

APA-1
6/93

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 220 Department or Agency Conservation and Natural Resources

Rule No.: 220-2-.46

Rule Title: **Legal Methods and Equipment for the Taking of Commercial or Non-Game Fish**

New Amend Repeal (of Existing Rule) Adopt by Reference

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

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

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

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have any economic impact? NO

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

Certification of Authorized Official

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

Signature of Certifying Officer Ryan D. Corley
Secretary of Administrative Procedure

Date 3/20/17

APA-2
6/93

Department of Conservation and Natural Resources
Division of Wildlife and Freshwater Fisheries

NOTICE OF INTENDED ACTION

AGENCY NAME: 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 Rule

SUBSTANCE OF PROPOSED ACTION: Amended to correct spelling errors, to allow sling bows, and to require a working safety on crossbows used for the taking of commercial or non-game fish or other unprotected fish in the fresh water of Alabama.

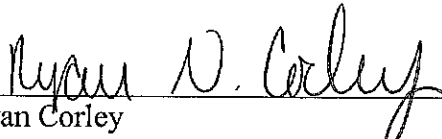
TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of the Division of Wildlife and Freshwater Fisheries at any time during the period stated below, or orally if requested in writing 48 hours in advance to the Director of the Division of Wildlife and Freshwater Fisheries, by personally appearing at Room 474, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Friday, May 5, 2017.

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:

May 5, 2017.

CONTACT PERSON AT AGENCY: Chuck Sykes, Director, Division of Wildlife and Freshwater Fisheries, 5th Floor, 64 N. Union Street, Montgomery, Alabama 36130, 334-242-3465.



Ryan Corley
Secretary of Administrative Procedure

N. Gunter Guy, Jr.

220-2-.46 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 Licensed-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, ~~or~~ 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
 - (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 §9-11-147, Code of Ala. 1975).

- (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	Bibb	Calhoun
Barbour	Butler	Chambers

Chilton	Franklin	Pike
Choctaw	Greene	Randolph
Clarke	Hale	Russell
Cleburne	Henry	St. Clair
Coffee	Lamar	Sumter
Coosa	Lee	Talladega
Covington	Lowndes	Tallapoosa
Crenshaw	Marengo	Tuscaloosa
Dale	Marion	Walker
Dallas	Monroe	Washington (except Lewis M. Smith Reservoir)
Escambia	Perry	Wilcox
Fayette	Pickens	

- (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.

AUTHOR: N. Gunter Guy, Jr.

STATUTORY AUTHORITY: §§ 9-2-7, 9-2-8, 9-2-12, 9-11-140, 9-11-190
Code of Alabama 1975.

PENALTY: As provided by law.

HISTORY: 9/30/1982; 5/16/1983; 1/21/1986; 7/17/1991; 10/22/1992; 10/19/1994; 8/16/1995; 10/16/1996; 8/14/1997; 8/20/2002; 7/20/2003; 9/14/2004; 10/17/2007; 7/16/2015.