

## TENNESSEE WILDLIFE RESOURCES COMMISSION

## PROCLAMATION 05-22

STATEWIDE PROCLAMATION ON THE  
COMMERCIAL TAKING OF FISH AND TURTLES

Pursuant to the authority granted by Title 70, Tennessee Code Annotated, and Sections 70-1-206, 70-2-205, 70-4-107, and 70-4-119 thereof, the Tennessee Wildlife Resources Commission hereby proclaims the following regulations pertaining to the commercial taking of fish and turtles, hereinafter called commercial fishing.

Commercial fishing is hereby authorized in accordance with the following provisions, except where expressly forbidden by law. All commercial fishing gear must meet the specifications and be fished in the manner provided for in Sections I, II, III, IV, and V of this proclamation.

SECTION I. WATERS OPEN TO COMMERCIAL FISHING

For purposes of this proclamation, "river" means that body of water confined within the identifiable banks. At high river stage, oxbows, sloughs, and backwaters accessible by boat from the river are open to commercial fishing, but are considered private water and may be fished only with permission of the landowner.

RIVERS

The following are open year-round to trotlines, hoop nets, fyke nets, pound nets, trap nets, gill nets, trammel nets, slat baskets, cast nets and turtle traps unless otherwise specified.

1. CLINCH RIVER - fishing authorized only downstream from Melton Hill Dam. Gill and trammel nets prohibited.
2. EMORY RIVER - fishing authorized only downstream from the Harriman Bridge. Gill and trammel nets prohibited.
3. FORKED DEER RIVER - except that portion of the Middle Fork lying within the boundaries of the Chickasaw National Wildlife Refuge.
4. FRENCH BROAD RIVER
5. HARPETH RIVER - fishing authorized only downstream from State Hwy. 49 Bridge, except that trotlines may be fished upstream of the bridge.
6. HATCHIE RIVER
7. HIWASSEE RIVER - fishing authorized only downstream from U.S. 11 Bridge (Charleston).
8. HOLSTON RIVER
9. LOOSAHATCHIE RIVER - fishing authorized only downstream from the New Raleigh-Millington Road Bridge.
10. MISSISSIPPI RIVER - (except that portion from the Mississippi-Tennessee line upstream to Mississippi River Mile 745, marked by the upper, or northern, tip of Hickman Bar, which is closed. This closure includes McKellar Lake and Wolf River embayment). Wardlow's Pocket and Wardlow's Pocket Chute (except those portions lying within the boundaries

of the Chickasaw National Wildlife Refuge), Heathright Pocket, Cold Creek, Cold Creek Chute, lying within the boundaries of Anderson Tully WMA in Lauderdale County are open; all other ponds, lakes, arms, sloughs, bayous, and pockets within the WMA are closed. All sturgeon greater than 30 inches must be returned immediately to the water.

11. NOLICHUCKY RIVER
12. OBION RIVER
13. RED RIVER - fishing authorized only downstream from U.S. 41A Bridge , except that trotlines may be fished upstream of the bridge.
14. STONES RIVER - fishing closed from confluence with Cumberland River upstream, except that trotlines may be fished upstream of the Cumberland River confluence.
15. WOLF RIVER - Only the section from Germantown Bridge upstream is open to commercial fishing. Gill nets and trammel nets are prohibited. The section upstream of Bateman Bridge in Fayette County is open for trotlines only.
16. CUMBERLAND RIVER - As listed in Section I. RESERVOIRS except from Cordell Hull Dam upstream is closed.
17. TENNESSEE RIVER - As listed in Section I. RESERVOIRS.
18. DUCK RIVER - That portion of the Duck River from its confluence with Blue Creek at approximate DRM 13.2 downstream to the Hustburg pipeline crossing is open year-round to trotlines, hoop nets, and slat baskets. The Duck River from DRM 4.0 downstream to the Hustburg pipeline crossing at approximate DRM 1.4 is open to gill nets and trammel nets from December 1 through January 15. The rest of Duck River downstream is open year-round to all legal commercial gear types. Duck River upstream from its confluence with Blue Creek is closed to all commercial fishing.

#### RESERVOIRS

Group A: The following reservoirs are open year-round unless otherwise specified to trotlines, hoop nets, fyke nets, pound nets, trap nets, gill nets, trammel nets, slat baskets, cast nets and turtle traps. The reservoir boundary for commercial fishing regulations is the full pool elevation unless otherwise specified.

1. BARKLEY
2. CHEATHAM - Commercial fishermen must contract with TWRA and abide by the contract provisions as determined by TWRA in order to commercial fish.
3. CHICKAMAUGA
4. DOUGLAS - Entanglement gear (gill and trammel nets) and hoop nets are prohibited above Point 14 from January through June. Entanglement gear (gill and trammel nets) is prohibited from the mouth to the headwaters of Indian, McGuire, Muddy and Flat Creeks from October through February.
5. GUNTERSVILLE

6. NICKAJACK
7. PICKWICK
8. JOHN SEVIER
9. DAVY CROCKETT (Greene County)

Group B: The following reservoirs are open year-round except for specific restrictions as listed:

1. CHEROKEE - trammel nets and gill nets are prohibited. The taking and possession of blue catfish and paddlefish by commercial fishing methods are prohibited.
2. KENTUCKY - commercial fishing gear and sport fishing trotlines are prohibited in the New Johnsonville Steamplant Harbor and within 50 yards of the Danville Railroad Bridge dikes (approximate TRM 78.3).

The Duck River embayment from DRM 4.0 upstream to its confluence with Blue Creek at approximate DRM 13.2 is closed year-round to all commercial fishing gear types except trotlines, hoop nets, and slat baskets. The Duck River embayment from the Hustburg pipeline crossing at approximate DRM 1.4 upstream to DRM 4.0 is closed to commercial fishing with gill nets and trammel nets except from December 1 through January 15 each year.

Paddlefish harvest and all entanglement type commercial fishing gear with mesh sizes greater than 4 inches is prohibited year-round in the Big Sandy River Embayment (all waters west of a line drawn from Pace Point to the mouth of Eagle Creek). Additionally, unattended entanglement type commercial fishing gear is prohibited from November 25 through March 15 in waters of the U.S. Fish and Wildlife Service Refuge located within the Big Sandy River Embayment and in all of the waters of the West Sandy Creek Arm of the Big Sandy River Embayment.

All commercial fishing gear except slat baskets and trotlines is prohibited in all creeks from 4 a.m. to 9 p.m. during the months of April and May; all commercial fishing gear is permitted in all creeks from 9 p.m. to 4 a.m. daily during the months of April and May, except that whip sets (the driving of fish into trammel and gill nets by the use of noise and disturbing the water) are not permitted in any creeks which have operating commercial docks.

3. REELFOOT
  - (a) The taking of grass carp (*C. idella*) is prohibited.
4. WATTS BAR - trammel and gill nets are prohibited.
5. OLD HICKORY
  - (a) Trammel and gill nets are prohibited from Highway 231 upstream to Cordell Hull Dam and including the Caney Fork River.
  - (b) Trammel and gill nets are prohibited from Highway 109 upstream to 231 except fishing of legal entanglement nets by whipset or trammeling method are permitted by contract with the Tennessee Wildlife Resources Agency.
6. FORT LOUDOUN - the possession of all species of catfish taken by commercial methods from Fort Loudoun Dam upstream to the confluence of the French Broad and Holston rivers is prohibited.

SECTION II. LICENSE

A commercial fishing license is required by anyone engaging in or assisting anyone engaging in commercial fishing. A commercial fisher with a valid Commercial Fishing License must be on board the vessel while commercial fishing for fish or turtles. A commercial fisher with a valid Commercial Fishing License and a valid Commercial Roe Fish Permit, Supplemental must be on board the vessel while any part of a sturgeon, paddlefish, or bowfin is harvested from the waters of the state. Any Commercial Fisher possessing a Commercial Roe Fish Permit on February 28, 2006, shall have priority to renew the permit in March, 2006, and in each succeeding March thereafter until he/she fails to renew such permit. Any other person who purchases a Commercial Roe Fish Permit between March 1, 2006, and March 31, 2006, shall have priority to renew the permit in March, 2007, and in each succeeding March thereafter until he/she fails to renew such permit. In no event shall the number of Commercial Roe Fish Permits issued for the 2006-2007 license year exceed 110. For the 2007-2008 license year and each license year thereafter, the number of Commercial Roe Fish Permits available for purchase each year shall be limited to the number issued between March 1, 2006 and May 31, 2006 plus 15%. A commercial fisher with a valid Commercial Fishing License and a valid Commercial Turtle Permit, Supplemental must be present to commercially harvest turtles from the waters of the State. A wholesale fish dealer must have a valid Wholesale Fish Dealer's License and a valid Wholesale Roe Fish Permit, Supplemental to buy, hold, or sell any part of a sturgeon, paddlefish, or bowfin.

SECTION III. GENERAL PROVISIONS

- A. Fish and turtles classified as endangered, threatened, or in need of management as proclaimed by the Wildlife Resources Commission may not be taken.
- B. The following fish species may be taken and sold commercially year-round unless otherwise restricted by this proclamation, other Tennessee Wildlife Resources Commission proclamations or rules, or Tennessee Code Annotated.

<u>Common Name</u>	<u>Scientific Name</u>
□ Shovelnose sturgeon	Scaphirhynchus platyrhynchus (Rafinesque)
◆ □ Paddlefish	Polyodon spathula (Walbaum)
Spotted gar	Lepisosteus oculatus (Winchell)
Longnose gar	Lepisosteus osseus (Linnaeus)
Shortnose gar	Lepisosteus platostomus Rafinesque
Bowfin	Amia calva Linnaeus
Skipjack herring	Alosa chrysochloris (Rafinesque)
Gizzard shad	Dorosoma cepedianum (Lesueur)
Threadfin shad	Dorosoma petenense (Guenther)
Grass carp	Ctenopharyngodon idella (Valenciennes)
Common carp	Cyprinus carpio Linnaeus
Silver carp	Hypophthalmichthys molitrix (Valenciennes)
Bighead carp	Hypophthalmichthys nobilis (Richardson)
River carpsucker	Carpionodes carpio (Rafinesque)
Quillback	Carpionodes cyprinus (Lesueur)
White sucker	Catostomus commersoni (Lacepede)
Smallmouth buffalo	Ictiobus bubalus (Rafinesque)
Bigmouth buffalo	Ictiobus cyprinellus (Valenciennes)
Black buffalo	Ictiobus niger (Rafinesque)
Spotted sucker	Minytrema melanops (Rafinesque)
Silver redhorse	Moxostoma anisurum (Rafinesque)
Golden redhorse	Moxostoma erythrurum (Rafinesque)
Black bullhead	Ameiurus melas (Rafinesque)
Yellow bullhead	Ameiurus natalis (Lesueur)

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| ◆ | <p>Brown bullhead<br/>         Blue catfish<br/>         Channel catfish<br/>         Flathead catfish<br/>         Freshwater drum<br/>         Yellow bass</p> | <p><i>Ameiurus nebulosus</i> (Lesueur)<br/> <i>Ictalurus furcatus</i> (Lesueur)<br/> <i>Ictalurus punctatus</i> (Rafinesque)<br/> <i>Pylodictis olivaris</i> (Rafinesque)<br/> <i>Aplodinotus grunniens</i> Rafinesque<br/> <i>Morone mississippiensis</i> Jordan, Eigenmann</p> |
|---|--|--|
- ◆ The taking and possession of blue catfish and paddlefish from Cherokee Reservoir by commercial fishing methods is prohibited.
- Paddlefish or parts thereof shall not be taken during the period from April 16 through November 14, nor shall they be possessed during this period unless they were previously taken during a legal taking season. Shovelnose sturgeon or parts thereof shall not be taken during the period from May 16 through October 14, nor shall they be possessed during this period unless they were previously taken during a legal taking season. Those persons possessing paddlefish or sturgeon or parts thereof during these closed periods must have in their possession receipts denoting pounds of flesh or eggs (or both if applicable) in their possession, name and address of supplier/fishermen, the name of the water body from which fish were harvested, and date of harvest or date obtained. From November 15, 2005 through November 14, 2007 paddlefish must be 36" or larger eye to fork length, from November 15, 2007 through November 14, 2008 paddlefish must be 37" or larger eye to fork length, and after November 15, 2008 paddlefish must be 38" or larger eye to fork length to be legal for harvest from all waters except the Mississippi River. Paddlefish must be 34 inches or larger eye to fork length to be legal for harvest from the Mississippi River. Shovelnose sturgeon must be larger than 24 inches and smaller than 32 inches from the tip of the snout to the fork of the tail to be legal for harvest. Paddlefish less than the appropriate minimum eye to fork length limit and shovelnose sturgeon smaller than 24 inches or greater than 32 inches must be returned immediately to the water. Paddlefish may not be possessed alive away from the harvested waters. Any paddlefish and/or shovelnose sturgeon from which eggs are taken must be kept. The cutting or mutilation of paddlefish to check for eggs is prohibited. A 2-inch portion of ovary must remain in each harvested paddlefish while on the water or immediately adjacent to the water where harvested. Paddlefish eggs removed from ovaries must be kept in separate containers - eggs from one fish only per container. Shovelnose sturgeon must remain whole and the eggs must remain in each harvested shovelnose sturgeon while on the water or immediately adjacent to the water where harvested. Paddlefish may not be kept alive except for permitted aquaculture purposes.
- C. Only the Common Snapping Turtle, *Chelydra serpentina serpentina*, with a carapace (upper shell) length of at least 12 inches, measured front to back, may be taken year-round and statewide without limit by any legal commercial fishing method.
- D. Only at Reelfoot Wildlife Management Area, all sizes and species of turtles except the box turtles and those covered in Item A. above may be taken by any legal commercial fishing method.
- E. Commercial fishing gear is prohibited within 1,000 yards downstream of any TVA or Corps of Engineers Dam, within 300 yards of any commercial boat dock or resort, or within 100 yards of the mouth of any stream, river, or inlet at any time. For purposes of this proclamation, wingwalls and lock walls are considered to be a part of the "dam", and measurements will be made from their downstream end.
- F. No catfish less than 8 inches in length may be kept alive. The commercial harvest of catfish greater than 34 inches in length is prohibited statewide.

- G. Gill nets, trammel nets, turtle traps, and trotlines must be run at least once every 24 hour period. Other types of commercial fishing gear must be run at least once every 72 hour period.
- H. Hoop nets, fyke nets, trap nets, and pound nets with a mesh size of one (1) inch or smaller on the square may be fished only during the months of October, November, December, January, February, March, and April, except the Mississippi River, which is open year-round.
- I. A fish seine may be used in private waters and in waters which are replenished by overflows from the Mississippi, Tennessee, Obion, Hatchie, Wolf, Loosahatchie, and Forked Deer rivers, but which during the dry season of the year have no outlet to these rivers. Fish seines as defined in this proclamation may be used in the dewatering areas of Kentucky Reservoir.
- J. No commercial fishing gear shall be set so as to extend more than three-quarters (3/4) across any stream, river, chute, or embayment.
- K. Paddlefish larger than the appropriate minimum eye to fork length limit can be blocked (with the tail remaining on the fish) prior to sale if the fish also meets the appropriate minimum block length (as measured along side of the fish from the fork of the tail to the edge of the skin behind the gill arch) limit. The minimum block length limit for each minimum eye to fork length limit is reported in the table below. Blocked fish must be larger than both the minimum eye-to-fork length limit and the minimum block length limit. Prior to sale to an in-state wholesale fish dealer's business or prior to being marketed out-of-state, paddlefish carcasses may not be altered in such a manner that the eye to fork length or the block length of the fish can not be determined.

If the minimum eye to fork length is:	Then the minimum block length is:
34 inches	25 inches
36 inches	27 inches
37 inches	27 inches
38 inches	28 inches
40 inches	30 inches

- L. Prior to sale to an in-state wholesale fish dealer's business or prior to being marketed out-of-state, shovelnose sturgeon carcasses may not be altered in such a manner that the length of the fish may not be determined.
- M. Commercially harvested paddlefish and sturgeon or parts thereof taken from the waters of the state and sold in-state must be marketed to a licensed wholesale fish dealer who has a valid Wholesale Roe Fish Permit, Supplemental.

**SECTION IV. COMMERCIAL FISHING GEAR**

Legal gear types are trotlines, slat baskets, hoop nets, fyke nets, pound nets, trap nets, trammel nets, seines, turtle traps, and cast nets.

- 1. Slat Basket  
A slat basket is defined as a device used for taking of commercial fish only. Slat baskets may have only one outside funnel opening, and may be made of wood, plastic, or cane slats or splits which are placed lengthwise and so constructed that there must be a minimum of four openings in the catching area, each being at least 1½" wide and 6" long.
- 2. Hoop Net

A barrel shaped net made of synthetic cotton, linen, or nylon, and supported by hoops. A hoop net is also known as a barrel net, set net, funnel net, and trap net. One or more throats are attached inside the hoop structure. Legal mesh size of hoop nets is one (1) inch or smaller or three (3) inches or larger on the square. See Section III. for special restriction on 1" or smaller sizes.

3. Fyke Net, Trap Net and Pound Net

A fyke net, also known as a wing net, is a hoop net to which as many as three (3) wings or leads may be attached. Trap nets or pound nets which have rectangular or box shaped traps shall also be legal by this definition. The wings or leads are equipped with floats and sinkers, and the webbing of the wings shall be constructed of twine not smaller than Number 7 in nylon or Number 9 in cotton or linen. The maximum length of each wing is 50 feet. The legal mesh size of fyke nets and wings or leads is one (1) inch or smaller or three (3) inches or larger on the square. See Section III. for restriction on 1" or smaller sizes.

4. Trammel Net

A trammel net is defined as a net having three (3) webs (nets) hung to a single top (float) and bottom (lead) line. The two outside webs are called walling, and the inside web is called webbing. The inside webbing shall have a mesh size of not less than three (3) inches on the square. Effective April 24, 2003, webbing with square mesh greater than 4.0 and less than 6.0 inches is prohibited except on the Mississippi River where webbing with square mesh greater than 4.0 and less than 5.0 inches is prohibited. The outside walling shall have a mesh size of not less than six (6) inches on the square. The maximum mesh size of the outside walling shall consist of vertical ties or hobbles on each side of the webbing at six (6) foot intervals along the float and lead line. A net may not be hobbled to less than two thirds the height of the net. Maximum length of a trammel net is three hundred (300) yards. Trammel nets must be fished in a stationary manner except in the Mississippi River.

5. Gill Net

A gill net is defined as a single net attached to float and lead lines. Gill nets must have a minimum mesh size of 3 inches or greater. Gill nets with square mesh greater than 4.0 and less than 6.0 inches are prohibited except on the Mississippi River where square mesh greater than 4.0 and less than 5.0 inches are prohibited with a minimum mesh size of three (3) inches on the square. The maximum length of a gill net is three hundred (300) yards. Gill nets must be fished in a stationary manner except in the Mississippi River.

6. Fish Seine

A fish seine consists of a float and lead line to which netting is attached. The netting of the seine shall be constructed of twine not smaller than Number 7 nylon or synthetic fiber or Number 9 cotton or linen. The mesh size of seines shall be three (3) inches or larger on the square. Seines must be constantly attended, and may not be fished in a stationary manner.

7. Turtle Traps

A turtle trap is defined as a trap made of linen or cotton netting, wood or cane slats or strips, wire, or other similar materials with a minimum mesh size of three (3) inches on the square. Such traps must be constructed in a way as to permit the escape of fish through the three (3) inch openings. Turtle traps as defined herein may only be used in waters open to commercial fishing. Turtle traps must be set so that a portion of the catching area is positioned above the water.

8. Cast Net

A cast net is defined as a net having a maximum radius of ten (10) feet and a mesh size (square measure) of not less than one-fourth (¼) inch and not greater than one (1) inch.

9. Trotline

A main line with drop lines to which single hooks are attached and baited in order to catch fish. Such drops must be at least 24 inches apart.

10. Dip Net

A dip net is a net constructed from natural or synthetic fibers which is attached to a frame that is attached to a pole. A dip net may only be used to commercially harvest turtles from Reelfoot Wildlife Management Area.

SECTION V. REPORT REQUIREMENTS

Commercial fishers and wholesale fish dealers are required submit monthly reports to the Tennessee Wildlife Resources Agency as instructed. Commercial fishers are required to provide TWRA with requested information and samples for all fish or turtles (or parts thereof) which they harvest from Tennessee waters or import into Tennessee. Requested information shall be reported on forms provided by TWRA and these forms must be completed within 24 hours of harvest. Commercial fishers must notify TWRA on the appropriate form if they did not harvest fish or turtles (or parts thereof) during a month. Wholesale fish dealers are required to provide TWRA with requested information and samples for all fish or turtles (or parts thereof) which they receive from commercial fishers, wholesale fish dealers, or nonresident equivalents. Wholesale fish dealers must indicate the quantity of fish or turtles (or parts thereof) that they receive from a commercial fisher on a receipt issued by the commercial fisher. Wholesale fish dealers must sign and date these receipts within 24 hours of receiving the product. Wholesale fish dealers must satisfy the commercial fishing reporting requirements as instructed by TWRA for nonresidents who supply them with fish or turtles (or parts thereof) harvested out-of-state. Wholesale fish dealers must notify TWRA on the appropriate form if they did not receive fish or turtles (or parts thereof) during a month. Commercial fishers and wholesale fish dealers must retain a copy of all receipts and forms for a period of two years, and make them available for inspection by TWRA. Commercial fishers and wholesale fish dealers must contact the Fisheries Management Division within 5 days upon purchasing a license and request the required forms.

Commercial fishers importing or exporting commercial fish or turtles (or parts thereof) into or out of Tennessee must have bills of laden denoting the quantity of product, name and address of supplier, name of water body from which product was harvested, and date of import/export. A copy of the bill of laden must be in the possession of the person importing or exporting the product. Commercial fishers must retain a copy of each bill of laden for a period of two years, and make it available for inspection by TWRA.

Section VI. REPEAL OF PRIOR PROCLAMATIONS

This proclamation repeals Proclamation 02-13, dated September 26, 2002 (amended by proclamation 03-02, dated March 2, 2003). Proclamation 05-0022 will be effective immediately.

TENNESSEE WILDLIFE RESOURCES COMMISSION

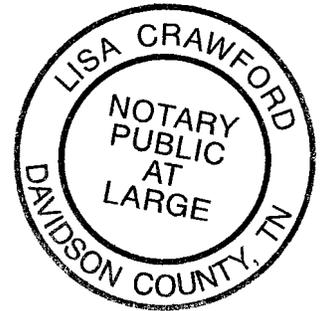
Bill Taylor  
Chairman

I certify that this is an accurate and complete copy of rules lawfully promulgated and adopted by the Tennessee Wildlife Resources Commission on the 29<sup>th</sup> day of September, 2005.

Gary T. Myers  
Gary T. Myers, Secretary

Subscribed and sworn to before me this the 13 day of October, 2005.

Lisa Crawford  
Notary Public



My commission expires on the 26 day of Jan, 2008

Proclamation 05-22 received and recorded this 17 day of Oct., 2005.

Rely C. Mull  
Secretary of State

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