

APA-1
07/04

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No.: 220

Department or Agency: Conservation and Natural Resources

Rule No.: 220-3-.15

Rule Title: Oyster Season and Sack Limit Regulation

New Amend Repeal (of Existing Rule) Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the rule? N/A


Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have any economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975 and that it conforms to all applicable filing requirements of the Alabama Administrative Procedure Division of the Legislative Reference Service.

Signature of Certifying Officer 
Secretary of Administrative Procedure

Date 3/20/17

**Department of Conservation and Natural Resources
Marine Resources Division**

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Conservation and Natural Resources
RULE NO. & TITLE: 220-3-.15 Oyster Season and Sack Limit Regulation
INTENDED ACTION: Amend Rule

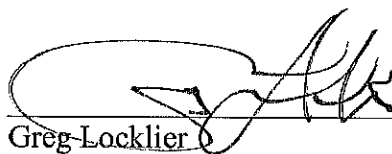
SUBSTANCE OF PROPOSED ACTION: The Department proposes to amend the title of this rule and to add language to the body of the rule to allow oyster harvesters to use containers, other than sacks, to store and transport oysters.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to Major Scott Bannon, Acting Director, Marine Resources Division, P.O. Box 189, Dauphin Island, Alabama 36528 at any time following the publication of this notice through May 5, 2017. Interested parties may also present their views in person and orally by personally appearing at the office of the Marine Resources Division, 2 Iberville Dr., Dauphin Island, Alabama, at 10:00 a.m., Friday, May 5, 2017. If ADA accommodations are needed, please contact Daisy Perry at (334) 242-3165 or daisy.perry@dnr.alabama.gov. Copies of the proposed amendment may be obtained at <http://www.outdooralabama.com/proposed-dcnr-rules>.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: May 5, 2017.

CONTACT PERSON AT AGENCY:

Major Scott Bannon, Acting Director
Marine Resources Division
P.O. Box 189,
Dauphin Island, Alabama, 36528
(251) 861-2882



Greg Locklier
Secretary of Administrative Procedure

220-3-.15 Oyster Season and Sack Limit Regulation Harvest Limits.

(1) **Seasons and Times.** Certain public water bottoms of Alabama not closed by the Department of Public Health, shall be opened for the taking of oysters; but only from 7:00 a.m. to 2:00 p.m. Monday through Friday of each week and only from October 1 through April 30 of the following year. All oysters taken from the public reefs shall be landed within one hour of the closure time each day. All public water bottoms shall be closed to the taking of oysters from May 1 through September 30 of each year.

(2) **Areas.** The areas that will be open to the taking of oysters will be designated by the Director of the Marine Resources Division and will be publicized using a news release.

(3) **Harvest Limits.** The commercial harvest of oysters by licensed oyster catchers shall be limited to six (6) sacks or approved containers per licensed oyster catcher per day [according to the standard Alabama measure of one-quarter (1/4) Alabama barrel per sack or container or six (6) sacks per boat per day regardless of the number of licensed oyster catchers on board the boat; provided further, no licensed oyster catcher may move to another boat or transfer his catch to, or place his catch in, another boat for purposes of avoiding the requirements of this regulation. A boat towed to or from the public oyster reefs and upon which oysters are transported from the public oyster reefs shall be considered as part of the towing boat for the purposes of the daily limit six (6) sacks or containers per boat, unless a licensed oyster catcher or catchers remains on board the boat at all times while on the public oyster reefs or transporting oysters from the public oyster reefs.

Statutory Authority: Ala. Code 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12, 9-12-27, 9-12-33, 9-12-67

PENALTY: As provided by law.