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1 them back away from the area that has been  
 2 restricted. Thank you.  
 3 CHAIRMAN MOULTRIE: Thank  
 4 you, Mr. Dollar.  
 5 The next speaker is Paul  
 6 Jeffreys.  
 7 MR. JEFFREYS: Members of  
 8 the Board, I'm Paul Jeffreys, a private  
 9 landowner in Lamar and Marion County. We  
 10 received our ban, as you-all know, it's  
 11 been probably eight years ago now, and we  
 12 had a lot of the same complaints that the  
 13 other landowners come to you with.  
 14 Since we received our ban, it  
 15 has been blissful. We have not had any  
 16 problems. It's been very quiet. Talking  
 17 about taking kids hunting, I took my  
 18 13-year-old niece on her first deer hunt  
 19 this year. She killed her first deer.  
 20 I've never been hugged and told  
 21 "I love you" so much than by that little  
 22 girl.  
 23 So I'm just asking that when

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1 you-all set this season's seasons and bag  
 2 limits that you-all keep our bans and keep  
 3 our seasons and bag limits as are. They're  
 4 working. It's been successful. And if we  
 5 can just keep it like it is, it should  
 6 continue to be successful in years to  
 7 come. Thank you-all.  
 8 CHAIRMAN MOULTRIE: The next  
 9 speaker will be James Price.  
 10 MR. PRICE: Good morning.  
 11 I'm James Price. I'm from Pickens County,  
 12 Alabama, and I want to talk about the  
 13 permit system.  
 14 I was at the last meeting, and I  
 15 think you should have a map of where my  
 16 property is and where the property of the  
 17 dog hunters are, sort of in the middle of  
 18 my property, the land that I lease or own.  
 19 I don't know how many of you  
 20 have ever been on a dog hunt or I don't --  
 21 and I would like for anybody here to tell  
 22 me how you can keep dogs on 200 acres.  
 23 I hunted for 30 years with

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1 dogs. And if I had a dog that would stay  
 2 on 200 acres, he wasn't any good because he  
 3 wasn't running deer. So that's my first  
 4 thing. I just can't understand how 200  
 5 acres you can keep a dogs on it. If any of  
 6 the dog hunters would tell me that, I would  
 7 appreciate it.  
 8 Because I know the guys that  
 9 hunt by me, they don't keep theirs on 200  
 10 acres. And when I call them and ask them  
 11 and tell them they bother me, their  
 12 response is "you just need to go somewhere  
 13 else and hunt. You got plenty of land."  
 14 So I was born and raised there,  
 15 and I put thousands of dollars in this  
 16 property to hunt. And I'm not disturbing  
 17 them. But when I go hunting, I mean I'm  
 18 out there to enjoy the peace and quiet.  
 19 And you got a pack of dogs coming by you  
 20 that's disturbing not only your hunting,  
 21 but your peace and quiet.  
 22 And I'm not going over there and  
 23 bothering them. All I ask is -- I got a

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1 list here, I gave Mr. Harbin, of  
 2 recommendations about the dog hunting that  
 3 I would like for you-all to consider and  
 4 maybe vote on before -- whenever you have  
 5 your vote.  
 6 That is to raise acreage to 1000  
 7 acres --  
 8 MS. MITCHELL: Time.  
 9 CHAIRMAN MOULTRIE: Go ahead  
 10 and sum it up, please, sir.  
 11 MR. PRICE: Okay, but if you  
 12 got this list, please look at that and  
 13 consider any or all those recommendations  
 14 that would greatly help my problem. Thank  
 15 you very much.  
 16 CHAIRMAN MOULTRIE: Thank  
 17 you.  
 18 The next speaker is Mr. Randy  
 19 Yeargan.  
 20 MR. YEARGAN: Commissioner,  
 21 Board members, I'm Randy Yeargan of Bow  
 22 Hunters of Alabama. Good to see all of you  
 23 again.

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1 I'm here this morning to just  
2 take a minute -- I want to introduce all of  
3 you to a program that we have gotten  
4 started. I think each of you have a packet  
5 up there that's entitled "Urban Deer  
6 Control Program".  
7 About three years ago, I guess  
8 now, the commissioner contacted us and  
9 asked us to look into the possibility and  
10 do some research on possibly starting an  
11 urban deer control program in Alabama to  
12 address some problems in some of these  
13 areas, like we have wound up working with  
14 the Conservation Department in Oak  
15 Mountain, for example.  
16 Just wanted all of you to have  
17 an opportunity to look at that  
18 information. We have that program up and  
19 running now. We did some research with  
20 some of the northeastern states where it's  
21 gotten quite popular.  
22 The one thing we are doing  
23 that's a little bit different, we're a

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1 nonprofit organization. This is all being  
2 done on a volunteer basis. Most of the  
3 programs in the northeast they charge for  
4 it.  
5 So we're going to attempt to  
6 keep it on a volunteer basis and not charge  
7 for it. It's what we're doing now. We  
8 hope to keep it that way.  
9 But if you will look in the  
10 package, you can see our bylaws -- our  
11 interview process, kind of how we're going  
12 about it and what we're setting up.  
13 But we just wanted all of you to  
14 know that it is available now to the state,  
15 and I know you're all out there meeting  
16 with these people in different areas of the  
17 state.  
18 So I just wanted you-all to know  
19 that it existed. And if you need our  
20 services, you-all know how to contact us,  
21 answer any questions you-all might have on  
22 it.  
23 CHAIRMAN MOULTRIE: Thank

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1 you, Mr. Yeargan.  
2 MR. LYNCH: Do you allow  
3 crossbows as part of your organization,  
4 too.  
5 MR. YEARGAN: No.  
6 MR. LYNCH: Thank you.  
7 MR. YEARGAN: We do not at  
8 our tournaments. Now, we do allow  
9 crossbows to hunt, yes. But if you're  
10 asking if we do it where we have our  
11 tournaments and stuff, we don't allow  
12 them.  
13 But now, we do allow them as far  
14 as hunting.  
15 MR. LYNCH: So if you go out  
16 and work with municipalities or whatever  
17 and somebody wants to join your  
18 organization, my question is can they use a  
19 crossbow to participate in what you-all are  
20 doing?  
21 MR. YEARGAN: Yes.  
22 MR. LYNCH: Okay, thank  
23 you.

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1 CHAIRMAN MOULTRIE: Thank  
2 you, Mr. Yeargan.  
3 Okay, that was our last  
4 speaker. The next order of business is Old  
5 Business.  
6 Is there any open issues from  
7 the previous meetings?  
8 Dr. May -- Dr. May, before you  
9 start because of some of the issues that  
10 will probably arise, I'd like to call on  
11 Bill Hatley to chair this section of the  
12 meeting.  
13 Look at him, he's so happy he's  
14 floating across the stage getting over  
15 here.  
16 And the reason is there could be  
17 some controversial issues with some of what  
18 I did prior to this. I will not  
19 participate in any -- I also will not  
20 participate in any of the debate that goes  
21 on today in Old Business and will return  
22 promptly upon new business.  
23 Mr. Hatley.

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1 MR. HATLEY: Thank you,  
 2 ex-Mr. Chairman. Most of the issues that  
 3 we're going to discuss today under Old  
 4 Business, of course, have been brought up  
 5 at a previous meeting.  
 6 And first off, I would like to  
 7 call on Mr. Grant Lynch.  
 8 Mr. Grant Lynch, you have a  
 9 motion?  
 10 MR. LYNCH: Yes, I do. I  
 11 would like to put a motion in front of the  
 12 Board to pass a regulation that allows the  
 13 use of sights on -- telescopic sights on  
 14 crossbows -- scopes -- a scope on  
 15 crossbows.  
 16 MR. HATLEY: Do we have a  
 17 second to that motion?  
 18 MR. HARBIN: I second it.  
 19 MR. HATLEY: Any discussion  
 20 on this issue?  
 21 MR. HARBIN: Yes, sir, I  
 22 would like to, in the May meeting, bring it  
 23 up to discussion about using the crossbow

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1 in turkey season.  
 2 MR. HATLEY: That is a  
 3 different issue and it's not germane at  
 4 this time, but we will discuss that between  
 5 now and the May meeting.  
 6 Is there any other discussion on  
 7 the motion before this Board?  
 8 (No response.)  
 9 MR. HATLEY: There being  
 10 none, the chair will call for the question  
 11 and I will ask for a roll call vote,  
 12 starting with Mr. Harbin.  
 13 MR. HARBIN: Yes.  
 14 MR. HATLEY: Mr. Harbin  
 15 votes "I".  
 16 Mr. Self?  
 17 MR. SELF: "I".  
 18 MR. HATLEY: Mr. Self votes  
 19 "I".  
 20 Mr. Lynch?  
 21 MR. LYNCH: "I".  
 22 MR. HATLEY: Mr. Lynch votes  
 23 "I".

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1 Mr. Hartzog?  
 2 MR. HARTZOG: No.  
 3 MR. HATLEY: Mr. Hartzog  
 4 votes no.  
 5 Dr. May?  
 6 DR. MAY: Yes.  
 7 MR. HATLEY: Dr. May votes  
 8 yes.  
 9 Mr. Jones?  
 10 MR. B. JONES: Yes.  
 11 MR. HATLEY: Mr. Jones votes  
 12 yes.  
 13 And Mr. Smith?  
 14 DR. SMITH: Yes.  
 15 MR. HATLEY: Mr. Smith votes  
 16 yes.  
 17 Motion carries. Thank you,  
 18 Mr. Lynch.  
 19 Second order of Old Business, I  
 20 will recognize Dr. Wayne May.  
 21 DR. MAY: Thank you,  
 22 Mr. Chairman. We've discussed several  
 23 times trying to define the area where

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1 supplemental feeding can be carried on.  
 2 Now, the purpose of this  
 3 following motion is in no way intended to  
 4 relax the prohibition against hunting over  
 5 a baited area or hinder enforcement of the  
 6 Alabama Code 911-244.  
 7 To the contrary, this proposal  
 8 is made for the express purpose of  
 9 providing clarity to both the hunting  
 10 public and enforcement officers, which  
 11 include the judges.  
 12 The motion is the area over  
 13 which a hunter is attempting to harvest a  
 14 protected species, and therefore the area  
 15 which must be free from bait, is any area  
 16 in which the hunter is legally entitled to  
 17 harvest a protected species.  
 18 And "A" -- the Letter A -- any  
 19 area within 100 yards of the location of  
 20 the hunter in any direction, whether or not  
 21 such area within the 100-yard range is  
 22 visible from the hunter's location.  
 23 An example of that is it is a

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1 violation of this statute if any bait is  
 2 located 100 yards or less from the hunter.  
 3 "B", any area within the  
 4 obstructed line of sight from the hunter,  
 5 up to a maximum distance of 400 yards from  
 6 the location of the hunter.  
 7 Example, any bait over 100 yards  
 8 from a hunter, but less than 400 yards from  
 9 the hunter, must be out of sight from the  
 10 hunter or the hunter will be in violation  
 11 of the statute.  
 12 "C", any area beyond 400 yards  
 13 from the location of the hunter where  
 14 protected species is specifically located  
 15 at the time a hunter affirmatively acts in  
 16 an effort to kill or take a protected  
 17 species by shooting, firing, or otherwise  
 18 discharging or using the hunter's firearm  
 19 or other harvesting weapons or mechanisms.  
 20 Example, a hunter is in  
 21 violation of this statute if the hunter  
 22 attempts to shoot a protected species which  
 23 is over 400 yards from the hunter and is in

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1 the specific location of the bait.  
 2 And that's my motion.  
 3 MR. HATLEY: Is there a  
 4 second to this motion?  
 5 MR. B. JONES: I second it.  
 6 MR. HATLEY: We have a  
 7 second by Mr. Brock Jones, motion by  
 8 Dr. Wayne May.  
 9 Discussion?  
 10 Mr. Gaines Smith?  
 11 DR. SMITH: For  
 12 clarification, Dr. May, you said 100 yards,  
 13 or what's the minimum on that that is in  
 14 your regulation?  
 15 DR. MAY: Any area within  
 16 100 yards of the location of the hunter in  
 17 any direction which are not -- whether or  
 18 not such area within the 100-yards radius  
 19 is visible from the hunter's location.  
 20 An example of that is the  
 21 violation of this statute any bait is  
 22 located 100 yards or less of the hunter.  
 23 MR. HATLEY: Do each of us

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1 not have a copy of this?  
 2 COMMISSIONER LAWLEY: Well,  
 3 we do, but they're conflicted copies.  
 4 Dr. May, I think the latest  
 5 revision of that was 200 yards, and what  
 6 you've got is the first one. But it was  
 7 revised again to 200.  
 8 DR. MAY: No, sir, it's a  
 9 misprint if it is.  
 10 MR. HARTZOG: It's supposed  
 11 to be 200.  
 12 DR. MAY: No, it's supposed  
 13 to be 100.  
 14 MR. HARBIN: Is it 100 or  
 15 200 yards?  
 16 DR. MAY: It's 100 yards.  
 17 Let me explain that. Let me explain why  
 18 it's 100.  
 19 If you're in the woods at 100  
 20 yards, you're not going to see a deer from  
 21 100 yards from where you are, in most  
 22 cases.  
 23 And now, 100 yards -- now, if

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1 you are 100 yards, you cannot shoot that  
 2 deer, if the feeder is closer than 100  
 3 yards.  
 4 The example is it's a violation  
 5 of this statute if bait is located 100  
 6 yards or less from the hunter.  
 7 MR. HATLEY: Mr. Smith, does  
 8 that clarify anything for you?  
 9 DR. SMITH: I guess, the --  
 10 okay, yes, I think that's what we meant  
 11 before. That's the motion and the second.  
 12 MR. HATLEY: Right. Is  
 13 there any other discussion on this?  
 14 Mr. Self?  
 15 MR. SELF: Yes,  
 16 Mr. Chairman, I would like to say that I  
 17 believe this to be the single-most  
 18 important issue that's ever come before  
 19 this Board and that I believe that if  
 20 Dr. May's motion passes that we will see an  
 21 explosion in the amount of supplemental  
 22 feeding in this state.  
 23 And in my opinion and the

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1 opinion of many wildlife biologists,  
 2 supplemental feeding of wildlife is not a  
 3 good thing. In fact, it's detrimental.  
 4 Also, there's a legal issue.  
 5 The legislative crafters of 911-244, the  
 6 baiting law, wisely did not define the  
 7 area. This was done intentionally. To try  
 8 and define the area, I believe will be  
 9 illegal, because it fails to take into  
 10 account the words "directly" or  
 11 "indirectly". And of course the movement  
 12 of deer and turkey and other animals will  
 13 be affected indirectly.  
 14 Supplemental feeding unnaturally  
 15 concentrates animals to a particular area,  
 16 and they remain in close proximity to the  
 17 feed and can come from miles away. This is  
 18 a proven fact.  
 19 If you were to place bait out or  
 20 feed out -- if you place out -- place feed  
 21 out or your neighbor places feed out, one  
 22 or the other would have to follow. Because  
 23 if your neighbor is putting feed out, he's

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1 going to have -- it's a situation where if  
 2 one of you is putting feed out, then the  
 3 other one must too, or the one that puts  
 4 the feed out is the one that's going to  
 5 have the animals.  
 6 Alabama law is not unique. It  
 7 mirrors Federal Law 50CFR20.21, prohibition  
 8 of bait relating to water fowl and  
 9 migratory birds. There is no distance  
 10 specified in the federal statute, and state  
 11 law cannot supercede federal law.  
 12 Defining the area would create  
 13 an inconsistency with federal law regarding  
 14 baiting, if duck hunting occurred on  
 15 adjoining property.  
 16 Now I would like to bring your  
 17 attention to -- from our Web site, Outdoor  
 18 Alabama, there is an article by one of our  
 19 wildlife biologists, Kevin  
 20 Holstenback(sic).  
 21 He states "studies have shown  
 22 that supplemental feeding can increase the  
 23 population of deer; however, food makes up

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1 only a part of the equation that determines  
 2 carrying capacity. So even if the amount  
 3 of available food increases, the amount of  
 4 water, shelter, and space remains the  
 5 same. This keeps the deer in closer  
 6 proximity to one another, increasing the  
 7 chances of disease being transmitted from  
 8 sick animals to healthy animals.  
 9 Research has also revealed that  
 10 deer remain in the area with feed, which  
 11 increases browsing on native vegetation.  
 12 It's been shown that deer actually over-  
 13 browse high quality vegetation near  
 14 supplemental feeding areas.  
 15 Long-term feeding in areas can  
 16 result in significant damage to wildlife  
 17 habitat for deer and other wildlife.  
 18 Supplemental feeding deer also attracts  
 19 nontarget animals, such as raccoons,  
 20 possums, wild turkeys, and other birds and  
 21 small mammals.  
 22 Those species can be more  
 23 susceptible to disease than deer. High

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1 levels of alfatoxin, a byproduct of certain  
 2 molds associated with small grains, have  
 3 been found in bags of deer corn in several  
 4 states. This can be toxic to wildlife,  
 5 especially the smaller species.  
 6 It is becoming clear that  
 7 supplemental feeding can do more harm than  
 8 good. Let's keep the deer healthy and wild  
 9 so that many generations of hunters and  
 10 wildlife watchers can enjoy them."  
 11 MR. HATLEY: Anything else,  
 12 Mr. Self?  
 13 MR. SELF: Yes, I also got  
 14 an article here from Mississippi State  
 15 University Extension. It states that "the  
 16 consequences of supplemental feeding can  
 17 affect the physical health in individual  
 18 animals and entire populations. The  
 19 quality and quantity of a habitat can also  
 20 be impacted."  
 21 It more or less states the same  
 22 thing that our own biologists have stated.  
 23 MR. HATLEY: Mr. Self, we're

<p style="text-align: right;">Page 105</p> <p>1 getting a little off of the point here in 2 the fact that we're defining an area. We 3 already do supplemental feeding, but what 4 Dr. May -- what I assume he is trying to 5 do -- is to define the area of supplemental 6 feeding. 7 Am I correct? 8 MR. SELF: Yes, that's 9 correct. But my point is that we will have 10 an explosion. We will have far more 11 supplemental feeding occurring once that is 12 defined. 13 MR. HATLEY: Point well 14 made. 15 MR. HARBIN: And no green 16 fields to plant, is my worry. 17 MR. SELF: Well, that's a 18 worry -- I will get to that as well. 19 MR. HATLEY: Hold it, guys. 20 If you-all want to talk, address me. 21 Mr. Jones? 22 MR. B. JONES: Yes, there 23 was some confusion on my end about -- my</p>	<p style="text-align: right;">Page 107</p> <p>1 When humans provide food, 2 reproduction and survival rates increase, 3 resulting in over population. The Idaho 4 Game and Fish Commission recognizes that 5 big game populations should be maintained 6 under natural conditions and by natural 7 available forage. 8 Winter food is the major 9 limiting factor which determines the basic 10 size of the big game population. That must 11 be maintained if these animals are to 12 prosper and propagate." 13 Alabama Wildlife Federation -- 14 the evidence that deer baiting causes the 15 spread of disease is well documented, and 16 this is about a five-page document which I 17 don't want to bore you with. 18 This is from the Safari Club. 19 They basically state the same thing. 20 "In 1993 a Southeastern 21 Cooperative Wildlife Disease study survey 22 of bait piles in North and South Carolina 23 revealed that over 50 percent of the piles</p>
<p style="text-align: right;">Page 106</p> <p>1 intent was to second a motion for 200 2 yards, versus 100 yards. 3 I don't know if David wants to 4 help clarify or what as far as what I can 5 do to withdraw my second on 100 yards, but 6 would be acceptable with 200 yards. 7 MR. SELF: Would you please 8 let me finish? 9 MR. HATLEY: I thought you 10 were finished. 11 MR. SELF: I'm not through. 12 This is from Idaho State Fish and Game 13 Department. "Most wildlife are well 14 dispersed across the countryside, but 15 supplemental feeding concentrates wildlife 16 populations in a small area near feeding 17 sites. 18 When wildlife congregate in a 19 small area, disease outbreaks are more 20 prevalent. Overabundance of wildlife is 21 determined by habitat quality and quantity. 22 Food is the factor that most often limits 23 wildlife abundance.</p>	<p style="text-align: right;">Page 108</p> <p>1 tested contained excessive levels of 2 alfatoxin. 3 Animals are attracted to 4 artificial feed in higher densities than 5 would otherwise naturally occur. This 6 attraction to such feed results in more 7 frequent contact among individuals, thereby 8 facilitating the opportunity for disease 9 transmission among individuals." 10 Pennsylvania, same thing. 11 Maryland, same thing -- "Feeding Wildlife, 12 You May Be Doing More Harm Than Good". 13 The evidence is overwhelming. 14 Now, this is from the Wildlife Society -- 15 "relevant literature indicates that 16 manipulating animal behavior through 17 baiting or supplemental feeding may largely 18 impact the current stability and future 19 subsistence of natural wildlife 20 populations." 21 Maine, they say "Supplemental 22 Feeding, Just Say No". 23 And this is from Bill Gray and</p>

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1 Chris Cook, which are two biologists from  
 2 our own department, "supplemental feeding  
 3 can have the effect of promoting unnatural  
 4 increases in survival, reproduction, and  
 5 recruitment.  
 6 A larger deer population is  
 7 contrary to the management objectives of  
 8 the Wildlife & Freshwater Fishery statewide  
 9 deer management plans and is not in the  
 10 best interest of the resource or the  
 11 general public.  
 12 Research indicates providing  
 13 supplemental feeding can alter natural  
 14 movement patterns, distribution, and  
 15 behavior of deer and other wildlife  
 16 species." More and more of the same  
 17 thing.  
 18 I am going to end this pretty  
 19 quick. I got one further thing here I want  
 20 to read. This is from Dr. Robert Brown.  
 21 He's a professor and head of the Department  
 22 of Wildlife and Fishery Sciences at Texas  
 23 A&M.

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1 "Supplemental feeding does not  
 2 prevent malnourishment. It usually just  
 3 increases the population size at which  
 4 malnourishment occurs.  
 5 Forty percent of the sampling of  
 6 100 bags of deer corn sold in Texas last  
 7 year had the had levels of alfatoxin that  
 8 were illegal, and 20 percent had levels  
 9 that would be toxic to birds and other  
 10 nontarget species, as well as deer if  
 11 consumed over a long period of time.  
 12 Blackhead in turkeys is  
 13 transmitted by consuming contaminated feed,  
 14 water, or soil."  
 15 He states in this paper that --  
 16 before I wrap this up -- "we need to look  
 17 at the influence of intensive management on  
 18 deer hunting. As many as of you know, we  
 19 at Texas A&M has been involved in the  
 20 effort to address this very issue in our  
 21 state.  
 22 Hunting is a very important  
 23 issue in our state, as well as it is in

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1 Alabama."  
 2 MR. HATLEY: Mr. Self, are  
 3 you finished?  
 4 MR. SELF: I don't think  
 5 many folks want to hear the rest of this.  
 6 I think most everybody --  
 7 MR. HARBIN: Mr. Chairman --  
 8 MR. HATLEY: Mr. Self is not  
 9 through. He still has the floor.  
 10 MR. HARBIN: I'm sorry.  
 11 MR. SELF: I want to make  
 12 just a couple of more comments and quit  
 13 reading. There is a preponderance of the  
 14 evidence against supplemental feeding.  
 15 In my opinion we should be  
 16 trying to prohibit supplemental feeding for  
 17 everything except for the trapping of feral  
 18 swine. Our current law works well.  
 19 I think we have -- Alan, don't  
 20 we have about a 95 percent conviction  
 21 rate?  
 22 MR. ADDRESS: That's  
 23 correct, yes, sir.

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1 MR. SELF: I think if we  
 2 define the area and concentrate the deer,  
 3 all you do is have to position yourself  
 4 upon a trail leading to the bait and shoot  
 5 the animal.  
 6 There's also an argument that  
 7 "everybody else is doing it, why can't I"?  
 8 Well, why do we have speed  
 9 limits? Why do we want to outlaw  
 10 marijuana? Everybody is doing it. This  
 11 just -- it just doesn't make good sense  
 12 that we can use that as an excuse.  
 13 I have also heard the argument  
 14 that "we want bigger deer, so let's feed  
 15 them". Well, deer size is a function of  
 16 geographics. If you look at the deer in,  
 17 say, the Key deer down in south Florida,  
 18 he's not much bigger than a dog.  
 19 If you come up through central  
 20 Florida, the deer get a little bit bigger.  
 21 If you come to Alabama, they get bigger.  
 22 If you go to Illinois, they're going to get  
 23 even bigger. Until finally you get up in

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1 Canada, and that's where the largest  
 2 whitetail deer are. And the deer size is a  
 3 function of cold weather. The colder the  
 4 weather, the bigger the deer.  
 5 I believe this will hurt what I  
 6 call the food plot industry. There's a lot  
 7 of people will give up planting food plots  
 8 and simply put out supplemental feeding  
 9 where they can shoot within 100 yards or  
 10 200 yards of it.  
 11 In the early '90s Alabama had  
 12 the largest deer herd per acre of any state  
 13 in the union, and then we started DMAP and  
 14 got the deer herd under control. It was --  
 15 now we now have a better balanced herd  
 16 because of public education, and we have  
 17 much bigger racks.  
 18 In closing, I'd like to say that  
 19 Alabama Wildlife Management Programs have  
 20 been the envy of the nation for a number of  
 21 years. This Board should be trying to ban  
 22 supplemental feeding, with the exception of  
 23 its use in the control of feral hogs, and

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1 only then when deer and turkey season is  
 2 closed.  
 3 I ask my fellow Board members,  
 4 don't kill the goose that laid the golden  
 5 egg. Vote no to define the area.  
 6 MR. HATLEY: Wait a minute.  
 7 We need to clarify a point. We had a  
 8 motion and a second, Mr. Dean, and the  
 9 second wishes to be withdrawn.  
 10 That is permissible, is it not?  
 11 MR. DEAN: Yes, sir.  
 12 MR. HATLEY: Therefore, we  
 13 do not have a second Dr. May's motion.  
 14 Would anyone care to second that  
 15 motion at a 100 yard figure?  
 16 (No response.)  
 17 MR. HATLEY: Dr. May, would  
 18 you care to -- that motion fails due to  
 19 lack of a second.  
 20 MR. DEAN: I think it would  
 21 be good for Mr. Jones just to go on record  
 22 that he withdraws his motion.  
 23 MR. HATLEY: Mr. Jones?

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1 MR. B. JONES: I withdraw  
 2 that second.  
 3 MR. HATLEY: Mr. Jones has  
 4 gone on record officially withdrawing his  
 5 second to Dr. May's motion; therefore, if  
 6 no one else would like to second that  
 7 motion, Dr. May's motion fails.  
 8 Dr. May, would you have another  
 9 motion?  
 10 DR. MAY: No, sir, but I  
 11 would like to clarify some of the stuff  
 12 that Mr. Self has said. And if I had known  
 13 we was going to have a debate, I would have  
 14 brought my library with me, too.  
 15 But you mentioned the toxin that  
 16 they found in piles in South Carolina. If  
 17 you would have read that paragraph a little  
 18 further, you would have told the crowd that  
 19 they also found it out there in the fields  
 20 at that corn was standing in the fields.  
 21 I worked for the U.S. Department  
 22 of Agriculture right out of vet school in  
 23 Raleigh, North Carolina. North Carolina

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1 was accredited for TB at that time. That  
 2 was in 1956.  
 3 Michigan was not accredited to  
 4 be TB-free until 1979. And that story on  
 5 TB and the deer in Michigan has been some  
 6 of the problem that people are scared of  
 7 supplemental feeding.  
 8 The TB didn't start in the  
 9 deer. It started in cattle. When all the  
 10 states were accredited, I think Michigan  
 11 was the last. I know they had 30 percent  
 12 of all the TB in the nation.  
 13 And when I know they had this  
 14 problem with TB in the early '90s, they  
 15 blamed the deer and supplemental feeding  
 16 for it.  
 17 What did Michigan do? They  
 18 stopped for a while. But they have been  
 19 back at it for two or three years now,  
 20 feeding and supplementing -- feeding and  
 21 baiting. And it didn't -- the TB came from  
 22 the cattle originally.  
 23 In 1975 they found one deer, and

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1 everybody thought it was just a casual  
 2 thing that happened, it had gotten a deer,  
 3 but it was already spread in the deer from  
 4 the cattle. So they didn't investigate it  
 5 any further until it all got out of hand.  
 6 Same thing happened in Minnesota  
 7 recently, and they found it in the cattle  
 8 first. And they only found it in a few  
 9 deer later, but it had spread into the  
 10 cattle.  
 11 So I hate to see the  
 12 supplemental feeding get blamed for the  
 13 spread of disease when most of the time  
 14 it's poor management on the Department of  
 15 Agriculture or the Wildlife Department not  
 16 keeping a check on the cattle.  
 17 MR. HATLEY: I thought you  
 18 were finished. Go ahead.  
 19 DR. MAY: I was just going  
 20 to say, Mr. Self has quoted a lot of stuff,  
 21 and I could have brought him a lot of stuff  
 22 that I could have read off to him, too.  
 23 But if you talked to any animal

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1 (inaudible) person, just like if you ask a  
 2 real estate person where property is worth,  
 3 this, he's going to say "location,  
 4 location". If you ask an animal  
 5 (inaudible) person, he's going to say  
 6 nutrition, nutrition, nutrition.  
 7 And that's what bothers me when  
 8 someone gets up and talks on this stuff and  
 9 he's really not familiar with what he's  
 10 talking about.  
 11 MR. HATLEY: Thank you,  
 12 Dr. May.  
 13 Mr. Lynch?  
 14 MR. LYNCH: It seems to me  
 15 that the issue here gets sometimes  
 16 separated. The supplemental feeding that  
 17 goes on year-round becomes a different  
 18 issue during deer hunting season and turkey  
 19 hunting season, other seasons where you  
 20 could take an animal that is in the general  
 21 vicinity of a supplemental feeding  
 22 station.  
 23 I know that while Alan says that

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1 we're at a 95 percentile conviction of  
 2 people that we go after for baiting an  
 3 animal and taking that animal, we are  
 4 having difficulty with some of our DAs on  
 5 lawyers being slick enough to use the area  
 6 so that the convictions doesn't occur.  
 7 So whether it's 100 yards or 200  
 8 yards, I think this Board needs to  
 9 understand that what we're talking about  
 10 here is not allowing baiting of animals,  
 11 which is different from supplemental  
 12 feeding.  
 13 We also need to be cognizant of  
 14 the fact that there are forces in this  
 15 state who politically would like to have  
 16 this state opened up to baiting, and there  
 17 have been some bills that were tried to  
 18 pass in the Alabama Legislature that would  
 19 do, in my mind, just that.  
 20 So I think Mr. Self is right.  
 21 This is a very important issue, and I think  
 22 we need to be working in conjunction with  
 23 our enforcement group and with our

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1 biologists to understand what the great big  
 2 ramifications are.  
 3 Because if we change our state  
 4 to where it is more readily available to  
 5 people to put out feed and bait and take  
 6 our wildlife, that would be a wrong move  
 7 for us to make.  
 8 And I'm not saying we don't  
 9 study it, and I think we should. And we  
 10 may need to work with our group and  
 11 everybody to redefine the area. And if  
 12 that's the case, then I think at that time  
 13 we might have something we'd have more  
 14 acceptance of.  
 15 MR. HATLEY: The chair  
 16 recognizes the fact that we were trying to  
 17 do just that today, but I think the problem  
 18 was that we did not have an agreeance  
 19 amongst themselves on how these parameters  
 20 will be established.  
 21 So what you're suggesting,  
 22 Mr. Lynch, is that we work toward that goal  
 23 by the May meeting or at some point?

<p style="text-align: right;">Page 121</p> <p>1 MR. LYNCH: Yes, and I'd 2 like to make sure that we understand the 3 differences in what we're talking about 4 here. 5 And as a point of clarification, 6 for one thing that Mr. Self said, I am 7 somewhat confused when you're talking about 8 supplemental feeding of wild hogs for the 9 purpose of taking them. 10 Okay, to me, you know, you're 11 talking about being able to put out feed 12 for hogs and then you could reduce the 13 population. 14 MR. SELF: In a trap. 15 MR. LYNCH: Okay, but you're 16 right. I think that's what we ought to 17 have for May if we want to move forward to 18 this, be more connected on what we're going 19 to do at that meeting. 20 MR. HATLEY: We're talking 21 here about two different issues when you 22 get into the feral hogs and to other things 23 else, but I agree that we should clarify</p>	<p style="text-align: right;">Page 123</p> <p>1 the Board that seven years ago in Midway 2 Corky Pugh, Alan Andress and myself met 3 with the circuit judge and the direct 4 attorney at that time, recognizing the 5 problem that the area was not defined and 6 the problem it caused in the court system. 7 At that time Corky and Alan 8 promised that they would come up with a 9 definition of area. And I'm not saying 10 they ignored that, but they have been 11 working -- all of us have been working on 12 it for seven years. It's not an easy thing 13 to define. This is the closest thing that 14 I've seen that we -- you know, that will. 15 And if all of you-all will read 16 this closely, there's a supreme court 17 ruling that drastically affects the statute 18 that was written and that has to be taken 19 into consideration. 20 And I don't know how many hours 21 Alan's worked on it, but he's come up with 22 a couple of things that just weren't where 23 everybody could understand what they meant.</p>
<p style="text-align: right;">Page 122</p> <p>1 what we want to do. Because it sounds like 2 we didn't have an agreeance amongst 3 ourselves as to what Dr. May's motion was 4 going to be. 5 And I think at this juncture, 6 since we don't have a motion before, then 7 the Chair would like to see, along with 8 staff and Board members, to try to reach 9 some agreement and clarification on what we 10 can or cannot present as a motion at the 11 May meeting. 12 MR. SELF: As a point of 13 clarification, Mr. Lynch, baiting is 14 defined as when hunting is occurring near 15 supplemental feeding. 16 MR. HATLEY: It's why we 17 need the definition, Mr. Self. 18 MR. SELF: The professional 19 biologists, they define it that way. 20 MR. HATLEY: The Chair 21 recognizes the commissioner. 22 COMMISSIONER LAWLEY: The 23 only thing I want to say is to emphasize to</p>	<p style="text-align: right;">Page 124</p> <p>1 But it is a serious problem so I 2 wish between now and the next Board meeting 3 everybody would give it their full 4 attention. 5 MR. HATLEY: I think the 6 Chair recognizes the fact that something 7 needs to be done in this area. The Chair 8 also thinks that there's been some blunders 9 made today and -- by staff and by this 10 Board -- that we didn't have this clarified 11 and defined the way it should have been 12 when we have a second and it has to be 13 withdrawn because of misunderstanding. 14 I think by the 25th meeting, we 15 need to get this clarified, or we can put 16 it behind us and go on to something else. 17 Is there any other Old Business 18 that needs to come before this Board? 19 Mr. Self? 20 MR. SELF: Mr. Chairman, at 21 our last meeting we brought up some new 22 regulations regarding Marine Resources, and 23 there has been no opposition to any of</p>

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<p>1 these new regulations or changes to 2 regulations. 3 So I'd like to move that the 4 changes to the following Marine Resources 5 regulations that were presented at the 6 February 6th, 2010 Conservation Advisory 7 Board meeting be approved by the 8 Conservation Advisory Board as follows -- 9 220-3.30, saltwater fish creel, bag, 10 possession and size limits; 220-3.03, use 11 of nets and harvest of mullets; 220-3-.53, 12 open season or area for the taking of live 13 saltwater bait, Point Clear Area; 220-3.61, 14 open season area for the taking of live 15 saltwater bait, Mullet Point Bay area; 16 220-3.46, open season for recreation 17 gulfery fish species; and finally, 18 220-3.25, commercial taking and landing of 19 gulfery fish species. 20 MR. HATLEY: Motion by 21 Mr. Self. 22 MR. LYNCH: Second. 23 MR. HATLEY: Second by</p>	<p>1 that we adopt 220-6.60, disposal of trash 2 and garbage or plastics from a vessel. 3 MR. HATLEY: Motion by 4 Mr. Self. 5 Is there a second? 6 MR. HARBIN: Yes. 7 MR. HATLEY: Mr. Harbin 8 seconds Mr. Self's motion. 9 Is there any further 10 discussion? 11 (No response.) 12 MR. HATLEY: There being 13 none, all in favor say "I". 14 (All Board members vote "I".) 15 MR. HATLEY: No opposed. 16 Motion carries unanimously, let the record 17 so reflect. 18 Is there any other Old Business 19 to come before this body? 20 (No response.) 21 MR. HATLEY: If not, I will 22 turn the chair back over to Mr. Moultrie to 23 continue with the New Business and</p>
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<p>1 Mr. Lynch. 2 Is there any discussion of 3 Mr. Self's motion? 4 (No response.) 5 MR. HATLEY: If this will be 6 unanimous, we do not have to have a roll 7 call vote. 8 All in favor, say "I". 9 (All Board members vote "I".) 10 MR. HATLEY: Anyone 11 opposed? 12 (No response.) 13 MR. HATLEY: Motion carries 14 unanimously, let the record reflect. 15 Any other Old Business? 16 Mr. Self? 17 MR. SELF: Mr. Chairman, at 18 our previous meeting we had discussion 19 about a regulation for disposal of trash or 20 garbage or plastics from a vessel. 21 And having no opposition been 22 displayed or voiced about this particular 23 regulation, I would like to make a motion</p>	<p>1 selection of a new date for the Board 2 meeting. 3 CHAIRMAN MOULTRIE: Thank 4 you, Chairman Hatley. 5 The next order of business is 6 New Business. 7 Is there any new items for 8 discussion? 9 Mr. Lynch? 10 MR. LYNCH: I have a new 11 item, couple of items. 12 Number 1, I have spoken at 13 several of the last Board meetings about 14 the issue concerning dog deer hunting in 15 the Talladega National Forest. I would 16 like to commend Don Knight for leading an 17 effort to get with all the dog hunters that 18 do use the national forest in the northern 19 end of the national forest. And we've done 20 a good job of going out and finding out who 21 these individuals are that are hunting. 22 We're trying to get them organized so we 23 know who they are, and we're going to work</p>

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1 with the surrounding landowners to see if  
 2 we can't find some acceptable levels that  
 3 they can work together going forward.  
 4 In addition, in Tallapoosa  
 5 County we heard, again, testimony here  
 6 today. Mr. Knight, again, has called down  
 7 there and worked with the dog hunters in  
 8 that area. That is a situation that is  
 9 ongoing. It is of concern to us, and it  
 10 could be a potential voted item for some  
 11 type of permit system at our next meeting.  
 12 That's all I have.  
 13 CHAIRMAN MOULTRIE: Thank  
 14 you, Mr. Lynch.  
 15 Any other New Business?  
 16 MR. HARBIN: I would like to  
 17 make a proposal on the area of the  
 18 supplemental feeding.  
 19 CHAIRMAN MOULTRIE: Yes,  
 20 sir.  
 21 MR. HARBIN: Let's define  
 22 that area more clearly. A hundred yards,  
 23 200 yards, whatever it is, let's get it

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1 defined clearly and not have to go through  
 2 all this hassle.  
 3 CHAIRMAN MOULTRIE: Any  
 4 other New Business?  
 5 (No response.)  
 6 CHAIRMAN MOULTRIE:  
 7 Commissioner, do we need a motion to  
 8 approve the proposed regulations from  
 9 Wildlife Division at this meeting?  
 10 COMMISSIONER LAWLEY: Do we  
 11 need to do that, David?  
 12 MR. DEAN: Since the last  
 13 approval?  
 14 CHAIRMAN MOULTRIE: So we  
 15 have a motion by Mr. Smith for that.  
 16 Is there a second?  
 17 Mr. Hatley seconds.  
 18 The motion is to approve the --  
 19 MR. SELF: I want to be  
 20 clear exactly what the motion was.  
 21 CHAIRMAN MOULTRIE: The  
 22 motion is to approve the current  
 23 regulations that are proposed by Game and

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1 Fish.  
 2 MR. LYNCH: Since our last  
 3 meeting?  
 4 CHAIRMAN MOULTRIE: Since  
 5 our February meeting.  
 6 Is that correct, Dr. Smith?  
 7 Any discussion?  
 8 (No response.)  
 9 CHAIRMAN MOULTRIE: Being no  
 10 discussion, we'll call for a vote.  
 11 All those in favor, say "I".  
 12 Any opposed?  
 13 Okay, let the record show all  
 14 were in favor but Dr. May. Dr. May is  
 15 opposed.  
 16 Motion carries.  
 17 Mr. Hartzog?  
 18 MR. HARTZOG: Mr. Chairman,  
 19 I'd like to see that in the regulation  
 20 book, when it comes out, that we fill Don  
 21 Knight's request that it be put in the book  
 22 just to remind people that the shooting of  
 23 dogs is illegal and put that in the

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1 regulation book, please.  
 2 CHAIRMAN MOULTRIE: Any  
 3 other New Business?  
 4 I don't think you need a motion  
 5 on that. We have to talk about it this  
 6 meeting and then you can make a motion the  
 7 following meeting, Mr. Hartzog.  
 8 Any other New Business?  
 9 (No response.)  
 10 CHAIRMAN MOULTRIE: The next  
 11 order of business is the date and location  
 12 of the next Advisory Board meeting.  
 13 The date will be May 15th, 2010  
 14 at the Lakepoint State Park in Eufaula.  
 15 Being there's no further  
 16 business, this meeting stands adjourned.  
 17 (The hearing concluded at 11:07 a.m.)  
 18 \*\*\*\*\*  
 19  
 20  
 21  
 22  
 23

1 STATE OF ALABAMA:  
2 COUNTY OF MONTGOMERY:  
3 I hereby certify that the above  
4 proceedings were taken down by me  
5 and transcribed by me using computer-  
6 aided transcription and that the above  
7 is a true and correct transcript of  
8 said proceedings taken down by me and  
9 transcribed by me.  
10 I further certify that I am neither  
11 of kin nor of counsel to any of the  
12 parties nor in anywise financially  
13 interested in the outcome of this case.  
14 I further certify that I am duly  
15 licensed by the Alabama Board of  
16 Court Reporting as a Certified Court  
17 Reporter as evidenced by the ACCR  
18 number following my name found below.  
19  
20  
21 \_\_\_\_\_  
22 VICTORIA CASTILLO, ACCR# 17, 9/30/10  
23 FREELANCE COURT REPORTER