

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-.35

Rule Title: **Seasons, Creel and Size Limits for Fish on Public Waters or Banks Thereof**

 New x 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 Jennifer Walker
Secretary of Administrative Procedure

Date 4-19-16

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-.35 Seasons, Creel and Size Limits for Fish on Public Waters or Banks Thereof

INTENDED ACTION: Amendment.

SUBSTANCE OF PROPOSED ACTION: To establish and remove seasons for certain species, clarify waters open for taking larger catfish, and establish definitions.

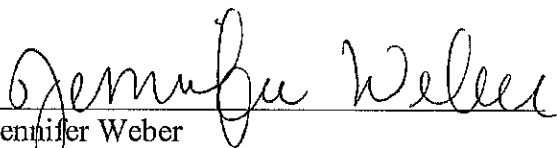
TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of the Division of Wildlife and Freshwater Fisheries at any time during the period stated below, or orally if requested in writing 48 hours in advance to the Director of the Division of Wildlife and Freshwater Fisheries, by personally appearing at Room 474, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Friday, June 3, 2016.

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:

June 3, 2016.

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


Jennifer Weber
Secretary of Administrative Procedure

N. Gunter Guy, Jr.

220-2-.35 ~~Daily Creel Limits, Possession Limits and Size Limits~~ Seasons, Creel and Size Limits for Fish on Public Waters or Banks Thereof

- (1) The following seasons for taking fish in accordance with the below stated times, places, manners and restrictions are hereby established. Unless noted below, the seasons for all designated game and commercial fish are open continuously.
- (2) It shall be unlawful for any person to take or have in possession more than the daily limit for any fish as established herein. This shall not apply to fish held live for release by the sponsor or its designated agent after a bonafide fishing tournament provided they are released unharmed to the public waters from which they were taken as soon as reasonably possible on the same day they were taken. This does not obligate the sponsor or its designated agent to release dead or dying fish.
- (3) Except as otherwise noted, it shall be unlawful to possess any fish less than or greater than size restrictions as established herein. Size restrictions on all fish are determined by measuring from the front of the mouth to the tip of the tail with both mouth and tail closed. The creel and possession limits for fish in all public waters of this State, ~~Except~~ as otherwise provided for certain State and Federally owned and/or managed fishing lakes and ponds, the daily creel, possession limits and size restrictions for fish in all public waters of this State shall be as follows:

Daily Creel and Possession Limit

- (a) **Black Bass** 10
Includes combinations of largemouth, smallmouth, spotted, Alabama, shoal and those species formerly known as "redeye" bass, which are now known separately as Coosa, Warrior, Cahaba, Tallapoosa and Chattahoochee bass, based on their respective drainages. The Alabama bass was formerly known as spotted bass in the Mobile drainage. No more than 5 of the daily creel limit of 10 may be smallmouth bass. See exceptions for shoal bass in specific tributaries of the Chattahoochee River.
- (b) **Walleye** 2
It shall be illegal to take or attempt to take walleye by any method from Sweetwater Lake located in the Talladega National Forest, Cleburne County, from White Plains Lake (also known as Whitesides Mill Lake), Calhoun County and from Shoal Creek upstream of White Plains Lake, Calhoun and Cleburne Counties. It shall also be illegal to take or attempt to take walleye by any method from Lake Mitchell on the Coosa River between Mitchell Dam and Lay Dam or from its tributary streams; Walnut Creek in Chilton County; Hatchet Creek in Coosa and Clay Counties and Weogufka Creeks in Coosa County. Any walleye taken in these lakes or streams shall immediately be released back into the waters from which they were taken with least possible harm.
- (c) **Sauger** 5
(It is illegal to possess any Sauger less than 415 inches in total length.)

(d) White Bass	15
(e) Yellow Bass	15
(f) Saltwater Striped Bass, and Hybrids or Combinations	15
No more than five of the 15 may exceed 22 inches in total length. See exceptions for Lewis Smith, Inland, Yates, and Thurlow reservoirs and Lake Martin.	
(g) Crappie	30
(It is illegal to possess any crappie less than nine inches in total length taken from Alabama public waters, including Aliceville Reservoir and Pickwick Reservoir. Waters exempt from the nine-inch crappie limit include impoundments less than 500 surface acres, and the reciprocal waters of the Chattahoochee River and Impoundments and their tributaries, Bear Creek Reservoir (Big Bear Lake of the B.C.D.A. Lakes), Lake Jackson at Florala and Weiss Reservoir. See exception for Weiss Reservoir.)	
(h) Catfish (under 34 inches)	No Limit
(i) Catfish (34 inches or greater)	1
It is illegal to possess more than one (1) catfish over 34 inches in total length taken from Alabama public waters. No blue or flathead catfish over 34 inches in total length may be transported live beyond the boundaries of this state unless permitted in writing by the Commissioner of the Department of Conservation and Natural Resources. This size limit shall not apply to catfish harvested from for harvest of blue catfish and flathead catfish from river basins where blue catfish and flathead catfish are not native. These river basins include the Perdido, Conecuh, Blackwater, Yellow, Choctawhatchee, Chipola, and Chattahoochee rivers basins. It shall be unlawful to transport live catfish 34 inches in length or greater beyond the boundaries of this state.	
(j) Bream	50
(k) Rainbow Trout	5
It shall be unlawful to cull from the creel any trout caught from the Sipsey Fork from Lewis Smith Dam downstream to the confluence with the Mulberry Fork. Culling is defined as removing and releasing a trout from the creel (live well, stringer, basket, bucket, cooler or other container) whether or not it is replaced with another trout. (See paragraph 65).	
(l) Alligator Gar	1
(m) Sturgeon	Closed Season
<u>All sturgeon must be immediately returned to water with the least possible harm</u>	

(n) Paddlefish or Spoonbill Catfish Closed Season
Except for those holders of special commercial harvest permits, all paddlefish must be immediately returned to water with least possible harm.

Turtle 2
~~Includes Common Snapping, Painted, Eastern Chicken, River Cooter, Florida Cooter, Pond Slider, Eastern Mud, Loggerhead Musk, Stinkpot and all species of Softshells. Taking of turtles is limited to personal use only. Commercial use prohibited.~~

~~Note: The creel and possession limits provided for above shall not apply to fish held live for release by the sponsor or its designated agent after a bona fide fishing tournament provided they are released unharmed to the public waters from which they were taken as soon as reasonably possible on the same day they were taken. This does not obligate the sponsor or its designated agent to release dead or dying fish.~~

~~Note: Total length of fish measured from the front of the mouth to the tip of the tail with both mouth and tail closed.~~

~~Note: It is a violation of Alabama law for any person to transport more than one day's creel limit of any species of game fish beyond the boundaries of this state. It is a violation of Alabama law for any person to fillet freshwater fish while on public waters except when fish are being prepared for immediate cooking and consumption, provided however, that fish may be drawn or gutted with heads left attached.~~

~~**NOTE: IT SHALL BE UNLAWFUL FOR ANY ANGLER TO FISH WITH MORE THAN THREE RODS AND REELS, OR POLES, OR ANY COMBINATION THEREOF ON WEISS RESERVOIR OR NEELY HENRY LAKE, AT ANY TIME.**~~

~~THERE IS NO CLOSED SEASON ON ANY FRESHWATER GAME FISH.~~

(4) SIZE LIMITS - As provided for above, as posted in State and Federally owned and/or managed public fishing lakes and ponds, and as follows:

- (a) 1.—**Chattahoochee River Tributaries** - It is illegal to possess shoal bass in Little Uchee, Uchee, Osanippa, Halawakee and Wacoochee creeks.
- (b) 2.—**Demopolis Reservoir** - It is illegal to possess any black bass less than 14 inches in total length.
- (c) 3.—**Guntersville Reservoir and Its Tributary of Town Creek** - It is illegal to possess any largemouth or smallmouth bass less than 15 inches in total length.
- (d) 4.—**Harris Reservoir** - It is illegal to possess any largemouth bass between 13 inches and 16 inches in total length.
- (e) 5.—**Lake Jackson at Florala** - Creel limit of five black bass greater than 12 inches in total length. Only one of the five can be over 22 inches in total length.

- (f) 6.—**Inland Reservoir** - It is illegal to possess more than two saltwater striped bass that exceed 22 inches in total length in the daily creel limit and only one of those may exceed 30 inches in total length.
- (g) 7.—**Lewis Smith Reservoir** - It is illegal to possess more than two saltwater striped bass that exceed 22 inches in total length in the daily creel limit. It shall be unlawful to intentionally cull from the creel any saltwater striped bass from June 15th to October 15th. ~~Culling is defined as removing and releasing a saltwater striped bass from the creel (live well, stringer, basket, bucket, cooler or other container) whether or not it is replaced with another striped bass.~~ (See paragraph 6 5)
- (h) 8.—**Lewis Smith Reservoir** - It is illegal to possess any black bass between 13 inches and 15 inches in total length unless permitted in writing by the Commissioner of the Department of Conservation and Natural Resources.
- (i) 9.—**Little Bear Creek Reservoir of the B.C.D.A. Lakes** - It is illegal to possess largemouth bass between 13 inches and 16 inches in total length.
- (j) 10.—**Lake Martin** - It is illegal to possess more than two saltwater striped bass that exceed 22 inches in total length in the daily creel limit. It shall be unlawful to intentionally cull from the creel any saltwater striped bass from June 15th to October 15th. ~~Culling is defined as removing and releasing a saltwater striped bass from the creel (live well, stringer, basket, bucket, cooler or other container) whether or not it is replaced with another striped bass.~~ (See paragraph 6 5)
- (k) 11.—**Pickwick Reservoir** - It is illegal to possess any smallmouth or largemouth bass less than 15 inches in total length.
- (l) 12.—**Thurlow Reservoir** - It is illegal to possess more than two saltwater striped bass that exceed 22 inches in total length in the daily creel limit and only one of those may exceed 30 inches in total length.
- (m) 13.—**Walter F. George Reservoir (Lake Eufaula) and its Tributaries** - It is illegal to possess any largemouth bass less than 14 inches in total length.
- (n) 14.—**Weiss Reservoir** - It is illegal to possess crappie less than 10 inches in total length.
- (o) 15.—**West Point Reservoir and its Tributaries** - It is illegal to possess any largemouth bass less than 14 inches in total length.
- (p) 16.—**Wheeler Reservoir** - It is illegal to possess any smallmouth bass less than 15 inches in total length.
- (q) 17.—**Wilson Reservoir and Its Tributaries of Big Nance and Town Creeks** - It is illegal to possess any smallmouth bass less than 15 inches in total length.
- (r) 18.—**Yates Reservoir** - It is illegal to possess more than two saltwater striped bass that exceed 22 inches in total length in the daily creel limit and only one of those may exceed 30 inches in total length.
- (s) **Chattahoochee River and Impoundments and Tributaries** – Special creel limits apply in reciprocal waters as specified under regulation 220-2-.122.

~~SPECIAL CREEL LIMITS APPLY ON THE RECIPROCAL WATERS OF THE CHATTAHOOCHEE RIVER AND IMPOUNDMENTS AND THEIR TRIBUTARIES; CHECK LOCALLY OR SEE REGULATION 220-2-.122.~~

(5) For the purposes of this regulation in paragraph (4)(k), (5)(g), (5)(j), and (6), “culling” shall be defined as removing and releasing a fish from the creel (live well, stringer, basket, bucket, cooler, or other container) whether it is replaced or not.

Statutory Authority:

§§ 9-2-7, 9-2-8 and 9-2-12
Code of Alabama 1975

PENALTY: As provided by law.

9/30/82; 10/20/83; 10/13/84; 10/19/85; 7/29/86; 6/9/89; 3/20/90; 4/5/90(E); 8/28/90(E);
6/25/92(E); 9/13/93(E); 11/22/93(E); 8/15/95(E); 12/18/95(E); 10/16/96; 9/16/97;
10/19/99; 10/4/2000(E); 10/5/2000(E); 7/25/2001; 9/28/2002; 6/24/2003(E);
8/18/2004(E); 2/12/2005(E); 6/1/2005(E); 4/1/2006(E); 10/1/2006(E);
10/21/2008; 9/21/2009(E); 11/11/10; 11/17/2011; 9/25/2012; 9/26/2012(E); 10/1/2013(E);
7/22/2014(E); 5/15/2015.
