

STATE OF ALABAMA  
MONTGOMERY COUNTY

REGULATION 2010-MP-11  
(Marine Police)

By authority vested in me as Commissioner of Conservation and Natural Resources of the State of Alabama as provided for by §33-5-62, Code of Alabama 1975, I do hereby establish, proclaim and promulgate the following regulation, which has the force and effect of law:

Section 1. Rule 220-6-.45-.184ER, entitled "Emergency Idle Speed Only - No Wake Areas to Vessels and Watercraft" is hereby adopted on an emergency basis, repealing previously adopted Emergency Rule 220-6-.45-.183ER, to read as follows:

**"220-6-.45-.184ER Emergency Idle Speed Only - No Wake Areas to Vessels and Watercraft**

(a) Until further official notification by the Commissioner of Conservation and Natural Resources on [www.outdooralabama.com](http://www.outdooralabama.com), the below-listed areas are hereby designated as "Idle Speed Only - No Wake" Areas for all vessels.

The "Idle Speed Only - No Wake" Areas are: all Alabama waters South of a line running from the Southern most tip of Bear Point to the Eastern shore of the Mouth of Ono Harbor on Ono Island. This will include Bayou Saint John, Terry Cove, Terry Cove Harbor, Cotton Bayou, Perdido Pass and all canals entering these waters.

(b) Any person violating any of the provisions of this regulation shall be punished as provided by §33-5-62, Code of Alabama 1975.

(c) This emergency rule shall become effective on July 21, 2010.

(d) Emergency Rule 220-6-.45-.183 ER is hereby repealed in its entirety."

Section 2. This regulation shall become effective on July 21, 2010, and shall expire 120 days thereafter.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of my office to be affixed in the City of Montgomery on this the 20<sup>th</sup> day of July, 2010.

M. Barnett Lawley, Commissioner  
Department of Conservation  
and Natural Resources

REC'D & FILED

JUL 20 2010

LEGISLATIVE REF SERVICE

**CERTIFICATION OF ADMINISTRATIVE RULES  
FILED WITH THE LEGISLATIVE REFERENCE SERVICE  
JERRY L. BASSETT, DIRECTOR**

Pursuant to Code of Alabama 1975, § 41-22-5(b) and 41-22-6(c) (2)a. & b.

I certify that the attached emergency (amendment, new rule, new chapter, repeal or adoption by reference) is a correct copy as promulgated and adopted on the 20<sup>th</sup> day of July, 2010.

**AGENCY NAME:** Department of Conservation and Natural Resources

**RULE NO. AND TITLE:**  
220-6-.45-.184ER Emergency Idle Speed Only - No Wake Areas to Vessels and Watercraft

**EFFECTIVE DATE OF RULE:** July 21, 2010.

**EXPIRATION DATE** (If less than 120 days): 120 days thereafter.

**NATURE OF EMERGENCY:** This emergency rule is adopted to address an immediate danger to the public health, safety, and welfare regarding the operation of certain vessels in certain oil-spill impacted Alabama waters.

**Statutory Authority:** §33-5-62, Code of Alabama 1975.

SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS  YES;  NO

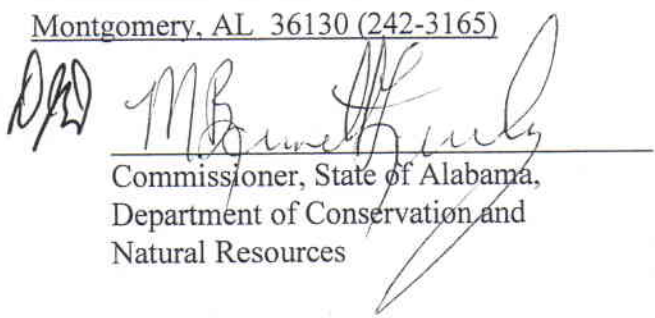
**NAME, ADDRESS AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE:**

David J. Dean  
64 N. Union Street (Room 474)  
Montgomery, AL 36130 (242-3165)

**REC'D & FILED**

**JUL 20 2010**

**LEGISLATIVE REFERENCE SERVICE**  
**FILING DATE**  
(For APA Use Only)

  
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Commissioner, State of Alabama,  
Department of Conservation and  
Natural Resources

**M. Barnett Lawley**

**220-6-.45-.184ER Emergency Idle Speed Only - No Wake Areas to Vessels and Watercraft**

(a) Until further official notification by the Commissioner of Conservation and Natural Resources on [www.outdooralabama.com](http://www.outdooralabama.com), the below-listed areas are hereby designated as “Idle Speed Only - No Wake” Areas for all vessels.

The “Idle Speed Only – No Wake” Areas are: all Alabama waters South of a line running from the Southern most tip of Bear Point to the Eastern shore of the Mouth of Ono Harbor on Ono Island. This will include Bayou Saint John, Terry Cove, Terry Cove Harbor, Cotton Bayou, Perdido Pass and all canals entering these waters.

(b) Any person violating any of the provisions of this regulation shall be punished as provided by §33-5-62, Code of Alabama 1975.

(c) This emergency rule shall become effective on July 21, 2010.

(d) Emergency Rule 220-6-.45-.183 ER is hereby repealed in its entirety.

**Statutory Authority:** §33-5-62, Code of Alabama 1975

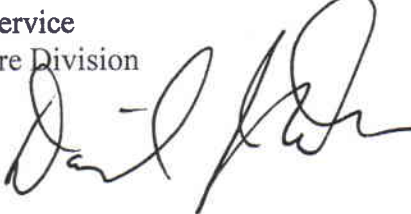
**PENALTY:** As provided by §33-5-62, Code of Alabama 1975

**7/21/2010, and shall expire 120 days thereafter.**

July 20, 2010

**MEMORANDUM**

TO: Legislative Reference Service  
Administrative Procedure Division

FROM: David J. Dean   
Deputy Legal Counsel

RE: Statement Relative to Repeal of Rule 220-6-.45-.183ER

In accordance with the provisions of Legislative Reference Service, Administrative Procedure Division, Rules 1-1-1-.03 and 1-1-4-.02, the following statement is submitted: Rule 220-6-.45-.184ER repeals previously existing Rule 220-6-.45-.183ER, which had been adopted effective June 29, 2010 (copy attached). The differences between the new rule and the old rule are the following: The "idle speed only - no wake" areas were maintained in the new rule, but the closures were repealed.

DJD/  
Attachments

[ REPEALED ]

**M. Barnett Lawley**

**220-6-.45-.183ER Emergency Closure and Idle Speed Only - No Wake Areas to Vessels and Watercraft**

(a) Until further official notification by the Commissioner of Conservation and Natural Resources on [www.outdooralabama.com](http://www.outdooralabama.com), the below-listed areas are hereby closed to the operation of all recreational and commercial vessels, including fishing vessels, except for the following: law enforcement vessels or other official emergency vessels involved in governmental operations, and/or other approved response vessels.

The closed areas are: all Alabama waters South of a line running from the Northern most tip of Boggy Point to the Northern most tip of Robinson Island to the Northern most tip of Walker Island to the Western most tip of Ono Island at Old River. This will include Cotton Bayou, Perdido Pass, and all canals entering these waters.

(b) Until further official notification by the Commissioner of Conservation and Natural Resources on [www.outdooralabama.com](http://www.outdooralabama.com), the below-listed areas are hereby designated as "Idle Speed Only - No Wake" Areas for all vessels.

The "Idle Speed Only - No Wake" Areas are: all Alabama waters South of a line running from the Southern most tip of Bear Point to the Eastern shore of the Mouth of Ono Harbor on Ono Island. This will include Bayou Saint John, Terry Cove, Terry Cove Harbor, Cotton Bayou, Perdido Pass and all canals entering these waters.

(c) This emergency regulation shall become effective on Tuesday, June 29, 2010.

(d) Any person violating any of the provisions of this regulation shall be punished as provided by §33-5-62, Code of Alabama 1975.

(e) Emergency Rule 220-6-.45-.182ER is hereby repealed in its entirety.

**Statutory Authority:** §33-5-62, Code of Alabama 1975

**PENALTY:** As provided by §33-5-62, Code of Alabama 1975

**6/29/2010, and shall expire 120 days thereafter.**