

**ORDER 2022-DDT/SABE/WATER – No. 16
granting authorization for night carp fishing in the Moselle department**

The prefect of Moselle,
Officer of the Legion of Honor
Officer of the National Order of Merit,

- Seen** Title II of Book I of the Environmental Code and in particular Article L.120-1;
- Seen** Title III of Book IV of the Environmental Code and in particular Articles L.431-1 to L.431-5, L.436-5, L.436-11, L.436-12, L.436- 16, R.436-14;
- Seen** the general code of property of public persons;
- Seen** the transport code and in particular articles R.4241-68 to R.4241-71;
- Seen** prefectural order 2022-DDT/SABE/EAU/N° 1 dated January 27, 2022 regulating freshwater fishing in the Moselle department;
- Seen** Decree No. 2019-352 of April 23, 2019 amending various provisions of the Environment Code relating to freshwater fishing;
- Seen** Decree No. 2009-1484 of December 3, 2009 relating to inter-ministerial departmental directorates and in particular its articles 17 and 20;
- Seen** Decree No. 2010-146 of February 16, 2010 amending Decree No. 2004-374 of April 29, 2004 as amended relating to the powers of prefects, the organization and action of State services in the regions and departments ;
- Seen** the decree of July 29, 2020 appointing Mr. Laurent Touvet, prefect of Moselle;
- Seen** the prefectural decree dated November 4, 2020 organizing the general secretariat as a department of Moselle;
- Seen** the prefectural decree DCL/D/N°3 dated December 31, 2020 organizing the Departmental Directorate of the Moselle Territories ;
- Seen** the ministerial decree of February 24, 2021 appointing Mr. Jérôme Giurici as departmental director of the Moselle territories;
- Seen** prefectural decree DCL n°2021-A-59 dated December 31, 2021 delegating signature in favor of Mr. Jérôme Giurici , departmental director of the Moselle territories, for general jurisdiction;
- Seen** Decision No. 2022-DDT/SJA No. 4 dated January 17, 2022 on the sub-delegation of signature for the general operation of the departmental directorate of the Moselle territories;
- Seen** the request dated November 19, 2021 from the Moselle federation for fishing and the protection of the aquatic environment;

- Seen** the opinion of the French Office for Biodiversity, dated November 25, 2021;
- Seen** the opinion of VNF/DT Nord-Est/UTI Moselle, dated 14 December 2021;
- Seen** the opinions of VNF/DT Strasbourg/UT Marne au Rhin, dated December 15, 2022, dated January 12, 2022, dated February 2, 2022 and dated February 10, 2022;
- Seen** the results of the public consultation which took place from March 7, 2022 to March 28, 2022 pursuant to Article L.120-1 of the Environment Code;

Whereas _ whereas this practice of recreational fishing tends to diversify fishing and can without inconvenience be authorized within certain strictly defined limits;

On the proposal of the departmental director of the Moselle territories,

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Article 1:

Purpose of the decree

Carp fishing at night, and of this species exclusively, is authorized in the waters of the 2nd fish category and on the sites whose detailed list appears in article 4 of this decree.

Carp fishing at night, and of this species exclusively, is also authorized:

- from Friday May 27 to Sunday May 29, 2022,
- from Friday June 24 to Sunday June 26, 2022,
- from Friday July 29 to Sunday July 31, 2022,
- from Friday August 26 to Sunday August 28, 2022,
- from Friday September 23 to Sunday September 25, 2022.

in waters of the 2nd fish-breeding category and on the sites whose detailed list appears in article 5 of this decree.

Section 2:

Delimitation of fishing areas

The areas where carp fishing at night is authorized must be delimited by the installation of permanent signs.

Section 3 : **Prohibitions and obligations**

The following prohibitions and obligations apply to the practice of carp fishing at night:

- prohibition to mount fishing rod holders as well as tents - umbrellas on the service roads of the river public domain,
- prohibition to lay the bite detection cable across the service paths,
- prohibition to bait and pull lines from a boat,
- prohibition to place witnesses in the water or on the surface of the water,
- prohibition of fishing with animal baits, live or dead; plant baits being the only ones allowed,
- ban on baiting with eel eels or its flesh,
- priming with raw seeds,
- prohibition to mutilate or mark the fish caught,
- ban on keeping in captivity or transporting any carp captured from half an hour after sunset until half an hour before sunrise (art. R 436-14-5° of the environment code),
- prohibition at all times to transport live carp over 60 cm (art. L. 436-16 of the environmental code),
- obligation to signal the fishing spot with a presence light
- ban on carrying or lighting any fire within 200 meters of a forest or wood,
- obligation to clear on all fishing sites , the detailed list of which appears in articles 4 and 5 of this decree , the residues or other waste present,
- obligation not to cause any disturbance to the river public domain,
- ban on driving on towpaths that are part of the river public domain, in accordance with article R.4241-68 of the transport code, detailed below.

Article R.4241-68 of the transport code:

"Subject to the provisions of article R.4241-70, no one may drive or park a vehicle on the embankments and towpaths of canals, diversions, gullies and reservoirs, nor on towpaths and operations built along State waterways belonging to the State , if he does not have written authorization issued by the managing authority of the area to which these dykes and towpaths belong not open to public traffic. »

Any fisherman found in possession of another species of fish, whatever it may be, during the exercise of night fishing, will be in violation of the provisions of the environmental code, and prosecuted in accordance with the provisions of the Article R. 436-40 of the said code (3rd class contravention).

Clause 4: **Location of fishing routes subject to authorization for the practice of carp fishing at night**

This fishing practice is authorized on the following sites:

□ AAPPMA DE GROSBLIEDERSTROFF

- **Canalized Saar ” river:**
- **Left Bank :**
- from PK 68.550 to PK 70.270, i.e. a length of 1720 meters (lot no. 43).
- from PK 70.270 to PK 71.120 i.e. a length of 850 meters (provided that a report on the experimentation of this new night carp fishing course is established at the end of 2022 between the AAPPMA, its Federation, VNF and DDT)
- from PK 72.700 to PK 73.700 i.e. a length of 1000 meters (provided that a report on the experimentation of this new night carp fishing course is established at the end of 2022 between the AAPPMA, its Federation, VNF and DDT)

• **Please note:** it is forbidden to drive a vehicle on the service roads, on the counter towpaths, and on the towpath laid out in cycle route .

□ AAPPMA D'ANCY, CORNY, NOVEANT AND SURROUNDINGS

- **“Moselle ” river :**
- **Right bank :**
- from PK 314 upstream to PK 312 (former wash house) downstream,
- municipality of CORNY-SUR-MOSELLE: from the access channel to the marina upstream to PK 310, downstream,
- commune of JOUY-AUX-ARCHES: from PK 309,400 upstream to PK 309 downstream.

- **Left Bank :**
- town of ANCY-SUR-MOSELLE: from PK 310 upstream to PK 309,500 downstream,
- commune of NOVEANT-SUR-MOSELLE: from PK 314 upstream to the mouth of the GORZE stream (" Gorzia ") downstream.

□ **AAPPMA THE ABLETTE OF ARS-SUR-MOSELLE**

- **"Moselle" river :**
- lot no. 5 on the left bank, 90 m downstream of the JOUY-AUX-ARCHES dam (RD 11 bridge) at the junction of the Moselle with the wide-gauge canal
Wide-gauge channel:
- on the left bank, over 370 metres, from PK 307.500 (at the level of the water lift station) to PK 307.130 (RD 11 bridge).

□ **AAPPMA MESSINA**

- **"Moselle" river :**
- lots 6 and 7: from downstream of the motorway bridge (at the level of the motorway police premises), to the east side of the Wadrinau dam , downstream,
- lots 10, from the Wadrinau dam , not including the so-called "La Pucelle" arm upstream, to the Jean Monnet bridge.
- lots 12 and 13, on the left bank only: from PK 296,700 upstream to the entrance to the intake channel of the EDF La Maxe thermal power plant (GPS coordinates : 49.153005, 6.202101).
- the EDF lake at La Maxe, on the right bank downstream of the "blue bridge".

Concerning this lake of La Maxe, the AAPPMA "La Messine" will draw up an annual report of the night fishing checks carried out by its sworn guards.

The AAPPMA "La Messine" will send this report for year n-1 to the Departmental Direction of the Moselle Territories before January 31 of year n.

□ **AAPPMA OF THE ORNE VALLEY AND CONROY GROUP**

- **Channeled Moselle:**
- on both banks, lot no. 14 of the Malroy bell tower at PK 289,700 (OLGY nautical base),
- Lot No. 15, on the left bank only, from PK 289,700 to the junction of the "CAMIFEMO" Canal, ASCEE 57 nautical base excepted,
- on both banks of the Canal-Moselle junction at RICHEMONT upstream, to the downstream limit of lot 22 (UCKANGE bridge),
- on the left bank, lots n° 17 and 18, from the HAUCONCOURT suspension bridge to the AY-SUR-MOSELLE bridge.

□ **AAPPMA THE FRATERNAL COUNTRY OF THE THREE BORDERS OF THIONVILLE – YUTZ AND SURROUNDINGS**

- **On the right side:**
- of the limit of the communes of ILLANGE, THIONVILLE and YUTZ, up to the upstream limit of the Port of BASSE-HAM,
- from the GAVISSE-MALLING bridge, to the limits of France/Germany PK 242,200
- **On the left bank:**
- Lot No. 26 from the limit of the municipalities of ILLANGE, THIONVILLE and YUTZ, to the EDF/CNPE car park in Cattenom after the installation of the Moselle water intake to the electricity plant ,
- from downstream of the Koenigsmacker dam , to the upstream limit of the GAVISSE-MALLING bridge
- from the CONTZ-LES-BAINS bridge PK 246.750, to the limits of France Germany PK 242.200

□ **AAPPMA OF RECHICOURT-LE-CHATEAU**

- **Pond called " Schwenk hole ":**
- zone located on the south shore over a distance of 60 meters (limited to two fishermen)
- area located on the east shore over a distance of 30 m (limited to two anglers)

□ **Moselle Federation for Fishing and the Protection of the Aquatic Environment**

- two federal ponds of Ay-sur-Moselle* - Ban communal d'Ay-sur-Moselle,
- Bruch federal pond * - Ban communal de Koenigsmacker ,
* *Carp fishing at night authorized subject to acquisition of the sticker specific to each site*

□ **AAPPMA SARREBOURG**

- **Pond :**
- The bank part of the body of water, on the Canal des Houillères de la Sarre side, which goes from 100 m after the place called Les Trois Ponts to 100 m before the "Souches" nautical club (provided that a report on the experimentation of this new night carp fishing course be established at the end of 2022 between the AAPPMA, its Federation, VNF and the DDT; see the location map of this course, attached to this order)
- **Gondrexange pond : _**
- Petit Gondrexange : the bank part of the water body on the Canal de la Marne au Rhin side from 100 m after the spillway of the Gondrexange dike to the bend located at the level of the green footbridge (provided that a report on the experimentation of this new night carp fishing course be established at the end of 2022 between the AAPPMA, its Federation, VNF and the DDT; see location map of this course, attached to this decree)
- Etang du Houillon : the bank part of the body of water on the Canal des Houillères de la Sarre side then Canal de la Marne au Rhin from 200 m after the place called "Le Pigeonnier (port of Houillon) to 200 m before the bridge road called "Col des Français" (provided that a report on the experimentation of this new night carp fishing course is established at the end of 2022 between the AAPPMA, its Federation, VNF and the DDT; see location map of this route, attached to this decree)
- **Please note:** it is forbidden to drive a vehicle on the service roads, on the counter towpaths, and on the towpath laid out in cycle route .

□ **AAPPMA SARREGUEMINES – SARRE VALLEY**

- **Saar River:**
- between the upstream limit defined by the departmental limit with the Bas-Rhin (confluence of the Saar with the Eichel) and the downstream limit defined by the upstream of the Steinbach weir .
- **Saar Canal:**
- between the upstream limit defined by the departmental limit with the Bas-Rhin (confluence of the Sarre with the Eichel) and the downstream limit defined by the upstream of lock 26

This annual authorization for night carp fishing in this sector will be strictly limited to backhauling.
- **Please note:** it is forbidden to drive a vehicle on the service roads, on the counter towpaths, and on the towpath laid out in cycle route .

□ **APPMA SARRALBE**

- **Saar River:**
- between the upstream limit of the confluence of the river Albe with the river Sarre and the downstream limit to the limit departmental with the department of Bas-Rhin (Commune of Sarralbe – Municipality of Herbitzheim)

□ **Association Amicale de Pêche de l'étang des Cygnes of the company INEOS in SARRALBE**

- on the entire Swan pond, located in SARRALBE

□ **Novéant Canal Friendly Association**

- on the disused canal owned by the municipality of Novéant -sur-Moselle,

- of the communal ban limit of ARNAVILLE at the natural limit determined by the bed of the GORZIA (Gorze stream) downstream
- length of this segment: 950 meters

Clause 5: **Location of fishing routes subject to a temporary authorization for the practice of carp fishing at night**

This fishing practice is temporarily authorized during the period from:

- from Friday May 27 to Sunday May 29, 2022,
- from Friday June 24 to Sunday June 26, 2022,
- from Friday July 29 to Sunday July 31, 2022,
- from Friday August 26 to Sunday August 28, 2022,
- from Friday September 23 to Sunday September 25, 2022.

on the following routes:

AAPPMA the bleak of Creutzwald

- restraint 1,
- restraint 2,
- body of water of the City of Creutzwald.

Section 6: **Prior information**

So that they are fully informed of the local conditions for exercising this practice, it is recommended that fishermen engaged in night fishing for carp first contact the Approved Association for Fishing and the Protection of the Aquatic Environment. (AAPPMA) or the holder of the fishing right on each of the authorized routes.

Clause 7: **Monitoring of fishing sites**

Night fishing sites will be monitored by sworn and commissioned fishing wardens from the approved fishing associations (AAPPMA) and the Departmental Federation mentioned above, as well as by agents from the French Office for Biodiversity, commissioned in the Moselle department.

No noise disturbance in particular should result from the practice of fishing for residents living near the sites. If necessary, the authorization may be withdrawn.

Section 8: **Period of validity**

This decree is valid from the date of its signature, for the sites whose detailed list appears in article 4 of this decree.

This decree is also valid from the date of its signature, for the sites whose detailed list appears in article 5 of this decree and for the periods ranging from:

- from Friday May 27 to Sunday May 29, 2022,
- from Friday June 24 to Sunday June 26, 2022,
- from Friday July 29 to Sunday July 31, 2022,
- from Friday August 26 to Sunday August 28, 2022,
- from Friday September 23 to Sunday September 25, 2022.

Section 9: **Repeal of previous decrees**

This decree cancels and replaces prefectural decree N°2021- DDT/SABE/EAU/N° 2 dated February 17, 2021 authorizing night carp fishing in the Moselle department.

Clause 10: **Rights of third parties**

The rights of third parties are and remain reserved.

Clause 11: **Publication and information of third parties**

This decree is published in the collection of administrative acts of the Moselle prefecture. This publication starts the time limit for litigation.

This decree is made available to the public on the prefecture's website (www.moselle.gouv.fr - Territories - Water and Fishing - Water domain decision - Declaration and authorisation) for at least one year.

Clause 12: **Execution of the decree**

The secretary general of the Moselle prefecture, the departmental director of the Moselle territories, the commander of the Moselle gendarmerie group, the interregional delegate and the head of the departmental service of the French office for biodiversity of the Moselle, the president of the Moselle federation for fishing and the protection of the aquatic environment, the agents in charge of the fisheries and environment police, and all the authorized agents of the public services are responsible, each as far as he is concerned , the execution of this order .

Made in METZ, on
For the Prefect and by subdelegation,
The head of the water police unit
of the Departmental Directorate of Territories,

Celine DELLINGER

Remedies and deadlines

This decree may be the subject of an informal appeal to the prefect of Moselle. In accordance with the provisions of articles R.421-1 to R.421-5 of the code of administrative justice, this decree may be the subject of a contentious appeal to the administrative court of Strasbourg within a period of 2 months from the date of its publication.

The court can be seized by the computer application " telerecours citoyen" via the website <https://citoyens.telerecours.fr> .