

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-.24

Rule Title: Oyster Tag and Sack 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 3/20/07

**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-.24 Oyster Tag and Sack Regulation

INTENDED ACTION: Amend Rule

SUBSTANCE OF PROPOSED ACTION: The Department proposes to amend this rule by: (1) adding language to allow for the use of containers, other than traditional sacks, to store and transport oysters; (2) by re-numbering paragraphs; (3) by clarifying that private lease tags must be purchased prior to harvesting oysters and immediately attached to sack or container when filled; (4) by requiring that public harvest tags be purchased and attached at the Oyster Management Station; and (5) by amending the title of the rule.

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@dcnr.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 Lockliet
Secretary of Administrative Procedure

N. Gunter Guy, Jr.

220-3-.24 Oyster Tags and Sack Regulation

(a)(1) Oyster tags issued by the Department of Conservation and Natural Resources, Marine Resources Division, to be placed on each sack or container of oysters harvested for commercial purposes (as provided by Section 9-12-67, Code of Ala., 1975 (9-12-67)) shall be identified in accordance with the requirements of the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish, as adopted by the state Department of Public Health. ~~This information shall be completed or supplied (as required by the Marine Resources Division) by the harvester at the Oyster Management Station and the tag shall be immediately attached to each sack of oysters before leaving the Oyster Management Station.~~

(2) All oysters harvested from public reefs must be landed at the Oyster Management Station where tags shall be purchased and the information shall be completed or supplied (as required by the Marine Resources Division) by the harvester and the tag shall be immediately attached to each sack or container of oysters before leaving the Oyster Management Station.

(3) Harvesters operating on private or aquaculture areas shall purchase appropriate harvest tags prior to harvesting oysters. Each sack or container must be tagged immediately and have the time of harvest written on the tag.

(b)(3) As provided by law, upon emptying each sack or container, oyster tags shall be removed ~~from the sack~~ and filed or disposed of as required by the rules of the state Alabama Department of Public Health. It shall be unlawful to possess empty oyster sacks or containers with tags attached.

(e)(4) Dealers shall follow the same procedure on sacks or containers of Alabama oysters being shipped as shellstock. The dealer shall then identify shellstock shipments as provided by rules of the Alabama Department of Public Health.

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

PENALTY: As provided by law.