

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No.: 220

Department or Agency: Conservation and Natural Resources

Rule No.: 220-2-.155

Rule Title: Paddlefish Management Areas and Seasons Established

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

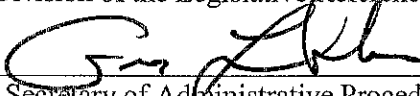
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

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 10/14/14

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

NOTICE OF INTENDED ACTION

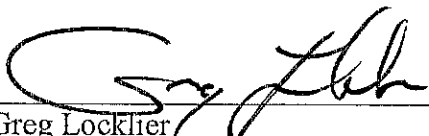
AGENCY NAME: Department of Conservation and Natural Resources
RULE NO. & TITLE: 220-2-.155, Paddlefish Management Areas and Seasons Established
INTENDED ACTION: Repeal and New

SUBSTANCE OF PROPOSED ACTION: To repeal and replace the above-referenced rule to incorporate the uniform numbering system in Rule 10-1-6-.01, Ala. Admin. Code and to (1) To remove limitations on locations of pre-season briefings provided by the Department; (2) To provide telephone contact information regarding paddlefish forms; (3) To clarify that falsification or failure to submit paddlefish reports is a violation of the rules and may result in denial of fishing privileges; (4) To expand the area of the Upper Alabama River (UAR) Paddlefish Management Area (PMA); (5) To add a designated boat ramp in the UARPMA; and (6) to correct grammatical errors and clarify language.

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., Thursday, December 4, 2014.

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 December 4, 2014. Written comments and requests for copies of the proposed amendments should be addressed to the contact person listed below.

CONTACT PERSON AT AGENCY: Nick Nichols, Assistant Chief of Fisheries, Division of Wildlife and Freshwater Fisheries, 5th Floor, 64 N. Union Street, Montgomery, Alabama 36130.



Greg Locklier
Secretary of Administrative Procedure

220-2-.155
Established.

Paddlefish Management Areas And Seasons

REPEALED

A provisional commercial fishing season for Paddlefish (*Polyodon spathula*) is hereby established for three areas of Alabama, as provided for below. These areas hereafter are referred to as Paddlefish Management Areas (PMA's), and are hereby established as, and shall constitute, special fishery "wildlife management areas", in accordance with Sections 9-11-300 and 301, Code of Alabama 1975. Three PMA's shall occur in portions of Autauga, Lowndes, Dallas, Clarke, Monroe, and Wilcox counties on the Alabama River, as described below. These rules shall govern according to the following restrictions and regulations:

Locations:

UPPER ALABAMA RIVER PADDLEFISH MANAGEMENT AREA (UAR)
(AUTAUGA/LOWNDES/DALLAS COUNTIES)

The public waters of the mainstem portion (tributaries excluded) of the Alabama River from Alabama River Mile (ARM) 235.5 (32.3161621°N 86.7898589°W) to ARM 221.7 (32.4372882°N 86.8562501°W). This is from one-half mile below Robert F. Henry Lock and Dam to the confluence of Mulberry Creek, at the northern end of Gardiner Island. In addition, the public waters of the mainstem portion (tributaries excluded) of the Alabama River from ARM 195.7 (32.3253497°N 87.0180604°W) to ARM 166.0 (32.1541113°N 87.1555624°W). This is from the mouth of Six Mile Creek (Dallas County) to the mouth of White Oak Creek (Dallas County). A total of 43.5 river miles will be open for commercial harvest of paddlefish.

MIDDLE ALABAMA RIVER PADDLEFISH MANAGEMENT AREA (MAR)
(WILCOX COUNTY)

The public waters of the mainstem portion (tributaries excluded) of the Alabama River from ARM 131.6 (32.0814245°N 87.4021318°W) to ARM 85.6 (31.7269344°N 87.4694156°W). This is from the power line crossing below Miller's Ferry Power House (Wilcox County) to Davis Ferry Landing (Monroe County). A total of 46.0 river miles will be open for commercial harvest of paddlefish.

LOWER ALABAMA RIVER PADDLEFISH MANAGEMENT AREA (LAR)
(MONROE/CLARKE COUNTIES)

The public waters of the mainstem portion (tributaries excluded) of the Alabama River from ARM 71.8 (31.6041739°N 87.5495901°W) to ARM 27.4 (31.2943224°N 87.7663244°W). This is from one-half mile below Claiborne Lock and Dam to Dixie Landing boat ramp. A total of 44.4 river miles will be open for commercial harvest of paddlefish.

Dates:**SEASON**

LAR: February 1 - March 21 of each year.

MAR: February 1 - March 21 of each year.

UAR: February 1 - March 21 of each year.

Weekend (Saturday and Sunday) commercial paddlefish fishing is not permitted.

Fishing Hours:

LAR: Legal sunrise hours - 1600 hours each day; Monday - Friday.

MAR: Legal sunrise hours - 1600 hours each day; Monday - Friday.

UAR: Legal sunrise hours - 1600 hours each day; Monday - Friday.

Persons Eligible:

Residents of the State of Alabama who are eighteen (18) years of age or older and have purchased a resident commercial freshwater fishing license from Oct 1, to September 30, of the previous year are eligible to apply for a Resident Commercial Paddlefish Harvester Permit. Nonresidents of states that allow Alabama residents to commercially fish for paddlefish are allowed to apply. Nonresidents of states that prohibit Alabama residents from commercially harvesting paddlefish are prohibited from engaging in commercial paddlefish fishing in Alabama.

Currently, the only states that allow Alabama residents to commercially harvest paddlefish are Tennessee, Kentucky, Illinois, and Missouri. Only residents of these states that were issued valid roe fish harvest permits/licenses from their state of residence, which were valid for that state's respective license year prior to October 1, will be eligible to apply to commercially harvest paddlefish in Alabama for the upcoming season. Not less than fifty percent (50%) of the available permits shall be made available to eligible Alabama residents. In no event shall the percentage of available permits for nonresidents of any other state exceed any percentage restriction placed on that state's nonresidents to commercially harvest paddlefish in that state.

Harvest Permits:

The following permits and tags are established and required to commercially harvest paddlefish in Alabama.

Alabama Residents

Commercial Paddlefish Harvester Permit [\$750.00]. This permit is required for the holder to fish and take paddlefish in a designated paddlefish management area for the purpose of

harvesting flesh and roe during designated commercial paddlefish seasons. This permit also allows one commercial fishing helper per permit holder. An Alabama Commercial Freshwater Fishing License is required in addition to the Commercial Paddlefish Harvester Permit to harvest and possess paddlefish.

Nonresidents

Nonresident Commercial Paddlefish Harvester Permit - The cost for the permit will be same as what the applicant's State of residency would charge an Alabama resident to commercially fish for paddlefish in that State but in no event shall the cost be less than the fee charged to a resident of Alabama. This permit is required for the holder to fish and take paddlefish in a designated paddlefish management area for the purpose of harvesting flesh and roe during designated seasons. This permit also allows one commercial fishing helper per permit holder. An Alabama Commercial Freshwater Nonresident Fishing License is required in addition to the Nonresident Commercial Paddlefish Harvester Permit to harvest and possess paddlefish.

Carcass Tags. It shall be required that all harvested paddlefish possess an ADWFF issued serial tag attached through the dorsal fin. Paddlefish harvesters will tag each harvested paddlefish after the fish is removed from the net and placed in their fishing vessel. Harvesters will be required to purchase these tags from ADWFF. The tag is to remain on the fish until the flesh is processed and packaged for retail sale.

Dealer's Licenses: Required by Section 9-11-153, Code of Ala. 1975, as amended by Act No. 2012-471.

Alabama Residents

Commercial Paddlefish Dealer's License [\$750.00]. This license is required of every resident person, firm, association, or corporation to buy, sell, process, or ship paddlefish roe or flesh acquired from a permitted paddlefish harvester. Any employee or agent of a dealer shall be required to possess a copy of the dealer license, signed by the dealer, at all times he is performing any activities pursuant to such license. This license is not required for a permitted paddlefish harvester to sell or ship within Alabama paddlefish roe or flesh that the harvester has caught, to an Alabama licensed commercial paddlefish dealer. An Alabama wholesale freshwater fish dealer license is required in addition to the Commercial Paddlefish Dealer's License to buy, process, sell, or ship paddlefish roe and flesh.

Nonresidents

Commercial Paddlefish Dealer's License - The cost for this license will be same as what the applicant's State of residency would charge an Alabama resident to buy, sell, process, or ship paddlefish roe or flesh within that State but in no event shall the cost be less than the fee charged to a resident of Alabama.

This license is required of every nonresident person, firm, association, or corporation to buy, sell, process, or ship paddlefish roe or flesh acquired from a permitted paddlefish harvester. Any employee or agent of a dealer shall be required to possess a copy of the dealer license, signed by the dealer, at all times he is performing any activities pursuant to such license. This license is not required for a permitted paddlefish harvester to sell or ship within Alabama paddlefish roe or flesh that the harvester has caught, to an Alabama licensed commercial paddlefish dealer. An Alabama wholesale freshwater fish dealer license is required in addition to the Commercial Paddlefish Dealer's License to buy, process, sell, or ship paddlefish roe and flesh.

Size Limit:

The minimum length to possess and harvest paddlefish is 34" (863.6 mm) eye-to-fork (EFL) and only egg-bearing females are legal within the three PMA's. The EFL is the length from the anterior portion of the eye to the fork of the tail measured with a flexible tape measured along curvature of the body. The possession and harvest of any male paddlefish, female paddlefish with no eggs, and female paddlefish under 34" EFL is prohibited.

Prior to sale to a commercial paddlefish dealer, paddlefish carcasses may not be altered in a manner that the length of the fish cannot be determined. If a paddlefish has been altered to not allow the minimum length determination, then the carcass and roe are subject to confiscation.

Applications:

Resident commercial paddlefish harvester permit applications will automatically be sent to all commercial freshwater fishers who held an Alabama commercial freshwater fishing license from October 1, to September 30, of the previous year. Eligible nonresident commercial freshwater fishers that wish to apply for an Alabama commercial paddlefish permit may obtain the necessary forms and information by contacting ADWFF or by downloading it from

<http://www.outdooralabama.com/fishing/freshwater/fish/paddlefish/>

A total of 5 separate applicants will be randomly selected for the opportunity to purchase permits for each of the three PMA's for a total of 15 permits in a given season. Commercial paddlefish harvester permits are non-refundable and non-transferable.

Mandatory Training Course:

All permitted commercial paddlefish harvesters will be required to attend a pre-season briefing and instruction meeting prior to the paddlefish fishing season. This meeting will be held in Lowndes County or Monroe County for commercial paddlefish harvester permit holders with the dates and times to be determined later. This meeting will only be open to valid commercial paddlefish harvester permit holders and not to the public. Each commercial paddlefish harvester permit will be endorsed by a Fisheries Biologist after the meeting. This endorsement is required and must be shown to a Conservation Officer or ADWFF Fisheries biologist if requested.

Designated Boat Ramps:

All commercial roe harvesters and helpers can only launch and take out from one of the designated boat ramps from their respective Paddlefish Management Area. Boat ramps are PMA specific:

UAR Paddlefish Management Area

USACE Benton boat ramp off of US Highway 80 (32.3127563°N 86.8192047°W); 15 miles east of Selma.

USACE Six Mile Creek boat ramp off of HWY 41 (32.3256762°N 87.0152170°W); 7 miles south of Selma.

Portland access boat ramp off of Dallas County Road 225 (32.1529105°N 87.1579930°W); 3 miles southeast of Portland.

MAR Paddlefish Management Area

USACE Cobb's Landing boat ramp off of State Highway 28 (32.0668569°N 87.4010475°W); 3 miles southwest of Miller's Ferry.

USACE Holly Landing boat ramp off of HWY 10 as it crosses the Alabama River (31.9693976°N 87.4128761°W); 7 miles west of Camden.

USACE Bell's Landing boat ramp off of HWY 41 (31.8070616°N 87.4227007°W); 3 miles southwest of Hybart.

LAR Paddlefish Management Area

USACE Claiborne Lock and Dam Ramp off of Monroe County Road
(31.6095112°N 87.5492510°W); 17 miles northwest of Monroeville.

Eureka Landing boat ramp off of Monroe County Road 8
(31.3932747°N 87.7088037°W); 3 miles northwest of Eliska.

Dixie Landing boat ramp off of HWY 59 (31.2948937°N
87.7643321°W); 4 miles west of Chrysler.

Gear and Fishing Restrictions:**Alabama River PMA's**

- Paddlefish may only be harvested by the use of gill nets, as provided for below.
- A gill net (may be referred to hereafter within as "net" or "nets") is defined as a single net attached to float and lead lines.
- The use of tied-down gill nets (hobbled) is prohibited.
- The use of monofilament gill nets is prohibited; only multifilament (nylon) nets are permitted.
- The maximum number of gill nets permitted to fish concurrently is five and only five gill nets may be in possession on the water and during commercial paddlefish fishing.
- The use of mechanical gear (rollers) to deploy and retrieve gill nets is permitted.
- A fluorescent orange float is required on each float end. The float size must be approximately the size of a 1 gallon milk container or similar to a bullet-type float measuring 5" in diameter and 11" in length.
- Total length of each gill net cannot exceed 200 feet.
- Total depth of each gill net cannot exceed 24 feet.
- Gill nets must have a minimum mesh size of 6-inch bar measure (knot to knot).
- The nets must be submerged three feet or more beneath the surface.
- Gill nets must be checked every 2 hours to reduce bycatch.
- Gill nets must be removed from the water by 1600 hours each fishing day.
- The "tying up" of any harvested paddlefish to a tree or limb is prohibited.
- A large live well is permitted if the harvesters wish to keep the fish alive while on the water.

- All harvested paddlefish must be kept in the harvester's boat until they reach land for processing.
- Paddlefish eggs may not be removed outside of the fish's body cavity while on the water or adjacent bank. Eggs can only be removed at the boat ramp or processing facility.
- No processed paddlefish and/or eggs outside of the body cavity can be in possession while on the water.
- A 12-gauge needle inserted into the side of a paddlefish (only those fish over 34 inch EFL) adjacent to the ovaries must be used to determine the presence of eggs.
- A 2-inch portion of ovary (including some eggs) must remain attached to each harvested paddlefish until the fish and eggs are received by a licensed commercial paddlefish dealer.
- Paddlefish eggs removed from the fish must be kept in separate containers - eggs from one fish per container. Each container must be labeled with the paddlefish tag number and as paddlefish roe. One container must match one harvested paddlefish.
- Blocking of harvested paddlefish is not permitted.
- Paddlefish may not be possessed alive away from harvested waters.
- The gill rakers inside the mouth can be cut to bleed the fish.
- Commercially harvested paddlefish (or parts thereof) taken from an authorized PMA and sold must be marketed to a licensed wholesale fish dealer who has a valid Alabama commercial paddlefish dealer license; provided however, that all parts other than roe may be sold within Alabama by the harvester to other individuals for their personal consumption.
- All commercial paddlefish harvester permit holders are required to allow boarding of their vessel if requested by an ADWFF conservation officer, agent, or biologist to examine their catch.
- Citations for the violation of any commercial fishing laws and regulations during the paddlefish season may result in confiscation of fishing equipment (i.e., boat, boat motor, boat trailer, gillnets and associated gear) and paddlefish roe and flesh as evidence.
- Conviction of any laws and regulations from a paddlefish season may result in the loss of opportunity to apply for a future commercial paddlefish harvester permit and forfeiture of confiscated fish equipment, paddlefish roe and flesh.

- During the commercial paddlefish season it is prohibited for any person to possess, buy, sell, or ship across Alabama state line whole paddlefish, paddlefish parts or eggs without proper permits and documentation as determined by the ADWFF.

Exceptions:

- Persons who have purchased paddlefish flesh or processed and packaged paddlefish eggs for consumption.
- Restaurants, grocery stores, hotels, retail fish markets, and wholesale food suppliers selling paddlefish roe or paddlefish parts fully processed, packaged and ready for retail sale in sealed containers.
- Commercial shipping firms or authorized agents may possess legally taken paddlefish and/or paddlefish eggs or flesh shipped by person having an Alabama commercial roe dealer/buyer license.

Informational Note: Regulations Already in Effect that Apply to the Commercial Harvest of Paddlefish:

Alabama River

- All gill nets need to be marked with the commercial fisher's name and license number on an attached tag.
- At least one buoy must bear the name, address, and license number of the commercial fisher.
- Each gill net must be fished independent of other nets and cannot be tied together.
- Nets must be staggered when set and cannot be placed closer than 50' to any other net.
- Nets must be fished in a stationary manner.
- Nets cannot be placed 25' or closer to the water's edge.
- Nets cannot be set in a way that the net extends more than half way across any river.
- The cutting or mutilating of paddlefish to check for eggs is prohibited. (Except by the use of a 12 gauge needle to check for eggs).

Harvest, Sale and Shipping Reporting:

Commercial paddlefish harvesters and commercial paddlefish dealers will be required to submit paddlefish daily catch and harvest reports, commercial paddlefish roe buyer's weekly reports, and/or other reports as determined by the ADWFF. Falsification of, or failure to submit by the specified time or date, the required paddlefish reports to the ADWFF, may, within the discretion of ADWFF, result in the prohibition from

applying and obtaining future commercial paddlefish harvester permits or commercial paddlefish dealer's licenses.

License Requirements:

Holders of a commercial paddlefish harvester permit and commercial paddlefish dealer's license must have government issued picture identification on their person during the commercial paddlefish season and while possessing paddlefish eggs, flesh, and parts. The aforementioned permit and license must also be on their person during the season while possessing paddlefish eggs, flesh, and parts.

Author: N. Gunter Guy, Jr.

Statutory Authority: Code of Ala. 1975, §§9-2-7, 9-2-8, 9-11-140, 9-11-300, 9-11-301.

History: New Rule: Filed November 22, 2013; effective December 27, 2013.

PENALTY: As provided by law.

220-2-.156 **Release Of Captive Raised Cervidae.** It shall be unlawful for any person, firm or corporation licensed under 9-11-30 or 9-11-261, or any buyer or recipient from any of such persons, to knowingly or intentionally release any captive raised member of the family Cervidae into the wild except those areas bounded by enclosures which effectively restrict the egress of such animals.

Author: N. Gunter Guy, Jr.

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

History: New Rule: Filed April 15, 2013; effective May 20, 2013.

PENALTY: As provided by law.

220-2-.157 **Definition Of Area Regulation.** For the purposes of Section 9-11-244, Code of Ala. 1975, and Rule 220-2-.11, Alabama Administrative Code, as it applies to the hunting of deer and feral swine, there shall be a rebuttable presumption that any bait or feed (as defined in Section 9-11-244) located beyond 100 yards from the hunter and not within the line of sight of the hunter, is not a lure, attraction or enticement to, on or over the area where the hunter is attempting to kill or take the deer or feral swine. For the purpose of this regulation, "not within the line of sight" means being hidden

from view by natural vegetation or naturally occurring terrain features. This regulation shall not apply on public lands.

Author: N. Gunter Guy, Jr.

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

History: New Rule: Filed May 23, 2013; effective June 27, 2013.

PENALTY: As provided by law.

220-2-.155 Paddlefish Management Areas and Seasons Established (NEW RULE)

(1) A provisional commercial fishing season for paddlefish (*Polyodon spathula*) is hereby established for three areas of Alabama, as provided for below. These areas hereafter are referred to as Paddlefish Management Areas (PMAs) and are hereby established as, and shall constitute, special fishery “wildlife management areas,” in accordance with Sections 9-11-300 and 301, Code of Alabama 1975. Three PMAs shall be in portions of Autauga, Lowndes, Dallas, Clarke, Monroe, and Wilcox counties on the Alabama River, as described below. Commercial fishing of paddlefish for the purpose of harvesting flesh and roe and buying, selling, processing, and shipping paddlefish roe or flesh acquired from paddlefish harvesters are subject to these regulations.

(2) **Locations of PMAs.**

(a) **Upper Alabama River Paddlefish Management Area (UAR) (Autauga/Lowndes/Dallas Counties).** The public waters of the mainstem portion (tributaries excluded) of the Alabama River from Alabama River Mile (ARM) 235.5 (32.3161621°N 86.7898589°W) to ARM 207.0 (32.386725°N 86.997467°W). This is from one-half mile below Robert F. Henry Lock and Dam to the U.S. Highway 80 Cecil Jackson Bypass Bridge. In addition, the public waters of the mainstem portion (tributaries excluded) of the Alabama River ARM 197.1 (32.358606°N 87.044413°W) to ARM 166.0 (32.1541113°N 87.1555624°W). This is from the mouth of Coast Guard Slough (Dallas County), 0.86 mile downstream of the former Little Miami Public Use Area to the mouth of White Oak Creek (Dallas County). A total of 59.6 river miles will be open for commercial harvest of paddlefish.

(b) **Middle Alabama River Paddlefish Management Area (MAR) (Wilcox County).** The Public waters of the mainstem portion (tributaries excluded) of the Alabama River from ARM 131.6 (32.0814245°N 87.4021318°W) to ARM 85.6 (31.7269344°N 87.4694156°W). This is from the power line crossing below Miller’s Ferry Power House (Wilcox County) to Davis Ferry Landing (Monroe County). A total of 46.0 river miles will be open for commercial harvest of paddlefish.

(c) **Lower Alabama River Paddlefish Management Area (LAR) (Monroe/Clarke Counties).** The public waters of the mainstem portion (tributaries excluded) of the Alabama River from ARM 71.8 (31.6041739°N 87.5495901°W) to ARM 27.4 (31.2943224°N 87.7663244°W). This is from one-half mile below Claiborne Lock and Dam to Dixie Landing boat ramp. A total of 44.4 river miles will be open for commercial harvest of paddlefish.

(3) **Season.**

(a) **LAR:** February 1—March 21 of each year.

(b) **MAR:** February 1—March 21 of each year.

(c) **UAR:** February 1—March 21 of each year.

(d) Weekend (Saturday and Sunday) commercial paddlefish fishing is not permitted.

(4) **Fishing Hours.**

- (a) **LAR:** Legal sunrise hours—1600 hours each day; Monday—Friday.
- (b) **MAR:** Legal sunrise hours—1600 hours each day; Monday—Friday.
- (c) **UAR:** Legal sunrise hours—1600 hours each day; Monday—Friday.

(5) **Persons Eligible.**

(a) Residents of the State of Alabama who are eighteen (18) years of age or older and have purchased a resident commercial freshwater fishing license from October 1, to September 30 of the previous year are eligible to apply for a Resident Commercial Paddlefish Harvester Permit.

(b) Nonresidents of states that allow Alabama residents to commercially fish for paddlefish are eligible to apply for Nonresident Commercial Paddlefish Harvester Permits. Nonresidents of states that prohibit Alabama residents from commercially harvesting paddlefish are prohibited from engaging in commercial paddlefish fishing in Alabama. Currently, the only states that allow Alabama residents to commercially harvest paddlefish are Tennessee, Kentucky, Illinois, and Missouri. Only residents of these states that were issued valid roe fish harvest permits/licenses from their states of residence, which were valid for that state's respective license year prior to October 1, will be eligible to apply to commercially harvest paddlefish in Alabama for the upcoming season. Not less than fifty percent (50%) of the available permits shall be made available to eligible Alabama residents. In no event shall the percentage of available permits for nonresidents of any other state exceed any percentage restriction placed on that state's nonresidents to commercially harvest paddlefish in that state.

(6) **Harvest Permits.** The following permits and tags are established and required to commercially harvest paddlefish in Alabama.

(a) **Alabama Residents.** Commercial Paddlefish Harvester Permit [\$750.00]. This permit is required for the holder to fish and take paddlefish in a designated paddlefish management area for the purpose of harvesting flesh and roe during designated commercial paddlefish seasons. This permit also allows one commercial fishing helper per permit holder. An Alabama Commercial Freshwater Fishing License is required in addition to the Commercial Paddlefish Harvester Permit to harvest and possess paddlefish.

(b) **Nonresidents.** Nonresident Commercial Paddlefish Harvester Permit. The cost for the permit will be same as what the applicant's State of residency would charge an Alabama resident to commercially fish for paddlefish in that State but in no event shall the cost be less than the fee charged to a resident of Alabama. This permit is required for the holder to fish and take paddlefish in a designated paddlefish management area for the purpose of harvesting flesh and roe during designated seasons. This permit also allows one commercial fishing helper per permit holder. An Alabama Commercial Freshwater Nonresident Fishing License is required in addition to the Nonresident Commercial Paddlefish Harvester Permit to harvest and possess paddlefish.

(c) **Carcass Tags.** Each harvested paddlefish shall have an ADWFF issued serial tag attached through the dorsal fin. Paddlefish harvesters shall tag each harvested paddlefish after the fish is removed from the net and placed in the fishing vessel. The tag is to remain on the fish until the flesh is

processed and packaged for retail sale.

(7) **Dealer's Licenses. (Required by Section 9-11-153, Code of Alabama 1975).**

(a) **Alabama Residents.** Commercial Paddlefish Dealer's License [\$750.00]. This license is required of every resident person, firm, association, or corporation to buy, sell, process, or ship paddlefish roe or flesh acquired from a permitted paddlefish harvester. Any employee or agent of a dealer shall be required to possess a copy of the dealer license, signed by the dealer, at all times he is performing any activities pursuant to such license. This license is not required for a permitted paddlefish harvester to sell or ship within Alabama paddlefish roe or flesh that the harvester has caught, to an Alabama licensed commercial paddlefish dealer. An Alabama wholesale freshwater fish dealer license is required in addition to the Commercial Paddlefish Dealer's License to buy, process, sell, or ship paddlefish roe and flesh.

(b) **Nonresidents.** Commercial Paddlefish Dealer's License. The cost for this license will be same as what the applicant's State of residency would charge an Alabama resident to buy, sell, process, or ship paddlefish roe or flesh within that State but in no event shall the cost be less than the fee charged to a resident of Alabama. This license is required of every nonresident person, firm, association, or corporation to buy, sell, process, or ship paddlefish roe or flesh acquired from a permitted paddlefish harvester. Any employee or agent of a dealer shall be required to possess a copy of the dealer license, signed by the dealer, at all times he is performing any activities pursuant to such license. This license is not required for a permitted paddlefish harvester to sell or ship within Alabama paddlefish roe or flesh that the harvester has caught, to an Alabama licensed commercial paddlefish dealer. An Alabama wholesale freshwater fish dealer license is required in addition to the Commercial Paddlefish Dealer's License to buy, process, sell, or ship paddlefish roe and flesh.

(8) **Size Limit.**

(a) Each paddlefish harvested from PMAs shall be a minimum length of 34 inches (863.6 mm) eye-to-fork (EFL) and only egg-bearing females are legal within the three PMA's. The EFL is the length from the anterior portion of the eye to the fork of the tail measured with a flexible tape measured along curvature of the body. The possession and harvest of any male paddlefish, female paddlefish with no eggs, and female paddlefish under 34" EFL is prohibited.

(b) Prior to sale to a commercial paddlefish dealer, paddlefish carcasses may not be altered in a manner that the length of the fish cannot be determined. If a paddlefish has been altered to not allow the minimum length determination, then the carcass and roe are subject to confiscation.

(9) **Applications.**

(a) Commercial paddlefish harvester permit applications will be sent to all commercial freshwater fishers who held an Alabama commercial freshwater fishing license from October 1 to September 30 of the previous year. Eligible nonresident commercial freshwater fishers that wish to apply for an Alabama commercial paddlefish permit may obtain the necessary forms and information by contacting ADWFF at (334) 242-3471.

(b) A total of five separate applicants will be randomly selected for the opportunity to purchase permits for each of the three PMAs for a total of 15 permits in a given season.

(c) Commercial paddlefish harvester permits are non-refundable and non-transferable.

(10) **Mandatory Training Course.** All permitted commercial paddlefish harvesters and licensed commercial paddlefish dealers shall attend a pre-season briefing and instruction meeting prior to the paddlefish fishing season. The date, time, and location of this meeting will be announced prior to the season opening. This meeting will only be open to holders of valid commercial paddlefish harvester permits and holders of valid commercial paddlefish dealer licenses and not to the public. Each commercial paddlefish harvester permit will be endorsed by a Fisheries Biologist after the meeting. This endorsement is required and shall be shown to a Conservation Officer or ADWFF biologist if requested.

(11) **Designated Boat Ramps.** Commercial roe harvesters and helpers shall only launch and take out from one of the boat ramps designated for each Paddlefish Management Area as indicated below. Boat ramps are PMA specific.

(a) **UAR Paddlefish Management Area.**

1. USACE Benton boat ramp off of US Highway 80 (32.3127563°N 86.8192047°W); 15 miles east of Selma.

2. USACE Steeles Landing Boat ramp off of Autauga County Road 1 (32.430651°N 86.832682°W); 10.5 miles west of Autaugaville.

3. USACE Six Mile Creek boat ramp of HWY 41 (32.3256762°N 87.0152170°W); 7 miles south of Selma.

4. Portland access boat ramp off of Dallas County Road 225 (32.1529105°N 87.1579930°W); 3 miles southeast of Portland.

(b) **MAR Paddlefish Management Area.**

1. USACE Cobb's Landing boat ramp off of State Highway 28 (32.0668569°N 87.4010475°W); 3 miles southwest of Miller's Ferry.

2. USACE Holly Landing boat ramp off of HWY 10 as it crosses the Alabama River (31.9693976°N 87.4128761°W); 7 miles west of Camden.

3. USACE Bell's Landing boat ramp off of HWY 41 (31.8070616°N 87.4227007°W); 3 Miles southwest of Hybart.

(c) **LAR Paddlefish Management Area.**

1. USACE Claiborne Lock and Dam Ramp off of Monroe County Road (31.6095112°N 87.5492510°W); 17 miles northwest of Monroeville.

2. Eureka Landing boat ramp off of Monroe County Road 8 (31.3932747°N 87.7088037°W); three miles northwest of Eliska.

3. Dixie Landing boat ramp off of HWY 59 (31.2948937°N 87.7643321°W); 4 miles west of Chrysler.

(12) Gear and Fishing Restrictions: Alabama River PMAs

(a) Paddlefish may only be harvested by the use of gill nets, as provided for below.

(b) A gill net (may be referred to hereafter within as “net” or “nets”) is defined as a single net attached to float and lead lines.

(c) The use of tied-down gill nets (hobbled) is prohibited.

(d) The use of monofilament gill nets is prohibited; only multifilament (nylon) nets are permitted.

(e) The maximum number of gill nets permitted to fish concurrently is five and only five gill nets may be in possession on the water and during commercial paddlefish fishing.

(f) The use of mechanical gear (rollers) to deploy and retrieve gill nets is permitted.

(g) A fluorescent orange float is required on each float end. The float size must be approximately the size of a 1 gallon milk container or similar to a bullet-type float measuring 5” in diameter and 11” in length.

(h) Total length of each gill net cannot exceed 200 feet.

(i) Total depth of each gill net cannot exceed 24 feet.

(j) Gill nets must have a minimum mesh size of 6-inch bar measure (knot to knot).

(k) The nets must be submerged three feet or more beneath the surface.

(l) Gill nets must be checked every 2 hours to reduce bycatch.

(m) Gill nets must be removed from the water by 1600 hours each fishing day.

(n) The “tying up” of any harvested paddlefish to a tree or limb is prohibited.

(o) A large live well is permitted if the harvesters wish to keep the fish alive while on the water.

(p) All harvested paddlefish must be kept in the harvester’s boat until they reach land for processing.

(q) Paddlefish eggs may not be removed outside of the fish’s body cavity while on the water or adjacent bank. Eggs can only be removed at the boat ramp or processing facility.

(r) No processed paddlefish and/or eggs outside of the body cavity can be in possession

while on the water.

(s) A 12-gauge needle inserted into the side of a paddlefish (only those fish over 34 inch EFL) adjacent to the ovaries must be used to determine the presence of eggs.

(t) A two inch portion of ovary (including some eggs) must remain attached to each harvested paddlefish until the fish and eggs are received by a licensed commercial paddlefish dealer.

(u) Paddlefish eggs removed from the fish must be kept in separate containers—eggs from one fish per container. Each container must be labeled with the paddlefish tag number and as paddlefish roe. One container must match one harvested paddlefish.

(v) Blocking of harvested paddlefish is not permitted.

(w) Paddlefish may not be possessed alive away from harvested waters.

(x) The gill rakers inside the mouth can be cut to bleed the fish.

(y) Commercially harvested paddlefish (or parts thereof) taken from an authorized PMA and sold must be marketed to a licensed wholesale fish dealer who has a valid Alabama commercial paddlefish dealer license; provided however, that all parts other than roe may be sold within Alabama by the harvester to other individuals for their personal consumption.

(z) All commercial paddlefish harvester permit holders are required to allow boarding of their vessel if requested by an ADWFF conservation officer, agent, or biologist to examine their catch.

(aa) Each gill net must be fished independent of other nets and cannot be tied together.

(bb) During the commercial paddlefish season it is prohibited for any person to possess, buy, sell, or ship across Alabama state line whole paddlefish, paddlefish parts or eggs without proper permits and documentation as determined by the ADWFF. The following exceptions apply:

1. **Exceptions.**

(i) Persons who have purchased paddlefish flesh or processed and packaged paddlefish eggs for consumption.

(ii) Restaurants, grocery stores, hotels, retail fish markets, and wholesale food suppliers selling paddlefish roe or paddlefish parts fully processed, packaged and ready for retail sale in sealed containers.

(iii) Commercial shipping firms or authorized agents may possess legally taken paddlefish and/or paddlefish eggs or flesh shipped by person having an Alabama commercial roe dealer/buyer license.

(13) **Other Laws and Regulations.** Commercial paddlefish harvesters and dealers are subject to all other applicable regulations and laws related to commercial fishers and dealers in Alabama including following:

- (a) All gill nets shall be marked with the commercial fisher's name and license number on an attached tag.
- (b) At least one buoy must bear the name, address, and license number of the commercial fisher.
- (c) Nets must be staggered when set and cannot be placed closer than 50' to any other net.
- (d) Nets must be fished in a stationary manner.
- (e) Nets cannot be placed 25 feet or closer to the water's edge.
- (f) Nets cannot be set in a way that the net extends more than half way across any river.
- (g) The cutting or mutilating of paddlefish to check for eggs is prohibited. (Except by the use of a 12 gauge needle to check for eggs).

(14) **Harvest, Sale, and Shipping Reporting.** Commercial paddlefish harvesters and commercial paddlefish dealers will be required to submit paddlefish daily catch and harvest reports, commercial paddlefish roe buyer's weekly reports, and/or other reports as determined by the ADWFF. Falsification of, or failure to submit by the specified time or date, the required paddlefish reports to the ADWFF is a violation of this regulation and subjects the violator to denial of future fishing privileges.

(15) **License Requirements.** Holders of a commercial paddlefish harvester permit and commercial paddlefish dealer's license must have government issued picture identification on their person during the commercial paddlefish season and while possessing paddlefish eggs, flesh, and parts. The aforementioned permit and license must also be on their person during the season while possessing paddlefish eggs, flesh, and parts.

(16) **Penalties.**

(a) Citations for the violation of any commercial fishing laws and regulations during the paddlefish season may result in seizure and confiscation of fishing equipment (i.e., boat, boat motor, boat trailer, gillnets and associated gear) and paddlefish roe and flesh.

(b) Conviction of any commercial fishing or paddlefish-related laws and/or regulations may result in revocation or suspension of a permit/license, denial of a permit/license application for a future commercial paddlefish harvester permit or dealer license, and/or forfeiture of confiscated fish equipment, paddlefish roe and flesh.

(c) Any person, firm, association, or corporation who engages in any activity without a license, for which a paddlefish dealer's license is required, upon conviction, shall be guilty of a Class A misdemeanor, except the minimum fine for the first offense shall be one thousand five hundred dollars (\$1,500), and for the second or any subsequent violation, the fine shall be not less than two thousand dollars (\$2,000) nor more than ten thousand dollars (\$10,000).

(d) Violations these commercial paddlefish harvester regulations and other commercial fishing laws and regulations is a class "A" misdemeanor and, upon conviction for the first offense, shall

be punished by a fine of not more than \$2,000.00 and/or sentenced to imprisonment for not more than one year; upon conviction for the second or any subsequent offense, the punishment shall be by a fine of not less than \$500.00 nor more than \$2,000.00, and/or by imprisonment for not less than one month nor more than one year.

AUTHOR: N. Gunter Guy, Jr.

STATUTORY AUTHORITY: Code of Ala. 1975, §§9-2-7, 9-2-8, 9-11-140, 9-11-300, 9-11-301.

HISTORY:

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PENALTY: As provided by law.