

**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? NO

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

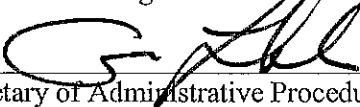
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

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 
Secretary of Administrative Procedure

Date 4/19/15

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

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

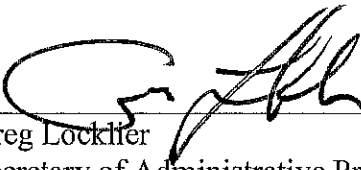
INTENDED ACTION: Amendment to Rule 220-2-.46

SUBSTANCE OF PROPOSED ACTION: (1) Requires a tag containing the owners information to be attached to any trotline or snag or snare line; (2) Prohibits any fisherman, other than a licensed commercial fisherman, to fish one or more trotlines, snag or snare lines, or combinations thereof, containing more than 100 hooks; (3) Deletes complex, redundant, and unnecessary bowfishing requirements.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of the Wildlife and Freshwater Fisheries Division at any time during the period stated below, or orally if requested in advance by personally appearing at Room 474, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Friday, June 5, 2015.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Written comments will be received until the close of the record at 5:00 p.m. on June 5, 2015. Written comments and requests for copies of the proposed amendments should be addressed to the contact person listed below.

CONTACT PERSON AT AGENCY: Chuck Sykes, Director, Wildlife Freshwater Fisheries, 5th Floor, 64 N. Union Street, Montgomery, Alabama 36130.



Greg Locklier
Secretary of Administrative Procedure

220-2-.46. Legal Methods and Equipment for the Taking of Commercial or Non-Game Fish.

The following ~~is~~ 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 —~~Day or Night~~
 - (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 using barbed arrows attached by line to the bow, float, vessel or shooter.

1. — General

(i) — ~~With the exception of sturgeon or other species protected by law or regulation, it shall be legal for licensed sport fishermen to take any of the following fish at any time by bowfishing: (a) Shad, (b) White Amur, (c) Shark, (d) Mullet, or (e) Any fish designated as~~

commercial or non game, provided however, that only 1 alligator gar per person per day may be taken.

~~(ii) — It shall be illegal to take any other fresh water fish at any time by bowfishing.~~

~~(iii) — It shall be legal to have both bowfishing equipment and normal fishing equipment in possession while either bowfishing or fishing.~~

2. — Bowfishing Equipment

~~(i) — Any longbow, straight or recurve, compound bow or crossbow may be used for bowfishing.~~

~~(ii) — All arrows in possession while bowfishing shall be of solid fiberglass or solid metal construction (as opposed to hollow shaft construction).~~

~~(iii) — Barbed bowfishing heads shall be used that do not have sharpened cutting surfaces, and are of a design such that the barbs may be reversed or removed to permit removal of the arrow from the fish, except as noted in the section on special exceptions.~~

~~(iv) — A bowfishing line shall be used having a minimum breaking strength of forty (40) pounds, and shall be a minimum of forty (40) feet in length.~~

~~(v) — One end of the bowfishing line shall be attached to the arrow being used, and the other end of the line shall be attached to the bow or some type of reel which is attached to the bow, except as noted in the section on special exceptions.~~

~~(vi) — Lights may be used for night bowfishing, except as noted in the section on special exceptions.~~

3. — Special Exceptions

~~(i) — Special exceptions to bowfishing equipment regulations shall apply only while bowfishing in the coastal areas, bays, or rivers of Mobile and Baldwin Counties. These exceptions do not apply to non-tidal lakes or ponds in those counties.~~

~~(ii) — The end of the bowfishing line which is not attached to the arrow may be attached to a separate fishing rod and reel, or to some type of float of sufficient size to allow tracking of a fish shot and/or recovery of line and arrow.~~

~~(iii) — Barbed heads with sharpened cutting surfaces may be used to shoot gars and sharks.~~

~~(iv) — Once a gar or shark has been shot and is attached to a bowfishing line, arrows with unbarbed, sharpened heads may be used to kill the fish. These arrows do not have to be attached to a bowfishing line, but they still have to be of solid fiberglass or solid metal construction.~~

~~(v) — The use of lights for night bowfishing while in possession of sharpened heads, barbed or unbarbed, shall only be permitted from a boat.~~

(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, Ala. Code 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 ($1 \frac{1}{8}$ "), 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 $1 \frac{1}{8}$ inches wide running lengthwise or vertically of the trap. There shall be a maximum of three inches of solid material between the $1 \frac{1}{8}$ inch parallel openings. The muzzle of such trap shall be constructed of netting with a mesh of at least $1 \frac{1}{4}$ inches knot to knot with a stretch of $2 \frac{1}{2}$ 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 ~~may~~ shall fish such baskets ~~under the provisions as set out by the~~ in compliance with *Code of Ala. 1975*, §§ 9-11-190 through 9-11-198.

(a) In the following counties a maximum of ~~four (4)~~ 4-wire baskets with a mesh of one (1) ~~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) ~~3~~ wire baskets with a mesh of one (1) ~~1~~ inch or larger may be fished provided that only one (1) ~~1~~ wire basket may be fished in Lake Jordan and only two (2) ~~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:

M Barnett Lawley; N. Gunter Guy, Jr.

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.