

## *Sale of Pond Raised Game Fish– Resident*

Code of Alabama

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### **Section 9-11-82            GAME FISH DESIGNATED**

For the purposes of this title the following shall be named and designated as game fish in Alabama: rainbow trout, all members of the sunfish family to include: largemouth, smallmouth, spotted, 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 and the Alabama bass which was formerly known as spotted bass in the Mobile drainage; those fish commonly referred to as bream which include rock bass, flier, shadow bass, warmouth, redbreast, bluegill, longear, and redear (shellcracker); black and white crappie; all members of the temperate bass family to include: saltwater striped, white, and yellow bass and any hybrids thereof; all members of the pike family to include chain, redbfin, and grass pickerel; the following members of the perch family to include sauger (jack), walleye, and yellow perch.

### **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 9-11-85            GAME FISH TO BE TRANSPORTED OPENLY; CONFISCATION, ETC., OF GAME FISH TAKEN OR TRANSPORTED ILLEGALLY.**

All game fish taken in this state must at all times be carried or transported openly, and failure to do so shall constitute a misdemeanor punishable by a fine of not less than \$10.00 nor more than \$25.00. All game fish carried or transported in an illegal manner or taken or killed illegally shall be confiscated and disposed of under regulations promulgated by the Commissioner of Conservation and Natural Resources.

### **Section 9-11-86            LIMITATION ON TRANSPORTATION, ETC., OF GAME FISH BEYOND BOUNDARIES OF STATE.**

No person, firm or corporation shall carry, ship or transport beyond the boundaries of this state more than one day's creel limit of any species of game fish and then only for his own personal use. Any person violating the provisions of this section shall be guilty of a misdemeanor and, on conviction, shall be fined not less than \$25.00 nor more than \$50.00.

### **Section 9-11-450            Permit required; rules and regulations.**

Any person, firm or corporation desiring to operate a "commercial fee fishing pond" (as provided for herein) from which otherwise legally permitted freshwater fish, which are private farm raised or private hatchery produced fish only, may be taken, captured, harvested, or otherwise recovered, may do so upon obtaining an annual "commercial fee

fishing pond" letter permit and complying with the provisions of this article and laws relating to the importation and control of exotic fish species.

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**Section 9-11-451      Site of fee fishing ponds; marking of entrance.**

Each fee fishing site to be operated hereunder may contain one or more man-made ponds in one tract of leased or owned land. Under no circumstances, however, shall any fishing site as provided for herein, be operated on any public waters of the State of Alabama as defined by Section 9-11-80. The entrance to each fee fishing site shall be clearly marked with a sign, at the top of which shall appear in letters not less than two inches high, the words "LICENSED COMMERCIAL FEE FISHING PONDS".

**Section 9-11-452      Ponds to be stocked with farm or hatchery produced fish.**

No ponds shall qualify to be operated hereunder which are stocked with or which contain any fish other than private farm raised or private hatchery produced fish.

**Section 9-11-453      Application procedure.**

Any person who desires to operate a fee fishing site as provided for herein shall first file a request with a local conservation officer or with the Department of Conservation and Natural Resources. If it meets the requirements of this article, the operator shall be issued a letter permit to operate such fee fishing site.

**Section 9-11-454      Fishing license not required; letter permit prominently displayed.**

Holders of the letter permit issued pursuant to this article, their guests and patrons may, to the extent that said persons fish in accordance with the provisions hereof, fish from the ponds on the approved site without an approved fishing license. The letter permit shall be displayed prominently adjacent to the place where the fish taken from said site are checked and weighed.

**Section 9-11-455      Creel limits.**

Creel limits for fish taken from the said fee fishing ponds shall be at the discretion of the operator.

**Section 9-11-456      Selling of fish caught.**

No fish caught or taken from the said fee fishing sites shall be sold or offered to be sold or traded or offered to be traded, except as otherwise provided by law.

**Section 9-11-457      Violations; fines.**

Any violation of the provisions of this article shall be punishable by a fine of not more than \$250.00.

**Regulation 220-2-.129      PUBLIC WATER STOCKING**

It shall be unlawful to intentionally stock or release any fish, mussel, snail, crayfish or their embryos including bait fish into the public waters of Alabama under the jurisdiction of the Division of Wildlife and Freshwater Fisheries as provided in Rule 220-2-.42 except those waters from which it came without the written permission of a designated employee of the Department of Conservation and Natural Resources authorized by the Director of the Division of Wildlife and Freshwater Fisheries to issue such permit. The provisions of this rule shall not apply to the incidental release of bait into the water during the normal process of fishing.