ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES ADMINISTRATIVE CODE

CHAPTER 220-3
MARINE RESOURCES DIVISION

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220-3-.01 Shrimping.

(1) Shrimping is regulated by the Commissioner of Conservation and Natural Resources under authority of Code of Ala. 1975, Section 9-2-4.

(2) Individuals operating a licensed recreational shrimp boat taking bait shrimp from an area designated by law as an exclusive saltwater bait area are limited to one (1) gallon of shrimp with heads attached per boat per day.

(3) Individuals taking shrimp, for recreational purposes, in an area open to commercial shrimping by means of a cast net and without the use of a boat, are limited to no more than five (5) gallons of shrimp with heads on per person per day.

(4) The taking, catching or attempting to take or catch shrimp by trawl, seine, cast net or by any means whatsoever, or the taking, catching or attempting to take or catch any other seafoods by use of a trawl, for any purpose is prohibited in the following Nursery Areas:

(a) Portersville Bay which is defined as those waters north of a line extending from Barron Point on Mon Louis Island (30°19.110'N - 88°11.519'W), thence to the south shore of Marsh Island (30°19.201'N - 88°13.473'W) thence to the south shoreline of the Isle aux Herbes (Coffee Island) (30°19.466'N - 88°15.346'W)and then along the western shoreline of the Isle aux Herbes to a point on the mainland due north of the northern tip of the Isle aux Herbes (30°22.008'N - 88°15.543'W).

(b) Heron Bay which is described as that body of water lying north of a line extending from Barry Point on Mon Louis Island (30°19.883'N - 88°08.999'W) south southeast to Cedar Point (30°18.594'N - 88°08.278'W).

(c) That portion of Mississippi Sound north of the Intracoastal Waterway and east of a line extending from Barron Point on Mon Louis Island (30°19.110'N - 88°11.519'W), southeasterly to Range Marker "D" on the Intracoastal Waterway.

(d) All of Weeks Bay, except shrimp may be taken for bait with a dip net that measures no more than twelve inches (12") by twelve inches (12").

(e) All rivers, streams, creeks and bayous (except that portion of Blakely River designated by law as an exclusive bait shrimping area). For the purpose of this regulation, the mouth of the Mobile River is defined as a line beginning at

the southernmost tip of Pinto Island (30°40.033'N - 88°01.647'W) and running due west to a point on the mainland (30°39.952'N - 88°02.002'W).

(f) All waters north of the southernmost edge of the Interstate Highway 10 eastbound lane (except that portion of Interstate Highway 10 which lies north of U.S. Highway 90 (Battleship Parkway), in which case the line follows the southernmost edge of the Battleship Parkway).

(g) That portion of Bon Secour Bay within 2500 feet of the mouth of Weeks Bay.

(h) Theodore Industrial Canal.

(i) That portion of Mobile Bay north and west of a line running from the intersection of the Dog River Bridge with the Dog River Channel east along the northern edge of the Dog River Channel to its intersection with the Mobile Ship Channel then north along the west side of the Mobile Ship Channel to the Upper Reach Rear Range (located on the north side of Arlington Channel) then north and east of a line running southeast to the charted position of Mobile Ship Channel marker #78 then southeast to the charted position of the center of Mayday Pier (30°35.966'N - 87°54.85'W) then eastward along the center of Mayday Pier to its intersection with land, except in this area only, persons may use a cast net to catch or attempt to catch shrimp for bait or noncommercial purposes not to exceed one gallon of shrimp per person per day. There shall be a 300 foot safety buffer along the western edge of the Mobile Ship Channel where towing a trawl shall be allowed for turning by vessels.

(j) Pursuant to Section 9-12-46, Code of Ala. 1975, from 6:00a.m. August 15 each year until 6:00 a.m. October 1 each year, that portion of Mobile Bay extending out from and parallel to the shoreline one-half nautical mile beginning at the center of Mayday Pier and then south to the northern edge of the Point Clear Channel, except in this area only, persons may use a cast net to catch or attempt to catch shrimp for bait or non-commercial purposes not to exceed one gallon of shrimp per person per day.

(k) All waters in Mobile County north of a line beginning at the Mississippi State line running east to the eastern tip of South Rigolets (30°21.120'N - 88°23.490'W) then northeast to the southwest tip of Point Aux Pins (30°22.271'N - 88°18.888'W) then east to the charted position of the "BC" Beacon in the Bayou La Batre Ship Channel and then southeast to the northwest point of the middle cut that bisects Coffee Island (Isle Aux Herbes) defined as 30°20.785'N - 88°15.721'W.

(l) North of Lillian Bridge in Baldwin County.

(m) Little Lagoon Pass in Baldwin County and within 100 yards of the north and south entrance of Little Lagoon Pass.

(n) Perdido Pass in Baldwin County which is defined as those waters north of Perdido Pass Channel Markers #1 and #2 and south of the charted position of channel marker #12 in Terry Cove.

(5) Exclusive bait shrimping areas are permanently closed to commercial shrimping.

(6) It shall be unlawful to wash a trawl or net by pulling it or dragging it in any waters closed to shrimping.

(7) The use of any trawl or trawls, or the taking of shrimp by any means, in any area closed to commercial shrimping is hereby expressly prohibited, except as otherwise provided by law.

(8) Unless otherwise provided, it shall be unlawful to use trawls or seines except as follows:

(a) Recreational shrimp trawls -- The size, and number, of recreational shrimp trawls shall be limited to one net per boat, the size of which shall not exceed sixteen (16) feet as measured across the cork line or main top line. In addition, wings shall be cut and tied to the wing line only on points and it shall be illegal to use nets where the length of the top leg line exceeds the length of the bottom leg line (length of leg lines being defined as the distance from the rear of the door to the beginning of the wing).

(b) Live saltwater bait trawls —- The size, and number, of live saltwater bait trawls shall be limited to one net per boat, the size of which shall not exceed fifty (50) feet as measured across the cork line or main top line except in an area that is temporarily closed to shrimping or in a designated live bait area the trawl shall not exceed sixteen (16) feet along the cork line or main top line. In addition, wings shall be cut and tied to the wing line only on points and it shall be illegal to use nets where the length of the top leg line exceeds the length of the bottom leg line (length of leg lines being defined as the distance from the rear of the door to the beginning of the wing). Live Saltwater Bait Dealers shall drag their trawl for no longer than twenty (20) consecutive minutes before retrieving the trawl and transferring bait shrimp into the live bait tank.

(c) Commercial shrimp trawls -- It shall be illegal for any person, firm or corporation to take or attempt to take shrimp or other seafoods in or from the inside waters of the State of Alabama by trawl or trawls used together the total width of which exceeds fifty (50) feet as measured in a straight distance along the cork line, which is the main top line

containing corks. The use of more than two trawls is prohibited in the inside waters; provided however, that one "try trawl" not to exceed ten (10) feet as measured across the cork line may be used for sampling in addition to the above. In addition, wings shall be cut and tied to the wing line only on points and it shall be illegal to use a trawl or trawls on which the length of the top leg line exceeds the length of the bottom leg line, the length of the leg line being defined as the distance from the rear of the trawl door to the beginning of the wing.

(d) It shall be unlawful to hang, tie or otherwise connect any webbing or netting between the rear of the trawl board or door and the adjacent wing line or between the top leg line and bottom leg line of any trawl so as to extend the width of any trawl or trawls authorized under Sections (8) (a), (8) (b) and (8)(c) above.

(9) The Department of Conservation and Natural Resources shall not issue a Live Saltwater Bait Dealers License to persons unless their shore facilities, transport facilities, or boat(s), in addition to the requirements provided by law, meet the following minimum requirements:

Place of Business

A place of business is defined for purposes of this section as:

(a) A permanently erected building on land from which fishing bait and fishing supplies and tackle are sold to the public; or

(b) A vessel that sells live or dead saltwater bait (excluding shrimp) to the public. It shall be unlawful for a vessel that sells live or dead saltwater bait (excluding shrimp) that is a place of business to take, possess, or sell live or dead shrimp. Such vessel shall meet the requirements for a boat facility, shall provide a physical address where vessel will be docked or stored, shall not possess or attempt to use a trawl and shall make vessel immediately available for inspection. No live bait catcher boat that is licensed under such vessel that is a place of business may take or possess live or dead shrimp or possess or attempt to use a trawl to take bait. No transport truck that is licensed under such a vessel that is a place of business may transport or possess live or dead shrimp. Such vessel that is a "place of business", and all catcher boats and transport trucks licensed under such vessel shall have the words "Live Bait - No Shrimp" in letters at least six inches high on the port and starboard sides of the vessel or vehicle; or

(c) A vessel that sells live or dead saltwater bait (including shrimp) from a designated location to the public. Such vessel shall notify the Marine Resources Division of the GPS location of such designated location where live or dead saltwater bait will be sold, shall notify the Marine Resources Division at least 10 working days prior to utilizing or moving such location, shall designate only one location, shall only sell live or dead saltwater bait from the designated location, shall meet all requirements for a shore facility and a boat facility, shall provide a physical address where the vessel will be docked or stored, shall not possess or attempt to use a trawl, and shall make vessel immediately available for inspection. Such vessel that is a place of business shall have the words "Live Bait – For Sale" in letters at least six inches high on the port and starboard sides of the vessel.

(d) Notwithstanding the provisions of (b) and (c) immediately above, no vessel shall constitute a "place of business" hereunder if it is in violation of Rule 220-4-.08 of the Alabama Administrative Code.

Shore Facilities

(a) Covered concrete, wooden or fabricated tanks with a minimum capacity of 480 gallons.

(b) Tanks must be aerated by one of the following:

1. Circulating water sprayed upon the surface which may be pumped from the bay, bayou, etc., or recirculated from the shrimp tank.

2. Any commercial fish aerator.

Transport Facilities

Wooden or fabricated transport tanks with recirculating water or commercial fish aerator.

Boat Facilities

(a) Tank with a spray system operated by a pump or commercial fish aerator; or, live well with forced water exchange.

(10) No holder of a live saltwater bait dealers license or anyone operating under such license shall transfer or unload any shrimp live or dead onto any vessel or vehicle unless such vessel or vehicle has been inspected and approved by the Marine Resources Division and designated as a licensee as required by 9-12-54.3. Shrimp live or dead taken by a live saltwater bait boat shall be

transported or stored only in an approved vessel, vehicle or facility.

(11) It shall be unlawful for any person to drag any net, seine or trawl over the public oyster reefs or the private oyster leases in this State.

(12) Any person, firm or corporation or association may import shrimp into the State of Alabama from another state even though such shrimp weigh less than the minimum weight requirements prescribed by the laws and regulations of the State of Alabama provided such shrimp were legally taken or caught outside of the territorial waters of the State of Alabama. Upon importation of such undersized shrimp, the purchaser and/or processor thereof shall maintain a written record of the location of the source of such shrimp and such records shall be open for inspection to the Division of Marine Resources upon demand.

(13) Live bait dealers shall only purchase live bait from inspected vehicles or vessels assigned to a licensed resident or non-resident Alabama live saltwater bait dealer.

(14) Pursuant to Section 9-12-46, Code of Ala. 1975, all inside waters of the State of Alabama, as defined by rule 220-3-.04, shall be closed to all commercial and recreational shrimping at 6:00 a.m. on May 1 of each year and all inside waters not permanently closed shall be opened to commercial and recreational shrimping at 6:00 a.m. on June 1 of each year.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12, 9-12-46, 9-12-49, 9-12-54.1.
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Ed. Note: As provided by law.

220-3-.02 Oystering.

(1) The taking of oysters from public reefs is regulated by both the Department of Conservation and NaturalResources, Marine Resources Division and the Alabama Department of Public Health.

(2) Prior to being issued an oyster catcher's license, oyster aquaculture license or working on a licensed aquaculture site, each person shall obtain Marine Resources Division/Alabama Department of Public Health approved training every five (5) years. The training shall include required harvest, handling, and transportation practices as determined by the Marine Resources Division and the Alabama Department of Public Health;

(a) A harvester shall obtain proof of completion of the required training.

(b) Proof of training obtained by the harvester within the past five (5) years shall be presented to the Marine Resources Division prior to the issuance of an oyster aquaculture license, oyster harvester, or oyster dredge license.

(3) Unless otherwise provided, the minimum lawful size of oysters taken shall be three inches (3") with an allowance of not more than five percent (5%) for undersize oysters and cultch material for the cargo on hand and no more than 10% of undersize oysters and cultch material in any one sack or container. Oysters shall be culled upon the reef from which they were taken.

(4) Except as otherwise hereinafter provided, it shall be unlawful for any person to take or attempt to take oysters except by hand or hand tongs and by the use of dredges in designated areas.

(5) It shall be unlawful for any person to take or attempt to take oysters from the public reefs and/or from private reefs and bottoms of the State of Alabama by means of oyster dredges except as follows:

(a) The Director of the Marine Resources Division may issue a written permit allowing oyster dredges to be used for taking or removing oysters from public or private oyster reefs or from those water bottoms which have been leased from the State of Alabama pursuant to the authority contained in Section 9-12-24 of the Code of Ala. 1975. The permittee must use the oyster dredge only upon such days, at such times, and within such areas as shall be specified in the permit.

(b) No permittee may allow the craft on which a dredge is carried to be anchored at night. Said craft must return to a dock before sunset.

(c) Dredges used on the public or private reefs shall not exceed a weight of 125 pounds, including self-dumping basket. Dredges will be restricted to no more than 16 teeth, maximum 3 inches apart with self-dumping baskets. All dredges must be inspected and tagged by the Marine Resources Division. A rope no shorter than 15 feet with a floating buoy no less than six inches in diameter bearing the operators permit number shall be permanently affixed to the dredge at all times when the dredge is in use or in transit aboard a vessel. No more than one dredge may be aboard a vessel at any time. It shall be unlawful for any person, firm, association, or corporation to carry or transport any oyster dredges on board of or attached to any vessel, boat, or other water craft unless it has been inspected and tagged by the Marine Resources Division.

(6) It shall be unlawful for any person, firm, association or corporation to carry or transport any oyster dredges on board of or attached to any vessel, boat, or other water craft unless the dredge has been inspected by the Marine Resources Division and the operator of the vessel has a permit for the dredge.

(7) It shall be unlawful between the hours of sunset and sunrise to take, attempt to take or possess oysters on board a vessel or in the waters of the State of Alabama. All oysters taken from the public reefs shall be landed within one hour of the water bottom closure each day.

(8) It shall be unlawful for persons to take, for noncommercial purposes, more than 100 oysters a person each day from the public reefs, beds, or bottoms in the waters of this State. Recreational oysters must be landed at the Oyster Management Station (OMS) where a recreational tag shall be purchased and the information shall be completed or supplied (as required by the Marine Resources Division) by the harvester. The tag shall be immediately attached to each sack or container of oysters before leaving the Oyster Management Station. Person’s possessing more than 100 oysters shall be deemed to possess those oysters for commercial purposes. Recreational and commercial oysters cannot be taken or possessed on board a vessel in the same trip.

(9) Certain waters in the vicinity of sewage discharges and other locations are permanently closed to oystering by the Alabama Department of Public Health. These areas are subject to change and the latest closure orders should be obtained from the Marine Resources Division or the Alabama Department of Public Health.

(10) All oysters harvested from public and private harvest areas must be placed in containers or sacks that can be cleaned and allow drainage.

(11) All oysters taken from public bottoms shall be placed in sacks or containers according to the standard Alabama measure of one quarter (1/4) Alabama barrel and it shall be unlawful to land

any oysters for commercial purposes which have not been stored or contained in this manner. The volume of a ¼ Alabama barrel shall consist of a tub of oysters measuring 17 inches in diameter on the top, 13 inches in diameter on the bottom, and 12 inches in height. It shall be unlawful to transfer oysters from one boat to another for purposes of avoiding the requirement of this regulation or to transfer any oysters to any unlicensed oyster catcher. Any person or persons cited for exceeding the standard Alabama measure of one quarter (1/4) Alabama barrel provided for herein shall be required to immediately transport and redistribute any said excess oysters on the nearest public reef. Failure to so transport and redistribute shall be considered a violation of this regulation.

(12) All vessels engaged in the taking, possession, or transport of oysters from the private and public reefs of Alabama shall have aboard the vessel an approved marine sanitation device (MSD), portable toilet, or other sewage disposal receptacle. The MSD, portable toilet or other sewage disposal receptacle shall be used only for the purpose intended, be emptied only in a sewage disposal system, and be cleaned before being returned to the vessel. Sewage disposal receptacles must be constructed of impervious, cleanable materials and have tight fitting lids with "HUMAN WASTE" indelibly written in 3-inch block lettering. No cats, dogs, or other animals may be aboard any vessels taking, possessing, or transporting oysters.

(13) It shall be unlawful for any person to take or attempt to take oysters, for commercial purposes, from the public reefs of the State of Alabama without first having registered (checked in) on the day of harvest at the Oyster Management Station drop box in the area where the harvest shall be attempted. All fishermen must check out at the same designated Oyster Management Station where they checked in within one hour of the water bottom closure for that day. Oyster tags will be purchased at the Oyster Management Station and no oysters shall be landed before being tagged. The oyster harvester will provide the following information at the Oyster Management Station in order to complete an oyster harvest record: Harvester's name, harvester's license number, harvest location, gear used, fishing time, name of certified dealer where the oysters will be sold, and any other information required. At least one copy of the oyster harvest record must remain with the shell stock while it is in transit to a certified dealer and a copy must be given to the certified dealer upon delivery. Failure to present oysters to the declared shop without notifying the Marine Resources Division by the close of business on the day of harvest will be considered a violation.

(14) Oyster Management Stations shall be established by the Director of the Marine Resources Division. Season openings and final closures shall be made by issuing a press release. Areas opened for oyster harvest and Oyster Management Stations that will be opened near those harvest areas will be publicized using an Opening Order. The Opening Order will include the date harvest

shall be opened or closed, a description of the shellfish harvest locations, a description of the location of the Oyster Management Stations that will be open, and a map of areas where dredging will be allowed (if applicable). The Opening Order will be posted by the Director of the Marine Resources Division at the Oyster Management Stations, on the Department of Conservation and Natural Resources websites, and on official Department of Conservation and Natural Resources social media.
Author: Christopher M. Blankenship
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Penalty: As provided by law.

220-3-.03 Use Of Nets And Harvest Of Mullet.

(1) Any person possessing, transporting, or using any seine, gill net, trammel net, or other entangling net more than 300 feet in length as measured along the cork line or main top line, or possessing, transporting, or using for commercial purposes a seine, gill net, trammel net, or other entangling net 300 feet or less as measured along the cork line or main top line, on or in the waters of Alabama under the jurisdiction of the Marine Resources Division as provided by Rule 220-2-.42, shall be validly licensed or permitted under Code of Ala. 1975, §9-12-113 and shall have such license or permit in possession. Except that any person possessing a valid Federal Fisheries Permit that allows the use of a seine, gill net, trammel net or other entangling net in federal waters may transport such net on board a boat without an Alabama commercial gill net license in the following waters of the State of Alabama: in a marked navigational channel, due south of the charted position of Bayou La Batre Channel Marker "5", in the Gulf of Mexico due south of Perdido Pass, and for vessels leaving from Billy Goat Hole on Dauphin Island or Fort Morgan Ramp, lower Mobile Bay. All vessels using this Lower Mobile Bay transport exception shall proceed as directly, continuously and expeditiously as possible to or from the Mobile Ship Channel. All vessels using any transport exception shall proceed as directly, continuously and expeditiously as possible to or from Federal waters.

Provided further, any person possessing, transporting, or using for recreational purposes a gill net 300 feet or less as measured along the cork line or main top line, on or in the waters of Alabama under the jurisdiction of the Marine Resources Division as provided by Rule 220-2-.42 shall be validly licensed under Code of Ala. 1975, §9-12-123 and shall have such license in possession.

(2) Roe mullet permit requirements: Any person possessing, using, or attempting to use, any commercial gill net, trammel net, or other entangling net with a mesh size of two (2) inches knot to knot or larger but less than three (3) inches knot to knot to take or attempt to take any fish during the period of October 24 through December 31 of each year in the waters of Alabama must have a roe mullet permit as provided by Code of Ala. 1975, §9-12-113; provided further, during the period of October 24 through December 31 that any person in possession of mullet while possessing, using, or attempting to use any commercial gill net, trammel net, or other entangling net is also required to have said roe mullet permit.

(3) Spanish mackerel permit requirements: Any person possessing, using, or attempting to use, any commercial seine, gill net, trammel net, or other entangling net in the waters of Alabama, including the territorial waters in the Gulf of Mexico, who possesses any Spanish mackerel must have a Spanish mackerel permit as provided by Code of Ala. 1975, §9-12-113. Except that any person possessing a valid Federal Fisheries Permit that allows the use of a seine, gill net, trammel net or other entangling net in federal waters may transport such net on board a boat and possess Spanish Mackerel without an Alabama commercial gill net Spanish mackerel permit in the following waters of the State of Alabama: in a marked navigational channel, due south of the charted position of Bayou La Batre Channel Marker “5”, in the Gulf of Mexico due south of Perdido Pass, and for vessels leaving from Billy Goat Hole on Dauphin Island or Fort Morgan Ramp, lower Mobile Bay. All vessels using this Lower Mobile Bay transport exception shall proceed as directly, continuously and expeditiously as possible to or from the Mobile Ship Channel. All vessels using any transport exception shall proceed as directly, continuously and expeditiously as possible to or from Federal waters.

(4) Display of placard: The placard issued by the Department of Conservation and Natural Resources as provided for in Code of Ala. 1975, §9-12-113(d), shall be visibly displayed on the permittee’s designated vessel in a location on the port side of the vessel between the bow and amidship. It shall be unlawful to display an invalid gill net placard on a vessel.

(5)(a) General minimum mesh size for "inside waters" for fish other than menhaden: Except as otherwise provided in paragraph (5)(c), it shall be unlawful to use or attempt to use any gill net, trammel net or other entangling net to take or attempt to take

fish other than menhaden from the "inside waters" under the jurisdiction of the Marine Resources Division as provided by Rule 220-2-.42 and as defined by Rule 220-3-.04(l) the mesh of which is smaller than one and one-half (1-1/2) inches knot to knot.

(b) Minimum mesh size for menhaden: The mesh size for commercial gill nets, trammel nets, or other entangling nets used for the taking of menhaden shall be one and one quarter (1-1/4) inches knot to knot or larger provided that not more than 5 percent bycatch of other species by number (excluding game fish) may be in possession.

(c) Special October 24 – December 31 mesh size provisions: From October 24 through December 31 of each year a mesh size of tow (2) inches knot to knot or larger shall be required for commercial gill, trammel, or other entangling nets used to take or attempt to take fish other than menhaden in the waters under the jurisdiction of the Marine Resources Division as provided by Rule 220-2-.42, except that a mesh size of one and one-half (1-1/2) inches knot to knot or larger, but less than two (2) inches knot to knot, may be used for the taking of fishes other than mullet. Possession of mullet and a gill net with less than a minimum mesh size of two (2) inches knot to knot on board a boat in the waters of Alabama from October 24 through December 31 shall be prohibited.

(6)(a) Special provisions for certain rivers, bayous, creeks, or streams: It shall be unlawful to use any net or seine in any rivers (except in those portions of the Blakely and Appalachia Rivers south of the I-10 Causeway), streams, creeks, bayous or tributaries under the jurisdiction of the Marine Resources Division as provided by Rule 220-2-.42; provided, a seine, commonly known as a minnow seine, the length of which shall not exceed 25 feet and the width or depth of which shall not exceed 4 feet, may be used for the taking of shad or minnows for the exclusive use as fish bait; and provided further, a cast net may be used to take fish other than gamefish. All other fish and seafood taken by a cast net or seine, as allowed under this paragraph, shall be immediately returned to the water from whence they came with the least possible injury. Rivers, streams, creeks, bayous, and tributaries shall be considered closed areas for the purposes of Code of Ala. 1975, §9-12-113(j)(2).

(b) From September 1 through December 31, it shall be unlawful to possess a gill net, trammel net, any other entangling net, or seine, except a minnow seine as described in paragraph (a), aboard a boat in Fowl River or its tributaries north of Bellingrath Garden boat dock, in Dog River or its tributaries north and west of a line running from the west bank of the mouth of Perch Creek to the east bank of the mouth of Alligator Bayou, or in Theodore Industrial Canal west of a line running north and south at Cedar Point Road (088°-06.50’W). Any person convicted of the violation of

possession of a gill net, trammel net, any other entangling net, or seine aboard a boat as provided by this paragraph shall receive two (2) points toward the 10-point system provided by Code of Ala. 1975, §9-12-113. Provided further, it shall be illegal to possess fish, except menhaden, in, or in contact with, a net or seine aboard a boat in East or West Fowl River or their tributaries west of Highway 193 and north of Highway 188, Fish River or its tributaries, Magnolia River or its tributaries, or Bon Secour River or its tributaries. Any person convicted of the violation of possession of fish, except menhaden, in, or in contact with, a net or seine aboard a boat as provided by this paragraph, shall receive three (3) points toward the 10-point system provided by Code of Ala. 1975, §9-12-113.

(7) Special Gulf waters provisions on closures, openings, and mesh size:

(a) From 12:01 a.m. May 15 to 12:01 a.m. the day after Labor Day each year thereafter, all waters of the Gulf of Mexico, from Old Little Lagoon Pass East to the Florida line shall be closed to the commercial use of gill nets, trammel nets, other entangling nets, seines, and haul seines.

(b) It shall be unlawful to use or possess a gill net, trammel net, other entangling net or seine in Alabama waters in the Gulf of Mexico, including Pelican Bay, from March 15 through Labor Day each year from 12:00 noon each Friday through 7:00 pm each Sunday. Except that any person possessing a valid Federal Fisheries Permit that allows the use of a seine, gill net, trammel net or other entangling net in federal waters may transport such net on board a boat in the following waters of the State of Alabama in the Gulf of Mexico: in a marked navigational channel, due south of the charted position of Bayou La Batre Channel Marker “5”, and due south of Perdido Pass. All vessels using any transport exception shall proceed as directly, continuously and expeditiously as possible to or from Federal waters.

(c) In addition, all waters of the Gulf of Mexico including Pelican Bay, from the shoreline (including Pelican/Sand Island) out to 0.25 miles shall be closed year-round to the commercial use of gill nets, trammel nets, other entangling nets, seines, and haul seines, except as follows:

(i) From 12:01 a.m. March 15 to 12:01 a.m. May 15 each year, the following portion of said waters shall be open to such use from 6:00 p.m. to 6:00 a.m. Monday through Thursday, 12:00 midnight to 12:00 noon on Friday and from 7:00 pm Sunday until 6:00 a.m. Monday: From Old Little Lagoon Pass, East to the Florida Line;

(ii) From 12:01 a.m. October 2 to 12:01 a.m. January 1 each year, the following portion of said waters shall be open to such use 24 hours per day: From Old Little Lagoon Pass, East to the Florida line;

(iii) From 12:01 a.m. on the day after Labor Day through March 14 each year, the following portion of said waters shall be open to such use 24 hours per day: West of Old Little Lagoon Pass in Mobile and Baldwin Counties; and

(iv) From March 15 through Labor Day each year, the following portion of said waters shall be open to such use from 6:00 p.m. to 6:00 a.m. Monday through Thursday, 12:00 midnight to 12:00 noon on Friday and from 7:00 pm to 12:00 midnight on Sunday: West of Old Little Lagoon Pass to the last house on Dauphin Island (located at Longitude 088°-11.500'W).

(v) From March 15 through Labor Day each year, the following portion of said waters shall be open to such use from 7:00 p.m. Sunday through 12:00 noon Friday each week: Those waters west of the last house on Dauphin Island (located at Longitude 088°-11.500'W).

(d) For the purposes of this regulation, Old Little Lagoon Pass is located Longitude 087°-47'.826'W.

(e) All Gulf waters including Pelican Bay shall be closed to the use of recreational gill nets.

(f) The minimum mesh size for gill nets permitted under Code of Ala. 1975, §9-12-113 used to take fish or attempt to take fish in the Gulf of Mexico, shall be one and one-half (1½) inches knot to knot, except as otherwise provided in paragraphs (2) (roe mullet) and (5)(b) (menhaden). Provided further, it shall be unlawful to possess a gill net in the waters of the Gulf of Mexico including Pelican Bay the mesh of which is smaller than one and one half (1½) inches knot to knot, except as provided in (5)(b) (menhaden).

(8)(a) Except as otherwise provided by law or regulation, it shall be unlawful to take or attempt to take any fish in the waters of Alabama under the jurisdiction of the Marine Resources Division as provided by Rule 220-2-.42 with any seine or purse seine over twenty-five (25) feet in length with a mesh size smaller than three-fourths (3/4) inch knot to knot.

(b) From October 24 through December 31 of each year, it shall be unlawful to use, or attempt to use, any seine to take, or attempt to take, mullet in the waters of Alabama under the jurisdiction of the Marine Resources Division as provided by Rule 220-2-.42.

(9) There are no mesh size requirements for trawls and cast nets. Cash nets shall only be hand thrown and shall not exceed 30 feet in diameter.

(11) It shall be unlawful to use, to take, or attempt to take fish with, or to possess on board a boat, in the waters of Alabama, any gill nets, trammel nets, or any other entangling net, greater than 80 meshes in depth north of a line running in an eastwardly direction from the north bank of East Fowl River to Middle Bay Light to Great Point Clear.

(11) From October 24 through December 31 of each year it shall be unlawful to use any set nets (gill nets, trammel nets, or other entangling nets, etc.) in the waters of Bon Secour Bay south of the Gulf Intracoastal Waterway from Oyster Bay west to the last Waterway navigational marker and from that point southwestward to the northwestern tip of the Fort Morgan Peninsula. During this time period, this area shall be open to strike nets but these nets cannot be used within 300 feet of any pier, wharf, dock, or boat launching ramp in this area. "Strike net" means a gill net, trammel net, or other entangling net, that is set and used from a boat in a circular pattern and is not anchored or secured to the water bottom or shore and which is immediately and actively retrieved.

(12) From January 1 through 12:01 a.m. the day after Labor Day of each year it shall be unlawful to use any seine, gill net, trammel net, or other entangling net to take or attempt to take any fish in all waters inside of a meandering line beginning at the east end of Dauphin Island at the Park and Beach Board pier and running in a northwestwardly direction along the northern shore of Little Dauphin Island to its intersection with the Dauphin Island Bridge, and then northwardly along the east side of the Dauphin Island Bridge to its intersection with the Gulf Intracoastal Waterway, then westwardly along the southern edge of the Gulf Intracoastal Waterway to Aloe Bay Channel marker "BA, F1 (2+1) G 6s," then southwardly to Aloe Bay Channel marker number "2" and then to the western end of the Dauphin Island Airport runway, then eastwardly along the northern shore of Dauphin Island to the east end of Dauphin Island at the Park and Beach Board Pier.

(13) It shall be unlawful for any person, firm, or corporation to use any gill net, trammel net, seine or purse seine, or other entangling net to take or attempt to take fish in any marked navigational channel, Theodore Industrial Canal, Little Lagoon Pass, Perdido Pass, or any man-made canal (including but not limited to the following bays and canals 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, Salt Creek, Government Cut, and Billy Goat Hole); provided further, it shall be unlawful to use any gill net, trammel net, seine or purse seine, or other entangling net to take or attempt to take fish within 300 feet of the mouth of Dog

River, Theodore Industrial Canal, East Fowl River, Old East Fowl River (both entrances), West Fowl River, Bayou Coden, Bayou La Batre, and the Mobile Bay entrance to Billy Goat Hole/Government Cut in Mobile County, or Fly Creek, Fish River, Magnolia River, Graham Bayou, Wolf Creek, Miflin Creek, Roberts Bayou, Palmetto Creek, Soldier Creek, Perdido Pass, and Little Lagoon Pass in Baldwin County.

(14) It shall be unlawful to use any seine, gill net, trammel net, or other entangling net required to be licensed or permitted under Code of Ala. 1975, §9-12-113, to take or attempt to take fish within 300 feet of any pier, marina, or boat launching ramp. It shall be unlawful to use any seine, gill net, trammel net, or other entangling net to take or attempt to take fish within 300 feet of any of the following "relic" piers: Zundel's, Old Daphne Steamship, Battles, and Quarantine, or within 300 feet of artificial reef areas established and marked by the Marine Resources Division, within the jurisdiction of the Marine Resources Division as provided by Rule 220-2-.42; provided further, it shall be unlawful to use any seines or nets in any manner so as to prevent ingress or egress to or from any pier, wharf, dock, marina, or boat launching ramp. The prohibited use areas referred to herein shall be considered closed areas for the purposes of Code of Ala. 1975, §9-12-113(j)(2).

(15) Gill nets and seines permitted under Code of Ala. 1975, §9-12-113, shall be marked with the permittee's name and shall be marked at intervals of 100 feet or less along the float line with colored floats that contrast with any other floats used on the float line. Such gill nets shall be marked at intervals of 300 feet or less along the float line with the fisherman's permit number. Permit numbers will remain the same for each year. Any person convicted of the violation of possession on board a boat or use of an unmarked gill net(s) (without the fisherman's permit number marked along the float line as required by this paragraph) shall receive four (4) points toward the 10-point system provided by Code of Ala. 1975, §9-12-113. Any person convicted of the violation of possession on board a boat or use of an improperly marked gill net(s) (with the fisherman's permit number being marked along the float line in a manner other than as required by this paragraph) shall receive one (1) point toward the 10-point system provided by Code of Ala. 1975, §9-12-113.

(16) Gill, trammel, and other entangling nets, and seines operated in the waters of Alabama under the jurisdiction of the Marine Resources Division as provided by Rule 220-2-.42 must be constantly attended by the person licensed or permitted to operate the net. Any person convicted of the violation of an unattended gill, trammel, or other entangling net or seine required to be licensed or permitted under Code of Ala. 1975, §9-12-113, shall receive three (3) points toward the 10-point system provided for by Code of Ala 1975, §9-12-113.

(17) There is hereby established a recreational possession limit on mullet caught by cast net or snagging of 25 fish per boat per day or 25 fish per person per day from the shore during the period of October 24 through December 31 of each year. During the period of October 24 through December 31, it shall be unlawful to possess on board a boat, for recreational purposes, more than 25 mullet while cast netting or snagging in waters closed to the use of gill nets. Notwithstanding any provision herein to the contrary, however, from October 24 through December 31, it shall be unlawful to take mullet by snagging (a method of taking fish with one or more hooks attached to a line or artificial lure used in a manner to foul hook a fish. A fish is foul hooked when caught by a hook in an area other than the fish's mouth), or by the use of a cast net in Theodore Industrial Canal, Dog River, Fowl River, or tributaries thereof. It shall be unlawful to take or attempt to take mullet by the use of a cast net within 300 feet of the mouth of Theodore Industrial Canal, Dog River, or Fowl Rive (east and west entrances), these areas shall be considered closed.

(18) It shall be unlawful to remove roe from mullet or otherwise process roe mullet aboard any boat or vessel within the territorial waters of this State.

(19)(a) A recreational gill net licensee shall have only one net in use at any time and shall possess only one net on board a boat in the waters of Alabama. A recreational gill net shall not be possessed more than 300 feet from shore and, it shall be unlawful to use a recreational gill net required to be licensed under Code of Ala. 1975, §9-12-123 to take or attempt to take fish beyond 300 feet from any shoreline. It shall be unlawful for a recreational gill net to be on board a boat with a net, seine, or purse seine, required to be licensed or permitted under Code of Ala. 1975, §9-12-113. It shall be unlawful to use or possess a recreational gill net in conjunction with the use or possession of any net, seine, or purse seine, required to be licensed or permitted under Code of Ala. 1975, §9-12-113.

(b) A recreational gill net licensee shall take or possess only one standard fish box of whole fish per day. A standard fish box measures 15 inches by 15 inches by 24 inches.

(c) Recreational gill nets licensed under Code of Ala. 1975, §9-12-123, shall bear a tag or float provided by the Marine Resources Division showing the name and license number of the licensee. The tag shall be affixed to the net any time it is in use or in transit aboard a vessel.

(20) It shall be unlawful to possess game fish in conjunction with the use or possession of any net, seine, or purse seine, required to be licensed or permitted under Code of Ala. 1975, §9-12-113, or required to be licensed under Code of Ala. 1975, §9-12-123. Commercial fishermen shall not possess game fish. Any person convicted of the violation of possession of game fish in

conjunction with the use or possession of any net, seine, cast net, or purse seine required to be licensed or permitted under Code of Ala. 1975, §9-12-113, shall receive four (4) points toward the 10-point system provided for by Code of Ala. 1975, §9-12-113.

(21) It shall be unlawful to use or possess on board a vessel a gill, trammel, or other entangling net or seine that does not have one float or cork at least two (2) inches in diameter at intervals of five feet or less along the float line; or a buoy with a diameter of a least six (6) inches at intervals of fifty feet or less along the float line.

Author: Christopher M. Blankenship

Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12, 9-12-110, 9-12-113.

History: Filed September 30, 1982. **Amended**: Filed May 25, 1984; April 29, 1986; August 8, 1986; April 16, 1987(E); December 2, 1987; March 29, 1988(E); March 24, 1989; June 21, 1989; August 28, 1989(E); October 12, 1989; June 6, 1990(E); July 19, 1990; July 31, 1990(E); January 28, 1991(E); April 11, 1991(E); June 13, 1991; September 24, 1991; October 29, 1991; January 14, 1992(E); August 26, 1992; September 17, 1992; October 21, 1992(E); September 13, 1993 (E). **Amended**: Filed October 4, 1993; effective November 8, 1993. **Amended**: Filed January 10, 1994; effective February 14, 1994. **Amended**: Filed March 24, 1994; effective April 28, 1994. July 14, 1994(E). **Amended**: Filed July 14, 1994; effective August 28, 1994. Emergency Rule: Filed November 17, 1994. **Amended**: Filed February 23, 1995; effective February 23, 1995. **Repealed and Replaced**: Filed January 31, 1996; effective March 7, 1996. **Amended**: Filed August 18, 1997; effective September 23, 1997. **Amended**: Filed October 20, 1997; effective November 24, 1997. **Amended**: Filed November 9, 1998; effective December 15, 1998. **Amended**: Filed July 16, 2002; effective August 20, 2002. **Amended**: Filed January 6, 2003; effective February 10, 2003. **Amended (PE)**: Filed May 21, 2003; effective May 21, 2003. **Amended (PE)**: Filed June 10, 2003; effective June 10, 2003. **Amended**: Filed August 18, 2004; effective September 22, 2004. **Amended (PE)**: Filed June 29, 2005; effective June 29, 2005. **Amended**: Filed June 13, 2007; effective July 18, 2007. **Amended**: Filed April 23, 2008; effective May 28, 2008. **Amended**: Filed January 20, 2009; effective February 24, 2009. **Amended**: Filed May 12, 2009; effective June 16, 2009. **Amended**: Filed July 23, 2009; effective August 27, 2009. **Amended**: Filed May 14, 2010; effective June 18, 2010. **Amended**: Filed June 15, 2012; effective July 20, 2012. **Amended**: Filed July 6, 2015; effective July 10, 2015. **Amended**: Filed June 14, 2016; effective July 29, 2016. **Amended (PE)**: Filed June 19, 2018; effective June 19, 2018.

Penalty: As provided by law.

220-3-.04 Miscellaneous And Public Access Regulation.

(1)(a) Unless the context clearly indicates otherwise, in this regulation, the term "public access area" shall include any state-owned, leased, and/or operated, boat launching and/or landing access area, parking lot, ramp, pier (unless Gulf State Park Pier), and any real or personal property within the boundaries of said areas.

(b) For the purpose of all laws and regulations pertaining to seafoods, the phrase "inside waters of the State of Alabama" includes all waters north of a line extending from the Florida-Alabama line westward along the shore to Alabama Point, thence along the Baldwin County beaches of the Gulf of Mexico to the intersection with the Territorial Sea line on Fort Morgan Peninsula, known as Mobile Point (30°-13.46'N, 088°-01.72'W), thence following the Territorial Sea Line across the mouth of Mobile Bay to Dauphin Island (30°-14.77'N, 088°-04.48'W), thence along the Dauphin Island beaches of the Gulf of Mexico to the intersection with the Territorial Sea Line on the west point of Dauphin Island (30°-13.72'N, 088°-19.81'W),thence following the Territorial Sea Line southwest to the intersection with the Alabama—Mississippi state line (30°-12.82'N, 088°-23.54'W).

(2) It shall be unlawful to mutilate, destroy, move from location, tie to or otherwise disturb any buoy, sign, piling, pole or other marker established or maintained by the Division of Marine Resources to mark fishing reefs, oyster reefs, parking areas, restricted areas or other areas of concern or to mutilate, destroy, move from location or otherwise disturb any fixed or anchored sampling device used in research in the waters under the jurisdiction of the Marine Resources Division as provided by Rule 220-2-.42.

(3) Picnicking, except at tables provided, and camping are prohibited at all public boat launching areas and ramps operated by the Department of Conservation and Natural Resources, Marine Resources Division.

(4) The mooring of boats, houseboats, and other watercraft except in emergencies, is unlawful at all public launching areas, ramps and docking facilities. It shall be unlawful to drydock, store, or abandon, any vessel, vehicle, trailer, or any other personal property at any public access area operated by the Department of Conservation and Natural Resources, Marine Resources Division except in cases of emergencies or mechanical breakdowns in which case the property should be removed within 24 hours. Abandoned personal property shall be subject to disposal in accordance with the law. Violators may be towed.

(5) It shall be unlawful for any person, firm, or corporation, to operate any privately owned business, such as jet ski or boat rental businesses, at any public access area, provided however, that nothing in this regulation shall prevent the normal launching and retrieving of such vessels if the rental vessels are not left unattended at the public access area parking areas, ramps or docks. Persons using rental vessels shall park in areas designated for single vehicles only or when such areas are not designated shall not leave vehicles at public access areas. No industrial or construction equipment such as barges, dredges, boom trucks, etc. are to be loaded or unloaded from any public access area under the jurisdiction of the Marine Resources Division of the Department of Conservation and Natural Resources without the specific written authorization of the Director of the Marine Resources Division.

(6) Persons using access areas operated by the Marine Resources Division of the Department of Conservation and Natural Resources shall park their vehicles and trailers in designated parking areas only, or when areas are not designated, in such a way so as not to block any part of the ramp or approach to the ramp, block other vehicles, or to interfere with the use of the boat landing or parking lot by other people. It shall be unlawful to park vehicles without boat trailers in double size spaces, or to park in the designated handicapped parking spaces without proper permit displayed. Trailers or vessels on trailers that are not attached to a vehicle shall not be left unattended at public access areas. Vehicles with vessels on trailers shall not be stored at public access areas. Violators may be towed. Launching vessels in any area other than the designated ramp is prohibited.

(7) It shall be unlawful to litter, discard dead fish, fish parts or carcasses or other dead seafood on any land or into the water area, at public access areas, or to place dead fish, fish parts or carcasses in refuse containers provided, at public access areas. Fish caught from launching areas and ramps shall be removed by the fisherman. Any person taking fish or other seafood in the territorial waters of this State shall use all reasonable means available to return unwanted and undersized seafood species to the water as soon as possible and in such a manner as to leave them uninjured.

(8) It shall be unlawful for any person to discard dead fish, fish parts or carcasses or other dead seafood within 500 feet of any shoreline; provided further, it shall be unlawful for any person aboard a shrimping vessel to discard any dead seafood or bycatch into the waters of the Gulf of Mexico (including Pelican Bay) within three (3) miles of the gulf beaches. Discarding dead fish or other dead seafoods into any creek, bayou, river or stream shall be unlawful.

(9) It shall be unlawful to bring pets of any type into a state public access area unless it is crated, caged, or upon a leash, or otherwise under physical restrictive control at all times.

(10) It shall be unlawful to consume alcoholic beverages at any public access area under the jurisdiction of the Marine Resources Division of the Department of Conservation and Natural Resources.

(11) It shall be unlawful to fish or clean fish, swim, dive, sunbathe, or jump, from docks or ramps, on or within 100 feet of any boat ramp, or boat ramp pier, at any public access area operated by the Marine Resources Division of the Department of Conservation and Natural Resources. Any activity that may interfere with the intended use of the facility by the public shall be prohibited.

(12) It shall be unlawful to operate any unlicensed vehicles including but not limited to, all-terrain vehicles, motorcycles, golf carts or other such motor driven conveyances, on or in, any public access area property under the jurisdiction of the Marine Resources Division of the Department of Conservation and Natural Resources without written authorization from the Director of the Marine Resources Division. Driving any vehicle carelessly and heedlessly disregarding the rights or safety of others, or without due caution and at a speed or in a manner so as to endanger or be likely to endanger any person or property shall be unlawful.

(13) It shall be unlawful to loiter, camp, picnic (except when tables are provided), build or tend a fire (except in designated areas), remove, destroy or deface state property, or discharge firearms, or possess, discharge, or set off any fireworks at any public access area under the jurisdiction of the Marine Resources Division of the Department of Conservation and Natural Resources.

(14) It shall be unlawful to cut, destroy, damage, or remove, any such tree, shrub, bush, plant, or flower growing at any public access area under the jurisdiction of the Marine Resources Division of the Department of Conservation and Natural Resources without written authorization from the Director of the Marine Resources Division.

(15) The Marine Resources Division of the Department of Conservation and Natural Resources shall not be responsible for any accident or injury to any person while at or in public facilities. Any person coming within the boundaries of the public access areas, shall by such entrance or use, waive any claim against the State of Alabama, its employees, or its agents for accident or injury to person or property, occurring while on or within the said public access areas.

(16) It shall be unlawful to solicit, sell, advertise, or install any sign on any public access area, without the written authorization of the Director of the Marine Resources Division.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12.

History: Filed September 30, 1982. **Amended:** Filed December 25, 1987. **Amended:** Filed May 13, 2009; effective June 17, 2009. **Amended:** Filed June 7, 2012; effective July 12, 2012. **Amended:** Filed July 6, 2015; effective July 10, 2015.

Penalty: As provided by law.

220-3-.05ER **Harvesting Limit For Oysters (Emergency Rule Expired).**

Author:
Statutory Authority:
History: **Emergency rule** filed December 10, 1982; effective December 11, 1982. No permanent adoption.

220-3-.06.02ER **Discarding Dead Fish And Other Seafoods Into The Gulf Of Mexico.**

Author:
Statutory Authority:
History: **Emergency rule** filed June 30, 1983; effective July 1, 1983. No permanent adoption. Emergency Rule filed July 11, 1983; effective July 11, 1983. No permanent adoption. NOTE: The last emergency rule amended emergency rule filed June 30, 1983; effective July 1, 1983 and repealed Rule No. 220-3-.07-.03ER filed July 6, 1983; effective July 7, 1983.

220-3-.07.03ER **Closed Shrimping In The Waters Of The Gulf Of Mexico (Emergency Rule Expired).**

Author:
Statutory Authority:
History: Filed July 6, 1983; effective July 7, 1983. **Repealed:** Rule 220-3-.06-.02ER filed July 11, 1983; effective July 11, 1983.

220-3-.08 **Redfish And Speckled Sea Trout Regulations (Repealed 8/10/15).**

Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12.
History: Filed April 19, 1984; corrected copy filed June 29, 1984. **Repealed:** Filed July 6, 2015; effective August 10, 2015.

220-3-.09.07ER **Closed Fishing Of Any Speckled Trout (Emergency Rule - Repealed).**

Author:

Statutory Authority:
History: Emergency Adoption: Filed January 10, 1984; effective January 11, 1984. Emergency Repeal: Emergency Rule No. 220-3-.09-.07ER filed January 20, 1984 repealed this rule effective January 20, 1984.

220-3-.10ER Discarding Of Dead Fish And Other Dead Seafoods Into The Gulf Of Mexico (Emergency Rule - Expired).

Author:
Statutory Authority:
History: Emergency Adoption: Filed July 2, 1984; effective July 3, 1984; expiration October 30, 1984. No permanent adoption. **Emergency Adoption:** Filed June 26, 1985; effective June 27, 1985; expiration October 25, 1985. No permanent adoption. **Emergency Adoption:** Filed June 19, 1987; effective June 19, 1987; expiration October 16, 1987. No permanent adoption.

220-3-.11 Red Drum (Redfish) And Spotted Sea Trout Regulations (Repealed 8/10/15).

Author: John W. Hodnett
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12.
History: Filed April 15, 1985. **Repealed:** Filed July 6, 2015; effective August 10, 2015.

220-3-.12 Red Drum And Spotted Sea Trout Game Fish Regulation.

(1) Red Drum and Spotted Sea Trout.

(a) No person may possess or transport for the purpose of sale a red drum or spotted sea trout.

(b) No person may sell or offer for sale a red drum or spotted sea trout.

(c) No person may purchase or offer to purchase for resale a red drum or spotted 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. "Red drum" means sciaenops ocellata and includes all parts of that fish.

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

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

1. The transportation and possession of red drum or spotted sea trout lawfully caught outside this state and transported by common carrier from outside this state to a point of delivery outside this state;

2. Red drum or spotted sea trout that are raised by a licensed fish farmer in a private pond, within the state of Alabama, 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 red drum or spotted sea trout, transported or sold, 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 red drum or spotted 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 red drum or spotted sea trout tagged, packaged, or marked for identification as provided for by any applicable regulation of the Department of Conservation and Natural Resources.

(i) Possession of more than two times the possession limits of red drum or spotted 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).

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

(i) 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 red drum or spotted sea trout; or

(ii) 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 red drum or spotted sea trout.

2. No person who is using a trawl, net, or seine for commercial or recreational purposes may retain a red drum or spotted sea trout caught in the trawl, net, or seine. The fish shall be immediately returned to the waters from where they came with the least possible injury to the fish.

Author: Christopher M. Blankenship
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12.
History: Effective July 23, 1985. **Amended:** Effective July 23, 1986; October 22, 1992. **Amended:** Filed July 6, 2015; effective August 10, 2015. **Amended:** Filed June 17, 2019; effective August 1, 2019.

Penalty: As provided by Code of Ala. 1975, §9-1-4.

220-3-.13 (Reserved).
Author:
Statutory Authority:
History:

220-3-.14 (Reserved).
Author:
Statutory Authority:
History:

220-3-.15 Oyster Season And Harvest Limits.

(1) **Seasons and Times.** Certain public water bottoms of Alabama not closed by the Department of Public Health, may 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. At the direction of the Commissioner through his designee, the Director of the Marine Resources Division, certain water bottoms shall be opened on designated Saturdays from 7:00 a.m. to 12:00 noon. Notification of the opening and closing of state waters to harvests shall be made through a press release. 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. The dates and times that public water bottoms 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.

(2) **Areas.** The areas that will be open to the taking of oysters will be designated by the Director of the Marine Resources Division.

(3) **Harvest Limits.** The commercial harvest of oysters by licensed oyster catchers shall be limited to eight (8) 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 eight (8) 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 of eight (8) 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.

Author: Christopher M. Blankenship

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

History: Filed August 28, 1987(E); October 22, 1987(E); December 17, 1987(E); April 6, 1988(E); September 1, 1988(E); March 3, 1989(E); April 27, 1989(E); August 29, 1989(E); September 29, 1989(E); November 9, 1989(E); April 27, 1990(E); November 7, 1990(E); March 1, 1991(E); May 21, 1991(E); September 12, 1991(E); May 7, 1992(E); June 25, 1992(E); September 2, 1992(E); November 23, 1992(E); January 7, 1993(E); February 5, 1993(E); February 8, 1993(E); May 31, 1993(E); September 14, 1993(E); March 28, 1994(E); May 30, 1994(E); June 2, 1994(E). **Amended:** Filed October 4, 1993; effective November 8, 1993. **Amended:** Filed June 1, 1994; effective July 6, 1994. **Amended:** Filed June 8, 1994; effective July 13, 1994. **Amended:** Filed November 9, 1994; effective November 9, 1994. **Amended:** Filed April 27, 1995; effective June 1, 1995. **Amended:** Filed September 25, 1995; effective October 2, 1995. **Amended:** Filed May 29, 1996; effective May 29, 1996. **Amended:** Filed August 28, 1996; effective September 2, 1996. **Amended:** Filed September 3, 1996; effective September 3, 1996. **Amended:** Filed October 17, 1996; effective October 21, 1996. **Repealed:** Filed November 12, 1996; effective November 12, 1996. (See Peremptory Rules 220-2-.39). **New Rule:** Filed December 5, 1996; effective December 5, 1996. **Amended:** Filed December 31, 1996; effective December 31, 1996. Amended (PE): Filed May 14, 1997; effective June 1, 1997. Amended (PE): Filed September 26, 1998; effective September 29, 1998. **Amended (PE):** Filed May 4,

1998; effective May 5, 1998. **Amended (PE):** Filed June 10, 1998; effective June 10, 1998. **Amended (PE):** Filed June 24, 1998; effective June 24, 1998. **Amended (PE):** Filed January 18, 2001; effective January 18, 2001. **Amended (PE):** Filed April 5, 2001; effective April 5, 2001. **Amended (PE):** Filed April 23, 2002; effective April 23, 2002. **Amended (PE):** Filed March 28, 2003; effective March 28, 2003. **Amended (PE):** Filed April 24, 2003; effective April 24, 2003. **Amended (PE):** Filed June 10, 2003; effective June 10, 2003. **Amended (PE):** Filed March 4, 2004; effective March 4, 2004. **Amended (PE):** Filed December 29, 2004; effective December 29, 2004. **Amended (PE):** Filed April 28, 2005; effective April 28, 2005. **Amended (PE):** Filed June 23, 2008; effective June 23, 2008. **Amended (PE):** Filed March 24, 2009; effective March 24, 2009. **Amended (PE):** Filed October 20, 2010; effective October 20, 2010. **Amended:** Filed November 24, 2010; effective December 29, 2010. **Amended (PE):** Filed March 27, 2012; effective March 27, 2012. **Amended (PE):** Filed November 3, 2014; effective November 3, 2014. **Amended:** Filed May 9, 2017; effective June 23, 2017. **Amended (PE):** Filed May 15, 2020; effective May 15, 2020. **Amended (PE):** Filed May 19, 2021; effective May 19, 2021. **Amended (PE):** Published September 30, 2024; effective September 18, 2024.

Penalty: As provided by law.

220-3-.16 (Reserved).
Author:
Statutory Authority:
History:

220-3-.17ER Prohibition Of Nets - Gulf Of Mexico (Emergency Rule Expired).
Author:
Statutory Authority:
History: Emergency adoption filed May 20, 1988, effective May 23, 1988. No permanent adoption

220-3-.18 (Reserved).
Author:
Statutory Authority:
History:

220-3-.19 (Reserved).
Author:
Statutory Authority:

History:

220-3-.20 Prohibition Of Commercial Taking Or Possession, Or Purchase/Sale/Trade Of King Mackerel (Repealed 6/19/19).

(Repealed)
Author: James D. Martin
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12.
History: Effective January 15, 1993. **Repealed (PE):** Filed June 19, 2018; effective June 19, 2018.

Penalty: As provided by law.

220-3-.21ER Prohibition Of Commercial Taking, Possession, Or Landing Of Red Snapper (Emergency Rule Effective 4/6/92).

Author:
Statutory Authority:
History: Emergency adoption effective April 6, 1992. No permanent adoption.

220-3-.22 Creel/Possession Limit On Ling (Cobia) (Repealed 4/20/15).

(Repealed)
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12.
History: Effective April 29, 1992(E). **Repealed (PE):** Filed April 20, 2015; effective April 20, 2015.

220-3-.23 Closed Season And Creel/Possession Limit On Red Snapper For Commercial Purposes.

Effective at Midnight on May 14, 1992, it shall be unlawful to take, harvest, or possess, for commercial purposes, Red Snapper, from the waters of the State of Alabama.
Author: James D. Martin
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12.
History: Effective May 13, 1992(E). **Repealed:** Effective February 17, 1993(E).

Penalty: As provided by law.

220-3-.24 Oyster Tags.

(1) Oyster tags issued by the Department of Conservation and Natural Resources, Marine Resources Division, to be placed on each sack of oysters harvested for commercial purposes (as provided by Section 9-12-67, Code of Ala. 1975) or noncommercial purposes 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.

(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.

(4) Bulk tagging may be utilized by licensed aquaculture sites, 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, for transportation from harvest location to a certified shellfish dealer or processor.

(a) Oysters, held in bulk and intended for raw consumption, must be harvested within the Time and Temperature Matrix established by the state Department of Public Health.

(5) Sale to Individuals or businesses, other than certified shellfish shippers or processors, is prohibited.

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

(7) Dealers shall follow the same procedure on sacks, containers or bulk units 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.

Author: Christopher M. Blankenship

Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12, 9-12-33, 9-12-67, 9-12-82.
History: Effective January 20, 1993. **Amended:** Filed November 24, 2010; effective December 29, 2010. **Amended:** Filed May 9, 2017; effective June 23, 2017. **Amended:** Filed August 8, 2018; effective September 22, 2018. **Amended:** Published July 30, 2021; effective September 13, 2021.

Penalty: As provided by law.

220-3-.25 Commercial Taking And Landing Of Gulf Reef Fish Species.

(1) To the extent provided herein, effective immediately, Alabama waters shall be open to the commercial taking of a Gulf Reef Fish species during such period of time that the federal waters (adjoining Alabama waters) are opened to the commercial harvest of that Gulf Reef Fish species, Commercial fisherman landing Gulf Reef Fish in Alabama shall have in their possession a valid Alabama Commercial Hook and line License. Commercial vessels which hold a valid federal commercial vessel permit for Gulf reef fish and a valid individual fishing quota allocation, if required for that species, may land in Alabama Gulf Reef Fish, taken from Alabama waters, provided such commercial fishermen are validly licensed under Alabama law to take such fish from Alabama waters. Alabama waters shall otherwise be closed to the commercial taking of Gulf Reef Fish.

(2) An authorized dealer shall be defined as a dealer licensed under Code of Ala. 1975, §9-12-125 and that has a federal permit and/or endorsement for the National Marine Fisheries Service to purchase those reef fishes managed under an individual fishing quota. Only authorized dealers shall purchase those reef fishes managed under an individual fishing quota. It shall be illegal for a commercial fisherman to sell those reef fishes managed under an individual fishing quota to anyone except an authorized dealer. The operator of those vessels permitted hereunder to land Gulf Reef Fish, shall be required to present to any authorized seafood dealer or other legally authorized person purchasing same, their federal vessel permit and license; and said purchaser shall examine the said vessel permit and license before purchasing any Gulf Reef Fish, and said dealer or purchaser is prohibited (a) from purchasing Gulf Reef Fish from any person who does not present a federal vessel permit and license, (b) from purchasing any Gulf Reef Fish in amounts exceeding their individual fishing quota allocation, and (c) required to maintain harvest records by name of vessel, date, permit number, and pounds per trip of Gulf Reef Fish purchased from said person(s). Such records must be retained for at least one year after receipt date and must be available for inspection immediately upon the request of a conservation enforcement officer or other authorized agent(s).

(3) Commercial fisherman landing Gulf Reef Fish in Alabama that are managed under an individual fishing quota shall abide the provisions of 50 CFR Part 622 for the landing, offloading, transporting and reporting of Gulf Reef Fish.

(4) During such period of time that the federal waters (adjoining Alabama waters) are closed to the commercial harvest of a Gulf Reef Fish species, the commercial harvest of that Gulf Reef Fish species shall also be closed in Alabama waters.

(5) Gulf Reef Fish shall be defined as the fish listed in Rule 220-3-.46.

(6) Anglers fishing for, retaining, possessing, or landing gulf reef fish species (as defined in Rule 220-3-.46) must use non-stainless steel circle hooks when using natural bait.
Author: Christopher M. Blankenship
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12.
History: **Amended:** Effective June 15, 1993. **Amended:** Filed August 11, 1998; effective September 16, 1998. **Amended:** Filed May 22, 2007; effective June 26, 2007. **Amended:** Filed May 14, 2010; effective June 18, 2010. **Amended:** Filed June 17, 2019; effective August 1, 2019.

Penalty: As provided by law.

220-3-.26 Artificial Fishing Reef Regulation.

(a) Section 9-12-150, Code of Ala. 1975, provides for the regulation of artificial fishing reefs and related activities.

(b) Vessels transporting permitted artificial reef material shall depart the dock and deploy said material only during the hours of one hour before sunrise to one hour after sunset and only on Monday through Friday of each week; provided, however, that a person, firm, corporation, or association may during such hours on weekends also transport such material within the inside waters of Alabama as defined by Rule 220-3-.04 to stage material for deployment; and provided, further, however, that a person, firm, corporation or association may, upon written authorization of the Marine Resources Director, be authorized to transport materials during other hours of the day or night or other days of the week, as determined by the Marine Resources Director.

(c) Rule 220-3-.26, as previously adopted, is hereby repealed in its entirety.

(e) Any person violating any of the provisions of this regulation shall be punished as provided by law.
Author: M. Barnett Lawley

Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12.
History: New Rule: Filed July 7, 1993; effective August 11, 1993. **Amended:** Filed May 15, 1995; effective June 19, 1995. **Amended:** Filed July 10, 1997; effective August 14, 1997. **Repealed and New Rule:** Filed July 18, 2003; effective August 22, 2003.

Penalty: As provided by law.

220-3-.27 Closed Season And Creel/Possession Limit On King Mackerel For Commercial Purposes.

During such period of time that the federal waters (adjoining Alabama waters) are closed to the commercial harvest of King Mackerel, it shall be unlawful to take, harvest, or possess, for commercial purposes, King Mackerel, from the waters of the State of Alabama.
Author: James D. Martin
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12.
History: New Rule: Filed October 4, 1993. Effective November 8, 1993. **Amended:** Filed November 17, 1994; effective November 17, 1994.

Penalty: As provided by law.

220-3-.30 Saltwater Fish Creel, Bag, Possession And Size Limits.

(1) Individuals fishing in the waters of the State of Alabama are limited to the following daily bag limits and possession limits for recreational and commercial purposes:

Spotted seatrout	6
Red drum	3 No person who is subject to the jurisdiction of the State of Alabama shall possess a red drum in federal waters
Red snapper	2
Gray snapper	10
Vermilion Snapper	10

Flounder	5 (Commercial limit is 40 per person or 40 per vessel, Commercial gillnet is 80 per person or 80 per vessel)
Sheepshead	8
Snook	1 (Commercial limit is 1)
Spanish mckerel	15
King mackerel	3
Greater amberjack	1
Striped bass when caught in areas under Marine Resources Division jurisdiction as provided in Rule 220-2-.42	2
Groupers	4 fish in aggregate (No more than 2 red grouper and no more than 2 gag grouper included in aggregate)
Cobia	1 (not to exceed 2 per vessel) (Commercial limit is 1, not to exceed 2 per vessel)
Florida pompano	3 (Commercial limit is 3)
Gray triggerfish	1 (Commercial limit is 16 per vessel)
Tripletail	3 (Commercial limit is 3)
Yellowfin tuna	3
Atlantic sharpnose shark	1
Bonnethead shark	1
All other shark species	1
Skates and Rays	3 (Full retention when using bow, spear, or gig and it shall be unlawful to remove the tail from any released skate or ray)

Recreational and commercial harvest of the following species is prohibited: Atlantic angel shark, Atlantic manta, Basking shark, Bigeye sand tiger shark, Bigeye six gill shark, Bigeye thresher shark, Bignose shark, Caribbean reef shark, Caribbean sharpnose shark, Dusky shark, Galapagos shark, Largetooth sawfish, Longfin

mako shark, Shortfin mako shark, Narrowtooth shark, Night shark, Sand tiger shark, Smalltooth sawfish, Smalltail shark, Sevengill shark, Sixgill shark, Spotted eagle ray, Whale shark, White shark, Nassau grouper, and Goliath grouper.

Recreational and commercial harvest of the following sharks is prohibited, with the listed exceptions: Sandbar (unless the fisherman possesses a NOAA Fisheries sandbar shark research permit) and Silky (unless aboard a vessel with a NOAA Fisheries Shark Directed or Shark Incidental commercial vessel permit.

There is a 20-fish aggregate bag limit for reef fish species (as defined in Rule 220-3-.46) for which there is no other bag limit.

(2) It is unlawful to have in possession for commercial or recreational purposes fish harvested from Alabama waters smaller than those stated below, provided that in the recreational possession limit of six (6) spotted seatrout, one (1) may exceed the maximum size. In addition, no Red drum, lesser amberjack or banded rudderfish may exceed the maximum length.

Spotted seatrout	15 inches to 22 inches total length slot limit
Red drum	16 inches to 26 inches total length slot limit
Red snapper	16 inches total length (recreational) 13 inches total length (commercial)
Gray snapper	12 inches total length
Vermillion snapper	10 inches total length
Lane snapper	10 inches total length
Flounder	14 inches total length
Sheepshead	12 inches fork length
King mackerel	24 inches fork length
Greater amberjack	34 inches fork length (recreational) 36 inches fork length (commercial)

Lesser amberjack	14 inches to 22 inches fork length slot limit
Banded rudderfish	14 inches to 22 inches fork length slot limit
Striped bass	16 inches total length When caught in areas under Marine Resources Division jurisdiction as provided in Rule 220-2-.42
Gag grouper	24 inches total length (recreational) 24 inches total length (commercial)
Black grouper	24 inches total length
Red grouper	20 inches total length (recreational 18 inches total length (commercial)
Yellowfin grouper	20 inches total length
Scamp	16 inches total length
Snook	28 inches total length
Cobia	36 inches fork length
Florida pompano	12 inches total length
Gray triggerfish	15 inches fork length (recreational) 14 inches fork length (commercial)
Tripletail	18 inches total length
Tarpon	60 inches total length (requires permit)
Atlantic sharpnose and Bonnethead sharks	no minimum size
Great hammerhead shark	78 inches fork length
Smooth hammerhead shark	78 inches fork length
Scalloped hammerhead shark	78 inches fork length

All other shark species	54 inches fork length (recreational) 30 inches dressed length - head and tail removed (commercial - no minimum size)
Yellowfin tuna	27 inches curved fork length
Bigeye tuna	27 inches curved fork length

(3) It shall be unlawful to use any snag line, trot line, long line or other hook and line device containing more than five (5) hooks in any waters of Alabama under the jurisdiction of the Marine Resources Division as provided by Rule 220-2-.42; provided, however, from 12:01 a.m., January 1 to 12:00 midnight April 30 of each year, trotlines may be used to take legal species other than saltwater gamefish in those waters in the Marine Resources Division jurisdiction east of the Mobile Ship Channel and north of a line running from Mobile Ship Channel Marker 78 eastward to Blakely River Channel Marker 2, and then due east to the shoreline. For the purpose of this provision, "trotline" means any setline which is less than 300 feet in length with no more than 50 hooks tied at various intervals along its length. A float, no smaller than 6 inches in diameter, marked with the license number of the owner shall be attached to each end of the trotline (the license number shall be at least 1 inch in height and colored to be a definite contrast with the color of the float).

(4) It shall be unlawful to possess in Alabama any species of saltwater fish or seafood product harvested in federal waters or the waters of another state unlawfully in violation of any applicable federal or other state creel, possession, or size limits.

(5) Any vessel or individual required to possess a federal permit to harvest or retain marine aquatic species must possess such permit to possess or land such marine aquatic species in Alabama.

(6) All finfish shall be maintained with head and fins intact through landing. Sharks, swordfish and tuna species may be landed in the form permitted by the federal fisheries regulations.

(7) Any finfish possessed in Alabama and harvested in federal or waters of another state that does not have a size, bag or creel limit must abide by Alabama size, bag and creel limits for that species.

(8) Hook requirements for certain saltwater species: Anglers fishing for, retaining, possessing, or landing gulf reef fish species (as defined in Rule 220-3-.46) must use non-stainless steel circle hooks when using natural bait. Anglers fishing for, retaining, possessing, or landing sharks must use non-offset non-stainless steel circle hooks when using natural bait

(9) Possessing, harvesting, or attempting to harvest flounder in the waters of Alabama for commercial or recreational purposes from November 1 through November 30 of each year is prohibited.

(10) Captain and crew of Alabama Commercial Party Boats shall not retain bag limits of fish harvested in state waters.
Author: Christopher M. Blankenship
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12.
History: **New Rule**: Filed December 12, 1995; effective January 16, 1996. **Amended**: Filed August 23, 1996; effective August 23, 1996. **Amended**: Filed February 24, 1997; effective February 24, 1997. **Amended (PE)**: Filed March 10, 1998; effective March 10, 1998. **Amended (PE)**: Filed July 22, 1998; effective July 22, 1998. **Amended (PE)**: Filed June 4, 1999; effective June 4, 1999. **Amended (PE)**: Filed March 21, 2000; effective March 21, 2000. **Amended (PE)**: Filed May 31, 2000; effective May 31, 2000. **Amended (PE)**: Filed December 20, 2000; effective January 1, 2001. **Amended**: Filed July 16, 2002; effective August 20, 2002. **Amended (PE)**: Filed December 16, 2002; effective December 16, 2002. **Amended**: Filed July 18, 2003; effective August 22, 2003. **Amended (PE)**: January 15, 2004; effective January 15, 2004. **Amended (PE)**: January 26, 2006; effective January 26, 2006. **Amended (PE)**: April 20, 2007; effective May 2, 2007. **Amended**: Filed June 13, 2007; effective July 18, 2007. **Amended (PE)**: Filed May 29, 2008; effective May 29, 2008. **Amended (PE)**: Filed September 23, 2008; effective September 23, 2008. **Amended (PE)**: Filed May 13, 2009; effective May 13, 2009. **Amended**: Filed July 23, 2009; effective August 27, 2009. **Amended**: Filed May 14, 2010; effective June 18, 2010. **Amended (PE)**: Filed April 17, 2012; effective April 17, 2012. **Amended (PE)**: Filed July 31, 2013; effective July 31, 2013. **Amended (PE)**: Filed March 12, 2014; effective March 12, 2014. **Amended (PE)**: Filed April 20, 2015; effective April 20, 2015. **Amended (PE)**: Filed April 28, 2016; effective April 28, 2016. **Amended (PE)**: Filed March 20, 2017; effective March 20, 2017. **Amended (PE)**: Filed January 11, 2018; effective January 12, 2018. **Amended (PE)**: Filed July 10, 2018; effective July 10, 2018. **Amended (PE)**: Filed July 22, 2019; effective July 22, 2019. **Amended**: Filed June 17, 2019; effective August 1, 2019. **Amended (PE)**: Filed August 30, 2019; effective August 30, 2019. **Amended (PE)**: Published February 28, 2020; effective February 19, 2020. **Amended (PE)**: Published November 30, 2022; effective November 21, 2022. **Amended (PE)**: Published June 30, 2025; effective June 17, 2025.

Penalty: As provided by law.

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.

(d) Except from January 15 through May 15, all egg bearing females, otherwise known as gravid, berried or sponge crabs, must be immediately returned to the water. Possession of egg bearing female crabs shall be prohibited with the exception of January 15 through May 15.

(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) All crab traps must contain at least two (2) unobstructed escape rings with a minimum inside diameter of 2 5/16 inches located on a vertical surface. There must be one ring per chamber.

(7) From April 1 through September 30, a licensed crab catcher may obstruct or remove the escape rings, after obtaining a permit from the Marine Resources Division, for the purpose of catching pre-molt crabs, otherwise known as "busters" or "peelers".

(8) 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, 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 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.

(9) 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.

(10) 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.

(11) 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, 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).

(12) 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 "(11)" 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.

(13) 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.

(14) 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.

(15) During the first and second day of each calendar month, a validly licensed crab catcher may recover crab traps that are unidentified and derelict or abandoned. The catcher shall report to the Marine Resources Division the number traps recovered, the location of the recovery of each trap, and any additional information required by the Division. The report shall be made no later than the close of the business day following the recovery of a crab trap (excludes holidays and weekends).

(16) 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.

(17) 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.
Author: Christopher M. Blankenship
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12, 9-12-124.
History: **New Rule:** Filed December 12, 1995; effective January 16, 1996. **Repealed and New Rule:** Filed March 25, 1999; effective April 29, 1999. **Amended:** Filed July 16, 2002; effective August 20, 2002. **Amended:** Filed March 18, 2004; effective April 22, 2004. **Amended:** Filed June 15, 2012; effective July 20, 2012. **Amended:** Filed August 9, 2017; effective September 23, 2017. **Amended:** Filed June 17, 2019; effective August 1, 2019.

Penalty: As provided by law.

220-3-.32 Menhaden Taken By Purse Seine.

(1) Except as otherwise provided by law or regulations, it shall be unlawful to use purse seines for the taking or attempting to take fishes of other than those of the families Clupeidae (menhaden and herrings) and Engraulidae (anchovies) in the territorial waters of this State; provided however, that an incidental bycatch of five (5) percent by number of other fishes (excluding game fish) is allowable while purse seining in Alabama waters.

(2) It shall be unlawful for any person, firm or corporation to take or attempt to take menhaden by purse seine except as follows:

(a) The starting date for the commercial menhaden season in the territorial waters of Alabama shall be the third Monday in April and the closing date shall be November 1 of each year (both dates inclusive).

(b) The taking of menhaden by purse seine shall be permitted only in those waters of the Gulf of Mexico as described below:

Mississippi Sound South and west of a line extending from the eastern tip of the South Rigolets (30°21′. 120N, 088°23′. 490W) Westward to the charted position of Bayou La Batre Channel marker "19", then running due south to its intersection with Dauphin Island, except those waters lying within one (1) mile of the shoreline of Dauphin Island shall be closed. The Gulf of Mexico for a distance of three (3) miles, except those waters lying within one (1) mile of the Gulf Beaches shall be closed.

Author: James D. Martin
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, and 9-2-12.
History: New Rule: Filed December 12, 1995; effective January 16, 1996. **Amended:** Filed July 17, 1996; effective July 17, 1996. **Amended (PE):** Filed October 30, 1997; effective October 30, 1997. **Amended:** Filed December 17, 1997; effective January 21, 1998. **Amended (PE):** Filed November 9, 1998; effective November 9, 1998. **Amended (PE):** Filed January 17, 2003; effective January 17, 2003. **Amended (PE):** Filed May 21, 2003; effective May 21, 2003.

Penalty: As provided by law.

220-3-.33 Marine Turtles And Marine Mammals.

(1) It shall be unlawful to take or attempt to take, catch, or attempt to catch, possess, molest, injure, kill, feed, harass, or

do any other activity, including any act of pursuit, torment, or interaction, that causes disruption of behavioral patterns or otherwise interferes with the normal activity or well-being of, any marine turtles, mammalian dolphins (porpoises), and manatees, except as may be authorized by a valid permit.

(2) It shall be unlawful to take, catch, molest or have in possession marine (saltwater) turtles whether on land or in any of the waters of Alabama, or to take or disturb or have in possession the eggs of such turtles.
The term marine (saltwater) turtles shall include, but is not limited to, the following species: Atlantic Loggerhead, Atlantic Green Turtle, Atlantic Ridley, Atlantic Hawksbill and the Atlantic Leatherback.

(3) Any person, firm or corporation desiring to take, catch, move, transport or possess one (1) or more marine mammals or marine turtles or the eggs of marine turtles from the waters or land masses of this State for scientific, education or exhibition purposes shall apply for a permit to the Department of Conservation and Natural Resources, Marine Resources Division. Upon determining that interest in science or education will be served thereby, the Director of the Marine Resources Division may issue a permit specifying the number of marine mammals or marine turtles or the eggs of marine turtles to be taken.

(a) Any person, firm or corporation desiring to hold one (1) or more marine mammals or marine turtles or the eggs of marine turtles in captivity shall provide and maintain facilities which meet the requirements of the Director of the Marine Resources Division.

(b) No marine mammals or marine turtles or the eggs of marine turtles shall be shipped within or outside the State without a special permit from the Director of the Marine Resources Division which may require such information as he deems necessary relative to the adequacy of holding facilities of the recipients and a permit for such equipment shall be granted only when the Director determines the facilities are adequate.

Author: M. Barnett Lawley
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12, and 9-11-395.
History: New Rule: Filed December 12, 1995; effective January 16, 1996. **Amended:** Filed July 18, 2003; effective August 22, 2003. **Amended:** Filed July 25, 2008; effective August 29, 2008.

Penalty: As provided by law.

220-3-.34 Closed Crab Fishing Season.

There is hereby established a closed fishing season for the taking or harvesting of crabs by the use of crab traps in any waters in the Mobile Delta north of the line as provided by Rule 220-2-.42(1) of the Department of Conservation and Natural Resources, that line therein being described as Interstate Highway 10 eastbound land (except that portion of Interstate Highway 10 which lies north of State Highway 90 Battleship Parkway, in which case the line follows the Battleship Parkway). Any person attempting to take or harvest, or taking or harvesting, crabs by the use of crab traps in the area of the closed season shall be in violation of this regulation.
Author: James D. Martin
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8.
History: New Rule: Filed August 2, 1995; effective August 2, 1995. **Amended:** Filed October 2, 1995; effective October 2, 1995.

220-3-.35 Seafood Reporting And Landing Regulation.

(a) Section 9-12-115, Code of Ala. 1975, as amended by Section 4 of Act No. 95-287 (Regular Session, 1995), requires that each and every person, firm, or corporation holding a seafood dealer's license issued by the commissioner of conservation and natural resources or his or her authorized agent shall under oath make a monthly report to the Director of the Marine Resources Division, on blanks provided for that purpose by the Director. Such reports are required by the above cited act to be in the hands of the Director by the tenth of each month for the preceding month. Pursuant to Section 9-12-115, seafood dealers are hereby required to complete Alabama trip tickets provided by the Director of the Marine Resources Division in order to comply with gulf-wide trip tickets. The provisions of this paragraph (a) are adopted pursuant to the authority of Section 9-12-115, Code of Ala. 1975.

(b) In addition, as a requirement of this regulation, seafood dealers shall report, on said monthly reports, the fisherman's name and valid license or permit number and shall also show in detail on the dealer portion of the form weight according to any other applicable standard, dealer license number, port and county product was landed, date of purchase, unit price paid to fisherman, condition of product and count or market grade of purchased seafood product during the preceding month. The fisherman is required to provide to the dealer complete and accurate information necessary for the completion of the fisherman portion by the dealer on said forms, as a requirement of this regulation; including, but not limited to, any other information regarding finfish, as well as any information regarding

commercially harvested seafoods (as defined by §9-2-80, Code of Ala. 1975) other than saltwater finfish taken from Alabama waters (including, but not limited to, oysters, crabs, shrimp, other marine invertebrates and live rock), such as date and area of harvest, trip and fishing time, proper vessel identification, type, quantity, and size of gear used, and applicable mesh size (if any) of gear used. Both the seafood dealer and the fisherman are required to verify the accuracy of the said reports by signing and/or initialing each report or signing and/or initialing approved dock ticket/invoice in conjunction with Alabama's electronic trip ticket program as directed by the Director of the Marine Resources Division. The seafood dealer shall make available a signed copy of the said report for the fisherman within seventy-two hours upon the completion of each transaction. In addition, within seventy-two hours of each transaction seafood dealers shall provide said reports that are signed and/or initialed or approved dock ticket/invoice signed and/or initialed by seafood dealer and fisherman immediately upon the request of a conservation enforcement officer or other authorized agent. A transaction is defined as the time in which a seafood dealer takes possession of said products. The copy of each completed report shall be retained by the dealer at the place of business for a minimum of ninety days following submission. The information required by this paragraph shall be submitted to the Director of the Marine Resources Division by the tenth of each month for the preceding month.

(1) Persons, firms, or corporations, including restaurants, purchasing seafoods (as defined by §9-2-80, Code of Ala. 1975) for commercial purposes from a resident or nonresident seafood dealer shall maintain the bill of sale or other proof of purchase which shall show the dealer's name and address, species, pounds of each species purchased, and date of purchase. Such record(s) shall be retained by the dealer at the place of business for a minimum of ninety days after the product is no longer in possession.

The provisions of this paragraph (b) and subparagraph (b) (1) are adopted pursuant to the authority of Section 9-2-4, Code of Ala. 1975, and violations of which are punishable as provided by Section 9-1-4, Code of Ala. 1975.

(c) Section 9-12-115.1, Code of Ala. 1975, requires that all saltwater finfish commercially harvested in the State of Alabama, except those lawfully taken by purse seine, shall be landed in this state and reported through a properly licensed Alabama seafood dealer. For purposes of compliance with the provisions of said Section 9-12-115.1, as well as for the purposes of compliance with all provisions of this regulation other than paragraph (d) hereof, "landed" is defined as "the act of physical delivery of the finfish to a properly licensed Alabama seafood dealer." Persons who are transporting commercially harvested saltwater finfish out of the State of Alabama must have in their possession

proof that said finfish were first landed and reported to a licensed Alabama seafood dealer. Said proof shall be in the form of a bill of sale, receipt or trip ticket showing the pounds of finfish purchased, the species purchased, fisherman's name and license or permit number, the name of the seafood dealer, date of harvest, and date of purchase.

(1) Fish taken in jurisdictions outside the State of Alabama may be transported through the State provided the person transporting the fish has proof that he or she is duly licensed or permitted in the jurisdiction from which the fish were caught and further proof in the form of a vessel log that the fish were taken in the jurisdiction in which he or she is duly licensed or permitted.

(2) Other persons transporting seafoods, including common or contract carriers, for commercial purposes, except a commercial fisherman transporting his or her catch to a seafood dealer, in or through the State of Alabama shall have in his or her possession a bill of sale or other proof of purchase showing the shipper's name and address, species, pounds of each species, date shipped, and purchaser's name and address.

The provisions of this paragraph (c) and subparagraphs (c)(1) and (c)(2) are adopted pursuant to the authority of Section 9-2-4, Code of Ala. 1975, and violations of which are punishable as provided by Section 9-1-4, Code of Ala. 1975.

(d) Commercially harvested seafoods (as defined by §9-2-80, Code of Ala. 1975) other than saltwater finfish and oysters taken from Alabama waters including, but not limited to, crabs, shrimp, other marine invertebrates and live rock, may be landed outside the State of Alabama provided the resident or nonresident Alabama commercial fisherman reports the following information at monthly intervals on blanks provided by the Marine Resources Director: the fisherman's name and license or permit number, the species purchased, the volume and price paid for the product, date and area of harvest and date of purchase; provided that if a licensed Alabama seafood dealer outside the State of Alabama to which product was sold properly reports such information required, the fisherman shall be exempt from this requirement. The provisions of this paragraph (d) are adopted pursuant to the authority of Section 9-12-115.1, Code of Ala. 1975, and violations of which are punishable as provided by Section 9-12-115.1, Code of Ala. 1975.

(e) A commercial fisherman transporting said commercially harvested seafoods as defined in the immediately preceding paragraph harvested in Alabama waters shall have in his or her possession proof that he or she is legally licensed to harvest said seafoods from the State of Alabama, and upon request, provide the name of the dealer to which the seafoods are to be sold.

(f) All records required by this regulation shall be maintained at the place of business where seafoods are located and shall be available for inspection immediately upon the request of a conservation enforcement officer or other authorized agent. All records dealing with the purchase or sale of redfish (Sciaenops ocellata) and/or spotted seatrout (Cynoscion nebulosus) from other states or countries must be retained for ninety days.

(g) All motor vehicles, trailers, or semi-trailers transporting seafoods (as defined by §9-2-80, Code of Ala. 1975) for commercial purposes except commercial fishermen transporting his or her catch to a seafood dealer are required to exhibit the inscription "FISH" on the rear of the vehicle. The inscription shall read from left to right, be attached or painted on the vehicle in block Arabic letters of good proportion in contrasting color to the background and be at least 6 inches in height. A common or contract carrier hauling said seafoods for a seafood dealer is not required to mark his vehicle provided the common carrier does not own or have part ownership of the said seafoods.

(h) All fish and other seafoods in possession on the premises of the seafood dealer or seafood dealer vehicle shall be deemed to be used for commercial purposes only and a bill of sale or other proof of purchase as required by this regulation shall be maintained by the seafood dealer.

(i) The provisions of paragraphs (e), (f), (g), and (h), are adopted pursuant to the authority of Section 9-2-4, Code of Ala. 1975, violations of which are punishable as provided in Section 9-1-4, Code of Ala. 1975."
Author: M. Barnett Lawley
Statutory Authority: Code of Ala. 1975, §9-2-4, Section 5 of Act No. 95-287.
History: New Rule: Filed January 22, 1996; effective February 27, 1996. **Amended:** Filed August 11, 1998; effective September 16, 1998. **Amended:** Filed July 18, 2003; effective August 22, 2003.

220-3-.36 Closed Net Fishing Season.

Effective November 13, 1996, there is hereby established a closed fishing season for the taking or attempting to take fish by the use of any gill net, trammel net, or other entangling net, in Old River (Baldwin County), south of a line beginning at the easternmost point of Ono Island running in a westwardly direction along the south shore of Ono Island and ending at the westernmost point of Ono Island. Any person using, or attempting to use, any gill net, trammel net, or other entangling net, in the areas of the closed season shall be in violation of this regulation.
Author: James D. Martin
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12.

History: New Rule: Filed January 29, 1996; effective January 30, 1996. **Repealed:** Filed March 12, 1996; effective March 12, 1996. **New Rule:** Filed November 12, 1996; effective November 13, 1996.

Penalty: As provided by law.

220-3-.37 Commercial Shark Regulation.

(1) Season on Sharks for Commercial Purposes: During such period of time that the federal waters adjacent to Alabama waters are open to the commercial harvest of a shark species as defined by federal law or regulation, the Alabama waters of Mobile Bay, Bon Secour Bay, Mississippi Sound, and the Gulf of Mexico south of the Gulf Intracoastal Waterway and west of Little Lagoon Pass(87° 44.4' W longitude) shall be open to the harvest of such sharks for commercial purposes from 12:01 AM each Monday through 11:59 PM each Friday (no weekends), except that commercial harvesting of sharks shall be prohibited from 12:01 AM through 11:59 PM on each of the following holidays: Memorial Day, Independence Day, and Labor Day. When federal waters adjacent to Alabama waters are closed to the commercial harvest of a shark species, it shall be unlawful to take, harvest, or possess, or attempt to take, harvest, or possess, for commercial purposes, such sharks from the waters of the state of Alabama.

(2) Closed Season and Zero Possession Limit on Certain Species for Commercial Purposes: No person shall take, possess, or attempt to take or possess, from the waters of the state of Alabama, for commercial purposes, any of the following species:

(a) Basking shark – Cetorhinus maximus

(b) White shark – Carcharodon carcharias

(c) Bigeye sand tiger – Odontaspis noronhai

(d) Bigeye sixgill shark – Hexanchus nakamurai

(e) Bigeye thresher shark – Alopias superciliosus

(f) Sand tiger – Odontaspis taurus

(g) Whale shark – Rhincodon typus

(h) Dusky shark – Carcharhinus obscurus

(i) Smalltooth sawfish – Pristis pectinata

(j) Largetooth sawfish – Pristis pristis

(k) Atlantic angel shark – Squatina dumeril

(l) Bignose shark – Carcharhinus altimus

(m) Caribbean reef shark – Carcharhinus perezii

(n) Caribbean sharpnose shark – Rhizoprionodon porosus

(o) Galapagos shark – Carcharinus galapagensis

(p) Longfin mako shark – Isurus paucus

(q) Shortfin mako shark – Isurus oxyrinchus

(r) Narrowtooth shark – Carcharhinus brachyurus

(s) Night shark – Carcharhinus signatus

(t) Smalltail shark – Carcharhinus porosus

(u) Sixgill shark– Hexanchus griseus

(v) Sevengill shark – Heptranchias perlo

(w) Silky Shark– Carcharhinus falciformis (unless aboard a vessel with a NOAA Fisheries Shark Directed or Shark Incidental commercial vessel permit).

(x) Sandbar shark – Carcharhinus plumbeus (unless the fisherman possesses a NOAA Fisheries sandbar shark research permit).

(3) Bycatch Provision on Sharks for Commercial Purposes: Regardless of the open or closed status of federal and Alabama waters regarding the directed harvest of sharks, gill net fishermen targeting other fish shall be allowed to keep, for commercial purposes, an incidental bycatch of dressed weight of sharks (carcasses and fins) (except those species listed in (2) above) totaling no more than ten (10) percent by weight of other fish taken.

(4) Hook Requirement: Anglers fishing for, retaining, possessing, or landing sharks must use a minimum 15/0 non-offset non-stainless steel circle hooks when using natural bait.

(5) Longline fishing and gear requirements:

(a) Only one longline shall be in use at any time, with a maximum of 2,400 feet of line and no more than 50 hooks attached.

(b) The longline shall be marked at each terminal end with a bullet style buoy with a minimum diameter of six inches and minimum length of fifteen inches.

(c) Each buoy shall bear a number issued by the Marine Resources Division with a minimum height of four inches per character and contrasting to the buoy.

(d) The longline shall be anchored to the bottom, shall be constantly attended, and shall not be deployed longer than one hour before recovery. The deployment time begins when the last hook enters the water.

(e) Squid shall be prohibited for use as bait.

Author: Christopher M. Blankenship
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12.
History: **New Rule:** Filed August 23, 1996; effective August 23, 1996. **Amended (PE):** Filed August 10, 1998; effective August 10, 1998. **Amended (PE):** Filed July 11, 2000; effective July 11, 2000. **Amended (PE):** Filed July 31, 2013; effective July 31, 2013. **Amended:** Filed June 17, 2019; effective August 1, 2019. **Amended:** Published August 29, 2025; effective October 13, 2025.

Penalty: As provided by law.

220-3-.38 Transfer Systems For Net And Seine Permits (Repealed 9/22/18).

(Repealed)
Author: Christopher M. Blankenship
Statutory Authority: Code of Ala. 1975, §9-12-113.
History: **New Rule:** Filed September 10, 1997; effective October 16, 1997. **Amended:** Filed October 28, 1998; effective December 3, 1998. **Amended:** Filed July 16, 2002; effective August 20, 2002. **Repealed:** Filed August 8, 2018; effective September 22, 2018.

Penalty: As provided by law.

220-3-.39 Oyster Season Closure (Repealed 12/5/96).

(Repealed)
Author: James D. Martin
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12.
History: **New Rule:** Filed November 12, 1996; effective November 12, 1996. **Repealed:** December 5, 1996; effective December 5, 1996. (See Peremptory Rule 220-3-.15).

Penalty: As provided by law.

220-3-.40 Oyster Culling And Sacking Regulation.

(a) All oysters taken from the public oyster bottoms shall be culled and sacked by the time of public water bottom closure each day. Any unculled or unsacked oysters on board a boat at the time of public water bottom closure, shall be immediately replaced and scattered upon the reef from which they have been taken and the boat shall then immediately leave the public reefs and proceed to a landing.

(b) All oysters shall be culled upon the reef from which they were taken. No oysters shall be culled or sacked on board a boat in waters closed to the harvesting of oysters. No oysters from a public reef shall be culled upon a private reef.

(c) It shall be unlawful to possess oysters taken from a private lease and oysters taken from a public reef on board a boat at the same time.

Author: M. Barnett Lawley
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12.
History: New Rule: Filed February 7, 1997; effective March 14, 1997. **Amended:** Filed March 18, 2004; effective April 22, 2004.

Penalty: As provided by law.

220-3-.41 Finfish Taken As Bait By Bait Purse Seine.

(1) Bait Fishery Defined; Fishery Restrictions: An experimental offshore bait purse seine fishery in Alabama's territorial waters of the Gulf of Mexico for schooling, pelagic fish species (listed in paragraph (c) hereof) to be marketed exclusively as bait is herein authorized. It shall be unlawful for any person, firm, or corporation to use a bait purse seine in Alabama's territorial waters of the Gulf of Mexico except as follows:

(a) Gear Specifications: Purse seines utilized in taking or attempting to take bait fish species in the offshore territorial waters of the State of Alabama must be constructed entirely of one-half (1/2) inch knot to knot mesh webbing. This gear will be referred to in this rule as a "bait purse seine." The use of any purse seine in this bait fishery constructed of webbing sized other than as provided herein is illegal, and the possession on board in the waters of Alabama of a bait purse seine in which the webbing is sized other than as specified in this rule is prohibited.

(b) Waters Open to the Fishery: The taking of finfish species as bait by bait purse seine shall be permitted in all of Alabama's territorial waters of the Gulf of Mexico south of a line one-fourth (1/4) mile from the shoreline, including Pelican/Sand Island, seaward to a distance of three (3) miles from shore. These waters shall be open Monday through Friday except on state or national holidays. It shall be unlawful to take or attempt to take bait species using a bait purse seine in any inside waters of the State of Alabama defined by Rule 220-3-.04(1) or in Pelican Bay (described as those waters encompassed by a line running south from Mobile Point Light at Fort Morgan to Sand Island Tower (Lighthouse), then northwesterly along the contour of Sand/Pelican Island, and then from the west end of Pelican Island to the Dauphin Island Park and Beach Board pier, then east along the shoreline of Dauphin Island to the most southeastern tip of Dauphin Island and from this point southeastwardly across the mouth of Mobile Bay to Mobile Point Light at Fort Morgan).

(c) Species Restrictions. A bait purse seine may lawfully be used for taking or attempting to take only the following fishes to be market expressly as bait:

Round scad	*Decapterus punctatus*
Round scad	*Trachurus lathami*
Bigeye scad	*Selar crumenopthalmus*
Chub mackerel	*Scomber japonicus*
Ladyfish	*Elops saurus*
Blue runner	*Caranx crysos*

(d) License Requirement: The operator of any vessel upon which a bait purse seine is possessed must hold a valid Alabama purse seine license.

(e) Observer Requirement: Any vessel upon which a bait purse seine is possessed must have a bona fide fishery observer on board or comply with reporting requirements as determined by criteria established by the Director, ADCNR/Marine Resources Division when such vessel is away from port and on the fishing grounds.

(f) Landing Requirement: All fish taken as bait by bait purse seine in Alabama waters by a duly licensed bait purse seine vessel must be landed in the State of Alabama.

(g) Reporting Protocol: Each bait purse seine vessel operator must submit reports in standardized form detailing catch, fishing conditions, and fishing equipment by individual fishing trip to the ADCNR/Marine Resources Division at weekly

intervals. Reports will be submitted each Tuesday, detailing fishing activities for the previous Monday through Friday fishing week.

(h) The bait purse seining activities conducted pursuant to this rule shall not be construed as purse seining for the purpose of Section 9-12-115.1, Code of Ala. 1975.

(2) By-catch Restrictions. It shall be unlawful in the territorial waters of Alabama to retain or possess any duly designated "game fish" on board any vessel upon which at bait purse seine is concurrently possessed. By-catch allowances for species other than gamefish expressed as a percentage of targeted catch will be deferred until such time as representative biological and catch data can be compiled. Data regarding allowable by-catch (non-gamefish) will be compiled on a per trip basis.

(3) Closure Provisions: Due to the novelty of this fishery, and a subsequent lack of data regarding its prosecution in the territorial waters of Alabama, this bait fishery shall be subject to immediate closure and/or reopening upon order of the Director, ADCNR/Marine Resources Division. Entry into the fishery may be limited, or annual, species-specific quotas may be developed as fishery data become available.
Author: Riley Boykin Smith
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12.
History: **New Rule:** Filed December 17, 1997; effective January 21, 1998. **Amended:** Filed September 14, 1999; effective October 19, 1999.

Penalty: As provided by law.

220-3-.42 Closed Fishing Season For Taking Of Mullet (Repealed 6/19/18).

(Repealed)
Author: James D. Martin
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12.
History: **New Rule (PE):** Filed October 23, 1998; effective October 23, 1998. **Repealed (PE):** Filed June 19, 2018; effective June 19, 2018.

Penalty: As provided by law.

220-3-.43 Closed Fishing Season For Recreatinal Red Snapper Fishing (Repealed 6/19/18).

(Repealed)
Author: James D. Martin
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12.
History: **New Rule (PE):** Filed October 28, 1998; effective October 28, 1998. **Repealed (PE):** Filed June 19, 2018; effective June 19, 2018.

Penalty: As provided by law.

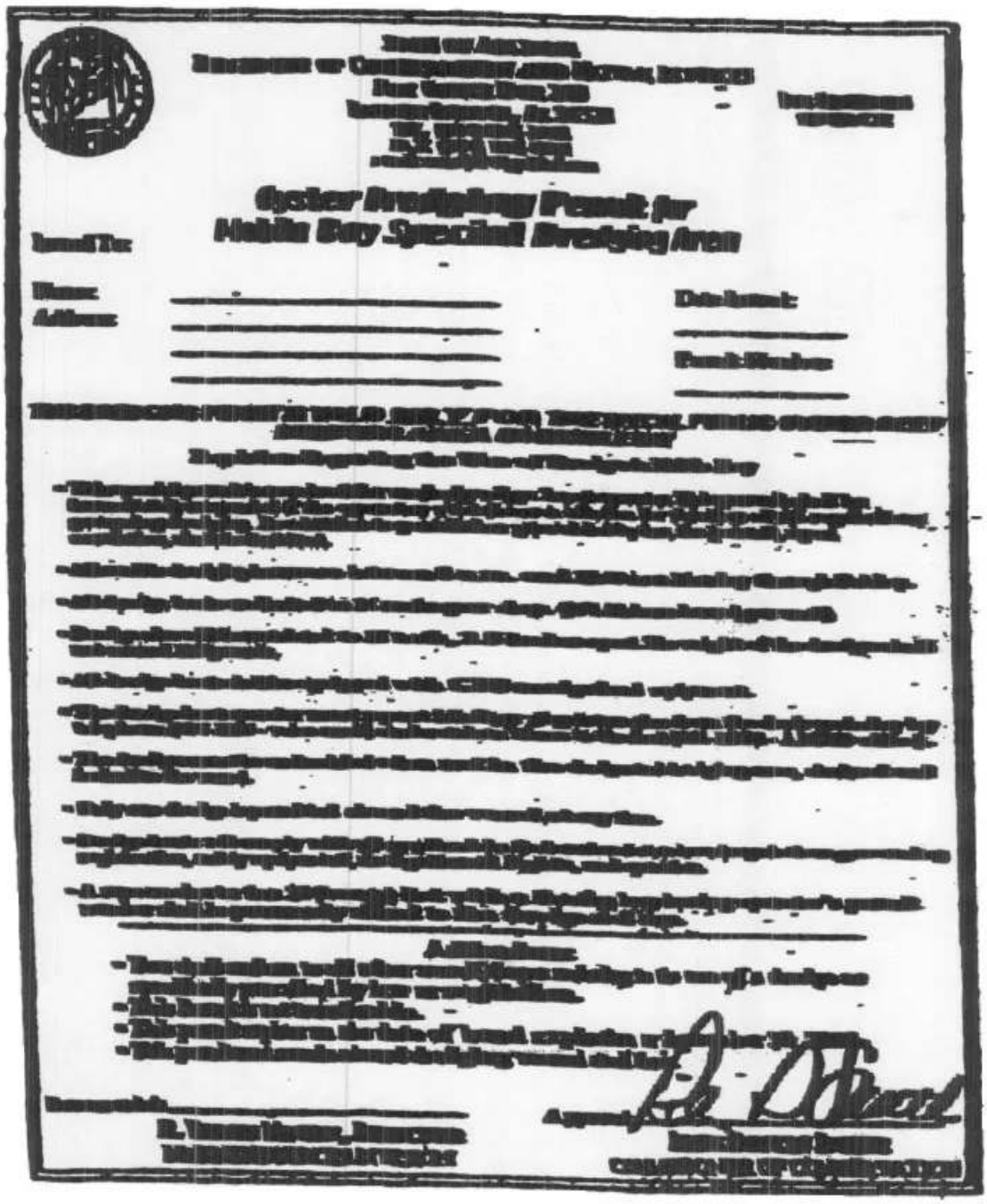
220-3-.44 Special Oyster Dredge Season And Sack Limit.

(1) A special oyster dredge season and sack limit is hereby established for persons licensed under Section 9-12-87, Code of Ala. 1975, and permitted under Rule 220-3-.02(5), in accordance with the following times, places, manners and means:

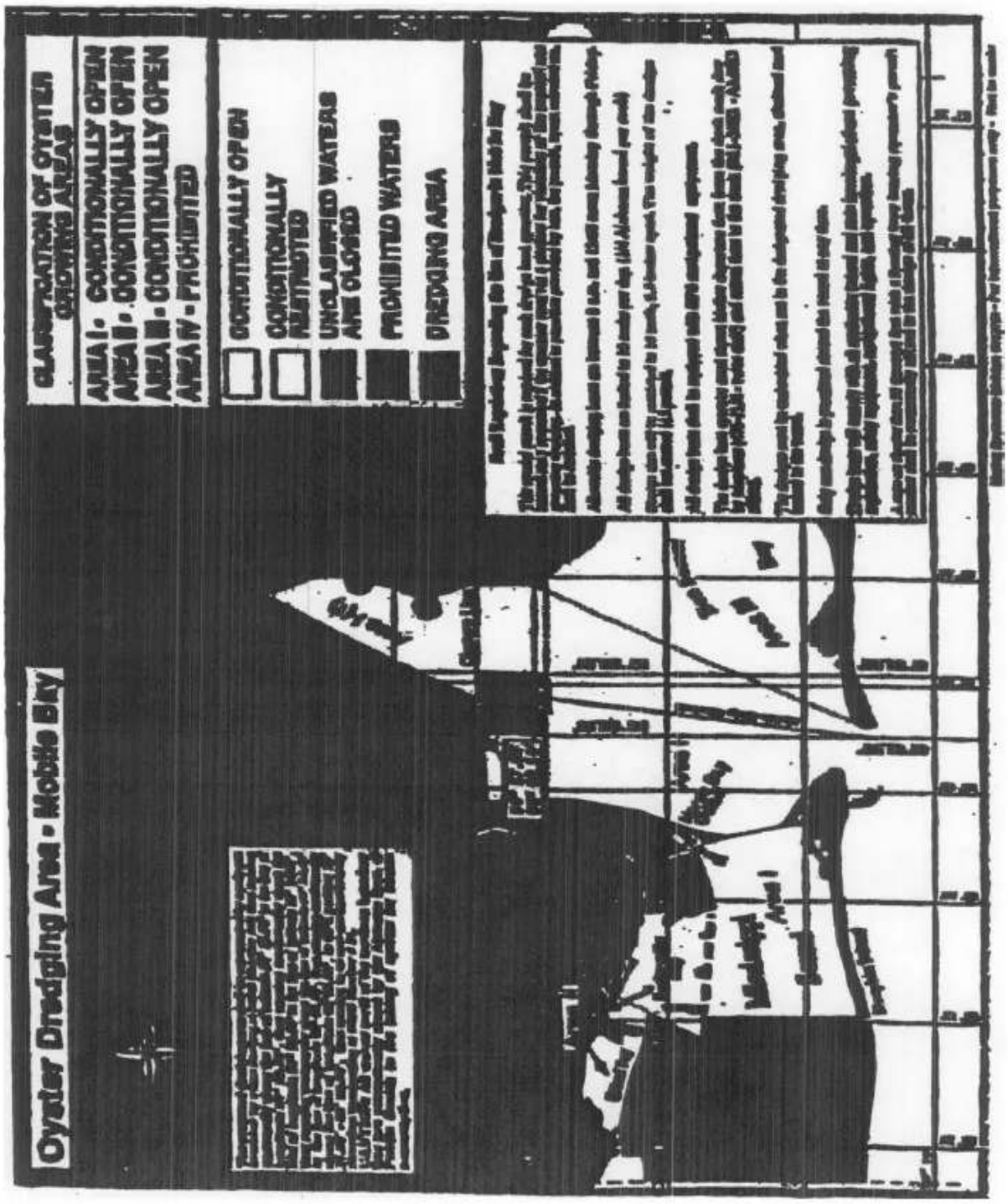
(a) That area described as the "Mobile Bay Special Dredging Area" and those times, manners and means, as described and provided for on the attached Exhibit A incorporated herein and made a part hereof and titled "Oyster Dredging Permit for Mobile Bay Special Dredging Area".

(b) There shall be a limit of 16 sacks of oysters per boat per day (1/4 Alabama barrel per sack).

(c) Failure to comply with the provisions of this regulation shall result in the revocation of the oyster dredging permit and punishment as provided by law.



Ex 1



Author: Riley Boykin Smith
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12, 9-12-87.
History: New Rule (PE): Filed October 15, 1999; effective October 15, 1999.

220-3-.45 Closed Fishing Season For Recreational Red Snapper Fishing (Repealed 6/19/18).

(Repealed)
Author: Riley Boykin Smith
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12.
History: New Rule (PE): Filed October 25, 1999; effective October 25, 1999. **Repealed (PE):** Filed June 19, 2018; effective June 19, 2018.

220-3-.46 Open Season For Gulf Reef Fish Species.

(1) During such period of time that the federal waters (During such period of time that the federal waters (adjoining Alabama waters) are open to the recreational harvest of a Gulf Reef Fish species, the recreational harvest of that Gulf Reef Fish species shall also be open in Alabama waters. Otherwise, when the federal waters are closed to the harvest of a Gulf Reef Fish species, Alabama waters will also be closed to the harvest of that species. However, Alabama state waters shall open and close to the recreational harvest of Red Snapper at the direction of the Commissioner through his designee, the Director of the Marine Resources Division. Notification of the opening and closing of state waters to recreational harvests shall be made through a press release.

(2) The possession of Red Snapper in Alabama state waters, during the time the waters are closed, is prohibited except for federally permitted for-hire vessels during the federal for-hire season.

(3) Gulf Reef Fish shall be defined as the fish listed in Table 1.

Table 1. Gulf Reef Fish Species

Balistidae—Triggerfishes	Wenchman, Pristipomoides aquilonaris
Gray triggerfish, Balistes capriscus	Vermilion snapper, Rhomboplites aurorubens
Carangidae—Jacks	Malacanthidae—Tilefishes
Greater amberjack, Seriola dumerili	Goldface tilefish, Caulolatilus chrysops
Lesser amberjack, Seriola fasciata	Blueline tilefish, Caulolatilus microps
Almaco jack, Seriola rivoliana	Tilefish, Lopholatilus chamaeleonticeps
Banded rudderfish, Seriola zonata	Serranidae—Groupers

Labridae—Wrasses	Speckled hind, Epinephelus drummondhayi
Hogfish, Lachnolaimus maximus	Yellowedge grouper, Epinephelus flavolimbatus
Lutjanidae—Snappers	Goliath grouper, Epinephelus itajara
Queen snapper, Etelis oculatus	Red grouper, Epinephelus morio
Mutton snapper, Lutjanus analis	Warsaw grouper, Epinephelus nigritus
Blackfin snapper, Lutjanus buccanella	Snowy grouper, Epinephelus niveatus
Red snapper, Lutjanus campechanus	Black grouper, Mycteroperca bonaci
Cubera snapper, Lutjanus cyanopterus	Yellowmouth grouper, Mycteroperca interstitialis
Gray (mangrove) snapper, Lutjanus griseus	Gag, Mycteroperca microlepis
Lane snapper, Lutjanus synagris	Scamp, Mycteroperca phenax
Silk snapper, Lutjanus vivanus	Yellowfin grouper, Mycteroperca venenosa
Yellowtail snapper, Ocyurus chrysurus	

Author: Christopher M. Blankenship
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12.
History: New Rule (PE): Filed March 21, 2000; effective March 21, 2000. **Amended (PE):** Filed July 10, 2001; effective July 10, 2001. **Amended (PE):** Filed July 1, 2008; effective July 1, 2008. **Amended (PE):** Filed March 23, 2010; effective March 23, 2010. **Amended (PE):** Filed June 27, 2014; effective June 27, 2014. **Amended:** Filed May 12, 2015, effective May 12, 2015. **Amended (PE):** Filed April 28, 2016; effective April 28, 2016. **Amended (PE):** Filed June 19, 2017; effective June 19, 2017. **Amended (PE):** Filed May 2, 2018; effective May 2, 2018. **Amended (PE):** Filed June 5, 2019; effective May 5, 2019.

220-3-.47 Photo I.D. Requirement For §9-12-113 Net Or Seine Permit Holders.

Holders of net or seine permits issued pursuant to §9-12-113, Code of Ala. 1975, shall obtain at no cost a photo identification at the Marine Resources Division office at Dauphin Island. The photo identification shall be utilized by the Marine Resources Division for identification of holders of the net or seine permits. It shall be a violation of this regulation to fail to obtain the photo identification or to utilize a net or seine issued under §9-12-113 without obtaining the photo identification. The penalty for the violation of this regulation shall be as provided by law.
Author: Riley Boykin Smith

Statutory Authority: Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12.
History: New Rule: Filed June 14, 2000; effective July 19, 2000.

Penalty: As provided by law.

220-3-.49 Closed Season For The Taking Of Live Saltwater Bait.

(1) During such period of time that all or any portion of the area in Mobile Bay north of a line beginning at the northern shore of East Fowl River running along the northern edge of the Fowl River Channel to Marker #2 in the Fowl River Channel, then southeasterly to Middle Bay Light and then northeasterly to Great Point Clear is closed to commercial shrimping, that closed area shall also be closed to the taking of live saltwater bait by licensed live saltwater bait catchers, unless otherwise provided by law; provided that, when the closed area is opened to commercial shrimping, that area shall also be open to licensed live saltwater bait catchers; except portions of the area defined above may be opened to the taking of live saltwater bait by licensed live saltwater bait catchers who possess a special permit issued by the Marine Resources Division.

(2) The Marine Resources Division may issue a written permit to licensed live saltwater bait catchers allowing the taking of live saltwater bait in areas closed to commercial shrimping; provided such permit defines the area to be opened to such activity and allows no more than one permit per licensed year per vessel allowed under Section 9-12-54.1 Permit must be onboard the vessel and in the operators possession whenever taking or attempting to take live saltwater bait as allowed by the permit. Permits shall be revoked for failure to comply with the terms thereof.

(3) "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.

(4) The penalty for the violation of this regulation shall be as provided for in §9-12-54.6, Code of Ala. 1975.
Author: Riley Boykin Smith
Statutory Authority: Code of Ala. 1975, §§9-12-54.1, 9-12-54.4, 9-12-54.6.
History: New Rule (PE): Filed May 31, 2000; effective June 1, 2000. **Amended (PE):** Filed July 5, 2000; effective July 6, 2000. **Amended (PE):** Filed May 1, 2008; effective May 1, 2008. **Amended (PE):** Filed July 24, 2008; effective July 24, 2008. **Amended (PE):** Filed September 23, 2008; effective September 23, 2008.

220-3-.50 Open Season/Area For The Taking Of Live Saltwater Bait (Repealed 6/19/18).

(Repealed)
Author: Riley Boykin Smith
Statutory Authority: Code of Ala. 1975, §§9-12-54.6, as amended by Act No. 2000-737, Acts of Alabama.
History: **New Rule (PE):** Filed November 1, 2000; effective November 2, 2000. **Repealed (PE):** Filed June 19, 2018; effective June 19, 2018.

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

220-3-.51 Use Of Airboats In Certain Areas.

(1) In addition to the provisions of 220-2-.60, it shall be unlawful for any person to use an airboat on any of the public waters of this State subject to an ebb and flow of the tide of at least 2 inches, south of a line beginning at the Mississippi state line following the eastbound lane of Interstate Highway 10 to the Florida state line (except that when Interstate Highway 10 lies north of U.S. Highway 90 Battleship Parkway, the line follows the eastbound lane of U.S. Highway 90).

(2) The prohibition prescribed in Paragraph (1) above shall not apply to the use of airboats by State and Federal law enforcement officers, State aquatic plant management personnel acting in their official capacity, nor to oil and gas exploration crews.

(3) Any person violating any of the provisions of this regulation shall be punished as provided by §9-2-15, Code of Ala. 1975.
Author: Advisory Board of Conservation and Natural Resources
Statutory Authority: Code of Ala. 1975, §§9-2-14, 9-2-15, 9-2-15.1.
History: **New Rule:** Filed June 8, 2001; effective July 13, 2001.

Penalty: As provided by §9-2-15.01, Code of Ala. 1975.

220-3-.52 Temporary Closed Crab Fishing Season In Certain Areas.

(a) There is hereby established a one day closed fishing season for the taking or harvesting of crabs by the use of crab traps (recreational or commercial) in any inside waters of the State of Alabama under the jurisdiction of the Marine Resources Division

within 500 yards of the shoreline on Saturday, March 11, 2006, and in the future, such closure dates and areas as shall be established utilizing a public notice by the Commissioner of Conservation and Natural Resources.

(b) During the closure defined in (a) of this regulation no crab traps (recreational or commercial) shall be allowed in any waters closed by this regulation to the taking or harvesting of crabs by the use of crab traps (recreational or commercial) and any traps in the closed areas shall be considered marine litter and may be removed by any individual from these closed waters. Any individual who removes crab traps (recreational or commercial) that are considered to be marine litter must remove the marine litter from the waters of the State of Alabama under the jurisdiction of the Marine Resources Division and properly dispose of such by placing such marine litter in an approved waste container or facility and it shall be unlawful to use any such marine litter for any personal purpose.

(c) It shall be lawful for those assisting with the removal of derelict crab traps to use an airboat on any of the public waters of this state subject to an ebb and flow of the tide of at least two inches, south of a line beginning at the Mississippi state line following the eastbound lane of the Interstate Highway 10 to the Florida state line (except when Interstate Highway 10 lies north of U.S. Highway 90 Battleship Parkway, the line follows the eastbound lane of U.S. Highway 90) on Saturday, March 11, 2006. Any individual who uses an airboat must register such vessel with the Marine Resources Division on later than 5:00 p.m. on Thursday, March 9, 2006. During the closure defined in (a) utilizing a public notice by the Commissioner, such public notice shall state if airboats shall be lawful and establish a date and time that airboats must register with the Marine Resources Division.
Author: M. Barnett Lawley
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8.
History: New Rule (PE): Filed May 2, 2002; effective May 2, 2002. **Repealed and New Rule (PE):** Filed January 17, 2003; effective January 17, 2003. **Amended (PE):** January 15, 2004; effective January 15, 2004. **Amended (PE):** January 26, 2006; effective January 26, 2006.

Penalty: As provided by law.

220-3-.53 Open Season/Area For The Taking Of Live Saltwater Bait- Point Clear Area.

(1) 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).

(2) "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.

(3) The penalty for the violation of this regulation shall be as provided for in §9-12-54.7, Code of Ala. 1975, as amended by Act No. 2000-737, Acts of Alabama.
Author: M. Barnett Lawley
Statutory Authority: Code of Ala. 1975, §§9-12-54.6, as amended by Act No. 2000-737, Acts of Alabama.
History: **New Rule (PE):** Filed March 21, 2001; effective March 21, 2001. **Amended (PE):** Filed March 23, 2010; effective March 23, 2010. **Amended:** Filed June 15, 2012; effective July 20, 2012.

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

220-3-.54 Temporary Closed Season To Oystering - West Fowl River Area (Repealed 11/21/01).

(Repealed)
Author: Riley Boykin Smith
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12.
History: **New Rule (PE):** Filed April 27, 2001; effective April 27, 2001. **Repealed (PE):** Filed November 21, 2001; effective November 21, 2001.

Penalty: As provided by law.

220-3-.56 Closed Season For The Taking Of Live Saltwater Bait - Aloe Bay Area.

(1) Effective 6:00 a.m., Saturday, June 30, 2001, the following waters, temporarily closed to commercial shrimping, shall be open to the taking of live saltwater bait by licensed live saltwater bait catchers only:

(a) All waters in Mississippi Sound east of a line from Gulf Intracoastal Waterway (GIWW) Marker #19 running southward to Tall Range D, thence to the western edge of the mouth of Heron Bayou on Dauphin Island, and west of the Dauphin Island bridge

and south of the GIWW, locally referred to as Aloe Bay; provided that, when the closed area is opened to commercial shrimping, that area shall also be open to licensed saltwater bait catchers.

(2) The penalty for the violation of this regulation shall be as provided for in Code of Ala. 1975, §9-12-54.6.
Author: Riley Boykin Smith
Statutory Authority: Code of Ala. 1975, §§9-12-54.1, 9-12-54.4, 9-12-54.6.
History: **New Rule (PE):** Filed May 10, 2001; effective May 12, 2001. **Amended (PE):** Filed June 28, 2001; effective June 30, 2001.

220-3-.59 Temporary Closed Season To Oystering - Heron Bayou Area (Repealed 6/9/04).

(Repealed)
Author: Riley Boykin Smith
Statutory Authority: Code of Ala. 1975, §§9-2-4.1, 9-2-7, 9-2-8, 9-2-12.
History: **New Rule (PE):** Filed August 30, 2001; effective August 30, 2001. **Repealed (PE):** Filed June 9, 2004; effective June 9, 2004.

220-3-.60 Closed Net Fishing Season For The Taking Of Florida Pompano.

From January 1 through Labor Day of each year, there is hereby established a closed fishing season for the taking or attempting to take Florida pompano by the used of any gill net, entangling net, seine, or cast net, in the waters of Alabama under the jurisdiction of the Marine Resources Division as provided by Rule 220-2-.42; provided, however, that gill net fisherman targeting other fish, in waters open to netting as provided by Rule 220-3-.03, shall be allowed to keep an incidental bycatch of Florida pompano totaling no more than five percent (5%) by weight of other fishes taken.
Author: Riley Boykin Smith
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12.
History: **New Rule (PE):** Filed April 29, 2002; effective April 29, 2002.

Penalty: As provided by law.

220-3-.61 Open Season?Area For The Taking Of Live Saltwater Bait - Mullet Point Bait Area.

(1) 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 Mullet Point Park ramp, herein defined as 30°24.98'N and 87°54.52'W, then running southwesterly to Tall Range '2', then southwardly to 30°23.72'N and 87°55.33'W, then running due east to terminate on shore.

(2) "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.

(3) The penalty for the violation of this regulation shall be as provided for in §9-12-54.7, Code of Ala. 1975, as amended by Act No. 2000-737, Acts of Alabama.
Author: Riley Boykin Smith
Statutory Authority: Code of Ala. 1975, §9-12-54.6.
History: New Rule (PE): Filed May 8, 2002; effective May 8, 2002.
Amended (PE): Filed March 23, 2010; effective March 23, 2010.

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

220-3-.62 Temporary Closed Fishing Seasons - Mobile Ship Channel And Certain Other Areas (Repealed 6/19/18).

(Repealed)
Author: Richard C. Liles
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8.
History: New Rule (PE): Filed June 14, 2002; effective June 14, 2002. **Repealed (PE):** Filed June 19, 2018; effective June 19, 2018.

Penalty: As provided by law.

220-3-.63 Closed Season For The Taking Of Live Saltwater Bait - Grand Bay/Bayou La Batre Area.

(1) Effective 6:00 a.m., Monday, September 23, 2002, the following waters, temporarily closed to commercial shrimping, shall be closed to the taking of live saltwater bait by licensed live saltwater bait catchers:

All waters in Mississippi Sound north of a line beginning at the Mississippi State Line running east to the eastern tip of the South Rigolets (30°21.120'N, 88°23.490'W) then northeast to the southern tip of Point aux Pins (30°22.271'N, 88°18.888'W) then southeast to the charted position of Marker #19 in the Bayou La Batre Ship Channel and then southeast to the southern tip of Coffee Island (30°19.423'N, 88°15.331'W). Waters will reopen to bait catchers when they open to commercial shrimping.

(2) The penalty for the violation of this regulation shall be as provided for in §9-12-54.6, Code of Ala. 1975.
Author: Richard C. Liles
Statutory Authority: Code of Ala. 1975, §§9-12-54.1, 9-12-54.4, 9-12-54.6.
History: New Rule (PE): Filed September 20, 2002; effective September 23, 2002.

Penalty: As provided for in §9-12-54.6, Code of Ala. 1975.

220-3-.64 Closed Fishing Season/Area - Little Lagoon.

(1) There is hereby established a closed fishing season/area in Little Lagoon to the taking or attempted taking of any saltwater fish, shrimp, or other seafood species, by the use of a commercial gill net, or by the use of a trawl that exceeds sixteen feet as measured across the cork line or main top line.

(2) It shall be illegal in Little Lagoon to use a recreational gill net from sunset to sunrise, to use a recreational gill net with a mesh size of less than one and one-half (1 ½) inches knot to knot, or to use a recreational gill net from October 1 through April 30th. All persons utilizing a recreational gill net in Little Lagoon shall, in addition to any license required by law, be required to obtain and possess a special use permit from the Director of the Marine Resources Division or his designee, which permit shall expire seven (7) days from the date of issuance. The said permit shall be obtained during regular business hours.

(3) Gill and trammel nets operated in the waters of Alabama under the jurisdiction of the Marine Resources Division as provided by Rule 220-2-.42 must be constantly attended by the person licensed or permitted to operate the net.
Author: M. Burnett Lawley
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8.
History: New Rule (PE): Filed January 17, 2003; effective January 17, 2003. **Amended:** Filed July 18, 2003; effective August 22, 2003. **Amended:** Filed June 17, 2019; effective August 1, 2019.

Penalty: As provided by law.

220-3-.65 Temporary Closed Season To Oystering - New Reef In Portersville Bay (Repealed 5/13/04).

(Repealed)
Author: M. Barnett Lawley
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8.
History: New Rule (PE): Filed April 24, 2003; effective April 24, 2003. **Repealed (PE):** Filed May 13, 2004; effective May 13, 2004.

Penalty: As provided by law.

220-3-.66 Open Season/Area For The Taking Of Live Saltwater Bait - Certain Areas Off Of Dauphin Island Bay.

Effective 12:01 a.m., June 1, 2003, the following waters shall be open exclusively to the commercial and recreational taking of live saltwater bait:

Buchanan Bay, Confederate Pass, British Bay, Columbia Bay, Colony Bay (Colony Cove), Spanish Bay, Barcelona Bay

"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 fined 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 Ala. 1975, as amended by Act No. 2000-737, Acts of Alabama.
Author: M. Barnett Lawley
Statutory Authority: Code of Ala. 1975, §§9-12-54.6, as amended by Act No. 2000-737, Acts of Alabama
History: New Rule (PE): Filed May 21, 2003; effective May 21, 2003.

Penalty: As provided by law.

220-3-.68 Special Oyster Dredge Season And Sack Limit.

(1) A special oyster dredge season and sack limit is hereby established for persons licensed under Section 9-12-87, Code of Ala. 1975, and permitted under Rule 220-3-.02(5), in accordance with the following times, places, manners and means:

(a) That area in Portersville Bay open by the Alabama Department of Public Health described as a "Portersville Bay Special Dredging Area" and defined in the written permit allowing oyster dredges required by Rule 220-3-.02(5).

(b) That area in Mobile Bay East of the Dauphin Island Bridge and open by the Alabama Department of Public Health described as a "Mobile Bay Special Dredging Area" and defined in the written permit allowing oyster dredges required by Rule 220-3-.02(5).

(2) There shall be a limit of 16 sacks of oysters per boat per day; 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 purposes of the daily limit of sixteen (16) sacks per boat, unless a properly licensed and permitted 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. No licensed and permitted oyster catcher may take or possess more than sixteen sacks of oysters per day.

(3) All oysters taken from stated special dredge area must be landed and tagged at oyster management station established by the Marine Resources Division. All tags for sacks of oysters taken from the special dredge area must be purchased at the management station.

(4) All oysters shall be culled upon the reef from which they were taken. No oysters shall be culled or sacked on board a boat in waters closed to the harvesting of oysters. No oysters from a public reef shall be culled upon a private reef.

(5) The special oyster dredge season shall be closed utilizing a public notice by the Director of the Marine Resources Division at such time that it is determined by biological surveys and landings data that the oyster resources are in decline.

(6) It shall be unlawful to possess oysters taken from a private lease and oysters taken from a public reef on board a boat at the same time.

(7) It shall be unlawful not to comply with all stated requirements on the written permit allowing oyster dredges required by Rule 220-3-.02(5).
Author: M. Barnett Lawley
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12, 9-12-87.
History: **New Rule:** Filed August 18, 2004; effective September 22, 2004. **Amended (PE):** Filed October 12, 2005; effective October 12, 2005. (Amended PE): Filed June 23, 2006; effective June 26, 2006.

Penalty: As provided by law.

220-3-.71 Temporary Closed Season To Oystering - New Reef And Hard Reef In Portersville Bay.

(1) There is hereby established a closed season to the taking of oysters by any means, except such season shall be open to the taking of oysters by any legal means when opened to the use of a dredge in accordance with Rule 220-3-.68 and the permit issued under Rule 220-3-.02(5), in the following areas:

(2) The area described as the New Reef and the Hard Reef in Portersville Bay within the following Boundaries:

The New Reef located east of Coffee Island (Isle Aux Herbes) in Portersville Bay delineated by corner pilings at (1) 30°21.674 – 88°15.113, (2) 30°21.670 – 88°15.202, (3) 30°21.236 – 88°15.206, (4) 30°21.236 – 88°15.102.

The Hard Reef located east of Coffee Island (Isle Aux Herbes) and southeast of Coden Bayou in Portersville Bay delineated by corner pilings at (1) 30°21.068 – 88°14.022, (2) 30°21.152 – 88°13.897, (3) 30°21.120 – 88°13.763, (4) 30°21.032 – 88°13.738, (5) 30°20.942 – 88°13.707.
Author: M. Barnett Lawley
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12.
History: **New Rule (PE):** Filed March 9, 2005; effective March 9, 2005.

Penalty: As provided by law.

220-3-.75 Emergency Closed Recreational And Commercial Fishing Season (Repealed 6/18/19).

(Repealed)
Author: M. Barnett Lawley
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12.
History: New Rule (PE): Filed September 20, 2004; effective September 20, 2004. **New Rule (PE):** Filed June 1, 2010; effective June 1, 2010. **Amended (PE):** Filed June 4, 2010; effective June 4, 2010. **Amended (PE):** Filed June 10, 2010; effective June 10, 2010. **Repealed (PE):** Filed June 19, 2018; effective June 19, 2018.

Penalty: As provided by law.

220-3-.76 Closed Fishing Season - Portion Of Gulf Waters Adjacent To Gulf Sate Park Pier (Repealed July 17, 2009).

(Repealed)
Author: M. Barnett Lawley
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12.
History: New Rule (PE): Filed December 18, 2007; effective December 18, 2007. **Repealed (PE):** Filed July 17, 2009; effective July 17, 2009.

Penalty: As provided by law.

220-3-.77 Shark Fishing.

(1) It shall be unlawful within three hundred feet of the shoreline, or on a public pier, or on a private pier where an unsafe condition is created, on or in the waters of Alabama under the jurisdiction of the Marine Resources Division as provided by Rule 220-2-.42, to fish for or target sharks of any species by those methods commonly known as “chumming” or “bloodbaiting”.

(a) For purposes of this regulation, “chumming” shall be defined as the throwing of bait or fish parts into the water to attract fish

(b) For purposes of this regulation, “bloodbaiting” shall be defined as the use of blood, chemical or synthetic attractants, fish parts, chicken parts or other animal parts to attract fish or sharks.

(2) It shall be unlawful, on or adjacent to the waters of Alabama under the jurisdiction of the Marine Resources Division as provided by Rule 220-2-.42, for any person to surf fish for sharks, bow fish for sharks or fish for or target sharks by any other means from any pier or beach in such a manner that presents an unsafe condition to any beach goers, sun bathers, swimmers, or any other person.

(3) Anglers fishing for, retaining, possessing, or landing sharks must use non-offset non-stainless circle hooks when using natural bait.

Author: Christopher M. Blankenship
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12.
History: **New Rule:** Filed July 25, 2008; effective August 29, 2008. **Amended:** Filed June 17, 2019; effective August 1, 2019.

Penalty: As provided by law.

220-3-.78 Fisheries Enforcement In Federal Waters.

(1) No person who, pursuant to state or federal law, is subject to the jurisdiction of the State of Alabama, shall violate any federal law, rule or regulation, including but not limited to those rules and regulations enacted pursuant to the Magnuson-Stevens Fishery Conservation Act and published in the Code of Federal Regulations as amended Title 50 and 15, for reef fishes, while fishing in the Exclusive Economic Zone (EEZ).

(2) It shall be unlawful for any person, firm or corporation to possess, purchase, sell, barter, trade, exchange, take or attempt to take reef fishes or other marine aquatic species within or without the territorial boundaries of Alabama in violation of any state or federal law, rule, or regulation, including but not limited to those rules and regulations enacted pursuant to the Magnuson-Stevens Fishery Conservation Act and published in the Code of Federal Regulations as amended Title 50 and 15.

(3) Registration of a vessel pursuant to the requirements of the Magnuson-Stevens Fishery Conservation Act shall include any vessel that embarks from Alabama territorial waters, that docks in the state waters of Alabama, is licensed in Alabama or possesses an Alabama Marine Police registration certificate and such vessel shall be subject to the jurisdiction of the State of Alabama within or without the territorial boundaries of Alabama and any violations detected upon such vessel shall be prosecuted in the appropriate district court as provided for by §9-12-4.

Author: M. Barnett Lawley
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12.

History: **New Rule:** Filed July 25, 2008; effective August 29, 2008.

Penalty: As provided by law.

220-3-.79 Saltwater Fishing License Surcharge (Repealed 9/22/18).

(Repealed)
Author: Christopher M. Blankenship
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12; and Act No. 2008-467, Acts of Alabama (2008 Reg. Session).
History: **New Rule:** Filed September 9, 2008; effective October 14, 2008. **Amended:** Filed July 23, 2009; effective August 27, 2009. **Repealed:** Filed August 8, 2018; effective September 22, 2018.

Penalty: As provided by law.

220-3-.80 Oyster Shell Management Fee Regulation.

(1) All oysters taken from the public reefs of Alabama under a commercial oyster license shall be sold to a Certified Shellfish Dealer. The oyster harvester shall declare at the Oyster Management Station each day which Certified Shellfish Dealer to whom he shall sell his shellstock. If he sells to other than the dealer he declares, he shall notify the Marine Resources Division Office at Dauphin Island, Alabama, by the close of business on the day of harvest. Pursuant to Section 9-12-42, Code of Ala. 1975, the Marine Resources Division hereby establishes a shell fee of two (2) dollars per sack or container of oysters harvested from the public reefs of Alabama. The fee shall be paid by the seafood dealer who purchased the oysters directly from the harvester. The fee shall be calculated from both oyster harvest records and Alabama Trip Tickets and shall be paid on a quarterly basis. The payment will be due no later than one month after the end of the previous quarter.

(2) Any person, firm, corporation, or association obligated to pay the shell fee who fails to remit the fees to the Marine Resources Division by the prescribed date, will be subject to the civil and criminal penalty provisions as prescribed in Section 9-12-42.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala. 1975, §9-12-42.
History: **New Rule:** Filed November 24, 2010; effective December 29, 2010. **Amended:** Filed May 9, 2017; effective June 23, 2017.

Penalty: As provided by law.

220-3-.81 Special Dredge And Tonging Oyster Relay Season Regulation.

(1) A special dredge and tonging oyster relay season is hereby established for persons licensed under Section 9-12-82 for oyster tonging, or under Sections 9-12-82 and 9-12-87, Code of Ala. 1975, and permitted under Rule 220-3-.02(5), for oyster dredging, in accordance with the following times, places, manners and means:

That area in Mobile Bay West of the Mobile Ship Channel and North of the Theodore Ship Channel and South of a line from the southeast corner of the Brookley Field Airstrip to Mobile Ship Channel Marker Number 73 and described as the "Upper Mobile Bay Special Relay Area" and those manners and means as described in the written permit attached to this regulation and incorporated herein and made a part hereof and titled "Oyster Dredging Permit for Upper Mobile Bay Oyster Relay."

(2) All oysters taken from stated special dredge or tonging relay area must be sacked in ¼ Alabama barrel sacks and the oysters must be deposited on the designated oyster relay site in Mobile Bay south of the Fowl River Channel. Oysters taken from the Upper Mobile Bay Special Relay Area shall not be landed and no oysters shall remain on the vessels after the vessel exits the designated oyster relay site.

(3) The special oyster dredge relay season shall begin on March 15, 2010, and shall be closed utilizing a public notice by the Director of the marine Resources Division at such time that it is determined by biological surveys and relay data that the oyster resources in the Special Dredge Area are in decline.

(4) It shall be unlawful not to comply with all stated requirements on the written permit allowing oyster dredges required by Rule 220-3-.02(5). The written permit allowing oyster dredges shall state the times and places where using a dredge is allowed.

Author: M. Barnett Lawley
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12; and 9-12-87
History: **New Rule (PE):** Filed March 3, 2010; effective March 3, 2010.

Penalty: As provided by law.

220-3-.82 Saltwater Angler Registry Regulation.

Any Alabama resident 16 years of age or older fishing in, attempting to fish in, or possessing fish taken from, those waters under the jurisdiction of the Marine Resources Division jurisdiction, as defined by Rule 220-2-.42(1) of the Department of Conservation and Natural Resources as published in the Administrative Code, shall be requested, between the dates of September 1 through August 31 of each year, to register in an annual Saltwater Angler Registry. This shall be a no cost registry. Registration in this registry shall expire on August 31 of each year. This registration shall not be required by a person possessing a valid license issued under Code of Ala. 1975, §§9-11-53.1, 9-11-53.5, 9-11-54 or 9-11-56.3(b). This registration shall also not be required by persons fishing on a vessel that is licensed under 9-12-25, (Commercial Party Boat License).

Informational Note: In accordance with Section 9-1-4, Code of Ala. 1975, a violation of this regulation shall be a Class C misdemeanor.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12.
History: New Rule (PE): Filed June 26, 2011; effective July 26, 2011.

Penalty: As provided by Section 9-1-4, Code of Ala. 1975.

220-3-.83 Recreational Reporting Of Certain Gulf Reef Fish.

(1) Persons landing red snapper, greater amberjack, or gray triggerfish in the State of Alabama must report the harvest of said fish to the State of Alabama, Department of Conservation and Natural Resources, Marine Resources Division, prior to landing the red snapper, greater amberjack, or gray triggerfish.

(a) For the purposes of this regulation, landing shall be defined as the removal of the fish from the vessel or the removal of the vessel from the water with the fish still onboard the vessel. Fish caught from the shoreline or piers are considered landed once those fish have left the harvest location.

(b) The captain/owner of each recreational or charter vessel possessing red snapper, greater amberjack, or gray triggerfish shall provide the vessel identification number provided or specified by the Marine Resources Division, the total number

of fishermen onboard the vessel, whether fishermen were required to be licensed or not, the total number of red snapper, greater amberjack, or gray triggerfish onboard and the total number of red snapper, greater amberjack, or gray triggerfish that were dead or floating when discarded. Persons fishing from the shoreline, piers, or vessels not required to be registered shall report using their Alabama Conservation Identification Number (CID).

(c) Reports may be submitted via online web page, smart phone application or by other methods approved by the Marine Resources Division Director.

Author: Christopher M. Blankenship
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12.
History: **New Rule:** Filed May 13, 2014; effective June 17, 2014.
Amended: Published July 31, 2020; effective September 14, 2020.

Penalty: As provided by Section 9-1-4, Code of Ala. 1975.

220-3-.84 Fees.

Act 2015-441 authorizes any state agency that statutorily levies or assesses fees to fund its operations and programs to increase those fees by means provided in the Act. Pursuant to the authority of Act 2015-441, certain statutory fees related to the Marine Resources Division have been increased. See the table below for a list of increased fees. The statutory fees in column three are increased to the amounts in column four.

FEES

1 **Authorizing Statutes**	2 **Description**	3 **Statutory Fee**	4 **New fee Authorized by Act 2015-441**
9-11-94.1	Tarpon Tag	$66	$72
9-12-9	Commercial Saltwater Fishing Reef Fish Endorsement	$250	$275
9-12-9	Commercial Party Boat (1-6 passengers) Reef Fish Endorsement	$150	$165

1 Authorizing Statutes	2 Description	3 Statutory Fee	4 New fee Authorized by Act 2015-441
9-12-9	Commercial Party Boat (7-25 passengers) Reef Fish Endorsement	$200	$220
9-12-9	Commercial Party Boat (over 25 passengers) Reef Fish Endorsement	$250	$275
9-12-54.1	Resident live saltwater bait dealers license (one live bait catcher boat and one transport truck)	$115	$126
9-12-54.1	Resident live saltwater bait dealers license (two live bait catcher boats and two transport trucks)	$231	$254
9-12-54.1	Nonresident live saltwater bait dealers license (one live bait catcher boat and one transport truck. Nonreciprocal state.)	$231	$252
9-12-54.1	Nonresident live saltwater bait dealers license (two live bait catcher boats and two transport trucks. Nonreciprocal state.)	$462	$508
9-12-54.1 & 9-12-54.2	Nonresident live saltwater bait dealers license (one live bait catcher boat and one transport truck. Florida resident.)	$1,100	$1,500

1 Authorizing Statutes	2 Description	3 Statutory Fee	4 New fee Authorized by Act 2015-441
9-12-54.1 & 9-12-54.2	Nonresident live saltwater bait dealers license (one live bait catcher boat and one transport truck. Louisiana resident.)	$231	$254
9-12-54.1 & 9-12-54.2	Nonresident live saltwater bait dealers license (two live bait catcher boats and two transport trucks. Louisiana resident.)	$462	$508
9-12-54.1 & 9-12-54.2	Nonresident live saltwater bait dealers license (one live bait catcher boat and one transport truck. Mississippi resident.)	$231	$252
9-12-54.1 & 9-12-54.2	Nonresident live saltwater bait dealers license (two live bait catcher boats and two transport trucks. Mississippi resident.)	$462	$508
9-12-54.1 & 9-12-54.2	Nonresident live saltwater bait dealers license (one live bait catcher boat and one transport truck. Georgia resident.)	$646	$710
9-12-54.1 & 9-12-54.2	Nonresident live saltwater bait dealers license (two live bait catcher boats and two transport trucks. Georgia resident.)	$999	$1,362
9-12-54.1 & 9-12-54.2	Nonresident live saltwater bait dealers license (one live bait catcher boat and one transport truck. Texas resident.)	$1,194	$1,906

1 Authorizing Statutes	2 Description	3 Statutory Fee	4 New fee Authorized by Act 2015-441
9-12-54.1 & 9-12-54.2	Nonresident live saltwater bait dealers license (two live bait catcher boats and two transport trucks. Texas resident.)	$2,178	$2,081
9-12-82	Resident commercial oyster catcher license	$33	$36
9-12-82 & 9-12-80	Nonresident commercial oyster catcher license (Reciprocal state)	$66	$72
9-12-82 & 9-12-80	Nonresident commercial oyster catcher license (Florida resident)	$220	$200
9-12-82 & 9-12-80	Nonresident commercial oyster catcher license (Louisiana resident)	$1,274	$1,400
9-12-82 & 9-12-80	Nonresident commercial oyster catcher license (Mississippi resident)	$119	$120
9-12-82 & 9-12-80	Nonresident commercial oyster catcher license (Georgia resident)	$206	$255
9-12-82 & 9-12-80	Nonresident commercial oyster catcher license (Texas resident)	$2,424	$2,205
9-12-82	Resident oyster aquaculture license	$273	$300
9-12-82 & 9-12-80	Nonresident oyster aquaculture license	$273	$300

1 Authorizing Statutes	2 Description	3 Statutory Fee	4 New fee Authorized by Act 2015-441
9-12-87	Resident oyster dredge license	$33	$36
9-12-87 & 9-12-80	Nonresident oyster dredge license (Reciprocal state)	$66	$72
9-12-87 & 9-12-80	Nonresident oyster dredge license (Florida resident)	$66	$72
9-12-87 & 9-12-80	Nonresident oyster dredge license (Louisiana resident)	$220	$200
9-12-87 & 9-12-80	Nonresident oyster dredge license (Mississippi resident)	$229	$251
9-12-87 & 9-12-80	Nonresident oyster dredge license (Georgia resident)	$66	$72
9-12-87 & 9-12-80	Nonresident oyster dredge license (Texas resident)	$0	$0
9-12-93	Recreational shrimp boat license	$19	$20
9-12-93	Nonresident recreational shrimp boat license (Nonreciprocal state)	$39	$40
9-12-93	Nonresident recreational shrimp boat license (Florida resident)	$39	$80
9-12-93	Nonresident recreational shrimp boat license (Louisiana resident)	$183	$128

1 Authorizing Statutes	2 Description	3 Statutory Fee	4 New fee Authorized by Act 2015-441
9-12-93	Nonresident recreational shrimp boat license (Mississippi resident)	$39	$40
9-12-93	Nonresident recreational shrimp boat license (Georgia resident)	$82	$50
9-12-93	Nonresident recreational shrimp boat license (Texas resident)	$66	$73
9-12-93	Resident commercial shrimp boat license (under 30 feet in length)	$66	$72
9-12-93	Resident commercial shrimp boat license (30 to 45 feet in length)	$99	$108
9-12-93	Resident commercial shrimp boat license (over 45 feet in length)	$132	$145
9-12-93	Nonresident commercial shrimp boat license (under 30 feet in length. Nonreciprocal state.)	$132	$144
9-12-93	Nonresident commercial shrimp boat license (30 to 45 feet in length. Nonreciprocal state.)	$198	$216
9-12-93	Nonresident commercial shrimp boat license (over 45 feet in length. Nonreciprocal state.)	$264	$290
9-12-93	Nonresident commercial shrimp boat license (Florida resident)	$440	$400

1 Authorizing Statutes	2 Description	3 Statutory Fee	4 New fee Authorized by Act 2015-441
9-12-93	Nonresident commercial shrimp boat license (Louisiana resident)	$834	$1,260
9-12-93	Nonresident commercial shrimp boat license (under 30 feet in length. Mississippi resident.)	$132	$144
9-12-93	Nonresident commercial shrimp boat license (30 to 45 feet in length. Mississippi resident.)	$198	$216
9-12-93	Nonresident commercial shrimp boat license (over 45 feet in length. Mississippi resident.)	$264	$290
9-12-93	Nonresident commercial shrimp boat license (under 30 feet in length. Georgia resident.)	$250	$271
9-12-93	Nonresident commercial shrimp boat license (30 to 45 feet in length. Georgia resident.)	$300	$316
9-12-93	Nonresident commercial shrimp boat license (over 45 feet in length. Georgia resident.)	$481	$481
9-12-93	Nonresident commercial shrimp boat license (Texas resident)	$2,678	$2,436
9-12-95	Resident commercial party boat (up to 6 passengers)	$264	$290
9-12-95	Resident commercial party boat (7 to 25 passengers)	$396	$435
9-12-95	Resident commercial party boat	$660	$726

1 Authorizing Statutes	2 Description	3 Statutory Fee	4 New fee Authorized by Act 2015-441
	(more than 25 passengers)		
9-12-95 & 9-12-80	Nonresident commercial party boat (up to 6 passengers. Nonreciprocal state.)	$528	$580
9-12-95 & 9-12-80	Nonresident commercial party boat (7 to 25 passengers. Nonreciprocal state.)	$792	$870
9-12-95 & 9-12-80	Nonresident commercial party boat (more than 25 passengers. Nonreciprocal state.)	$1,320	$1,452
9-12-95 & 9-12-80	Nonresident commercial party boat (up to 6 passengers. Florida resident.)	$528	$580
9-12-95 & 9-12-80	Nonresident commercial party boat (7 to 25 passengers. Florida resident.)	$792	$870
9-12-95 & 9-12-80	Nonresident commercial party boat (more than 25 passengers. Florida resident.)	$1,320	$1,452
9-12-95 & 9-12-80	Nonresident commercial party boat (up to 6 passengers. Louisiana resident.)	$1,164	$1,750
9-12-95 & 9-12-80	Nonresident commercial party boat (7 to 25 passengers. Louisiana resident.)	$2,264	$2,500
9-12-95 & 9-12-80	Nonresident commercial party boat (more than 25 passengers. Louisiana resident.)	$2,264	$2,500

1 Authorizing Statutes	2 Description	3 Statutory Fee	4 New fee Authorized by Act 2015-441
9-12-95 & 9-12-80	Nonresident commercial party boat (up to 6 passengers. Mississippi resident.)	$528	$580
9-12-95 & 9-12-80	Nonresident commercial party boat (7 to 25 passengers. Mississippi resident.)	$792	$870
9-12-95 & 9-12-80	Nonresident commercial party boat (more than 25 passengers. Mississippi resident.)	$1,320	$1,452
9-12-95 & 9-12-80	Nonresident commercial party boat (up to 6 passengers. Georgia resident.)	$528	$580
9-12-95 & 9-12-80	Nonresident commercial party boat (7 to 25 passengers. Georgia resident.)	$792	$870
9-12-95 & 9-12-80	Nonresident commercial party boat (more than 25 passengers. Georgia Resident.)	$1,320	$1,452
9-12-95 & 9-12-80	Nonresident commercial party boat (up to 6 passengers. Texas resident.)	$1,153	$1,050
9-12-95 & 9-12-80	Nonresident commercial party boat (7 to 25 passengers. Texas resident.)	$1,153	$1,050
9-12-95 & 9-12-80	Nonresident commercial party boat (more than 25 passengers. Texas resident.)	$1,320	$1,050
9-12-113	Resident Commercial Saltwater Fishing License	$132	$145

1 Authorizing Statutes	2 Description	3 Statutory Fee	4 New fee Authorized by Act 2015-441
9-12-113 & 9-12-80	Nonresident commercial saltwater fishing license (Nonreciprocal state)	$264	$290
9-12-113 & 9-12-80	Nonresident commercial saltwater fishing license (Florida resident)	$264	$290
9-12-113 & 9-12-80	Nonresident commercial saltwater fishing license (Louisiana resident)	$264	$1,800
9-12-113 & 9-12-80	Nonresident commercial saltwater fishing license (Mississippi resident)	$264	$800
9-12-113 & 9-12-80	Nonresident commercial saltwater fishing license (Georgia resident)	$264	$290
9-12-113 & 9-12-80	Nonresident commercial saltwater fishing license (Texas resident)	$264	$1,540
9-12-113	Resident commercial saltwater net permit	$396	$435
9-12-113	Additional fee to be added to resident commercial saltwater net or seine permit when taking Roe Mullet and Spanish Mackerel	$660	$726
9-12-113	Resident commercial purse seine permit	$1,980	$2,178
9-12-113 & 9-12-80	Nonresident commercial purse seine permit (Nonreciprocal state)	$3,960	$4,356

1 Authorizing Statutes	2 Description	3 Statutory Fee	4 New fee Authorized by Act 2015-441
9-12-113 & 9-12-80	Nonresident commercial purse seine permit (Florida resident)	$3,960	$4,356
9-12-113 & 9-12-80	Nonresident commercial purse seine permit (Louisiana resident)	$3,960	$9,020
9-12-113 & 9-12-80	Nonresident commercial purse seine permit (Mississippi resident)	$3,960	$4,356
9-12-113 & 9-12-80	Nonresident commercial purse seine permit (Georgia resident)	$3,960	$4,356
9-12-113 & 9-12-80	Nonresident commercial purse seine permit (Texas resident)	$3,960	$4,356
9-12-123	Resident recreational gill net license	$66	$72
9-12-123 & 9-12-80	Nonresident recreational gill net license (Nonreciprocal state)	$132	$144
9-12-123 & 9-12-80	Nonresident recreational gill net license (Florida resident)	$220	$200
9-12-123 & 9-12-80	Nonresident recreational gill net license (Louisiana resident)	$132	$144
9-12-123 & 9-12-80	Nonresident recreational gill net license (Mississippi resident)	$132	$144

1 Authorizing Statutes	2 Description	3 Statutory Fee	4 New fee Authorized by Act 2015-441
9-12-123 & 9-12-80	Nonresident recreational gill net license (Georgia resident)	$132	$144
9-12-123 & 9-12-80	Nonresident recreational gill net license (Texas resident)	$132	$144
9-12-124	Resident crab catcher's license	$66	$72
9-12-124 & 9-12-80	Nonresident crab catcher's license (Nonreciprocal state)	$132	$144
9-12-124 & 9-12-80	Nonresident crab catcher's license (Florida resident)	$356	$325
9-12-124 & 9-12-80	Nonresident crab catcher's license (Louisiana resident)	$724	$1,220
9-12-124 & 9-12-80	Nonresident crab catcher's license (Mississippi resident)	$220	$220
9-12-124 & 9-12-80	Nonresident crab catcher's license (Georgia resident)	$206	$755
9-12-124 & 9-12-80	Nonresident crab catcher's license (Texas resident)	$2,880	$2,620
9-12-150	Permit for artificial reef construction	$33	$36

Author: Christopher M. Blankenship

Statutory Authority: Act 2015-441; Code of Ala. 1975, §§9-2-8, 9-2-12.
History: New Rule: Filed August 10, 2015; effective September 14, 2015. **Amended:** Published June 30, 2021; effective August 14, 2021. **Amended:** Published August 31, 2026; effective October 15, 2026.

Penalty: As provided by law.

220-3-.85 Seafood Aquaculture.

(1) No person, firm, corporation, or entity shall engage in seafood aquaculture without first obtaining a permit from the Marine Resources Division, in addition to any other permits required by state and federal agencies. The standards for the issuance of the permit shall include the water source used for aquaculture; the method and location of any discharge, including but not limited to, methods of discharge screening; species of culture; type of system used for aquaculture; engineering certification of structures used to contain fish for on-the-water facilities; disease certification of fish prior to release if cultured in a land-based facility; routine disease monitoring for on-the water facilities; negative impact on standard pet trade practices; prevention of discharge of disease or live products such as larvae and other products; the type of materials utilized for cages; ensuring pond levees/grow-out facilities exceed 100 year floodplain for location; potential negative impact on water quality; prevention of disease; protection of health and safety of general public; and protection of fish and wildlife.

(2) "Seafood Aquaculture" is defined as the propagation, cultivation, rearing or maintenance of saltwater marine life or "seafoods" as defined by Section 9-2-80, Code of Alabama 1975, for consumption, stocking, or bait purposes; provided, however, that for the purposes of this rule, "seafood aquaculture" and "aquacultered seafood" shall not include oysters.

(3) Aquaculture sites may only be established on or within the inside waters of Alabama as defined by 220-3-.04, on a shore-based facility, or on a site approved in writing by the Commissioner of the Alabama Department of Conservation and Natural Resources.

(4) No aquacultured seafood species may be released into the public waters of Alabama without authorization from the Marine Resources Division.

(5) Aquaculture of gamefish.

(a) All aquacultured gamefish must have a tag, approved by the Marine Resources Division, attached to each fish prior to releasing or selling the fish in any form.

(b) All aquacultured gamefish being transported, within Alabama, must be accompanied by an invoice or bill of lading to include seller, buyer, species, and quantity.

(6) Landing and Reporting Aquacultured Seafood. All aquacultured seafood propagated, cultivated, or reared in Alabama must be landed and reported through a licensed Alabama dealer in accordance with Rule 220-3-.35 and Sections 9-12-115 and 9-12-115.1, Code of Ala. 1975.
Author: Christopher M. Blankenship
Statutory Authority: Act 2015-441; Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12.
History: **New Rule:** Filed August 11, 2016; effective September 25, 2016. **Amended:** Published October 29, 2021; effective December 13, 2021.

Penalty: As provided by law.

220-3-.86 Open Season/Area For Taking Live Bait - Ft. Morgan.

(1) When the inside waters of the State of Alabama, as defined by rule 220-3-.04, are closed to the recreational and commercial taking of shrimp, the following waters will be open for the recreational and commercial taking of live saltwater bait.

(a) The area from the shoreline east of the Gulf Shores Marina at Ft Morgan due north one-half nautical mile, then due west for one nautical mile, then due south to the shoreline on west side of the Ft. Morgan boat ramp. The area is defined by the following corner points:-+

NW 30°-14.500'N, 088°-01.100'W
NE 30°-14.500'N, 087°-59.600'W
SW 30°-13.900'N, 088°-01.100'W
SE 30°-13.970'N, 087°-59.600'W

(2) "Live Saltwater Bait" is defined as any aquatic animal which is used or may be used 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.
Author: N. Gunter Guy, Jr.
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12, 9-2-49, 9-12-54.1, 9-12-54.4, 9-12-54.6.
History: **New Rule (PE):** Filed March 20, 2017; effective March 20, 2017.

Penalty: As provided by law.

220-3-.87 Gulf Reef Fish Endorsement.

(1) Except as otherwise provided in this rule, pursuant to the authority of Section 9-12-9 of the Code of Ala. 1975, any person possessing, taking, or attempting to take species or groups of species of gulf reef fish (as defined in Rule 220-3-.46) shall purchase an Alabama Gulf Reef Fish Endorsement. Likewise, any person who is required to purchase a license for a commercial party boat or commercial fishing vessel from the Department of Conservation and Natural Resources (Department) which is used for possessing, taking, or attempting to take any species of gulf reef fish shall purchase an Alabama Gulf Reef Fish Endorsement.

(2) The annual fees and annual expiration dates for Alabama Gulf Reef Fish Endorsements shall be as follows:

(a) Individual Anglers: $10.00
Expiration Date: August 31

(b) Individual Angler Lifetime: $220.00

(c) Fees for commercial party boats shall be as follows and the endorsement for each shall expire on September 30.

1. 1-6 passengers: $150.00

2. 7-25 passengers: $200.00

3. More than 25 passengers: $250.00

(d) Commercial Fishing Vessel: $250.00
Expiration Date: September 30

(3) An endorsement for a commercial vessel must be maintained on the vessel. An endorsement issued to an individual angler must be in the possession of the angler when possessing, taking, or attempting to take gulf reef fish.

(4) The following persons are not required to purchase an Alabama Gulf Reef Fish Endorsement:

(a) An angler under the age of 16 years.

(b) An angler possessing, taking, or attempting to take gulf reef fish while on a commercial fishing vessel or commercial party boat licensed by the Department and for which a Gulf Reef Fish Endorsement has been issued.

Author: Christopher M. Blankenship
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12, 9-12-9.

History: 2019. **Amended:** Published May 15, 2020; effective July 13, 2020.

Penalty: As provided by law.

220-3-.88 Open Season/Area for the Taking of Live Saltwater Bait - East Fowl River Channel.

(1) During such time 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: East Fowl River from the charted positions for beacons 1 and 2 to the charted positions for beacons 5 and 6.

(2) "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.
Author: Christopher M. Blankenship
Statutory Authority: Code of Ala. 1975, §§9-2-4, 9-2-7, 9-2-8, 9-2-12, 9-12-54.1, 9-12-54.4, and 9-12-54.6.
History: **New Rule:** Filed March 1, 2023; effective March 1, 2023.

Penalty: As provided by law.

220-3-.89 Lulu Gribbin Shark Alert System Protocols.

(1) The Shark Alert System for Baldwin County and for Mobile County shall be implemented independently according to these protocols, which may be amended from time to time:

(a) Any local 911 dispatcher or first responder receiving an initial notification of a shark attack shall first follow established local protocols for an emergency event and shall promptly mobilize local resources.

(b) After entering the shark attack information into the Computer-Aided Dispatch (CAD), or current system, the dispatcher will promptly notify the local Director of the County EMA (Emergency Management Agency).

(c) The local public safety official or first responder on scene, or in closest proximity, will then confirm to the local Director of the County EMA that an unprovoked shark attack has occurred on

the shoreline or coastline (beach or other body of water) of Baldwin County or of Mobile County.

(d) Upon confirmation of an attack, the local Director of the County EMA will publish a shark attack alert via the Federal Emergency Management Agency's (FEMA) Integrated Public Alert & Warning System (IPAWS), or current database, to mobile telephones and wireless devices in the designated geographic areas. The message shall be similar to: "A SHARK alert is in effect in this area near ‹Specific Location›. Please use caution in the water."

(e) Alabama EMA will then notify the ADCNR Commissioner and Marine Resources Director that an unprovoked shark attack has occurred and that a shark alert has been issued.

(f) This rule only applies to Baldwin County and Mobile County, independently. This rule shall be reviewed periodically and may be amended as needed for the benefit and well-being of the public.

(2) This rule does not create a private cause of action due to a failure to activate the shark alert system.
Author: Christopher M. Blankenship
Statutory Authority: Code of Ala. 1975, § 9-2-30
History: **New Rule:** Published February 27, 2026; effective April 13, 2026.

Penalty: As provided by law.