

MUSSEL CATCHER

Valid: Oct 1 – Sept 31

Resident – Non-Resident

Alabama Game, Fish and Wildlife Law; Article 13; beginning with 9-11-370

PRIVILEGE:

- To take or catch, or attempt to take or catch any mussel or mollusk for commercial purposes from freshwaters of state.

RESTRICTIONS:

- Resident applicants must reside in state for 12 months prior to the date of application.
 - Resident drivers must present valid driver’s license (check issuance date).
 - Resident non-drivers must present a valid non-drivers ID (check issuance date).
 - License or ID issued less than 12 months prior must provide documentation.
- Residents who have resided in state for less than 12 months will be considered non-residents.
- Must maintain records of purchases and pay tax (due on the 15th monthly) as required by 9-11-375.

NOTE:

- Catchers are responsible for paying the tax (due the 15th monthly) if they sell mussel out-of-state.
- Fine for no license is five times cost of license.
- It is illegal for a non-resident with an out-of-state driver’s license to present any other form of identification to attempt to qualify for a resident license.

COST:

- Resident.....\$251.00
- Non-Resident.....\$751.00

HOW TO PURCHASE YOUR LICENSE:

- Visit the **Montgomery Office** (See address below)
- Mail a completed application (download at www.outdooralabama.com/license-information) to:

Dept. of Conservation, Wildlife & Freshwater Fisheries, Attn: License Sales:

 - PO Box 301456, Montgomery, AL 36130-1456
 - 64 N Union St., Ste. 567, Montgomery, AL 36104 (overnight/express)

Mussel Catcher – Resident & Non-Resident

Code of Alabama

www.legislature.state.al.us

Section 9-11-370 "NONRESIDENT" DEFINED; BURDEN OF PROOF AS TO RESIDENCE.

For the purposes of this article, a "nonresident" shall be deemed to be any person who has not resided continuously in the State of Alabama for 12 months next preceding the application for a license. The burden for proof of residence is placed strictly upon the applicant for a license.

Section 9-11-371 PROMULGATION OF RULES AND REGULATIONS AS TO TAKING OF MUSSELS OR MOLLUSKS FROM FRESH WATERS.

The Commissioner of Conservation and Natural Resources is hereby empowered to promulgate and establish rules and regulations as to when, where and how and under what conditions mussels or any type of mollusk may be caught or taken from the fresh waters of this state. This regulatory and rule-making power shall include, but not be limited to, the following:

- (1) The number, size and type of mussels or mollusks that may be caught or taken;
- (2) The dates, times and areas when mussels or mollusks may be caught or taken;
- (3) The type of gear, equipment and boats that may be used to take or catch mussels or mollusks;
- (4) The type, kind and number of records and reports which must be submitted to the Department of Conservation and Natural Resources on activities in the mussel and mollusk fishing industry; and
- (5) The type of gear and equipment and the number and kind of boat or boats that may be used under each "mussel catcher's license."

Section 9-11-372 MUSSEL CATCHER'S LICENSE.

Before any person shall take or catch or attempt to take or catch any mussel or any type of mollusk for commercial purposes from the fresh waters of this state, he or she shall purchase a "mussel catcher's license." The license shall be issued in the same manner and be effective for the same period as commercial fishing licenses. The cost of the license shall be \$250 for residents, and \$750 for nonresidents, as defined in Section 9-11-370, plus an issuance fee of \$1 which shall be in addition to the initial amount charged for the license. A violation of this section shall be a Class B misdemeanor, the punishment for which shall include, but not be limited to, a fine of five times the cost of the license.

Section 9-11-375 CHARGE FOR BUYING OR OTHERWISE OBTAINING FRESHWATER MUSSELS; DISPOSITION OF REVENUES; VIOLATION AS A MISDEMEANOR.

- (a) Any person, firm, or corporation who purchases or otherwise obtains freshwater mussels taken from Alabama waters shall pay to the Alabama Department of Conservation and Natural Resources Game and Fish Division the amount equal to \$0.05 per pound of mussel shells, with or without meat, purchased or obtained.
- (b) The payment to the Game and Fish Division shall be calculated from receipts filled out by the buyer for each transaction. A copy of each receipt shall be given to the seller and a copy retained by the buyer, and shall be made available by the buyer for inspection by agents of the Game and Fish Division for a period of two years. When mussels are exported without first going through a buyer, the method of payment shall be as described in the rules and regulations promulgated by the Game and Fish Division. For purposes of this section, a buyer is any person, firm, or corporation who buys, or otherwise obtains, mussels from mussel harvesters or mussel buyers from Alabama.
- (c) Payments from buyers shall be made monthly and shall be received by the Game and Fish Division no later than the 15th day of the month following payment.
- (d) Revenue from this section shall be used for mussel management, research, enforcement, and administration. However, no more than 50 percent of the total revenue shall be spent on enforcement.
- (e) Violation of this section shall be punishable as a Class A misdemeanor.

Regulation 220-2-.48 LEGAL METHODS AND EQUIPMENT FOR TAKING OF FRESHWATER MUSSELS

The following is hereby designated as legal fishing equipment and methods for taking of freshwater mussels or other freshwater bivalved mollusca in the freshwaters of this State. Any other equipment or methods used in the taking of freshwater mussels or other mollusca is in violation of this regulation.

- (1) By use of brails with hooks and constructed of wire 14 gauge or larger and with prongs not longer than 2 inches from the tip of point to point where prongs are wrapped or joined.
- (2) By hand and/or with the use of diving equipment.
- (3) By the use of a shell bar with a limit of six (6) feet in length.

- (4) Licensed fishermen may use a rake or dip net no wider than 24 inches to collect Asiatic clam *Corbicula* for fish bait. Harvest of any other species of freshwater bivalved mollusca with such equipment or sale of *Corbicula* harvested with such equipment will be a violation of this regulation.

Regulation 220-2-.49 SIZE RESTRICTIONS ON FRESHWATER MUSSELS OR THEIR SHELLS

It is hereby made illegal for any person or persons to take, catch, kill, buy, possess or transport for commercial purposes freshwater mussels or any type of freshwater bivalved mollusca listed below or the shells of such mussels or bivalved mollusca, less than the following sizes in diameter:

Washboard (<i>Megaloniais nervosa</i>)	4 inches
Threeridge (<i>Amblema plicata</i>)	2 5/8 inches
Pistol Grip (<i>Tritogonia verrucosa</i>)	2 5/8 inches
Elephant Ear (<i>Elliptio crassidens</i>)	2 5/8 inches
Mapleleaf (<i>Quadrula quadrula</i>)	2 5/8 inches
Ebony Shell (<i>Fusconaia ebenus</i>)	2 3/8 inches
Pink Heel Splitter (<i>Potamilus alatus</i>)	4 inches
Three Horn (<i>Obliquaria reflexa</i>).....	1 3/4 inches
Southern Mapleleaf (<i>Quadrula apiculata</i>)	2 5/8 inches
Bankclimber (<i>Plectomerus dombeyanus</i>)	3 inches
Bleufer (<i>Potamilus purpuratus</i>)	3 inches;

with the exception of Asiatic clam *Corbicula* harvested from below the full pool elevation of impounded waters. All mussels or their shells less than the legal diameter must be immediately released and placed back in the waters from whence they came with the least possible injury. Mussels or their shells shall be measured from their dorsal to ventral surfaces by passing or attempting to pass the mussel or mussel shell by the weight of the mussel or mussel shell through a ring of the appropriate inside diameter. There shall be no allowance for undersize mussels or their shells.

Regulation 220-2-.50 HARVEST OF FRESHWATER MUSSELS RESTRICTED TO DAYLIGHT HOURS ONLY

It shall be unlawful to take, catch, kill, or to attempt to take, catch or kill mussels from freshwater between the hours of sunset and sunrise (nighttime).

Regulation 220-2-.51 HARVEST OF FRESHWATER MUSSELS FOR COMMERCIAL PURPOSES IN ALL OPEN AREAS RESTRICTED TO FIVE DAYS A WEEK

Mussel fishing for commercial purposes in the freshwaters of this State in all open areas shall be restricted to five days each week (Monday through Friday), unless specifically provided otherwise by law or regulation.

Regulation 220-2-.52 RESTRICTED AREAS FOR THE TAKING OF FRESHWATER MUSSELS

It shall be unlawful to take, catch, kill, or attempt to take, catch, or kill mussels in the following areas:

- (1) Wheeler Lake, an impoundment on the Tennessee River, from Guntersville Dam downstream to the mouth of Shoal Creek (approximately 347 miles above the mouth of the Tennessee River).
- (2) Wheeler Lake, an impoundment on the Tennessee River, from the upstream end or head of Hobbs Island downstream to Whitesburg Bridge.
- (3) Pickwick Lake, an impoundment on the Tennessee River, from Wilson Dam downstream to the upper end or head of Seven Mile Island.
- (4) Wilson Lake, an impoundment on the Tennessee River, from Wheeler Dam downstream to the mouth of Town Creek on the South Bank and the mouth of Bluewater Creek on the north bank.
- (5) The Cahaba River.
- (6) The Alabama River from the mouth of the Mulberry Creek (RM 220.0) downstream to the Edmund Pettus Bridge (RM 205.3)

Regulation 220-2-.53 MUSSEL BUYERS REQUIRED TO REPORT

Standardized receipts must be completed by all resident and non-resident mussel buyers for all mussels purchased in the state of Alabama, including mussels originating from waters outside of the state of Alabama. The receipts shall be completed at the time of transaction and include the signature of the buyer. A copy of the receipt shall be issued to the mussel catcher at the time of transaction. Each receipt must be complete and legible, and include the following and any other information specified by the Commissioner: (1) buyer's license number; (2) mussel catcher's license number; (3) mussel catcher's name; (4) date of transaction; (5) body of water from which the mussels originated (in the form of

numerical codes provided by the Department); (6) species taken (in the form of alphabetical codes provided by the Department); (7) pounds of each species purchased; (8) total pounds of mussels purchased; and (9) amount paid for the mussels. The same standardized receipts shall be used whether the shells originated from the waters of Alabama or another state.

All mussels imported into the state of Alabama by a person, firm or corporation shall be accompanied by a bill of lading which provides the following information: (1) name of person, firm or corporation importing the mussels; (2) name(s) of person, firm or corporation that sold the mussels being imported; (3) date of shipment of mussels being imported; (4) weight of mussels by species; (5) origin of shipment; and (6) destination of shipment. A copy of the bill of lading shall remain with the importing person, firm or corporation and made available to authorized Department employees at any reasonable time.

Each person who purchases mussels shall at the time of any purchase have proof on his person of possession of a current mussel buyer's license.

Any mussel catcher who exports, or causes to be exported, mussels from the State of Alabama without first going through a buyer shall make payment of 5 cents per pound of mussel shell, with or without meat, to the Division of Wildlife and Freshwater Fisheries before such mussels are exported. Any such shipment shall be accompanied by a bill of lading as prescribed previously in this regulation for mussels imported and a receipt for said payment. A copy of the bill of lading and receipt for payment of tax shall be retained by the mussel catcher for a period of two years and subject to inspection by agents of the Division of Wildlife and Freshwater Fisheries at any reasonable time.

Regulation 220-2-.103 WATERS OPEN TO THE TAKING OF FRESHWATER MUSSELS FOR COMMERCIAL PURPOSES

Unless specifically prohibited otherwise, the following waters shall be open to the otherwise legal taking of freshwater mussels for commercial purposes:

- (1) Coosa River from Jordan Dam upstream to the Alabama-Georgia State line.
- (2) Alabama River from the mouth to the confluence of Coosa and Tallapoosa Rivers with the exception of the Cahaba River.
- (3) Tombigbee River from mouth to U. S. Interstate 59.
- (4) Black Warrior River from mouth to U. S. Interstate 59.
- (5) Tennessee River and its impoundments with the exception of restricted areas.

It shall be unlawful to take freshwater mussels for commercial purposes from any other waters of the State of Alabama.

Regulation 220-2-.104 LEGAL SPECIES OF FRESHWATER MUSSELS TO BE TAKEN FOR COMMERCIAL PURPOSES

The following species shall be the only species of freshwater mussels permitted to be legally taken for commercial purposes in the State of Alabama:

- Washboard (Megaloniaias nervosa)
- Threeridge (Amblema plicata)
- Pistol Grip (Tritogonia verrucosa)
- Elephant Ear (Elliptio crassidens)
- Mapleleaf (Quadrula quadrula)
- Ebony Shell (Fusconaia ebenus)
- Pink Heel Splitter (Potamilus alatus)
- Three Horn (Obliquaria reflexa)
- Southern Mapleleaf (Quadrula apiculata)
- Bankclimber (Plectomerus dombeyanus)
- Bleufer (Potamilus purpuratus)

It shall be unlawful to take any other species of freshwater mussel for commercial purposes in the State of Alabama.

Regulation 220-2-.106 MUSSEL FISHING SEASONS

The season for legal mussel fishing is open year-round except during the prescribed waterfowl hunting season, Swan Creek, Crow Creek, Mud Creek, and Raccoon Creek Wildlife Management Areas shall be closed. The area of the Wheeler Wildlife Refuge between Interstate 65 and U.S. Highway 31 and the area of Limestone Bay shall be closed to mussel harvest during the period of October 15 through February 15 of each year. Mussel fishing in the fresh waters of this State shall be restricted to five (5) days each week (Monday through Friday) and shall be closed on all federal holidays.