

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No.: 220

Department or Agency: Conservation and Natural Resources

Rule No.: 220-2-.40

Rule Title: Taking Fish in Waterfowl Management Areas

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

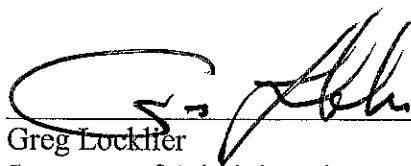
AGENCY NAME: Department of Conservation and Natural Resources
RULE NO. & TITLE: 220-2-.40, Taking Fish in Waterfowl Management Areas
INTENDED ACTION: Amendment

SUBSTANCE OF PROPOSED ACTION: To provide for the salvaging of fish in the event a state lake operated by the Wildlife and Freshwater Fisheries Division is drained or pumped dry.

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 Lockfyer
Secretary of Administrative Procedure

220-2-.40. Taking Fish in Waterfowl Management Areas and Certain State Lakes.

(1) Whenever the Director of the ~~Game and Fish Division~~ Wildlife and Freshwater Fisheries Division (WFF) of the Department of Conservation and Natural Resources shall announce in writing that a waterfowl feeding pond or lake located on any wildlife management area or a State Lake operated by the Department of Conservation and Natural Resources is to be drained or pumped dry, resulting in the death of fish located in any such pond or lake, such fish of any species may be taken, or attempt to be taken, in any number regardless of creel limits by any holder of a valid fishing license, and in the case of WFF managed state lakes as defined in 220-2-.36, possession of a daily permit, by the use of hands, nets, seines, gigs, spears, or snatch hooks. Such fish shall not be taken by the use of explosives, poison, or firearms of any type or description.

(2) Only those holders of a valid commercial fishing license may sell Commercial or non-game fish except catfish. The sale or barter of any game fish or catfish of any species taken by anyone from any area covered under this regulation is hereby prohibited.

(3) Nothing in this regulation shall be construed or interpreted to legalize any type of fishing equipment for the taking of fish under any circumstances other than those outlined in this regulation. Provided, however, that this regulation shall not apply to the Swan Creek Management Area in Limestone County.

~~(2)~~ (4) It shall be unlawful to take fish for commercial purposes and/or to use commercial fishing gear within any dewatering unit within the state during waterfowl season.

AUTHOR:

N. Gunter Guy, Jr.

STATUTORY AUTHORITY:

Code of Ala. 1975, §§ 9-2-7, 9-2-12.

HISTORY:

Filed September 30, 1992. **Amended:** May 16, 1983.

PENALTY: As provided by law.