

Commercial Paddlefish Dealer – Resident & Non-Resident

Code of Alabama

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

Section 1: (a) 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.

(b) In addition to the above licenses, every resident person, firm, association, or corporation who buys, processes, sells, or ships paddlefish roe, flesh, or parts, other than a licensed paddlefish fisherman selling or shipping within the state fish or roe that the fisherman has caught to an Alabama licensed commercial paddlefish dealer, shall purchase a commercial paddlefish dealer's license and pay a license fee of seven hundred fifty dollars (\$750) per license year. The Department of Conservation and Natural Resources or duly authorized designees of the department shall sell and issue commercial paddlefish licenses to residents of another state if the other state by reciprocal agreement or otherwise provides for the sale and issuance of a similar commercial paddlefish license to residents of this state to buy, process, sell, or ship paddlefish roe, flesh, or parts from the waters of the other state. The amount to be charged for a nonresident commercial paddlefish dealer's license shall be the same as the license fee charged a resident of this state for a license in the state of the nonresident, but in no event shall the amount be less than the license fee charged by the department for commercial fishing licenses for a resident of this state. Any person, firm, association, or corporation who engages in any activity without a license, for which the paddlefish dealer's license as provided in this subsection 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).

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 9-11-300 ESTABLISHMENT.

The Department of Conservation and Natural Resources, through the Commissioner of Conservation and Natural Resources, is hereby authorized and directed to establish by proclamation such wildlife management areas as may be in the public interest and to enter into agreements with the United States Forest Service, the United States Bureau of Biological Survey, the Tennessee Valley Authority or other owners, lessees or administrators of such lands as may be necessary and suitable for the purpose of establishing wildlife management areas. Such agreements shall provide for the fixing and demarcation of the boundaries of said area or areas, define the responsibilities of the Department of Conservation and Natural Resources and the cooperating party or parties for restocking of wildlife species, the planting and cultivation of game and fish foods, the protection of such areas from predatory animals and unauthorized hunting or fishing and any other work necessary for the management of wildlife on such areas, shall

include provision for the harvesting of game and fish crops in accordance with special rules and regulations approved by the Commissioner of Conservation and Natural Resources and provide for the collection by the Department of Conservation and Natural Resources of special fees for the privilege of hunting on or fishing on such wildlife management areas and may provide that a portion not to exceed 50 percent of the gross receipts collected by the Department of Conservation and Natural Resources from any such wildlife management area be paid to the cooperating party or parties.

Section 9-11-301 **FIXING OF BOUNDARIES; PROMULGATION OF SPECIAL RULES AND REGULATIONS FOR MANAGEMENT AND PROTECTION OF AREAS.**

The Commissioner of Conservation and Natural Resources is authorized to fix such boundaries and promulgate such special rules and regulations for the management and protection of wildlife management areas as may be necessary or desirable. Without limiting the generality of the foregoing, he is specifically authorized to set up for any wildlife management area special open and closed seasons on game animals, game birds and fish, to establish the amount of the fees to be collected for the privilege of hunting and fishing during any open season, to collect such fees and to authorize their collection by designated employees of the Department of Conservation and Natural Resources, to require the possession of a special permit when hunting or fishing within wildlife management areas, and to limit the number of permits to be issued during any open season to such members as he may direct.

Regulation 220-2-155 **PADDLEFISH MANAGEMENT AREAS AND SEASONS ESTABLISHED**

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.

Locations of PMAs.

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.

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.

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 October 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 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.

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

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.

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

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.

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

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.

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.

Commercial paddlefish harvester permits are non-refundable and non-transferable.

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.

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.

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.

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.

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.

Gear and Fishing Restrictions: Alabama River PMAs

- 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 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.
- 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.
- Each gill net must be fished independent of other nets and cannot be tied together.
- 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.

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:

- All gill nets shall 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.
- 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 feet 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 is a violation of this regulation and subjects the violator to denial of future fishing privileges.

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.

Penalties

- 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.
- 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.
- 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).
- 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.