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Commission on Marine Resources Special Session

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Results/Recommendations from the Gear Type Task Force

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Overview

- The Gear Task Force met January 22nd with the following goals
 - Define current gears and to develop definitions that will provide clarity for stakeholders, fisheries managers, and enforcement regarding current regulations.
- The following items were discussed by the task force
 - Definition of entanglement
 - Definition of entrapment
 - Definition of a haul seine
- This presentation outlines the actions and recommendations of the Gear Task Force regarding these items.

Definitions for Entanglement, Entrapment and Haul Seine

The following motions were made and adopted unanimously by the task force:

1. Define entanglement as: Entanglement – a method in which fish are primarily ensnared or entangled by the gills or other boney projections through interaction with gear.
2. Define entrapment as: Entrapment - a method in which fish are primarily surrounded and confined, not entangled by the gills or other boney projections, within a space through interaction with gear.
3. Define Haul Seine as: Haul Seine – A net set vertically in the water column and pulled by hand or by power to capture fish by entrapment through encircling and confining fish within itself, the shore or bank as a result of mesh size and construction. Haul seines shall be constructed of a mesh size not to exceed 15/16” bar and 1 7/8” stretch and shall not be constructed of monofilament.

Title 22 Part 8 Chapter 4 (Definitions)

116 ENTANGLEMENT – a method in which fish are primarily ensnared or entangled by the gills or other boney projections through interaction with gear

117 ENTRAPMENT - a method in which fish are primarily surrounded and confined, not entangled by the gills or other boney projections, within a space through interaction with gear

118416 EXECUTIVE DIRECTOR - shall mean the Executive Director of MDMR.

119417 FIELD TEST - Shall mean (1) a test used to determine whether materials used in a gill or trammel net meet the definition of approved degradable material or are manufactured of cotton or linen, or (2) a test accepted by the MDMR as a scientifically valid test of degradability, devised by manufacturers of degradable gill or trammel net materials. Where the MDMR has accepted a manufacturer's test and results thereon with regard to degradable materials, the MDMR must receive from any such manufacturer a certification by the manufacturer that the material constructed by it meets the definition of an approved degradable materials as well as a copy of the manufacturers test. Any gill or trammel net to be used in the marine waters of the State of Mississippi, manufactured from any approved degradable material or cotton or linen shall be certified by the MDMR where:

119.01417.01 The material used in the net has been shown to be constructed of such materials by either form of field test described herein and that the MCMR has previously approved the material; and

119.02417.02 The net and a certificate by the net manufacturer demonstrating that the materials were used in the manufacture or construction of the net were of those approved by the MCMR are presented to the MDMR for inspection.

Upon such proof, the MDMR shall permanently affix an identifying placard or other marker of the net.

120418 FINAL DESTINATION - shall be defined as a place on the mainland or a barrier island, not including piers or jetties, where the fishermen finally lands his catch and does not further transport the fish by boat.

121419 FOOTROPE - shall mean leadline, footline, groundrope or that lower part of the trawl that the webbing is first attached, that also provides for the weighing down of the trawl by means of lead weights, chain or other means.

122120 **GIG** – shall be defined as any hand held shaft with one or more points which may or may not be barbed.

123121 **GILL NET** - shall be defined as any net, of one or more layers, not customarily used for shrimp or menhaden fishing, with a mesh of such size and design as to be used primarily to catch or entangle fish by the gills or other boney projections.

124 HAUL SEINE – A net set vertically in the water column and pulled by hand or by power to capture fish by entrapment through encircling and confining fish within itself, the shore or bank as a result of mesh size and construction. Haul seines shall be constructed of a mesh size not to exceed fifteen sixteenths (15/16”) bar and one inch and seven eighths (1 7/8”) stretch and shall not be constructed of monofilament.

125122 **HEADROPE** - shall mean corkline, headline, floatline or that upper part of the trawl that the webbing is first attached, that also provides flotation by means of corks, floats or other means.

126123 **INTEREST IN COMMERCIAL SHRIMP OPERATION** - shall mean having any direct or indirect pecuniary or financial interest in any commercial shrimp vessel, shrimp processing facility or sale of shrimp for human consumption.

127124 **INTEREST IN LIVE BAIT OPERATIONS** - shall mean having any direct or indirect pecuniary or financial interest in any live bait catcher boat, live bait shrimp transport vehicle or live bait camp.

128125 **KING MACKEREL FISHING** - shall be defined as a fishing activity where the sole purpose is to catch king mackerel (*Scomberomorus cavalla*). It shall be unlawful for any person, firm, or corporation, while engaged in any net fishing activity or "set" to catch in excess of ten percent (10%) by weight of species other than king mackerel while king mackerel fishing.

129126 **LANDED** – When seafood is first brought to a point of land after being harvested and is no longer transported by boat or vessel.

130127 **LIVE BAIT CAMP** - shall mean any business of a live bait dealer that deals in the selling of live and dead shrimp to recreational fishermen within the State of Mississippi for bait use and has been duly inspected and permitted as a "live bait camp" by the MDMR.

~~131128~~ **LIVE BAIT CATCHER BOAT** - shall mean any watercraft having suitable equipment aboard to properly harvest and retain aboard, in a live condition, shrimp which are intended solely for use as live bait to be sold or dispensed to recreational fishermen within the State of Mississippi and said boat having been duly inspected, permitted and licensed by the MCMR as a "live bait catcher boat" to a particular live bait camp.

~~132128~~ **LIVE BAIT SHRIMP TRANSPORT VEHICLE** - shall mean any motorized vehicle having suitable equipment to properly transport, in a live condition, shrimp which are intended solely for use as live bait to be sold or dispensed to recreational fishermen and said vehicle having been duly inspected and permitted as a "live bait shrimp transport vehicle" by the MDMR.

~~133429~~ **MISBRANDED** - Shucked shellfish shall be deemed to be misbranded if its labeling is false or misleading in any way, or if it does not bear a label containing (1) the name and place of business of the processor or packer (2) an accurate statement of the quantity of the contents in terms of weight, measure, numerical count or size of container, (3) the permit number of the processor or packer (4) net drained weight when packed (5) on packages of sixty-four (64) fluid ounces or more of fresh product, labeled with the date shucked with the wording "DATE SHUCKED" followed by the date expressed as the month, day, and year, or (6) on packages of less than sixty-four (64) fluid ounces of fresh product labeled with the wording "SELL BY" followed by a date expressed as a month, day and year, not to exceed fourteen (14) days from the date shucked. (7) Containers of frozen shucked shellfish shall show the date the product was shucked and the date frozen, labeled as "DATE SHUCKED" and "DATE FROZEN" followed by the date expressed as the month, day, and year. Shucked product previously frozen must be labeled with the wording "PREVIOUSLY FROZEN"

~~134130~~ **MULLET FISHING** - shall be defined as a fishing activity where the sole purpose is to catch mullet (*Mugil* sp.). It shall be unlawful for any person, firm, or corporation, while engaged in any mullet fishing activity or "set" to catch in excess of ten percent (10%) by weight of species other than mullet.

~~135131~~ **PLACARD** - Marking or identification permanently attached to nets or fishing devices that verifies that they meet specified requirements such as an approved degradable material.

~~136132~~ **PROHIBITED AREA** - Waters that are prohibited for the harvest of shellfish for any purpose except depletion. A prohibited shellfish growing area is a closed area for the harvesting of shellfish at all times.

137133 **PURSE SEINE** - shall be defined as any net or device commonly known as a purse seine and/or ring net that can be pursed or closed by means of a drawstring or other device that can be drawn to close the bottom of the net, or the top of the net, or both. Such nets are constructed of mesh of such size and design as not to be used primarily to entangle commercial size fish by the gills or other boney projections.

138134 **PUSH TRAWL** - shall mean a trawl that is spread by poles suspended in a "V" configuration from the bow of the trawler.

139135 **RECREATIONAL FISHERMAN** - shall be defined as those individuals taking and/or catching seafood for recreational or personal consumption, and who does not sell, trade, barter or otherwise exchange or offer to exchange any part of his catch for monetary or personal gain.

140136 **REPACKER -RP**—A person other than the original certified shucker-packer who repacks shucked shellfish into other containers. A repacker may also repack and ship shellstock. A repacker shall not shuck shellfish.

141137 **RESHIPPER -RS-** A person who purchases shucked shellfish or shellstock from other certified shippers and sells the product without repacking or relabeling to other certified shippers, wholesalers, or retailers.

142138 **RESTRICTED AREA** - Closed area waters from which shellfish may be harvested only if permitted and subjected to a suitable and effective purification process as determined and permitted by the MCMR.

143139 **ROE MULLET SEASON** - shall be defined as occurring on and between October 15 through December 15 of each year.

144140 **SALTBOX** - shall mean any container or similar device in which the salinity is greater than one hundred (100) parts per thousand and is used to aid in separating the shrimp from the bycatch.

145141 **SANITARY SURVEY** – The evaluation of all actual and potential pollution sources and environmental factors having a bearing on shellfish growing area water quality.

146142 **SEAFOOD PRIVILEGE TAX LICENSE DECAL** - A decal issued to a commercial harvester at the time the fisherman purchases a license for the vessel to harvest seafood.

147143 **SEINE** - shall be defined as any net used to enclose or entrap fish either in a bag or where its ends are pulled together on a vessel or a shore and constructed with a mesh of such size and design as not to be used primarily to ensnare or entangle commercial size fish by the gills or other boney projections.

148144 **SHELLFISH** - All edible species of oysters, clams, mussels, or scallops; either shucked or in the shell; fresh or frozen; whole or in part.

149145 **SHELLSTOCK** - Shellfish in the shell.

150146 **SHELL STOCK SHIPPER –SS** – A person who grows, harvests, buys, or repacks and sells shellstock. They are not authorized to shuck shellfish or to repack shucked shellfish. A shellstock shipper may also ship shucked shellfish.

151147 **SHUCKER-PACKER –SP** – A person who shucks and packs shellfish. A shucker-packer may act as a shellstock shipper or reshipper or may repack shellfish originating from other certified dealers.

152148 **SIAMESE TRAWL** - shall mean a trawl that has two tongues one on the headrope and one on the footrope at or near the center of the net which requires additional line(s), other than the lines attached to the trawl boards, which run from the bridle, outrigger or boat to the tongues.

153149 **SKIMMER TRAWL** - shall mean a trawl that extends from the outrigger of a vessel with a cable and a lead weight holding the trawl mouth open.

154150 **TRAMMEL NET** - shall be defined as any device composed of layers of netting material attached to one or more float lines or one or more weighted bottom lines, with the layers of netting being constructed of fine mesh and of larger mesh so that a fish attempting to pass through the device pushes the smaller mesh through the larger mesh creating a pocket or compartment in which the fish is entrapped, entangled, or restricted.

155151 **UNCLASSIFIED AREA** - Waters that are presently unclassified and from which the harvest of shellfish is prohibited pending classification of the area as prohibited, restricted, conditionally approved, or approved based on a sanitary survey of the area and granting of permission to harvest shellfish in accordance with the respective classification by the MCMR or as hereby authorized the MDMR, its Executive Director, Deputy Director, Director of Marine Fisheries or Biological Program Coordinator.

156152 **WING NET** - (Butterfly trawl) shall mean a trawl with a rigid frame holding open the trawl mouth rather than using trawl doors.

Additional Recommendations

- The Gear Task Force also provided recommendations to modify Title 22 Part 5 Chapter 4 to include haul seines.

Title 22 Part 5 Chapter 4 Commercial Net Closure Areas and gear Size Restrictions

- 100 It shall be unlawful for any person, firm, or corporation to catch, take, or carry away any saltwater fish by or with any gill nets, trammel nets, purse seines, seines, haul seines, fish traps, except permitted eel traps, or any other like contrivances, in the territorial waters of the State of Mississippi within twelve hundred feet (1200) of any public pier or any pier owned and operated by hotels or motels for the use of their patrons and guests for swimming and fishing or any harbor or within twelve hundred (1200) feet of the shoreline of Deer Island.
- 101 It shall be unlawful for any person, firm, or corporation to catch, take or carry away any saltwater fish by or with any gill nets, trammel nets, purse seines, seines, haul seines, fish traps, and other like contrivances except permitted eel traps in the following areas of the State of Mississippi:

Title 22 Part 5 Chapter 4 Commercial Net Closure Areas and gear Size Restrictions

100.10 It shall be unlawful for any person, firm, or corporation to leave a gill net, trammel net, purse seine, seine, haul seine, or any other net like contrivance governed by the restrictions set forth in this Part unattended in the waters of this state, ~~and at least one person shall be required to stand by, within one boat length of the boat using said net, at all times the net is in the water.~~ It shall further be unlawful for any person, firm, or corporation to use or have in their possession a gill net, trammel net, seine, haul seine, or like contrivance on the waters of this state without a visible buoy attached every one hundred (100) feet clearly marked with the license number or owner's full name thereon.

Required:

A motion to proceed with a Notice of Intent for regulatory changes to Title 22 Part 08 Chapter 04 regarding the addition of new definitions developed by the Gear Task Force

A motion to proceed with a Notice of Intent for regulatory changes to Title 22 Part 05 Chapter 04 regarding the inclusion of haul seine in regulation and modification to language in subsection 101.10