

APA-3

**CERTIFICATION OF ADMINISTRATIVE RULES  
FILED WITH THE LEGISLATIVE SERVICES AGENCY  
OTHNI LATHRAM, DIRECTOR**

(Pursuant to Code of Alabama 1975, §41-22-6, as amended).

I certify that the attached is/are correct copy/copies of rule/s as promulgated and adopted on Wednesday, August 14, 2024, and filed with the agency secretary on Wednesday, August 14, 2024.

**AGENCY NAME:** Alabama Department of Conservation and Natural Resources

**INTENDED ACTION:** New

**RULE NO.:** 220-2-.170  
(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

**RULE TITLE:** Selling of Skipjack Herring Prohibited

**ACTION TAKEN:** State whether the rule was adopted with or without changes from the proposal due to written or oral comments:

**Adopted without changes**

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XLII, ISSUE NO. 9, AAM,  
DATED FRIDAY, JUNE 28, 2024.

**STATUTORY RULEMAKING AUTHORITY:** § 9-2-7, Code of Alabama, 1975.

(Date Filed)  
(For LRS Use Only)

**REC'D & FILED**

**AUG 14, 2024**

**LEGISLATIVE SVC AGENCY**

Christopher M. Blankenship

Chris Blankenship

Certifying Officer or his or her  
Deputy

(NOTE: In accordance with §41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)

**220-2-.170      Selling of Skipjack Herring Prohibited.**

It shall be unlawful to sell, offer for sale, or trade anything of value for any Skipjack Herring (*Alosa chrysochloris*) taken from the public waters of the Tennessee River and its Impoundments and Tributaries within the State of Alabama. This regulation shall expire on December 31, 2029, to allow adequate time for additional biological analysis to be performed to determine if the continued harvest and sale of Skipjack Herring is sustainable.

**Author:** Christopher M. Blankenship

**Statutory Authority:** § 9-2-7, Code of Alabama, 1975.

**History: New Rule:** Published August 30, 2024; effective October 14, 2024.

**Penalty:** As provided by law.

**TRANSMITTAL SHEET FOR  
BUSINESS ECONOMIC IMPACT STATEMENT  
(Section 41-22-5.1)**

Control No:	<u>220</u>
Department or Agency:	<u>Alabama Department of Conservation and Natural Resources</u>
Rule No:	<u>220-2-.170</u>
Rule Title:	<u>Selling of Skipjack Herring Prohibited</u>
Intended Action:	<u>New</u>

Attached is a Business Economic Impact Statement filed pursuant to Section 41-22-5.1, Code of Alabama 1975.

Signature of certifying officer	<u><i>Christopher M. Blankenship</i></u> Chris Blankenship
Date	<u>Wednesday, August 14, 2024</u>

(DATE FILED)  
(STAMP)

## **Business Economic Impact Statement for 220-2-.170**

The short-term economic impact is that Skipjack Herring cannot be harvested or sold for private or commercial use during the moratorium. The Wildlife and Freshwater Fisheries Division will use the moratorium to perform a stock assessment to better manage the Skipjack Herring fishery. This will provide a long and short-term benefit to private and commercial fishermen. If this regulation is not implemented, the Wildlife and Freshwater Fisheries Division will not have an adequate opportunity to assess and evaluate the Skipjack Herring fishery. DCNR is aware of one business operated in Alabama that sells Skipjack herring as baitfish. DCNR received a comment by the owner of this business indicating that his business will be impacted, and those comments are attached.

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1 protected area so the commercial  
2 fisherman can have a place to  
3 launch right there at the reef.  
4 So, that's coming in the  
5 permitting process now and may be  
6 under construction hopefully in --  
7 later in 2024 or 2025 as long as  
8 they get the Corps of Engineers  
9 permits.  
10 MR. BATES: This is lethal.  
11 We've had some accidents that cut  
12 on -- the lack of truly launching  
13 from our commercial fishermen.  
14 This will give some relief from  
15 some of the problems we've had with  
16 launching commercial vessels and  
17 recreational vessels.  
18 Thank you, Chris. We  
19 appreciate that. Any extra  
20 launches you can get in the area  
21 would help not only recreation but  
22 with commercial fishermen.  
23 And thank y'all for all you

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1 problem has become a problem.  
2 It wasn't at one point there  
3 was a restriction, and there were  
4 limits in place to a hundred, and  
5 that didn't curtail the problem.  
6 I think outright banning it  
7 for a while is a good bandaid  
8 solution, good short-term solution.  
9 And it's going to put me out of  
10 business, and that's okay. It's  
11 not my day job.  
12 My day job is a government  
13 employee for Redstone Arsenal.  
14 So, this is a more of a  
15 help-out-the-community type thing.  
16 I help out the charter captains. I  
17 help out the local bait shops.  
18 That's what I do. That's why I  
19 started doing Guntersville Bait  
20 Company, right?  
21 I pay my taxes. I'm a  
22 business owner. I have a business  
23 license. I buy commercial licenses

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1 do for us. Keep both the  
2 commercial and the recreational  
3 fishermen working and playing.  
4 COMMISSIONER BLANKENSHIP:  
5 Thank you, Avery. Thank you very  
6 much.  
7 We have one last speaker, Mr.  
8 Bradley Lail.  
9 MR. LAIL: Good morning.  
10 Thank you for allowing me to speak.  
11 So, my name is Bradley Lail.  
12 I'm a retired U.S. Army captain. I  
13 own Guntersville Bait Company.  
14 And one of the things I  
15 wanted to talk to you guys about  
16 was the skipjack law that's coming  
17 up.  
18 I'm not against that at all.  
19 I think the sale of skipjack needs  
20 to be handled, and I think it's  
21 gotten out of hand the past couple  
22 of years. I've been in business  
23 five years. And I think that the

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1 even though it's not required for  
2 skipjack, which is one of the  
3 things that I wanted to talk to you  
4 about.  
5 I presented some regulations  
6 or legislation that could be  
7 proposed in the future to try and  
8 handle the situation a little bit  
9 better, more comprehensive  
10 solutions and perhaps get a handle  
11 on it and reopen it at some  
12 point -- right? -- because I assume  
13 that the decision was made based on  
14 science and the population.  
15 I've noticed in the past five  
16 years it's gone down tremendously.  
17 I think that's due to over-  
18 harvesting. I think there's a  
19 multitude of problems that I think  
20 have contributed to that. You  
21 know, I sit behind the scenes.  
22 And I wanted to come here to  
23 give you guys, you know, credit for

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1 doing that.  
2 The main thing that I wanted  
3 to address was, if you place a  
4 limit restriction for daily use  
5 that is lower than a hundred,  
6 consider the charter captains and  
7 the tourism that you bring in for  
8 trophy cat-fishing.  
9 A hundred is a lot. That's a  
10 lot for your average guy.  
11 CHAIRMAN DOBBS: Time.  
12 MR. LAIL: All right. Sounds  
13 good.  
14 CHAIRMAN DOBBS: Finish your  
15 point. Take a moment.  
16 MR. LAIL: If we could make  
17 it either 40 or 50, that would  
18 allow them a two-day limit so they  
19 can catch bait because they won't  
20 have somebody to buy it from now.  
21 They can catch bait, have 20 for  
22 the first day; 20 for the second  
23 day; and then they go back and

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1 catch the next two days. Right?  
2 They're not out of work too long.  
3 So, that's one of the things  
4 -- and for tourism, as well. Your  
5 anglers come in on the weekends.  
6 Right? They can catch bait, have  
7 the weekend, go home.  
8 So, just something to  
9 consider when you're making the  
10 laws in the future. Opening up  
11 white bass, something like that,  
12 would also help.  
13 You know, if anybody needs  
14 any assistance with this, like I  
15 said, I've been a policymaker for  
16 the U.S. Army for a long time,  
17 still am. If you guys need any  
18 assistance, I'm happy to lend a  
19 hand.  
20 CHAIRMAN DOBBS: Thank you,  
21 Bradley.  
22 MR. LAIL: Yes, sir.  
23 CHAIRMAN DOBBS: Any

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1 questions? On the left.  
2 MR. LAIL: Yes, sir. Yes,  
3 sir.  
4 COMMISSIONER BLANKENSHIP:  
5 What you propose is fifty --  
6 MR. LAIL: That's what you're  
7 doing today?  
8 COMMISSIONER BLANKENSHIP:  
9 We're proposing.  
10 MR. LAIL: I wasn't sure.  
11 COMMISSIONER BLANKENSHIP: We  
12 made you happy on one thing.  
13 We do appreciate what you  
14 provided. It's very helpful.  
15 Thank you.  
16 MR. LAIL: Yes, sir. Any  
17 time.  
18 CHAIRMAN DOBBS: Thank you.  
19 MR. LAIL: Thank you.  
20 CHAIRMAN DOBBS: That  
21 concludes our public comments.  
22 Thank you-all.  
23 The next order of business

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1 here today is unfinished business.  
2 I think that most of the reports or  
3 requests for information from the  
4 last meeting have been complied  
5 with and dealt with here, and there  
6 are no more that I'm aware of, of  
7 unfinished business.  
8 The next portion of our  
9 meeting is -- before the Board is  
10 new business, and that generally  
11 consists of any motions or  
12 announcements.  
13 Are there any motions before  
14 the Board today?  
15 Mr. Grady Hartzog.  
16 MR. HARTZOG: Mr. Chairman,  
17 25 years ago, the Barbour County  
18 Youth Hunt was started, which has  
19 been a great, great success, and  
20 part of that success is due to the  
21 game wardens that give of their  
22 time and effort to put that on.  
23 But, anyway, Pat Kott, who is

26 (Pages 101 to 104)