

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- Daily Creel Limits, Possession Limits and Size Limits**

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

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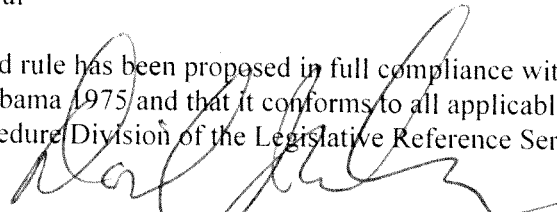
Does the proposed rule have any economic impact? NO

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.

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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 June 20, 2012

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:** (1) 220-2-.35 Daily Creel Limits, Possession Limits and Size Limits; (2) 220-2-.73 The Alabama Cooperative Deer Management Assistance Program; (3) 220-2-.55 Wildlife Management Areas, Community Hunting Areas, Public Hunting Areas, and Refuges of Alabama; (4) 220-2-.151 Archery Range Regulation; (5) 220-2-.29 Open Trapping Seasons on Fur-Bearers; (6) 220-2-.143 Alligator Hunting Season and Regulations; (7) 220-2-.02 Legal Arms, Ammunition, and Methods for Hunting.

**INTENDED ACTION:** Amendments.

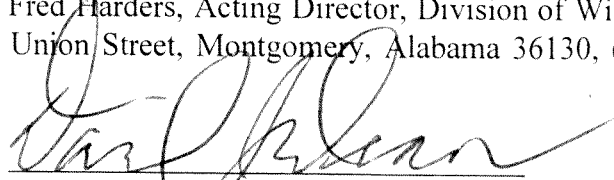
**SUBSTANCE OF PROPOSED ACTION:** (1)220-2-.35 -To further provide for and regulate the daily creel limits, possession limits and size limits for certain fish; to further provide for certain creel and size limits; to prohibit certain cullings; (2)220-2-.73 -To further provide for and regulate the Alabama Cooperative Deer Management Assistance Program; to require certain minimum number of contiguous acres; and to delete certain provisions relating to certain fees; (3) 220-2-.55-To further provide for and regulate conduct at such areas; to further provide for certain youth hunting, use of certain firearms, transportation of certain turkey, wearing of hunter orange, waterfowl hunting, and to further specify the areas to which certain provision apply; (4)220-2-.151- To further provide for and regulate certain archery ranges; to specify certain additional archery parks; and to further provide for certain requirements to use the archery ranges; (5)220-2-.29 -To further provide for and regulate trapping seasons and methods; to set the season and to delete certain provisions relating to trapping of certain woodchuck (groundhog); (6)220-2-.143 -To further provide for and regulate alligator hunting season and methods; to set the season and to provide for an application process, training requirements, and certain check station requirements, reporting and tagging; (7) 220-2-.02 To further provide for and regulate legal arms, ammunition, and equipment for hunting, including, but not limited to, certain hunting for deer, turkey, migratory birds, bobcat, groundhog, unprotected wildlife, fox, coyote, feral swine, and falconry; and to amend the title of the rule.

**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 advance by personally appearing at Room 469, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Monday, August 6, 2012.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:**  
Monday, August 6, 2012.

**CONTACT PERSON AT AGENCY:**

Fred Harders, Acting Director, Division of Wildlife  
and Freshwater Fisheries, 5th Floor, 64 N. Union Street, Montgomery, Alabama 36130, (334)  
242-3465.



DAVID J. DEAN  
Secretary of Administrative Procedure

N. Gunter Guy, Jr.

220-2-.35 Daily Creel Limits, Possession Limits and Size Limits

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, shall be as follows:

**Largemouth, Smallmouth, Spotted, Redeye or Coosa and Shoal Bass or Combinations** ..... 10  
No more than five of the bass daily creel of 10 may be smallmouth bass. See exceptions for shoal bass in Little Uchee and Osanippa Creeks, tributaries of the Chattahoochee River.)

**Black Bass**..... 10  
(Includes Largemouth, Smallmouth, Spotted and Redeye or Coosa Bass only. The take or harvest of Shoal Bass which occupy tributary waters of the Chattahoochee River drainage is prohibited.)

**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 and Hatchet 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.

**Sauger**..... 10

**White Bass**..... 15

**Yellow Bass**..... 15

**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.

**Sauger**..... 10  
(It is illegal to possess any Sauger less than 14 inches in total length.)

**White Bass, Yellow Bass, Saltwater Striped Bass, and Hybrids or Combinations**..... 30  
(No more than six of the 30 can exceed 16 inches in total length and no more than six may be saltwater striped bass. See exceptions for Weiss Reservoir; and further restrictions for Lewis Smith Reservoir and Lake Martin.)

**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 Florida and Weiss Reservoir. See minimum ten inch limit for Weiss Reservoir.)

**Catfish**.....(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 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.)

**Bream**..... 50

**Rainbow Trout**..... 5

It shall be unlawful to cull from the creel any trout caught from the Sipse 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.

**Alligator Gar**..... 1

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.

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

1. **Demopolis Reservoir** - It is illegal to possess any black bass less than 14 inches in total length.
2. **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.
3. **Harris Reservoir** - It is illegal to possess any largemouth bass between 13 inches and 16 inches in total length.
4. **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.
5. **Lake Martin** - ~~It is illegal to possess more than two white bass, yellow bass, saltwater striped bass and hybrids or combinations that are over 16 inches in total length in the daily creel limit. 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 15<sup>th</sup> to October 15<sup>th</sup>. 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.~~
6. **Lewis Smith Reservoir** - ~~It is illegal to possess more than two white bass, yellow bass, saltwater striped bass and hybrids or combinations that are over 16 inches in total length in the daily creel limit. 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 15<sup>th</sup> to October 15<sup>th</sup>. 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.~~

7. **Lewis Smith Reservoir** - It is illegal to possess any black bass between 13 inches and 15 inches in total length.
8. **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.
9. **Pickwick Reservoir** - It is illegal to possess any smallmouth bass less than ~~14~~ 15 inches in total length ~~or any crappie less than 9 inches in total length.~~
10. **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.
- ~~10-~~ 11. **Walter F. George Reservoir (Lake Eufaula) and its Tributaries** - It is illegal to possess any largemouth bass less than 14 inches in total length.
- ~~11-~~ 12. **Weiss Reservoir** - It is illegal to possess crappie less than 10 inches in total length. ~~It is legal to possess 30 white bass, yellow bass, saltwater striped bass and hybrids or combinations of any size.~~
- ~~12-~~ 13. **West Point Reservoir and its Tributaries** - It is illegal to possess any largemouth bass less than 14 inches in total length.
- ~~13-~~ 14. **Wheeler Reservoir** - It is illegal to possess any smallmouth bass less than 15 inches in total length.
15. **Wilson Reservoir and Its Tributaries of Big Nance and Town Creeks** - It is illegal to possess any smallmouth bass less than ~~14~~ 15 inches in total length.
16. **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.
17. **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.
18. **Chattahoochee River Tributaries** - It is illegal to possess shoal bass in Little Uchee and Osanippa Creeks.

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.

**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;