

APA-1
6/93

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 220 Department or Agency Conservation and Natural Resources

Rule No.: 220-3-.53 Open Season/Area for the Taking of Live Saltwater Bait – Point Clear Area

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 April 20, 2012

Department of Conservation and Natural Resources
Marine Resources Division

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Conservation and Natural Resources

RULE NO. & TITLE: (1) 220-3-.01 Shrimping; (2) 220-3-.02 Oystering; (3) 220-3-.03 Use of Nets and Harvest of Mullet; (4) 220-3-.31 Crabs; (5) 220-3-.53 Open Season/Area for the Taking of Live Saltwater Bait – Point Clear Area.

INTENDED ACTION: Amendments for each rule.


SUBSTANCE OF PROPOSED ACTION: (1) 220-3-.01 -To further provide for shrimping; to further provide for the taking of shrimp for recreational purposes; to provide certain location information; to further define certain shrimp nursery areas; and to further provide for the use of certain trawls or seines; (2) 220-3-.02 – To further provide for oystering; to prohibit certain taking or possession of oysters; to require certain presentation of oysters to the declared shop; and to further provide for oyster harvest areas; (3) 220-3-.03 – To further provide for the use of certain nets; to further provide for use of certain mesh size; and to provide for certain location information; (4) 220-3-.31 – To further provide for the taking of crabs; to further provide for crab traps; and to further specify areas where it is unlawful to place crab traps; (5) 220-3-.53 – To further provide for and specify an area for the taking of live saltwater bait.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of the Marine Resources Division at any time during the period stated below, or orally if requested in advance by personally appearing at Room 469, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Tuesday June 5, 2012.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Tuesday, June 5, 2012.

CONTACT PERSON AT AGENCY: Chris Blankenship, Division Director, Marine Resources Division, P. O. Box 189, Dauphin Island, Alabama 36528.



DAVID J. DEAN
Secretary of Administrative Procedure

N. Gunter Guy, Jr.

220-3-.53 Open Season/Area for the Taking of Live Saltwater Bait – Point Clear Area

During such times that these and adjacent waters are closed to the recreational and commercial taking of shrimp, the following waters shall be open exclusively to the commercial and recreational taking of live saltwater bait:

~~Beginning at a point on land at the southern entrance to the marina at Great Point Clear (30-29.195N,087-56.072W) then southwestwardly to the charted position of Point Clear light #4, then running southeastwardly to a point on land at the end of Zundel Road (30-28.416N, 087-55.263W), due east of Point Clear Channel Marker #10, then west to Point Clear Channel Marker #10, then westwardly along the southern edge of the Point Clear Channel to Point Clear Channel Marker #2, then sothwestwardly to Point Clear Light #4, then running southeastwardly to the northern most piling placed by the Marine Resources Division marking Zundel's Landing artificial reef, then running eastwardly along the northern remnants of Zundel's Wharf to the shore.~~

“Live saltwater bait” is defined as any aquatic animal which is used or may be used as bait for any fishery within the jurisdiction of the Marine Resources Division as defined by Rule 220-2-.42. This includes but is not limited to fish, shrimp, and crabs.

The penalty for the violation of this regulation shall be as provided for in § 9-12-54.7, Code of Alabama 1975, as amended by Act No. 2000-737, Acts of Alabama.

Statutory Authority: § 9-12-54.6, Code of Alabama 1975 as amended by Act No. 2000-737, Acts of Alabama

Penalty: As provided for in § 9-12-54.7, Code of Alabama 1975, as amended by Act No. 2000-737, Acts of Alabama.

3/21/2001(E);3/18/2010(E);