

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-.08**

Rule Title: Redfish And Speckled Sea Trout Regulations.

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 WMA Gurtz
Secretary of Administrative Procedure

Date 20 April 2015

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6/93

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-.08 Redfish And Speckled Sea Trout Regulations.
INTENDED ACTION: Repeal


SUBSTANCE OF PROPOSED ACTION: To repeal the existing rule in its entirety.

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 474, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Friday, June 5, 2015.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

June 5, 2015.

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



WILLIAM A. GUNTER
Secretary of Administrative Procedure

N. Gunter Guy, Jr.

220-3-.08 Redfish And Speckled Sea Trout Regulations.

[Previously adopted Rule 220-3-.08, entitled " **Redfish And Speckled Sea Trout Regulations** is hereby repealed in its entirety.]

Author: N. Gunter Guy, Jr.

Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2

REPEALED

N.Gunter Guy, Jr.

220-3-.08 Redfish And Speckled Sea Trout Regulations.

(1) Redfish and Speckled Sea Trout.

(a) No person may possess or transport for the purpose of sale a redfish or speckled sea trout.

(b) No person may sell or offer for sale a redfish or speckled sea trout.

(c) No person may purchase or offer to purchase for resale a redfish or speckled sea trout.

(d) A person who violates paragraph (1) is guilty of a misdemeanor. Each fish possessed, sold, offered for sale, purchased, or attempted to be purchased in violation of paragraph (1) is a separate offense.

(e) In this Regulation:

1. "Redfish" means red drum or *sciaenops ocellata* and includes all parts of that fish.

2. "Speckled sea trout" means *cynoscion nebulosus* and includes all parts of that fish.

(f) Paragraph (1) applies to the possession, transportation, sale, and purchase of redfish and speckled sea trout without regard to where the fish was caught, but does not apply to:

Conservation and 1. the transportation and possession of redfish and speckled sea trout caught outside this state and transported by common carrier from outside this state to a point of delivery outside this state;

2. redfish and speckled sea trout that are raised by a licensed fish farmer in a private pond and are marked or identified as provided by rules of the Department; or

3. the importation into this state from another state or country of lawfully taken, caught or raised redfish or speckled sea trout, transported or sold when not alive, if tagged, packaged, or labeled under applicable regulations of the Department of Conservation and Natural Resources.

(g) Any person possessing for final sale to the consumer redfish or speckled sea trout in violation of paragraph (1) shall be guilty of a misdemeanor.

(h) Any person may sell or purchase for use as food, at any season of the year, any imported redfish or speckled sea trout tagged, packaged, or marked for identification as provided for by any applicable regulation of the Department of Conservation and Natural Resources.

(1) Possession of more than two times the possession limits of redfish or speckled sea trout as provided by other regulations of the Department is prima facie evidence that the fish are possessed for sale in violation of subparagraph (a) of paragraph (1).

(2) Redfish and Speckled Sea Trout: Display of Documents.

(a) A person who claims to possess a redfish or speckled sea trout under an exemption provided by subparagraph (f) of paragraph (1) commits an offense if:

1. the person fails to keep with the fish any document, including a tag, invoice, or bill of lading, that is required by a regulation of the Department for the purpose of the identification of the place of origin or the exempt status of the redfish or speckled sea trout; or

2. the person fails, on the request of a conservation enforcement officer, to present to the officer without delay a document, including a tag, invoice, or bill of lading, that is required by a regulation of the Department for the purpose of the identification of the place of origin or exempt status of the redfish or speckled sea trout.

(b) An offense under paragraph (2) is a misdemeanor.

(c) A culpable mental state is intended to be dispensed with for an offense under paragraph (2).

(3) Retention of Redfish and Speckled Sea Trout.

(a) No person who is using a trawl for the purpose of taking shrimp may retain a redfish or speckled sea trout caught in the trawl.

This regulation shall become effective on the 36th day after filing with the Legislative Reference Service and shall expire one year from the effective date.

Author: John W. Hodnett

Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-

6/29/84