

391-2-4-.19 Commercial Shellfish; Requirements for *Vibrio* Control.

(1) Purpose. The purpose of this Rule is to implement the authority of the Board of Natural Resources to promulgate rules and regulations based on current, sound principles of wildlife research and management establishing requirements for harvest of maricultured oysters from subtidal harvest areas during *Vibrio* control months, requirements for harvester tags and shading, additional harvest controls for shellfish harvested during certain months, and procedures for amending closures and harvest controls.

(2) Definitions.

(a) “Adequately iced” means the amount and application of ice is sufficient to ensure that immediate cooling begins and continues for oysters harvested during *Vibrio* control months. If ice slurry is used and the shellfish are submerged the presence of ice in the slurry indicates adequate icing.

(b) “Adequately shaded” means measures taken to shelter shellstock from direct exposure to sunlight that may cause a significant increase in *Vibrio* growth due to an increase in temperature. Adequate shading may be accomplished by any means that effectively protects shellstock from direct sunlight and prevents excessive heat build-up in the shaded area. A gap must be maintained between the top of the shellstock and shade cover to allow for sufficient air flow.

(c) “Approved icing container” means a clean and durable receptacle fabricated from safe non-porous materials with effective drainage.