

Commercial Freshwater Fishing – Non-Resident

Code of Alabama

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SECTION 9-11-22 COMMERCIAL FISHING EQUIPMENT REQUIRED TO BE AFFIXED WITH TAGS.

- (a) Notwithstanding any other provision of law, all commercial fishing equipment used in the waters of this state shall be affixed with a tag which has the name, address, and Social Security number or tax identification number of the commercial fisherman owning the equipment imprinted on the tag.
- (b) A violation of this section shall be a Class B misdemeanor.

SECTION 9-11-55.1 NONRESIDENT FRESHWATER FISHING LICENSES - USE OF CERTAIN TROT LINES PROHIBITED; INSPECTION OF PERMISSIBLE TROT LINES REQUIRED; PENALTIES.

- (a) Nonresidents fishing in the public waters of the State of Alabama pursuant to those licenses provided for by Sections 9-11-55 or 9-11-56, are hereby prohibited from taking or attempting to take fish from said waters by means of one or more trotlines having a combination of more than 100 hooks. Said nonresidents are required to inspect permissible trotlines at least once each day.
- (b) Any person who violates the provisions of this section, upon conviction, shall be guilty of a Class C misdemeanor.

SECTION 9-11-56.1 NONRESIDENT FISHING LICENSES — COMMERCIAL LICENSE.

- (a) The Department of Conservation and Natural Resources, hereinafter referred to as "the department" or duly authorized designees of the department shall sell and issue commercial fishing licenses to residents of other states, which other states reciprocate the sale and issuance of similar such commercial fishing licenses to residents of Alabama to fish the waters of their respective states.
- (b) The amount to be charged for such nonresident commercial fishing license shall be the same as is charged a resident of Alabama for such a license in the reciprocating state, but in no event shall the amount be less than the prevailing amount charged by the department of commercial fishing licenses for Alabama residents.
- (c) Nonresident commercial fishing licensees shall be subject to the same rules, regulations and requirements of law and of the department as may apply to Alabama resident commercial fishing licensees. Each license issued pursuant to this section shall expire on September 30 of the year for which such license is issued.
- (d) All proceeds derived from the issuance of such nonresident commercial fishing licenses shall be deposited to the game and fish fund of the department.

SECTION 9-11-83 COMMERCIAL OR NONGAME FISH DESIGNATED.

The following shall be considered commercial fish or nongame fish: drum, buffalo, channel catfish and all members of the catfish family and the spotted sucker and all members of the sucker family, including the species known as red horse and black horse.

SECTION 9-11-84 SALE, TRANSPORTATION, ETC., OF GAME FISH TAKEN FROM PUBLIC OR PRIVATE WATERS.

- (a) It shall be unlawful for any person to sell or offer for sale within this state, or ship or transport for sale within or without this state, or to ship into this state any game fish caught or taken in any of the fresh waters, whether public or private, of this state or any other state. All species of black bass, white bass, yellow bass, saltwater striped bass, bream, and pickerel, as well as walleye, sauger, black and white crappie, and yellow perch are designated game fish for the purpose of this section.
- (b) This section shall not apply to the sale of game fish raised in hatcheries and sold for the purposes of stocking ponds and lakes, nor shall it apply to the sale of nonnative game fish raised for human consumption, nor shall it apply to the sale of yellow perch, largemouth bass, shellcracker, and bluegill bream raised in farm ponds; provided, that, prior to any sale provided for in this section, the seller shall have first obtained a permit for the sale from the Commissioner, Department of Conservation and Natural Resources.
- (c) Nothing in this section shall prevent the practice of private pond owners or managers charging for game fish caught by fishermen from the pond when the charges are based on the number of fish caught or the total pounds caught.
- (d) A violation of this section shall constitute a misdemeanor; and, upon conviction thereof, the person, firm, or corporation convicted shall be fined not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) for each offense.

SECTION 9-11-88 CATCHING GAME OR NONGAME FISH BY USE OF GILL, TRAMMEL, ETC., NETS.

- (a) It shall be unlawful for any person to take, catch, capture, or kill any game or nongame fish by use of a gill, trammel, or similar type net in the waters impounded by Jordan Dam, Lay Dam, Mitchell Dam, and Martin Dam. Whoever violates this subsection is guilty of a misdemeanor and, upon conviction, shall be punished as prescribed by law.
- (b) It shall be unlawful for any person to take, catch, capture, or kill any game or nongame fish by use of a gill, trammel, or similar type net in that part of the Tennessee River lying within the boundaries of Alabama and all tributaries thereto. Any person violating this subsection shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500), or by imprisonment in the county jail for six months, or by both a fine and imprisonment.

SECTION 9-11-140 USE OF COMMERCIAL FISHING GEAR IN PUBLIC IMPOUNDED WATERS AND NAVIGABLE STREAMS — WHEN, WHERE AND HOW PERMITTED.

Any person engaged in the taking, killing or capturing of commercial or nongame fish from the public impounded waters and navigable streams of the State of Alabama may use in such commercial fishing operations hoop and fyke nets, seines, gill nets, trammel nets, setlines, trotlines, snaglines and lawful fish traps. However, all such nets, setlines, trotlines, snaglines and fish traps shall conform to the rules and regulations promulgated by the Commissioner of Conservation and Natural Resources covering the same, who shall designate when, where and how same shall be used.

SECTION 9-11-141 USE OF COMMERCIAL FISHING GEAR IN PUBLIC IMPOUNDED WATERS AND NAVIGABLE STREAMS — LICENSE — REQUIRED GENERALLY.

Prior to using any nets, seines, traps or other commercial fishing devices, as specified in this article, a person shall, except to the extent otherwise provided for in this article, have first secured a license permitting the use of such fishing gear, such license to be issued in the manner prescribed by this article.

SECTION 9-11-142 USE OF COMMERCIAL FISHING GEAR IN PUBLIC IMPOUNDED WATERS AND NAVIGABLE STREAMS - LICENSE - INDIVIDUAL LICENSES REQUIRED; EXCEPTION FOR CERTAIN ASSISTANTS.

It is the intent of this article that the license provided herein for the taking of commercial or nongame fish from the public impounded waters and navigable streams of the State of Alabama shall be issued upon an individual basis only, and, except to the extent otherwise provided for in this article, each person engaging in such activities or operations shall be required to purchase said license. It is hereby provided, however, that each person licensed pursuant to the provisions of Sections 9-11-141 and 9-11-142 may be assisted by one "helper" or assistant, who shall, while in the course of such assistance, be located in the licensed person's boat and/or shall be accompanied by the licensed person at all times. While engaged in providing such assistance, said "helper" or assistant shall be exempt from the otherwise applicable licensing requirements of Sections 9-11-141 and 9-11-142.

SECTION 9-11-143 USE OF COMMERCIAL FISHING GEAR IN PUBLIC IMPOUNDED WATERS AND NAVIGABLE STREAMS - LICENSE - ISSUANCE; FEES; RECORDS; DISPOSITION OF FEES.

The judge of probate, the commissioner of licenses or such person or persons duly appointed by the Commissioner of Conservation and Natural Resources and so authorized by him to issue the license provided by this article shall issue such a license to any resident of this state complying with the provisions of this article and shall sign his name and shall require the person to whom the license is issued to sign his name on the margin thereof. The license for the use of such commercial fishing gear as authorized under the provisions of this article shall be \$100.00. A resident of the State of Alabama, as applicable to this article, shall be a person who has resided continuously in this state for 12 months next preceding the application for said license. The person or persons issuing said licenses shall keep in a book or on specially prepared sheets to be furnished by the Commissioner of Conservation and Natural Resources a correct and complete record of all licenses issued, which record shall remain in his office and be open to inspection by the public at all reasonable times. Judges of probate and other persons authorized and designated to issue licenses shall retain out of the money received for each license issued by them under the provisions of this article \$1.00 for each license issued, which amount shall cover services required by the provisions of this article, and shall remit the balance to the Commissioner of Conservation and Natural Resources on the first of each month. Said judges of probate and all other duly authorized and designated persons shall report to the Commissioner of Conservation and Natural Resources of the State of Alabama on the first day of each month the number and kind of licenses issued under this article and the name and post office address of the person or persons to whom issued, giving opposite each name the serial number of the license so issued and the amount of money remitted; provided, that if any such license is issued by any probate judge, license commissioner or any other officer who is paid a salary for the performance of his duties as such officer, he shall be required to remit the entire amount collected to the Commissioner of Conservation and Natural Resources, except the amount charged by the issuing officer for the issuance of such license, and this amount shall be remitted to the treasurer of the county in which said license was paid.

SECTION 9-11-144 USE OF COMMERCIAL FISHING GEAR IN PUBLIC IMPOUNDED WATERS AND NAVIGABLE STREAMS — LICENSE — EXPIRATION.

Each license issued under the provisions of this article shall expire on September 30 of the year for which such license is issued.

SECTION 9-11-145 USE OF COMMERCIAL FISHING GEAR IN PUBLIC IMPOUNDED WATERS AND NAVIGABLE STREAMS — LICENSE — FORFEITURE.

Upon conviction of any person for the violation of any of the provisions of this article, all licenses held by any such person to fish commercially or operate or use commercial fishing gear in the public impounded waters or navigable streams of this state shall be forfeited for a period of 12 months from the date of conviction.

SECTION 9-11-147 MARKING LOCATION OF AND IDENTIFYING FISHING GEAR.

It shall be unlawful for any person to use any of the fishing gear mentioned in Section 9-11-141, except slat boxes, in the public impounded waters and navigable streams of this state without marking their location by buoys or floats and identifying such nets

and lines by showing the license number in plain figures upon the buoys or floats. The license number must be attached to all seines and nets, and at least one such buoy shall bear the name and address of the owner. It shall be unlawful to use slat boxes in said waters without permanently affixing thereto a metal tag stating thereon the name, address and license number of the licensee operating and using each slat box.

SECTION 9-11-148 GAME FISH TAKEN TO BE RETURNED TO WATERS; POSSESSION OF GAME FISH BY COMMERCIAL FISHERMEN.

Should any species of fish designated by the laws or regulations of this state as game fish be taken from the public impounded waters or navigable streams of this state by the use of commercial fishing gear, such fish, without injury, shall be immediately returned to the waters from whence they were taken. The possession by commercial fishermen of any of such fish shall constitute a violation of the provisions of this article, and such possession by such commercial fishermen shall be prima facie evidence of the fact that such fish were taken by the use of commercial fishing gear.

SECTION 9-11-149 USE OF FISHING GEAR WITHIN ONE-HALF MILE BELOW LOCK OR DAM.

The use of the commercial fishing gear as designated in this article shall not be permitted within one-half mile below any lock or dam on any waters to which this article applies.

SECTION 9-11-150 USE OF FISHING GEAR WITHIN 100 YARDS OF MOUTHS OF STREAMS, ETC., EMPTYING INTO SALT WATERS OR BAYS.

No person shall take or catch or attempt to take or catch any fish by means of any of the fishing gear designated in this article within 100 yards above or below the mouth of any of the streams, lakes, estuaries, bayous or rivers emptying into any of the salt waters or bays of this state.

SECTION 9-11-151 SEIZURE, CONFISCATION AND DISPOSITION OF FISHING GEAR USED IN VIOLATION OF ARTICLE.

Should any law enforcement officer of this state or employee of the Department of Conservation and Natural Resources of the State of Alabama discover commercial fishing gear being used in violation of the terms of this article, he shall seize and hold the same; and, in the event no one within a reasonable time claims seized commercial fishing gear and the owner thereof is unknown to the person finding the same, it shall be confiscated and shall become the property of the Division of Wildlife and Freshwater Fisheries of the Department of Conservation and Natural Resources and shall be disposed of as ordered by the Commissioner of Conservation and Natural Resources.

SECTION 9-11-152 SHIPMENT OR TRANSPORTATION OF FISH TAKEN IN VIOLATION OF ARTICLE; SEIZURE, CONFISCATION AND DISPOSITION OF FISH ILLEGALLY TRANSPORTED OR SHIPPED.

It shall be unlawful to knowingly ship or transport or to knowingly receive for shipment or transportation any fish taken from the public impounded waters or navigable streams of this state in violation of the terms of this article; and should such fish be knowingly shipped or transported or knowingly received for shipment or transportation, the same shall be seized and confiscated and, upon confiscation, shall be disposed of as ordered by the Commissioner of Conservation and Natural Resources.

SECTION 9-11-153 WHOLESALE AND RETAIL FRESHWATER NONGAME FISH DEALERS' LICENSES.

Every person, firm, association or corporation engaged in the buying, selling or handling of freshwater nongame fish for the purpose of resale, whether handled on a commission basis or otherwise, and every person, firm, association or corporation shipping freshwater nongame fish out of the State of Alabama on consignment or order shall be considered a wholesale dealer of freshwater nongame fish, and shall be required to pay a license of \$25.00 per annum. Any person, firm, association or corporation handling freshwater nongame, uncooked fish strictly at retail to the consumer shall be considered a retailer and must purchase a license and pay \$10.00 per annum for the same. The revenue to be derived from such licenses shall be covered into the State Treasury to the credit of the Game and Fish Fund of the Department of Conservation and Natural Resources. Wholesale and retail licenses as prescribed in this section shall be issued in the same manner and under the same provisions as provided for other licenses in this article.

SECTION 9-11-154 RECORDS OF WHOLESALERS AND RETAILERS OF FRESHWATER NONGAME FISH; INSPECTION, ETC., OF RECORDS.

All wholesalers and retailers of freshwater nongame fish in this state shall be required to keep in record form the names and addresses of the persons, firms, corporations or associations from whom said fish were purchased or received and the date or dates of such purchase or receipt. The Commissioner of Conservation and Natural Resources or such other persons appointed and designated by him for such purpose shall have power and authority at any and all reasonable hours to inspect and examine the books and records of any person, firm, association or corporation engaging in the business of wholesaling or retailing freshwater nongame fish in order to determine the amount of license fees due under this article and to ascertain the names and addresses of persons, firms, associations or corporations from whom or to whom the fish were purchased, received, shipped or consigned.

SECTION 9-11-155 APPLICABILITY OF PROVISIONS OF ARTICLE.

The provisions of this article licensing the use of setlines, trotlines or snaglines shall not apply to resident fishermen and shall not apply to state or federal agencies conducting research on freshwater fish, nor shall it apply to nonresident fishermen who have acquired a sport fishing license of this state.

SECTION 9-11-156 PENALTIES FOR VIOLATIONS OF PROVISIONS OF ARTICLE.

Any person, firm, copartnership, association or corporation violating any of the provisions of this article or rules and regulations based thereon shall be guilty of 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. In addition thereto, all commercial fishing gear, boats, motors, implements, instruments, appliances or things of whatsoever nature used in connection with the commission of such misdemeanor, if the owner is unknown, shall be seized and confiscated and shall become the property of the Division of Wildlife and Freshwater Fisheries of the Department of Conservation and Natural Resources and shall be disposed of as ordered by the Commissioner of Conservation and Natural Resources. Such fishing gear, boats, motors, implements, instruments, appliances or things of whatsoever nature used in connection with the commission of such misdemeanor, if the owner is known, shall be seized and confiscated and shall be disposed of as ordered by the court having jurisdiction thereof.

REGULATION 220-2-.35 SEASONS, CREEL AND SIZE LIMITS FOR FISH ON PUBLIC WATERS OR BANKS THEREOF

- (1) The following seasons for taking fish in accordance with the below stated times, places, manners and restrictions are hereby established. Unless noted below, the seasons for all designated game and commercial fish are open continuously.
- (2) It shall be unlawful for any person to take or have in possession more than the daily limit for any fish as established herein. This shall not apply to fish held live for release by the sponsor or its designated agent after a bonafide 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.
- (3) Except as otherwise noted, it shall be unlawful to possess any fish less than or greater than size restrictions as established herein. Size restrictions on all fish are determined by measuring from the front of the mouth to the tip of the tail with both mouth and tail closed. Except as otherwise provided for certain State and Federally owned and/or managed fishing lakes and ponds, the daily creel, possession limits and size restrictions for fish in all public waters of this State shall be as follows:

Daily Creel and Possession Limit

- | | |
|---|----------|
| (a) Black Bass | 10 |
| Includes combinations of largemouth, smallmouth, spotted, Alabama, shoal and those species formerly known as "redeye" bass, which are now known separately as Coosa, Warrior, Cahaba, Tallapoosa and Chattahoochee bass, based on their respective drainages. The Alabama bass was formerly known as spotted bass in the Mobile drainage. No more than 5 of the daily creel limit of 10 may be smallmouth bass. See exceptions for shoal bass in specific tributaries of the Chattahoochee River. | |
| (b) 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; Hatchet Creek in Coosa and Clay Counties 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. | |
| (c) Sauger | 5 |
| (It is illegal to possess any Sauger less than 15 inches in total length.) | |
| (d) White Bass | 15 |
| (e) Yellow Bass | 15 |
| (f) 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. | |
| (g) 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 exception for Weiss Reservoir.) | |
| (h) Catfish (under 34 inches) | No Limit |
| (i) Catfish (34 inches or greater) | 1 |

This size limit shall not apply to catfish harvested from the Perdido, Conecuh, Blackwater, Yellow, Choctawhatchee, Chipola, and Chattahoochee rivers basins. It shall be unlawful to transport live catfish 34 inches in length or greater beyond the boundaries of this state.

- (j) **Bream**50
- (k) **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. (See paragraph 6).

- (l) **Alligator Gar**1
- (m) **Sturgeon** Closed Season

All sturgeon must be immediately returned to water with the least possible harm

- (n) **Paddlefish or Spoonbill Catfish** Closed Season

Except for those holders of special commercial harvest permits, all paddlefish must be immediately returned to water with least possible harm.

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

- (a) **Chattahoochee River Tributaries** - It is illegal to possess shoal bass in Little Uchee, Uchee, Osanippa, Halawakee and Wacoochee creeks.

- (b) **Demopolis Reservoir** - It is illegal to possess any black bass less than 14 inches in total length.

- (c) **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.

- (d) **Harris Reservoir** - It is illegal to possess any largemouth bass between 13 inches and 16 inches in total length.

- (e) **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.

- (f) **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.

- (g) **Lewis Smith Reservoir** - 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 15th to October 15th. (See paragraph 6)

- (h) **Lewis Smith Reservoir** - It is illegal to possess any black bass between 13 inches and 15 inches in total length. Permitted in writing by the Commissioner of the Department of Conservation and Natural Resources. Section II - E. 8

- (i) **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.

- (j) **Lake Martin** - 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 15th to October 15th. (See paragraph 6)

- (k) **Pickwick Reservoir** - It is illegal to possess any smallmouth or largemouth bass less than 15 inches in total length.

- (l) **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.

- (m) **Walter F. George Reservoir (Lake Eufaula) and its Tributaries** - It is illegal to possess any largemouth bass less than 14 inches in total length.

- (n) **Weiss Reservoir** - It is illegal to possess crappie less than 10 inches in total length.

- (o) **West Point Reservoir and its Tributaries** - It is illegal to possess any largemouth bass less than 14 inches in total length.

- (p) **Wheeler Reservoir** - It is illegal to possess any smallmouth bass less than 15 inches in total length.

- (q) **Wilson Reservoir and Its Tributaries of Big Nance and Town Creeks** - It is illegal to possess any smallmouth bass less than 15 inches in total length.

- (r) **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.

- (s) **Chattahoochee River and Impoundments and Tributaries** - Special creel limits apply in reciprocal waters as specified under regulation 220-2-.122.

- (5) For the purposes of this regulation in paragraph (4)(k), (5)(g), (5)(j), and (6), “culling” shall be defined as removing and releasing a fish from the creel (live well, stringer, basket, bucket, cooler, or other container) whether it is replaced or not.

REGULATION 220-2-.42 DIVISION OF WILDLIFE AND FRESHWATER FISHERIES AND MARINE RESOURCES JURISDICTIONAL LINES FOR CERTAIN FISHING LICENSES AND OPERATIONS; USE AND POSSESSION OF CERTAIN NETS

- (1) For the purposes of the freshwater fishing licensing requirements of Sections 9-11-53, 53.4, 55, and 56, Code of Alabama 1975, said licenses shall be applicable to such activities as provided for therein which occur north of the below-described line, as well as below said line in those ponds or lakes containing freshwater fish. For the purposes of the saltwater fishing licensing requirements of Sections 9-11-53.1, 53.5, and 55.2, Code of Alabama 1975, said licenses shall be applicable to such activities as provided for therein which occur south of the below-described line. The line is described as follows:

Beginning at the Mississippi State line, a meandering line following U.S. Highway 90 eastwardly to its junction with State Highway 188; State Highway 188 eastwardly to its junction with State Highway 193; State Highway 193

northwardly to its junction with State Highway 163; State Highway 163 northwardly to its intersection with Interstate Highway 10 (except all of the Theodore Industrial Canal); Interstate Highway 10 eastbound lane (except that portion of Interstate Highway 10 which lies north of State Highway 90 Battleship Parkway, in which case the line follows the Battleship Parkway) to Interstate Highway 10's intersection with U.S. Highway 98; U.S. Highway 98 southwardly and eastwardly to its intersection with State Highway 59; State Highway 59 southwardly to its intersection with Baldwin County Highway 20; Baldwin County Highway 20 eastwardly to its intersection with Baldwin County Highway 95; Baldwin County Highway 95 northwardly to its intersection with U.S. Highway 98; U.S. Highway 98 eastwardly to its intersection with the western shore of Perdido Bay; then the western shore of Perdido Bay northwardly to the intersection of the Florida State Line and the mouth of the Perdido River.

- (2) (a) All commercial fishing operations, as well as recreational netting operations, and all gear used in any of such operations, in state jurisdictional waters north of Interstate 10 eastbound lane (except that portion of Interstate Highway 10 which lies north of State Highway 90 Battleship Parkway, in which case the line follows the Battleship Parkway) shall be subject to those laws, rules and regulations of the Division of Wildlife and Freshwater Fisheries of the Department of Conservation and Natural Resources. Provided further, it shall be unlawful to use any net (other than hoop and fyke nets) with mesh size of less than three inches (3") knot to knot with a stretch or spread of less than six inches (6") in the public impounded waters and navigable streams in the state of Alabama north of the line described in this paragraph except as provided for in other regulations or laws of this state.
- (2) (b) All commercial fishing operations, as well as recreational netting operations, and all gear used in any of such operations, in state jurisdictional waters south of Interstate 10 eastbound lane (except that portion of Interstate Highway 10 which lies north of State Highway 90 Battleship Parkway, in which case the line follows the Battleship Parkway) shall be subject to those laws, rules, and regulations of the Marine Resources Division of the Department of Conservation and Natural Resources.
- (3) Notwithstanding any provision herein to the contrary, however, from September 1 to December 31, it shall be unlawful to possess a gill net, trammel net, or other entangling net aboard a boat in the Mobile Delta south of L&N Railroad and north of a line running two hundred fifty (250) yards north of and parallel to Highway 90 (Battleship Parkway).
- (4) Notwithstanding any provision herein to the contrary, however, it shall be lawful for any person (provided such person complies with all applicable laws, rules, and regulations) to take, catch, or possess commercial or non-game fish as defined in the laws of Alabama or regulations of the Department of Conservation and Natural Resources, in accordance with the below stated times, places, manners, and means:
 - (a) From January 1 to September 1, in Grass Bay, Chuckfey Bay, Choccolata Bay, Gustang Bay, Big Bay John, Bay Minette Basin and Bay, Little Bay John, Big Bay Bateau, Little Bay Bateau, and John's Bend, Monday through Friday, except official State of Alabama holidays, between the hours of sunrise and sunset, by the use of nets with a mesh size of not less than three inches (3") knot to knot with a stretch or spread of not less than six inches (6"). These nets shall be constantly attended.
 - (b) From January 1 to May 31, in Grand Bay, Polecat Bay, and Bay Delvan, Monday through Friday, except official State of Alabama holidays, between the hours of sunrise and sunset, by the use of nets with a mesh size of not less than the general minimum mesh size for fish other than menhaden for "inside waters" under the jurisdiction of the Marine Resources Division as provided in 220-3-.03; provided that any person in these areas possessing, using, or attempting to use, a gill net with a mesh size less than three inches (3") knot to knot is required to be licensed and permitted under 9-11-141, 9-11-142, and 9-12-113, and shall have such licenses and permit in possession. These nets shall be constantly attended.
- (5) Rule 220-2-.42, as previously promulgated, is hereby expressly repealed in its entirety.
- (6) Violations of the provisions of paragraphs (2)(a), (3) and (4) shall be punished as provided by Section 9-11-156, Code of Alabama 1975 or as otherwise provided by law.

REGULATION 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 leave any set line or bush hook 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.

REGULATION 220-2-.45 COMMERCIAL OR NON-GAME FISH DESIGNATED

The following shall be designated as commercial or non-game fish: Drum, Buffalo, Carp, Channel Catfish, all members of the Catfish family, Paddlefish (Spoonbill), Spotted Sucker, all members of the Sucker family including the species known as Red Horse and Black Horse, Bowfin and all members of the Gar family, and mullet taken or attempted to be taken north of the line specified in paragraph (1) of 220-2-.42 subject to the exception provided in paragraph (3) thereof.

REGULATION 220-2-.46 (2) LEGAL METHODS AND EQUIPMENT FOR THE TAKING OF COMMERCIAL OR NON-GAME FISH

The following are hereby designated as legal fishing equipment and methods for the taking of commercial or non-game fish or other unprotected fish in the fresh waters of this State. Any other equipment or methods used in the taking of commercial or non-game fish or other unprotected fish is a violation of this regulation.

By Licensed Commercial Fishermen (All commercial gear is required to be tagged pursuant to Section 9-11-147, Code of Ala. 1975)

- (a) Trot Line
- (b) Snag Line
- (c) Set Line, including limb lines and jug lines
- (d) Hoop and Fyke Nets the mesh of which is not less than 1 1/4 inches from knot to knot with a stretch or spread of not less than 2 1/2 inches after said net has been tarred and/or shrunk.
- (e) Gill and Trammel Nets the mesh of which is not less than 3 inches knot to knot with a stretch or spread of not less than 6 inches after net has been shrunk.
- (f) Slat Trap or Slat Basket made entirely of wood or plastic strips or slats in a boxlike or cylinder shape. At least 18 inches of the slat trap opposite the muzzle, including the end, shall be constructed with wood or plastic slats or strips of a width not greater than 3 inches running lengthwise or vertically of the trap and with a space between strips or slats of not less than one and one-eighth inches (1 1/8"), and provided further that any restrictions (which must be wood or plastic) between muzzle and back of trap or basket contain an opening of at least two (2) inches square to permit free passage of fish within said box or basket.

Provided further it shall be legal to use a trap made of round solid plastic, provided at least eighteen inches of the trap opposite the muzzle, including the end, shall have parallel openings a minimum of 1 1/8 inches wide running lengthwise or vertically of the trap. There shall be a maximum of three inches of solid material between the 1 1/8 inch parallel openings. The muzzle of such trap shall be constructed of netting with a mesh of at least 1 1/4 inches knot to knot with a stretch of 2 1/2 inches. Only a single muzzle may be used and the muzzle shall be attached to the trap with 100% cotton material only. There shall be a minimum opening of two inches square between the muzzle and the back of the fish trap. Any round plastic trap not conforming to these guidelines shall be illegal.

REGULATION 220-2-.47 COMMERCIAL FISHING RESTRICTIONS

(1) Areas Restricted to Use of Nets and/or Slat Boxes -

- (a) Public Waters: It is hereby made illegal for any person to place any gill net, trammel net, hoop net or fyke net in the public waters of this State, in such a way that it extends more than half way across any river, creek, stream, slough or bayou and no net shall be placed closer than 50 feet to any other net.
- (b) Public Impounded Waters: It is hereby made illegal for any person to place any gill net, trammel net, hoop net, fyke net or slat box closer than 25 feet from the water's edge in any public impounded water of this State, and provided further that on the Tennessee River, or its impoundments no person shall place a net closer than 100 feet from the water's edge and no person shall place any net or slat box within 300 feet above or below any tributary of the Tennessee River.
- (c) It shall be unlawful to use nets of any type for fishing purposes in all impounded public waters and tributaries thereto of Alabama in which *Morone saxatilis*, commonly known as saltwater striped bass, have been stocked. Nothing in this regulation shall be construed so as to preclude the lawful use of set lines, trot lines, or snag lines for the taking, killing or catching of commercial or non-game fish from said waters. The following lakes have been stocked: Lake Martin, Lake Jordan, Lake Mitchell, Lay Lake, Jones Bluff (name changed to R. E. "Bob" Woodruff Lake), Logan Martin, Neeley Henry and Weiss Lake. (These bodies of water were stocked prior to the original enactment of this regulation dated December 12, 1972.)
- (d) It shall be unlawful to use nets of any type for commercial fishing purposes in all public impounded waters of Alabama having 3,000 or less surface acres. A list of these lakes is as follows:

IMPOUNDMENT	COUNTY	IMPOUNDMENT	COUNTY
Gantt	Covington	Thollocco	Dale
Point A	Covington	Oliver	Russell
Oliver	Tuscaloosa	Goat Rock	Lee
Inland	Blount	Columbia	Houston

Thurlow	Elmore, Tallapoosa	Little Bear Creek	Franklin
Yates	Elmore, Tallapoosa	Upper Bear Creek	Marion, Franklin, Winston
Opelika City Lake	Lee	Bear Creek	Franklin
Purdy	Shelby, Jefferson		

- (2) It shall be unlawful to set and leave unattended in the public fresh waters of the State of Alabama for more than seven (7) consecutive days all fishing gear, including but not limited to, trot, snag and snare lines, hoop, fyke, gill and trammel nets, and slat traps and/or baskets; provided however, that any set line or bush hook left unattended for 48 hours may be removed by Game and Fish Division personnel and destroyed.
- (3) It shall be unlawful to use nets of any type for commercial fishing purposes in the area of Wheeler Wildlife Refuge between Interstate 65 and U. S. Highway 31 and in the area of Limestone Bay, during the period of October 15 through February 15 of each year.

REGULATION 220-2-.130 PROHIBITION OF COMMERCIAL OR NON-GAME FISH SALES AND COMMERCIAL GEAR USE IN SPECIFIC ADVISORY AREAS

- (a) It shall be illegal to fish with the aid of commercial gear in any specific portion of the public waters of the State under the jurisdiction of the Division of Wildlife and Freshwater Fisheries as provided in Rule 220-2-.42 where there has been a fish consumption advisory issued by the State Department of Public Health on any commercial or non-game fish species. The provisions of this paragraph shall not apply to persons taking fish pursuant to a valid permit issued pursuant to Section 9-11-231, Code of Alabama 1975.
- (b) In addition, it shall be illegal to sell or offer for sale any fish taken from such waters regardless of the method by which the fish are taken.