

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**

Rule Title: 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

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 [Signature]
Secretary of Administrative Procedure

Date August 22, 2011

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-.151 Archery Range Regulation; (2) 220-2-.126 Public Shooting Range Regulation; (3) 220-2-.22 Wildlife Management Areas and Sanctuaries Established; (4) 220-2-.35 Daily Creel Limits, Possession Limits, and Size Limits; (5) 220-2-.110 Establishment of Physically Disabled Hunting Areas; (6) 220-2-.11 Prohibited Methods and Devices for Hunting.

INTENDED ACTION: (1)-(2), (4)-(6):Amendments. (3):New and repeal.


SUBSTANCE OF PROPOSED ACTION: (1)220-2-.151-To further regulate conduct at certain archery ranges and parks; to add names of additional archery parks; to further provide for the use of bows and arrows; and to provide for additional posted restrictions; (2)220-2-.126-To further regulate conduct at certain public shooting ranges; and to provide for additional posted restrictions; (3)220-2-.22-To further provide for the names, boundary lines, and maps of certain wildlife management areas, refuges, and a sanctuary; to also list certain Federal refuges in Alabama; and to repeal existing rule; (4)220-2-.35- To further provide for the creel, possession and size limits for certain fish; and to restrict the taking of, and to require the release of certain, species on certain areas; (5)220-2-.110-To further provide for and establish certain physically disabled hunting areas; to revise maps; to rename a certain area; and to add an additional area and map; (6)220-2-.11-To further provide for prohibited methods and devices for hunting; and to provide for a certain exception for certain range finders on bows.

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., Thursday, October 6, 2011.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Thursday, October 6, 2011.

CONTACT PERSON AT AGENCY: M. N. "Corky" Pugh, Director, Division of Wildlife and Freshwater Fisheries, 5th Floor, 64 N. Union Street, Montgomery, Alabama 36130.


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:

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
(It is illegal to possess any Sauger less than 14 inches in total length. There is a 14 inch minimum length limit on sauger with an exception of allowing three fish 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 Florala 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 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.

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.

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** - It is illegal to possess any largemouth or ~~and~~ 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.
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.
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 inches in total length or any crappie less than 9 inches in total length.
10. **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. **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. **West Point Reservoir and its Tributaries** - It is illegal to possess any largemouth bass less than 14 inches in total length.
13. **Wilson Reservoir** - It is illegal to possess any smallmouth bass less than 14 inches in total length.

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;