

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-.44

Rule Title: **Prohibited Methods of Taking 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? 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 Weller
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-.44 Prohibited Methods of Taking Fish

INTENDED ACTION: Amendment.

SUBSTANCE OF PROPOSED ACTION: To clarify unlawful trotline and rod specifications, and to clarify when it is illegal to remove fish heads.

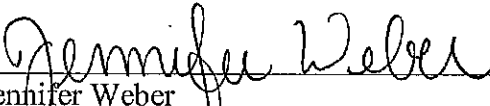
TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of the Division of Wildlife and Freshwater Fisheries at any time during the period stated below, or orally if requested in writing 48 hours in advance to the Director of the Division of Wildlife 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-.44 Prohibited Methods of Taking Fish

It shall be unlawful:

- (1) to drag any hoop net, fyke net, gill net, trammel net or seine, except a legal minnow seine, through any public waters of this State;
- (2) to take or attempt to take, catch or kill any species of fish from public waters by the use of any firearms;
- (3) to take or attempt to take, catch or kill any species of fish from the public waters by use of any seine, except minnow seine, wire basket, cast net, or any stationary fish trap except as otherwise provided by law;
- (4) to take or attempt to take, catch, or kill any species of fish by means of any trotlines, set lines, snag lines, commercial fishing net, slat box, or wire basket within one-half mile below any lock, dam, or power house on any public water of this State;
- (5) to remove or attempt to remove fish from any hoop net, gill net, fyke net, trammel net, slat trap or slat basket, or to move, set or reset any of the said fishing gear listed in this regulation between the hours of sunset and sunrise;
- (6) to fish or attempt to fish in any of the public waters of this State on or from the posted lands of another without first obtaining the permission of the landowner or his agent;
- (7) to fish a slat box or basket without having a metal tag permanently affixed thereto stating thereon the name, address, and license number or tax identification number of the licensee operating and using each slat box.
- (8) ~~to fish a trotline or snagline unless the end or ends of such line within twenty five feet of the bank shall be made up of at least six feet of untreated cotton and such line shall be attached to the bank or anchors with said untreated cotton line only. Further that all other anchors within twenty five feet of the bank shall be attached to said line only with untreated cotton line. And further that to leave any set line or bush hook left unattended for more than 48 hours. Further, any set line or bush hook unattended for more than 48 hours may be removed by Game and Fish Division personnel and destroyed.~~
- (9) ~~To filet a fish while fishing, or to possess filets or to remove the heads of 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.

(10) to utilize more than three rods and reels or poles or any combination thereof while fishing Weiss Reservoir or Neely Henry Lake.

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

Penalty: As provided by law.

11/16/1990; 10/22/1992; 10/19/1993; 9/16/1998.