

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-.31 Crabs**

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 David J. Dean  
Secretary of Administrative Procedure

Date April 20, 2012

APA-2  
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: (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.

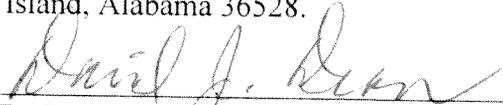
SUBSTANCE OF PROPOSED ACTION: (1) 220-3-.01 -To further provide for shrimping; to further provide for the taking of shrimp for recreational purposes; to provide certain location information; to further define certain shrimp nursery areas; and to further provide for the use of certain trawls or seines; (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-.31 Crabs**

(1) No person, firm, or corporation shall take, catch, sell, transport, or possess blue crabs that measure less than five inches (5") carapace width as measured from the tip of one lateral spine to tip of the opposite lateral spine. Provided, however, this limitation does not apply to soft-shelled crabs or to pre-molt crabs if the pre-molt crabs are taken solely for the purpose of shedding and held in compliance with applicable laws and regulations. Exempted pre-molt crabs shall exhibit, at a minimum, a pink or red line on the back paddle fin, which is recognized by the crab industry as a preliminary pre-molt stage.

(a) Softshell or pre-molt crabs must be held in a separate container, marked "peelers" or "busters", from those crabs of legal size while in the possession of the fisherman.

(b) Pre-molt crabs in the possession of, or held by, a dealer for sale or processing as softshell crabs, are exempted from the minimum prescribed size limit, if identified as pre-molt crabs, and held in separate containers marked "peelers" or "busters".

(c) Crabs in a work box shall not be subject to the minimum prescribed size limit while aboard the vessel. Commercial crab fishermen shall be allowed to have in possession aboard the vessel two work boxes. Crab boxes which are sealed or covered, other than by a grader, shall not be considered a work box.

(2) Commercial crab fishermen shall tag or mark any containers of Alabama crabs in possession, or that are sold, in a manner which will ensure that such commercial crab fisherman can be identified as the person who harvested the crabs. Such identification required shall be the full name of the crab fisherman and the number issued to the commercial crab fisherman by the Marine Resources Division and the date on which the crabs were harvested. All containers of Alabama crabs in the possession of a dealer shall be tagged, marked, or otherwise identified in this manner. The identification number shall be assigned by the Marine Resources Division when the fisherman purchases his or her commercial crab "catcher's" license. For subsequent years, the same identification number shall be assigned to the same commercial crab fisherman.

(3) Crabs taken by a licensed live bait dealer for sale as bait shall not be subject to the minimum prescribed size limit.

(a) Crabs taken for bait by licensed recreational shrimp boats shall not be subject to the minimum prescribed size limit but such boats are limited to no more than the number of crabs held by a one (1) gallon container per boat per day.

(b) Crabs taken by licensed commercial or recreational shrimp boats in waters open to commercial shrimping are limited to no more than one five-gallon container of legal size crabs in possession per boat unless the operator possesses a valid commercial "crab catcher's" license.

(4) Persons, firms, or corporations may import crabs for commercial purposes from a licensed dealer or fisherman residing outside the State of Alabama, provided, such crabs were taken and shipped pursuant to that state's laws and regulations. Containers of crabs shall be marked, tagged, or otherwise identified as required by the laws and regulations in that state.

(a) A bill of sale or other proof of purchase showing the non-resident dealer's or fisherman's name and address, pounds or number of containers purchased, and date of purchase shall be maintained at the place of business for a period of one year, and shall be available for inspection and presented without delay upon request by a conservation enforcement officer or other authorized agent.

(b) Persons who have caught crabs from the waters of another state may import those crabs into the State of Alabama for commercial purposes, provided, said crabs were legally taken, licensed, and transported pursuant to that state's laws and regulations. Containers of crabs shall be marked or tagged with the fisherman's full name, commercial crab fisherman's license number issued by that state, and the date of harvest.

(5) Traps used to take crabs or other seafood shall not exceed twenty-seven (27) cubic feet in volume.

(6) Each commercial crab trap shall be marked with at least one (1) buoy no smaller than six inches (6") in diameter. At least one-half (1/2) of the buoy shall be white. Buoys shall be attached to the traps by use of a weighted line to prevent the line from floating. Plastic bottles are prohibited for use as a commercial crab trap buoy.

(a) It shall be unlawful to set or place in the waters of this state any commercial crab trap which does not have attached a ~~float~~ buoy, as described above, marked with the identification number of the owner of the trap. Such number shall be at least one inch in height and colored to be a definite contrast with the color of the float, of block character, and spaced so as to be readable from left to right above the water line.

(b) The ~~Owner~~ owner identification number of traps must be painted or affixed to each side of the vessel used to harvest crabs from said traps. The identification number shall be block type, a minimum of three (3) inches in height and contrasting to the background.

(7) It shall be unlawful to remove crab traps from the water or remove crabs from crab traps during the hours from sunset to one (1) hour before sunrise the following day.

(8) It shall be unlawful to set or place any commercial or recreational trap used for the taking of crabs or other seafood in the access canals to Heron Bay (west of and adjacent to State Highway 193) or within three hundred (300) feet of any navigation channel marked by a lawfully established system of waterway markers or within three hundred (300) feet of any public boat launching ramp or public pier, Heron Bay Cutoff, or the mouth of West Fowl River, Weeks Bay, Fish River, Magnolia River, any man-made canal, or in any manner so as to prevent ingress or egress to or from any pier, wharf, dock, marina, or boat launching ramp.

(9) It shall be unlawful to set or place any commercial trap used for the taking of crabs or other seafood in Mobile River, Dog River, Theodore Industrial Canal, Fowl River, the northwest arm of Heron Bay, Heron Bayou (off northwest arm of Heron Bay), Bill's Bayou (in Heron Bay), Bayou Coden, Bayou La Batre, or their tributaries, in Mobile County, or Blakely River North of a line running from the charted position of Blakely River Channel Marker #18 then northwestwardly to the southern tip of Big Island (30-38.305N,087-55.503W), Fly Creek, Fish River, Magnolia River, Bon Secour River north of channel Markers 7 and 8, Wolf Creek, Sandy Creek, Miflin Creek, Hammock Creek, Roberts Bayou, Soldier Creek, Palmetto Creek, Old River (between Ono Island and Perdido Key), or their tributaries, in Baldwin County, or in any man-made canal (including but not limited to the following on Dauphin Island: Quivera Bay, Polaris Lagoon, Port Royal Lagoon, Lafitte Bay, Indian Bay, Indian Canal, Buchanan Bay, Columbia Bay, Colony Cove, Spanish Bay, Barcelona Bay, Confederate Bay, Salt Creek (Heron Bayou), Government Cut, and Billy Goat Hole).

(a) It shall be unlawful to set or place any recreational trap used for the taking of crabs or other seafood in any area named in paragraph "(9)" of this regulation, unless such trap shall be physically attached by a line to a pier, dock, piling, bulkhead, boathouse, or other structure, on or attached to the shore. Such line shall allow the crab trap to be placed no farther than a distance of ten feet (10') from the pier, dock, boathouse or shoreline. No more than five traps shall be allowed per property.

(10) Recreational crab traps shall be marked with an orange floating, visible buoy not less than six inches (6") in diameter or width. The buoy shall have a legible letter "R", at least two inches (2") high, permanently affixed to it.

(11) Crab traps which are no longer serviceable or in use shall be removed from the water by the owner thereof. No person shall intentionally damage or destroy crab traps or the floats or lines attached thereto.

(12) Any unidentified, improperly marked, or illegally placed crab trap shall be considered a nuisance and may be confiscated by a conservation enforcement officer or other authorized agent of the Department of Conservation and Natural Resources.

(13) Any person, firm, or corporation taking, catching, selling, transporting, or possessing crabs shall have in their possession a valid license, if applicable, for such activity. Such license shall be immediately available for inspection, upon request, by a conservation enforcement officer or other authorized agent.

(14) This rule repeals existing Rule 220-3-.31 in its entirety.

**Statutory Authority:** §§9-2-4, 9-2-7, 9-2-8, 9-2-12, and 9-12-124  
Code of Alabama 1975

**PENALTY:** As provided by law.

4/30/99; 9/20/2001(ER); 8/21/2002; 4/23/2004;