

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 220
Department or Agency: Alabama Department of Conservation and Natural Resources
Rule No.: 220-2-.46
Rule Title: Legal Methods And Equipment For The Taking Of Commercial Or Non-Game Fish
Intended Action: Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Christopher M. Blankenship
Chris Blankenship

Date

Thursday, June 6, 2024

REC'D & FILED
JUN 6, 2024
LEGISLATIVE SVC AGENCY

ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Conservation and Natural Resources

RULE NO. & TITLE: 220-2-.46 Legal Methods And Equipment For The Taking
Of Commercial Or Non-Game Fish

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

To reduced the regulatory burden on licensed fisherman in Geneva County.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Interested persons may present their views in writing to the Director of Wildlife & Freshwater Fisheries at any time during the period stated below, or orally if requested in writing 48 hours in advance to the Director of Wildlife & Freshwater Fisheries, and then by personally appearing at Room 474, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Friday, August 2, 2024.

If ADA accommodations are needed, please contact Daisy Perry at (334) 242-3165 or daisy.perry@dcnr.alabama.gov. Requests should be made as soon as possible but at least seven days prior to the date of a personal appearance to present views regarding the proposed rules.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, August 2, 2024

CONTACT PERSON AT AGENCY:

Charles F. Sykes, Director
Wildlife & Freshwater Fisheries
5th Floor, 64 N. Union Street
Montgomery, Alabama 36130
334-242-3465

Christopher M. Blankenship

Chris Blankenship

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

**Legal Methods And Equipment For The Taking Of
Commercial Or Non-Game Fish.**

The following are hereby designated as legal fishing equipment and methods for the taking of commercial or non-game fish or other unprotected fish in the fresh waters of this State. Any other equipment or methods used in the taking of commercial or non-game fish or other unprotected fish is a violation of this regulation.

- (1) By Licensed or License-Exempt Sport Fishermen
 - (a) Rod and Reel
 - (b) Hook and Line
 - (c) Trot Line
 - (d) Set Line, including limb lines and jug lines
 - (e) Snag Line or Snare Line
 1. It shall be unlawful to fish any trotline, snag or snare line without plastic or metal tag attached containing the owners name and either their address or fishing license number or phone number.
 2. It shall be unlawful for any fisherman other than a licensed commercial fisherman to fish one or more trotline, snag or snare line or combination thereof containing more than 100 hooks.
 - (f) Bowfishing with any longbow, recurve bow, compound bow, crossbow equipped with a working safety or sling bow using barbed arrows attached by line to the bow, float, vessel or shooter.
 - (g) Spear or Similar Instruments (underwater) by Special License
 - (h) Gigs or Grabbling
 1. Grabbling, noodling, or hand fishing by means of hands, stick (reed, pvc pipe, string, or other similar object), or single barbless hook attached to stick (reed, pvc pipe, string, or other similar object).
 2. Treble hooks, multi hooks, or any barbed hooks are prohibited.
 - (i) It shall be unlawful to set and leave unattended in the public waters of the State of Alabama for more than seven consecutive days all fishing gear provided, however, that any set line or bush hook left unattended for 48 hours may be removed by Game and Fish Division personnel and destroyed.
- (2) By Licensed Commercial Fishermen (All commercial gear is required to be tagged pursuant to Code of Ala. 1975, §9-11-22 with the license number of the commercial fisherman owning the equipment imprinted on the tag and have the location of the equipment marked pursuant to Code of Ala. 1975, §9-11-147).

- (a) Trot Line
- (b) Snag Line
- (c) Set Line, including limb lines and jug lines
- (d) Hoop and Fyke Nets the mesh of which is not less than 1 1/4 inches from knot to knot with a stretch or spread of not less than 2 1/2 inches after said net has been tarred and/or shrunk.
- (e) Gill and Trammel Nets the mesh of which is not less than 3 inches knot to knot with a stretch or spread of not less than 6 inches after net has been shrunk.
- (f) Slat Trap or Slat Basket made entirely of wood or plastic strips or slats in a boxlike or cylinder shape. At least 18 inches of the slat trap opposite the muzzle, including the end, shall be constructed with wood or plastic slats or strips of a width not greater than 3 inches running lengthwise or vertically of the trap and with a space between strips or slats of not less than one and one-eighth inches (1 1/8"), and provided further that any restrictions (which must be wood or plastic) between muzzle and back of trap or basket contain an opening of at least two (2) inches square to permit free passage of fish within said box or basket. Provided further it shall be legal to use a trap made of round solid plastic, provide at least eighteen inches of the trap opposite the muzzle, including the end, shall have parallel openings a minimum of 1 1/8 inches wide running lengthwise or vertically of the trap. There shall be a maximum of three inches of solid material between the 1 1/8-inch parallel openings. The muzzle of such trap shall be constructed of netting with a mesh of at least 1 1/4 inches knot to knot with a stretch of 2 1/2 inches. Only a single muzzle may be used and the muzzle shall be attached to the trap with 100% cotton material only. There shall be a minimum opening of two inches square between the muzzle and the back of the fish trap. Any round plastic trap not conforming to these guidelines shall be illegal.

(3) By Licensed Wire Basket Fishermen - Any person who possesses a valid wire basket license shall fish such baskets in compliance with Code of Ala. 1975, §§9-11-190 through 9-11-198.

- (a) In the following counties a maximum of four (4) wire baskets with a mesh of one (1) inch or larger:

Autauga	Dale	Perry <u>Monroe</u>
Barbour	Dallas	Pickens <u>Perry</u>
Bibb	Escambia	Pike <u>Pickens</u>
Butler	Fayette	Randolph <u>Pike</u>
Calhoun	Franklin	<u>Randolph</u>
<u>Chambers</u>	<u>Geneva</u>	Russell
Chambers <u>Chilton</u>	Greene	St. Clair
Chilton <u>Choctaw</u>	Hale	Sumter
Choctaw <u>Clarke</u>	Henry	Talladega
Clarke <u>Cleburne</u>	Lamar	Tallapoosa
Cleburne <u>Coffee</u>	Lee	Tuscaloosa
Coffee <u>Coosa</u>	Lowndes	Walker (except Lewis M. Smith Reservoir)
Coosa <u>Covington</u>	Marengo	Washington
Covington <u>Crenshaw</u>	Marion	Wilcox
Crenshaw	Monroe	—

(b) In Elmore County a maximum of three (3) wire baskets with a mesh of one (1) inch or larger may be fished provided that only one (1) wire basket may be fished in Lake Jordan and only two (2) wire baskets may be fished in Lake Martin. Wire baskets may not be used in any other areas of Elmore County except as listed above.

(4) Nothing in this regulation shall be construed or interpreted to legalize any type of fishing equipment for the taking of fish under any circumstances other than those outlined in this regulation.

Author: Christopher M. Blankenship

Statutory Authority: Code of Ala. 1975, §§9-2-7, 9-2-8, 9-2-12, 9-11-140, 9-11-190.

History: Filed September 30, 1982. **Amended:** April 19, 1983; May 16, 1983; January 21, 1986; July 17, 1991; October 22, 1992.

Amended: Filed August 23, 1994; effective September 28, 1994.

Amended: Filed September 13, 1994; effective October 19, 1994.

Amended: Filed February 9, 1995; effective March 16, 1995.

Amended: Filed July 11, 1995; effective August 16, 1995.

Amended: Filed February 13, 1996; effective March 20, 1996.

Amended: Filed September 10, 1996; effective October 16, 1996.

Amended: Filed July 10, 1997; effective August 14, 1997.

Amended: Filed July 16, 2002; effective August 20, 2002.

Amended: Filed June 16, 2003; effective July 20, 2003.

Amended: Filed August 10, 2004; effective September 14, 2004.

Amended: Filed September 12, 2007; effective October 17, 2007.

Amended: Filed June 11, 2015; effective July 16, 2015.

Amended: Filed May 9, 2017; effective June 23, 2017. **Amended:** Filed July 11, 2019; effective August 25, 2019. **Amended:**

Published June 28, 2024; effective October 14, 2024.

Penalty: As provided by law.