



ENHANCE ★ PROTECT ★ CONSERVE

Commission on Marine Resources February Meeting

February 19, 2019



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Employment, Contracts and Procurement Updates February 19, 2019

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Employment Updates

- 01.16.19 – Eric Gigli – Finfish Contractor
- 02.01.19 – Adam Terrell - Permitter

Contracts and Procurements

January 2019

Contract Worker Contracts					
<u>Employee</u>	<u>Office</u>	<u>Amount</u>	<u>Term</u>	<u>Board Approval (if needed)</u>	<u>Funding Source</u>
Eric Gigli	Fisheries - Finfish	\$ 20,324.32	01.16.2019 - 06.30.2019	New Procurement, no board action required	100% NFWF
Michael Reid	Property Management	\$ 24,624.94	02.01.2019 - 06.30.2019	New Procurement, no board action required	100% State
Commodity Contracts					
<u>Vendor</u>	<u>Procurement Method</u>	<u>Amount</u>	<u>Term</u>	<u>Funding Source / Bureau Receiving</u>	<u>Commodity/Service Description</u>
Seven C's Marine, Inc.	Reverse Auction	\$ 115,980.00	01.08.2019 - 01.07.2020	100% JEA / Marine Patrol	Two (2) NauticStar 265XTS
Seven C's Marine, Inc.	Reverse Auction	\$ 83,220.00	12.27.2018 - 12.26.2019	100% Bond / Artificial Reef	NauticStar 28 XS

Currently Advertised Procurements					
<u>Office Requesting</u>	<u>Procurement Method</u>	<u>Estimated Amount</u>	<u>Commodity/Service Description</u>	<u>Board Approval</u>	<u>Funding Source</u>
Coastal Zone Management, Coastal Preserves	Request for Proposals	unknown	Small Parcel Invasive Vegetation Treatment	PPRB	NFWF
Marine Patrol	Reverse Auction	\$ 550,000.00 (est)	Two (2) Vessels 30-33ft	OPTFM	FEMA
Aquaculture	Request for Applications	\$ 24,415.02 for six months	Aquaculture Technician	OPSCR (Staff Approval)	Restore Grant / Tidelands



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CMR Peer Review Committees

Financial Review

Contract Review

Program Review

Financial Review

- Proposed Members - Steve Bosarge & Mark Havard
- Purpose: To review the financial status of the MDMR. The committee will review monthly reports, yearly audits and conduct periodic meetings with MDMR Executive Director to assess the agency's financial stability and that expenditures on programs and facilities are adequately justified and that the expenditures further the policy of the State as it related to management of the marine resources and coastal wetlands.

Contract Review

- Proposed Members - Mark Havard & Natalie Guess
- Purpose: Review contracts with a value in excess of ten thousand dollars, entered into by the MDMR. The committee will review monthly reports, yearly audits and conduct periodic meetings with MDMR Executive Director to assess whether the contract is adequately justified and was not inappropriately awarded to a family member, or business associate of other MDMR employees, or awarded as a result of undue influence from elected, appointed or public figures.

Program Review

- Proposed Members - Richard Gollott & Ronnie Daniels
- Purpose: Review MDMR land acquisition and land management programs of the MDMR. The committee will review bi-annual reports and conduct periodic meetings with MDMR Executive Director and assess whether the established programs have justifiable criteria for identifying properties for inclusion in the programs and provisions for long-term management of properties acquired.

Meetings

- The committees will meet twice a year – called by the MDMR Executive Director - or at other times as deemed necessary by the CMR or the Director.

Tarpon Research in Mississippi Coastal Waters



THE UNIVERSITY OF
SOUTHERN MISSISSIPPI
GULF COAST RESEARCH LABORATORY



Mississippi Commission on Marine Resources – February 19, 2019



Tarpon

Megalops atlanticus

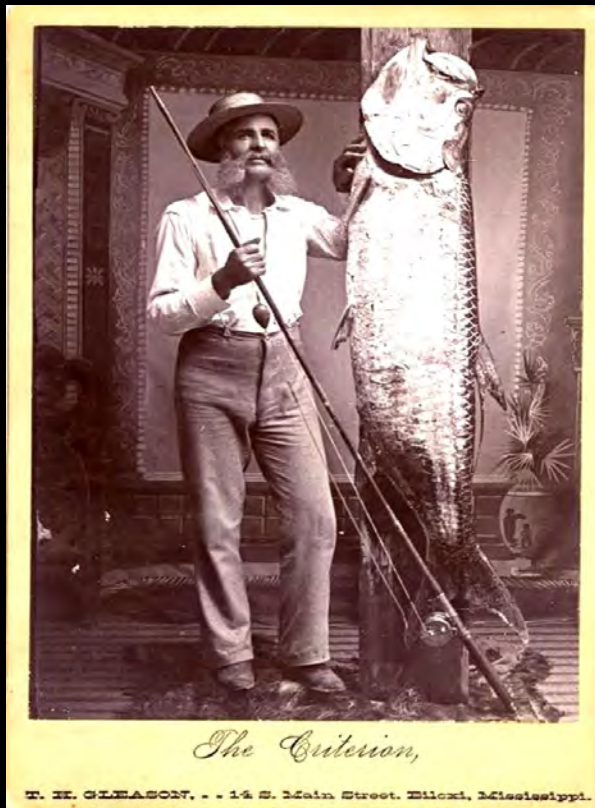
Family Megalopidae

- Tropical/sub-tropical Atlantic Ocean
- Adults are seasonally migratory
- Juveniles are estuarine-dependent
- Maximum length: 9 feet total length
- Maximum weight: 280+ pounds
- Age up to 75 years
- Age at first maturity:
 - Males 7 years, females 10 years
- Economic impact of Tarpon recreational fishing in Florida \$2B/year; Carolinas to Texas \$5B/year (*Jacksonville.com, 2018*)
- Not a commercial fishery species in US waters



Tarpon Fishing on the Mississippi Coast: Historic Perspective

- Pass Christian Tarpon Club (1929, Cat Island); Tarpon fish camps; ‘Hole’
- Tarpon rodeos (1930’s - 1950’s; July - October)
- “Large schools (1,000s of tarpon) in MS Sound and bays; more tarpon here than any other section of the Gulf between Texas and Florida” (Daily Herald, 1930).



Mississippi Sound-Biloxi 1895



Biloxi Beach 1925



Biloxi Lighthouse Bay 1950
Louis 1938



Photograph by Anthony V. Ragusin

TWIN "SILVER KINGS" AND A QUEEN

Taken in the same hour in the main Biloxi channel just off the Old Spanish Trail boulevard in Mississippi, this fine pair was kept to adorn a clubhouse wall. Among channels and islands of the Gulf Coast, tarpon are caught in considerable numbers during a long fishing season from May to November. In October the sea fighters "school up" and then, anglers say, thousands have been seen in a single school. Near Pass Christian is a famous tarpon-fishing hole.

1930's

THE BOOK OF FISHES

*Revised and Enlarged Edition, Presenting the Better Known
Species of Food and Game Fishes of the Coastal and
Inland Waters of the United States*

EDITED BY

JOHN OLIVER LA GORCE, Litt.D., D.Sc.
Vice President, National Geographic Society

With 443 Color Portraits, 102 Biographies,
and 162 Photographs

Narrative by John Oliver La Gorce; Charles Haskins Townsend, *Former Director, New York Aquarium*; John T. Nichols, *Curator of Recent Fishes, American Museum of Natural History*; Louis L. Mowbray, *Curator, Bermuda Government Aquarium*; Leonard P. Schultz, *Curator of Fishes, United States National Museum*; Roy Waldo Miner, *Curator of Marine Life, American Museum of Natural History*; Van Campen Helmer, *Associate, Dept. of Ichthyology, American Museum of Natural History*; Russell Maloney, Imogene Powell. Original paintings by Hashime Murayama and Else Bostelmann.



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Washington, D. C.

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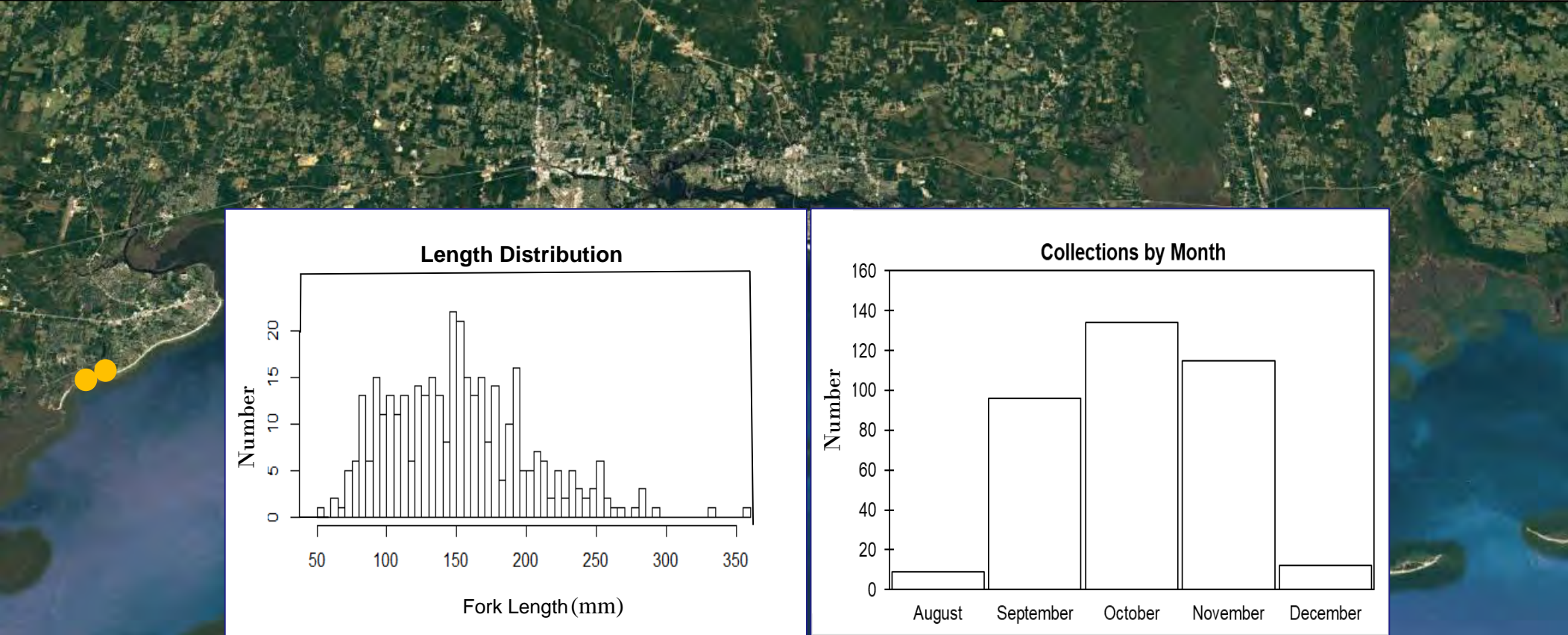
Mississippi State Archives

Decline in the Atlantic Tarpon Population (including the Gulf of Mexico)

- “Multiple lines of evidence indicate that Tarpon populations have radically declined from historical levels throughout the species’ range; noticeable declines in the Florida population since the 1960’s” (FAO 2011, Adams et al. 2012).
- Factors believed associated with the decline include:
 - Loss and degradation of nursery habitats; water quality issues
 - Fishing pressure in countries harvesting Tarpon for consumption
 - Reduction in juveniles recruiting to the spawning population
- Tarpon is assigned *Vulnerable status* (IUCN List 2012)

A formal stock assessment of the Tarpon population has not been conducted in any portion of the species’ range.

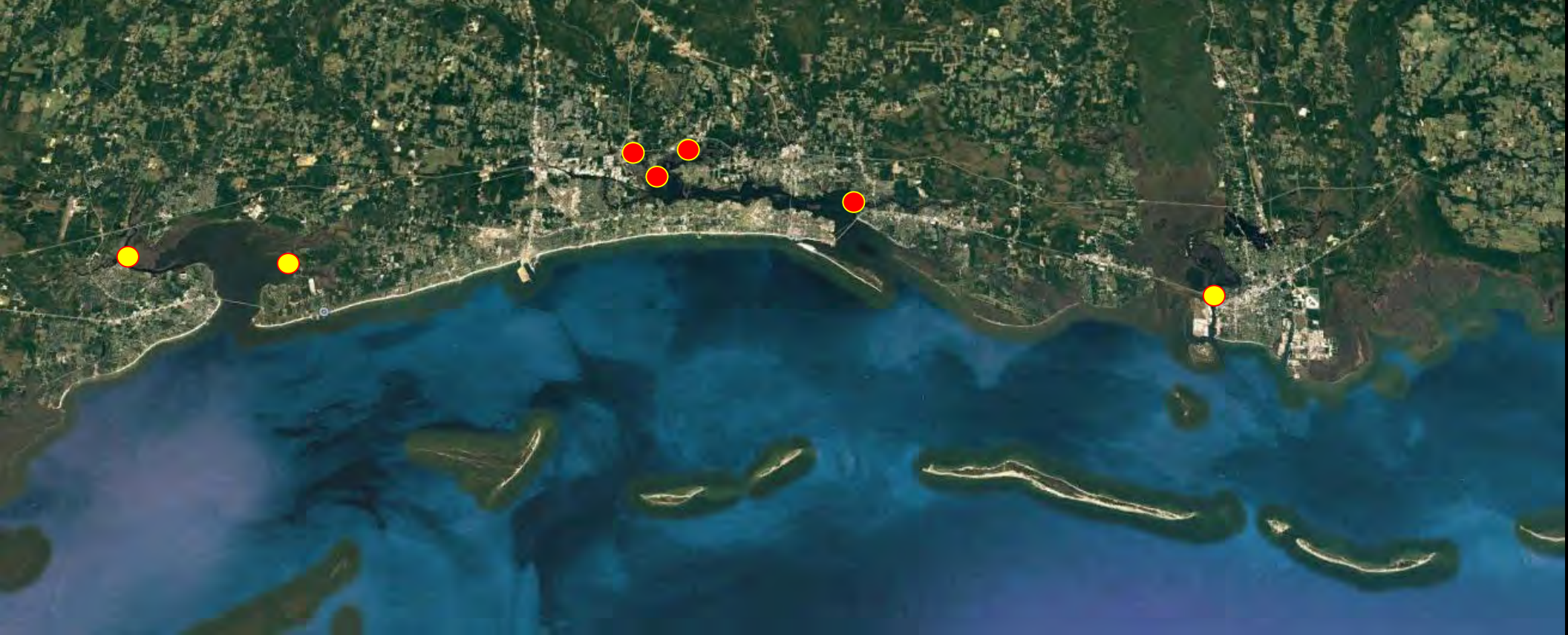
Juvenile Tarpon 2006 - 2018



Juvenile Tarpon 2006 - 2018



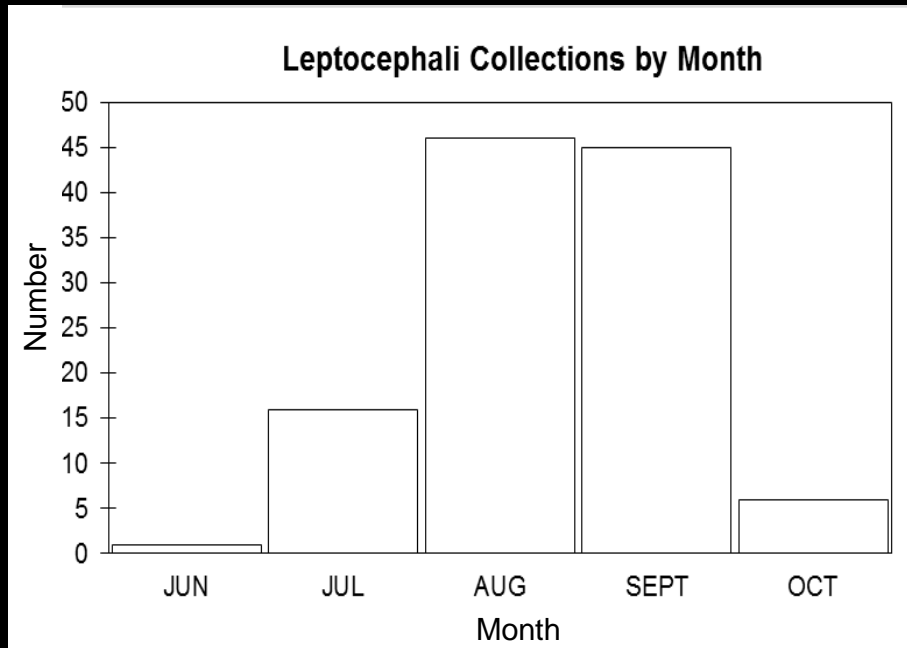
- Large Juveniles** ●
- 2-3 feet total length
 - 3-4 years old
 - Apr., Nov., Dec.
 - Reported catches of large juveniles





Larval Tarpon

- Tarpon larvae (leptocephali) collected (n = 117) ● **Spawned where?**
- 2006 - 2018, June- October; opportunistic sampling
 - 16.0 - 27.8 mm standard length
 - Collected along sandy beaches and fringing marsh
 - First documented occurrence of Tarpon larvae in Mississippi coastal waters



Gulf and Caribbean Research Vol 28, SC12-16, 2017
DOI: 10.18785/gcr.2801.09

Manuscript received, June 12, 2017; accepted, October 7, 2017

SHORT COMMUNICATION

OCCURRENCE OF ATLANTIC TARPON, *MEGALOPS ATLANTICUS*, LEPTOCEPHALI IN THE MISSISSIPPI SOUND ESTUARY

Patrick M. Graham*, James S. Franks, Jason D. Tilley, Dyan P. Gibson, and Evan J. Anderson

The University of Southern Mississippi, School of Ocean Science and Technology, Center for Fisheries Research and Development, Gulf Coast Research Laboratory, 703 East Beach Dr., Ocean Springs, MS 39564, USA; *Corresponding author, email: Patrick.M.Graham@usm.edu

KEY WORDS: Megalopidae, Elopiform, leptocephali, Gulf of Mexico, metamorphosis

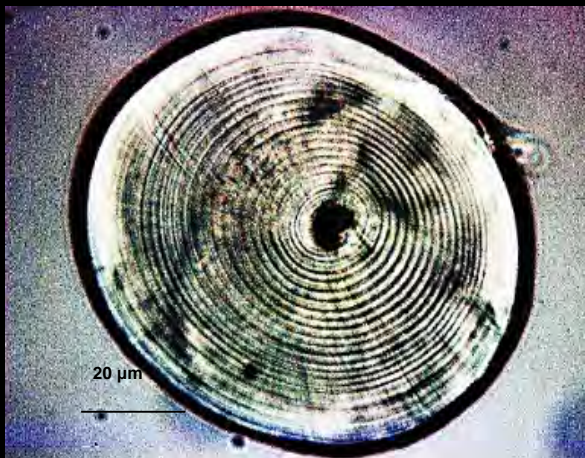
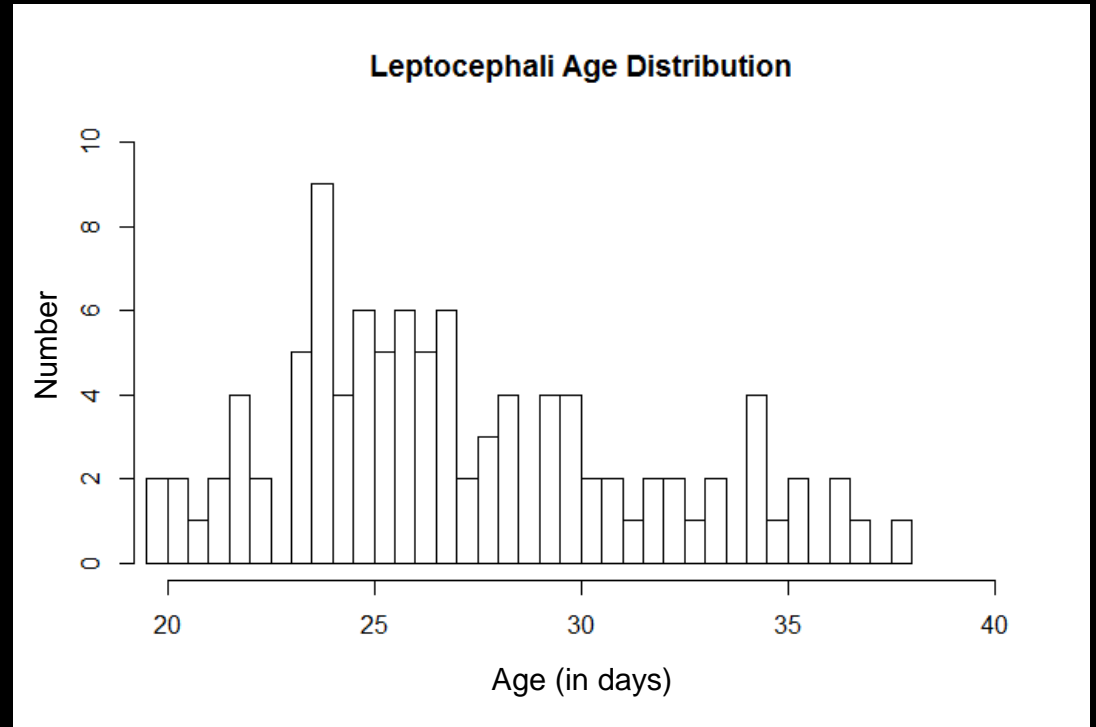
INTRODUCTION

Atlantic Tarpon, *Megalops atlanticus*, Family Megalopidae, are large, migratory elopomorph fish that occur in tropical, subtropical, and temperate waters of the Atlantic Ocean, including the Gulf of Mexico (GOM) (Wade 1962, de Menezes

et al. 2016). Collections from the GOM consisted only of offshore samples (Smith 1980, Crabtree et al. 1992, Crabtree 1995, Stein et al. 2016) and a single individual (27 mm SL) from coastal Louisiana (Tulane University Museum collection, accession

Larval Tarpon Age

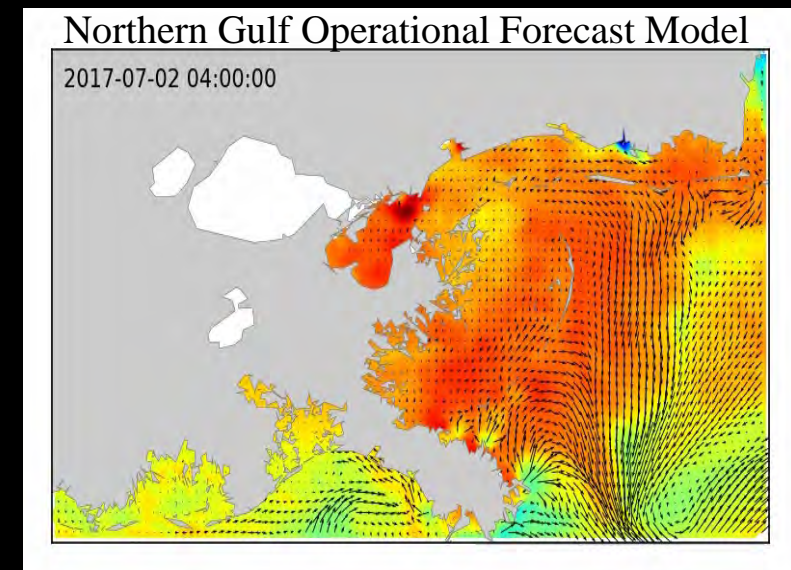
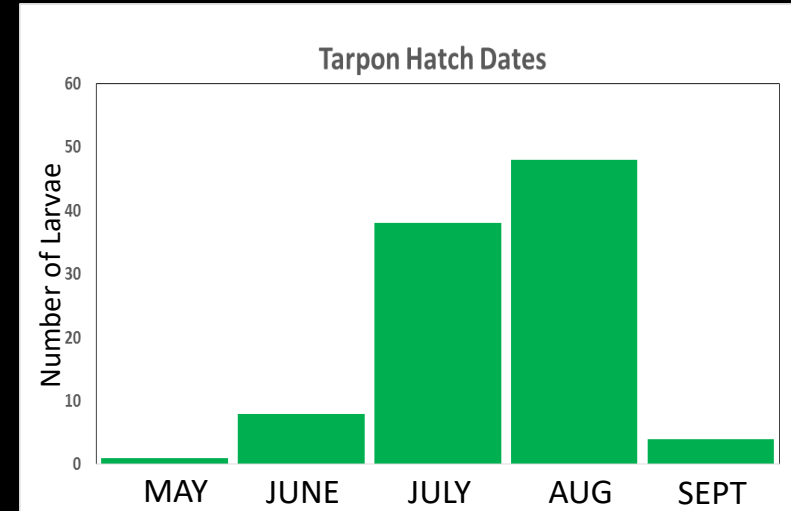
- Otoliths removed from 101 larvae were analyzed for daily age.
- Age ranged 19-38 days (mean age 27.3 days).



Larval tarpon otolith 400X magnification
Daily rings; 23 days old

Larval Tarpon Hatch Dates

- Based on larval ages, hatch dates extended from May to September.
- Hatch dates correspond with the July 2012 catch of two female Tarpon from the north-central Gulf that were in spawning condition (Stein et al. 2013).
- **Spawning. Ongoing work with ocean current model:** combine larval ages, collection dates & collection locations to back-track (hind-cast) their movements (drift) from inshore to estimated offshore spawning sites (off Mississippi?)



Satellite Tagging Adult Tarpon

- Pop-up Satellite Archival Tags (PSAT) (Microwave Telemetry, Inc.)
- Purpose: collect data on seasonal movement patterns and environmental preferences
- 4 adult Tarpon tagged south of Cat Isl.
 - August, September 2018
 - Fork length: 58 - 65 inches
 - Est. weight: 100 - 115 lbs.
- PSAT programmed time deployments
- PSAT deployment in summer 2019



Summary

- Mississippi coastal estuaries provide habitat for Tarpon larvae and juveniles; prior occurrence?
- Larvae collected from local waters were spawned during summer (May - September).
- Work is ongoing to identify Tarpon offshore spawning locations; inshore/offshore connectivity.
- Satellite tagging study is ongoing.

Next steps:

- Contribution of Mississippi juvenile Tarpon to the Gulf adult Tarpon population; recruitment
- Public outreach:
 - Identification of young Tarpon and best handling practices for successful release
 - Instructions for anglers on reporting their catch and release of Tarpon



Current Management of Tarpon in the Gulf of Mexico

Florida

- Catch and release fishery only; no minimum size limit
- Larger than 40 inches Total Length, fish must remain in the water
- One tarpon tag (\$50)/per person/year may be purchased to harvest a Tarpon when in pursuit of an IGFA world record.

Alabama

- Minimum size limit: 60 inches Total Length
- \$61 tag required to harvest a Tarpon

Texas

- Minimum size limit: 85 inches Total Length
- Daily bag limit: 1/person; 2 possession

Mississippi

- No regulations

Louisiana

- No regulations

Acknowledgments

Mississippi Department of Marine Resources

- Tidelands Trust Fund Program



Donations by Historic Ocean Springs Fly Fishing Club (HOSSFLY) and Fly Fishers International



Donation by Robert Meaher - Fairhope, AL

GCRL-CFRD fisheries biologists: Patrick Graham, Jason Tilley, John Anderson, Chris Lapniewski, Paul Grammar, Jeremy Higgs, Steven Curran, Dyan Gibson

Captains Jeremy Mchugh, Kyle Johnson, Mark McDonald





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Mississippi Department of Marine Resources

Coastal Resources Management

February 2019

**Request for Permit Extension by:
City of Diamondhead
File: DMR-040491**

- **Location: Rotten Bayou near the south end of Devil's Elbow in Diamondhead, Hancock County, Mississippi.**
- **Use District: (G) General Use District**
- **Agent: James J. Chiniche, P.A., Inc.**

Project Description

- **Dredging/Excavation:**
- **200' x 40' (8,000 square feet)**
- **Current depth: 0' – 4' below MLW**
- **Proposed depth: 4' below MLW**
- **No more than 1,200 cubic yards of material will be removed**
- **Approximately 3,400 square feet of the area to be excavated is vegetated. The native vegetation in this area will be transplanted to an area just north of the project site. A detailed transplant plan that conforms to DMR's Marsh Restoration and Creation Success Guidelines shall be submitted to and approved by the staff of the Bureau of Wetlands Permitting prior to commencement of dredging/excavation operations.**

Project Chronology

- Project Chronology:
- **March 18, 2014:** Project was presented to the CMR and was approved as recommended.
- **August 22, 2018:** A Permit Modification was issued to change the ownership of the permit to the City of Diamondhead
- **January 31, 2019:** The City of Diamondhead requested a Permit Extension

Recommendation

- Based upon departmental review and evaluation, staff recommends that the CMR approve the applicant's request



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Update on Grand Bay Land Acquisition & Habitat Management Project

Funded by Natural Resource Damage Assessment (NRDA)

Grand Bay is the largest area in the state of natural emergent marshlands and wet pine savanna habitats.



Photo Credit: Sandra Huynh

This estuary
and marshlands
function as
important
nurseries for
fish and
shellfish.



The functions of the estuary and marshlands are supported by the upland wet pine savannas.





The Grand Bay Land Acquisition and Management Project is a long-term partnership between:

- Grand Bay NWR
- MS Department of Environmental Quality
- Grand Bay NERR
- MS Secretary of State's Office
- MS Trustee Implementation Group (TIG)

to restore native wet pine savanna habitats within the Grand Bay NERR/NWR boundary.

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1968

2016

Habitat is restored by acquiring and managing land:

- Mechanical clearing
- Herbicide treatment
- Prescribed fire



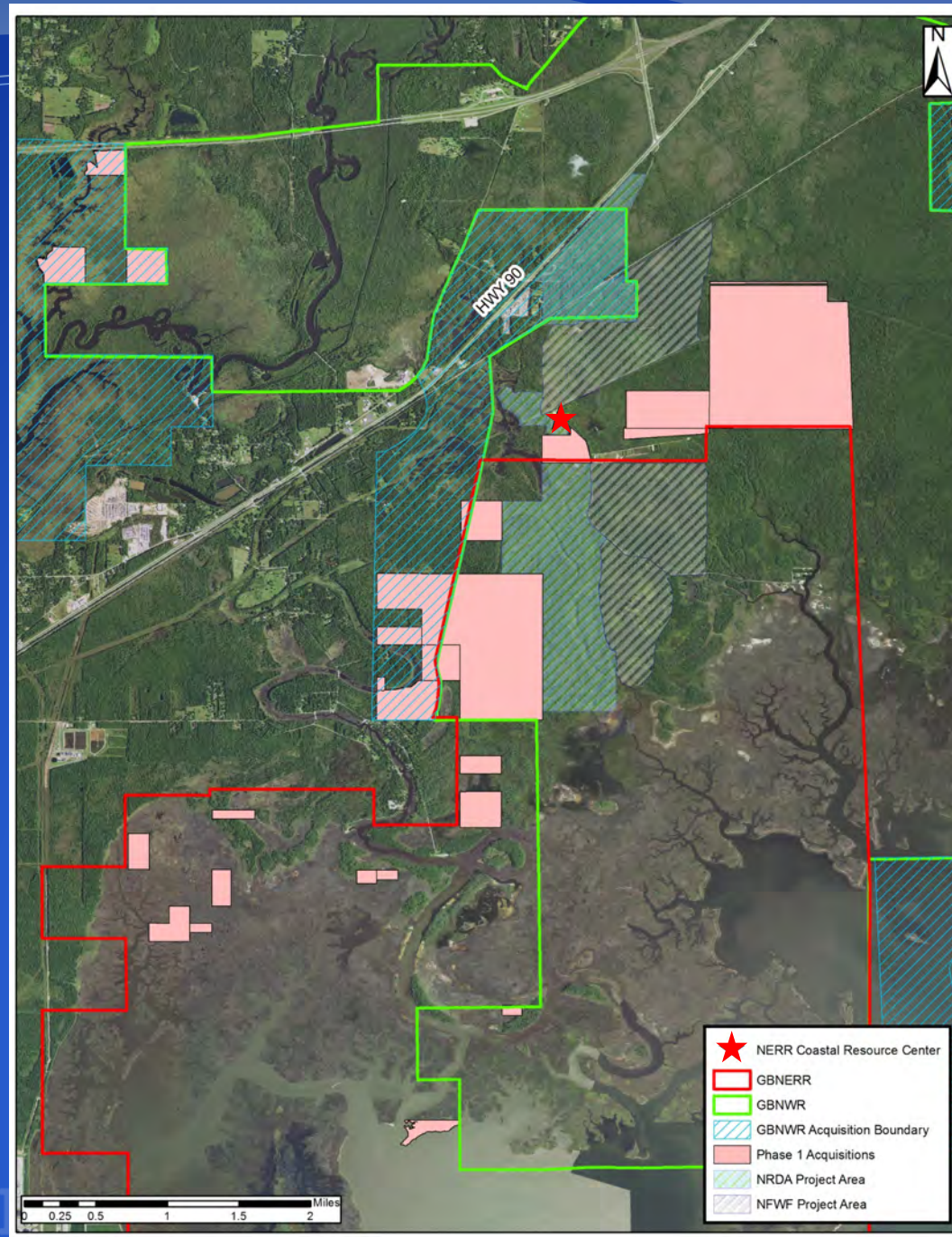
Scientific
monitoring
determines
results of
management
treatments.



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Photo Credits: Jonathan Pitchford

Planning, management activities, monitoring and acquisition are currently underway in Phase I.



First acquisition was completed on December 28, 2018 and added more than 1,500 acres to the Grand Bay area. Acquired lands will be incorporated into project area.

SERVE

Project will provide tremendous benefit to Mississippi coastal habitats and vast opportunities for science and outreach at the Grand Bay NERR.



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Photo Credit: Mark Woodrey

Questions?



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Photo Credit: Jonathan Pitchford



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Mississippi

Department of Marine Resources

Agency Financial Results

as of January 31, 2019

Commission on Marine Resources
February 19, 2019

Key Metrics:

- State Revenue of \$4.4M
- Agency Revenue of \$17.9M
- State Net Income of \$382K
- Agency Net Income of \$4.5M

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

Income Statement - Fiscal Year 2019

As of January 31, 2019

	State	Federal : NFWF:	Operating Subtotal	Tidelands	Total DMR
Revenue:					
Transfer in from Other Governments	-	37,837	37,837	10,000,000	10,037,837
Off-road Fuel Tax	3,050,000	-	3,050,000	-	3,050,000
Federal/NonFederal Grants	3,200	2,950,961	2,954,161	-	2,954,161
Sales Revenue	527,333	147	527,480	1,188	528,668
Indirect Cost Recovery	403,907	-	403,907	-	403,907
Other Revenue	464,365	330,548	794,913	218,584	1,013,497
Current Budget Year Revenue:	4,448,805	3,319,493	7,768,298	10,219,772	17,988,070
Expenditures:					
Salaries, Wages, Fringe	3,052,880	1,275,237	4,328,116	589,555	4,917,671
Travel	12,260	26,037	38,298	17,030	55,328
Contractual Services	417,803	947,831	1,365,635	435,507	1,801,142
Commodities	187,586	1,353,334	1,540,920	102,783	1,643,703
Other than Equipment	-	-	-	-	-
Equipment	308,047	104,869	412,916	14,949	427,865
Vehicles	-	65,578	65,578	-	65,578
Wireless Devices	351	433	785	274	1,058
Subsidies, Loans, and Grants	87,155	1,201,514	1,288,669	3,262,748	4,551,418
Current Budget Year Expenditures:	4,066,082	4,974,834	9,040,916	4,422,847	13,463,763
Current Budget Year Net Income/(Loss):	\$ 382,723	\$ (1,655,341)	\$ (1,272,618)	\$ 5,796,925	\$ 4,524,307

Financial Budget Comparison

- After seven months of Fiscal Year 2019:

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES									
2019 Budget Comparison									
As of January 31, 2019									
	<i>Actual Year to Date Expenditures</i>			<i>Budget Year Totals</i>			<i>Percent Remaining</i>		
	Operating	Tidelands	Total	Operating	Tidelands	Total	Operating	Tidelands	Total
Expenditures:									
Salaries, Wages, Fringe	\$ 4,328,116	\$ 589,555	\$ 4,917,671	\$ 10,897,765	\$ 1,012,526	\$ 11,910,291	60.3%	41.8%	58.7%
Travel	38,298	17,030	55,328	325,487	30,000	355,487	88.2%	43.2%	84.4%
Contractual Services	1,365,635	435,507	1,801,142	9,601,848	1,627,590	11,229,438	85.8%	73.2%	84.0%
Commodities	1,540,920	102,783	1,643,703	3,355,674	450,000	3,805,674	54.1%	77.2%	56.8%
Equipment	412,916	14,949	427,865	1,109,408	225,000	1,334,408	62.8%	93.4%	67.9%
Vehicles	65,578	-	65,578	170,000	-	170,000	61.4%	0.0%	0.0%
Wireless Devices	785	274	1,058	6,250	500	6,750	87.4%	0.0%	84.3%
Subsidies, Loans, and Grants	1,288,669	3,262,748	4,551,418	13,456,150	6,654,384	20,110,534	90.4%	51.0%	77.4%
Total Expenditures:	\$ 9,040,916	\$ 4,422,847	\$ 13,463,763	\$ 38,992,667	\$ 10,000,000	\$ 48,992,667	76.8%	55.8%	72.5%

- Operating Funds have 76.8% of Budget remaining
- Tidelands Trust Fund has 55.8% of Budget remaining



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Oyster Task Force

Joe Jewell

February 19, 2019

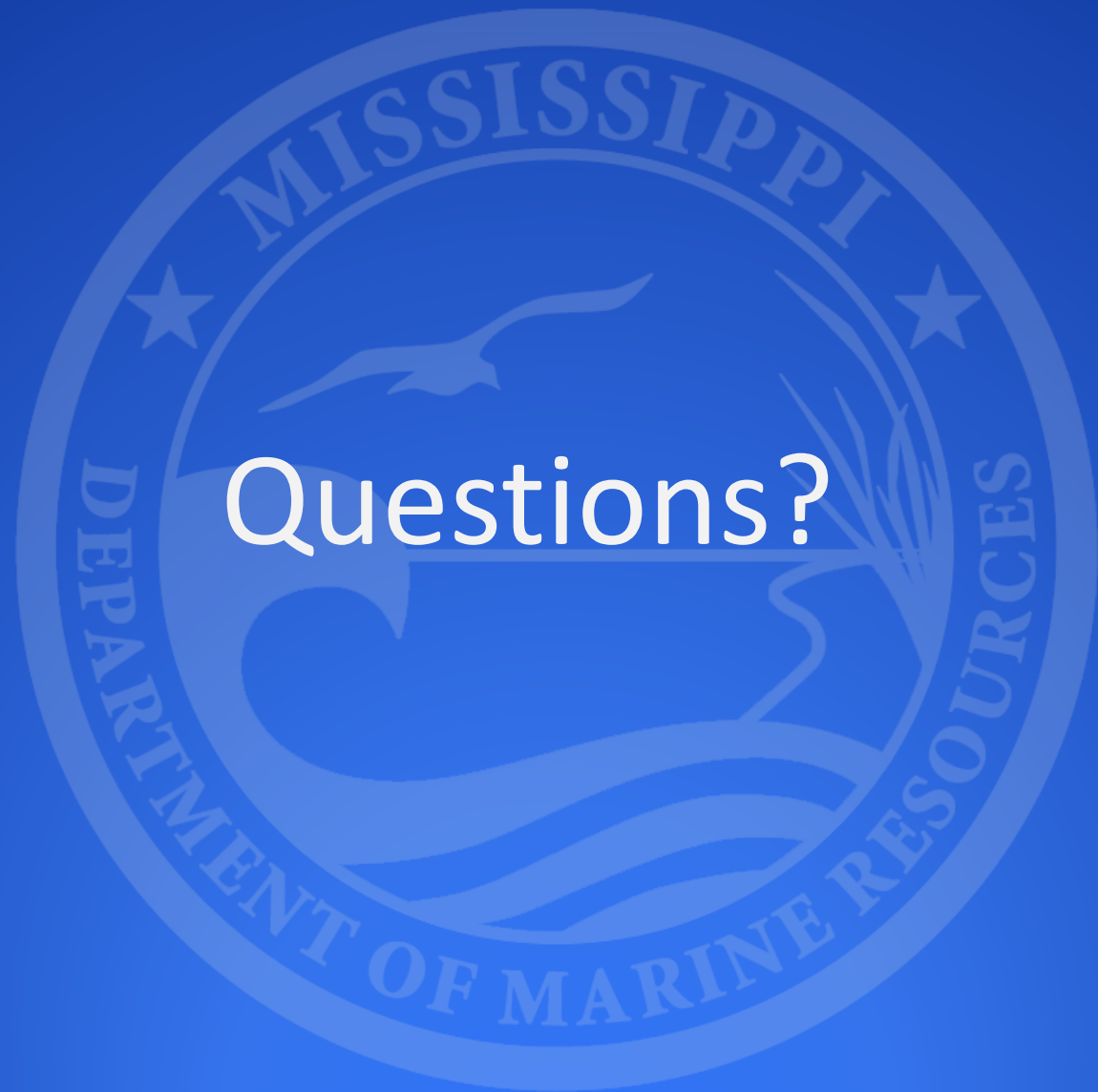
Overview

- The Oyster Task Force held its inaugural meeting February 5th with the following goals:
 - Review of SOP
 - Election of Chair/Vice Chair
- The following items were discussed by the task force:
 - 2019 Cultch Plant Update
 - Bonnet Carré Spillway
 - Proposed Legislation

Oyster Task Force Motions Report

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

1. Motion to accept Oyster Task Force SOP passed unanimously 9-0
2. Task Force motioned and adopted support House Bill 1261/Senate Bill 2285 that increases the shell retention fee from \$0.30 to \$1.00. Motion passed 8-1.
3. Task Force motioned and adopted opposition to House Bill 1262/Senate Bill 2783 which would allow limited leasing of public oyster reefs. Motion passed unanimously 9-0.
4. Task Force motioned and adopted that the Task Force representative present to the CMR the adopted motions in 2 and 3 above.



Questions?

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Gear Type Task Force Title 22 Parts 5 and 8

Final Adoption

Rick Burris

February 19, 2019

CMR Passed Notice of Intent(s) on January 24, 2019

Notice of Intent(s) Filed with the SOS on January 24, 2019

January 24, 2019 MDMR Web Page Notice

Legal Notice Appeared in the Sun Herald on January, 26 2019

Public Hearing held on February 14, 2019

Programs Aquaculture Boating Recreational Fishing Commercial Fishing Environment Wildlife Education

News & Updates

CMR to hold special meeting on January 24, 2019
Location for 2019 Derelict Crab Trap Removal Program updated
CMR to meet Tuesday, January 15
MDMR accepting applications for Spotted Seatrout endorsements
MDMR announces 2019 Derelict Crab Trap Removal Program
Commercial fishing seasons opened January 1, 2019
Shrimp season to close north of ICW on Jan. 1, 2019

Quick Links

SPECKLED TROUT INFORMATION

RED SNAPPER 2018

BIDS, PROPOSALS & QUALIFICATIONS

WORKSHOPS and TRAINING click here for current classes

Please visit the Mississippi Gulf Coast National Heritage Area and the Grand Bay National Estuarine Research Reserve online for information and activities happening along our beautiful gulf coast.

Our Seafood Marketing program offers cookbooks, maintains information on charter boats, and seafood laws.

Stay Connected:

Facebook Twitter Google+ YouTube

SunHerald

Order Confirmation

Customer: OFFICE OF MARINE RESOURCES	Payee Customer: OFFICE OF MARINE RESOURCES
Customer Account: 40794	Payee Account: 40794
Customer Address: 1141 BAY AVENUE BILEAU, MS 39001-0001	Payee Address: 1141 BAY AVENUE BILEAU, MS 39001-0001
Customer Phone: 601.562.1000	Payee Phone: 601.562.1000
Customer Fax: 601.562.1000	Customer Email: resources@ms.gov
Sales Tax: None	Sales Tax: None

Qty	Description	Unit	Price	Amount
1	ORDER		0.00	0.00
Net Amount:				\$0.00
Tax Amount:				\$0.00
Total Amount:				\$0.00
Payment Amount:				\$0.00
Amount Due:				\$0.00

Ad Order Number: 0001556228
Order Source: 001-01-01-01
Ordered By: 001-01-01-01
Invoice Text: 001-01-01-01
Package Qty: 001-01-01-01

Special Pricing: None
Promo Type: None
Memo: None

Public Notices

Title 22 Part 05 - Haul Seine - Proposed Changes
Title 22 Part 08 - Definitions - Proposed Changes
CMR to hold special meeting on January 24, 2019
ORDER TEMPORARILY CLOSING THE SEASON FOR THE USE OF CRAB TRAPS FOR THE REMOVAL OF ABANDONED TRAPS
ORDER CLOSING THE 2018-2019 SHRIMP SEASON NORTH OF THE INTRACOASTAL WATERWAY IN MISSISSIPPI TERRITORIAL WATERS
Order of the Mississippi Department of Marine Resources Opening Areas II "A", II "B", II "E", II "F", & "G" Conditionally Approved Waters To the Harvest of Oysters
Opening Order for the 2018-2019 Mississippi Oyster Season

Mississippi Secretary of State SOS.APA Form 001

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME: Mississippi Department of Marine Resources
CONTACT PERSON: JIM SHERWIN
TELEPHONE NUMBER: 601-562-1000

ADDRESS: 1141 Bay Avenue, Bileau, MS 39001
CITY: Bileau
STATE: MS
ZIP: 39001

DATE: 01/24/2019
TITLE: Notice of Intent to File

Short explanation of rule/amendment/proposal and reason(s) for proposing rule/amendment/proposal: TITLE 22 - MISSISSIPPI DEPARTMENT OF MARINE RESOURCES HAS ISSUED AN ORDER TO TEMPORARILY CLOSE THE SEASON FOR THE USE OF CRAB TRAPS FOR THE REMOVAL OF ABANDONED TRAPS IN THE STATE OF MISSISSIPPI. THE ORDER IS EFFECTIVE AS OF 01/24/2019. THE ORDER IS SUBJECT TO THE PROVISIONS OF THE MISSISSIPPI CONSTITUTION AND THE MISSISSIPPI CONSTITUTIONAL COURT. THE ORDER IS SUBJECT TO THE PROVISIONS OF THE MISSISSIPPI CONSTITUTION AND THE MISSISSIPPI CONSTITUTIONAL COURT. THE ORDER IS SUBJECT TO THE PROVISIONS OF THE MISSISSIPPI CONSTITUTION AND THE MISSISSIPPI CONSTITUTIONAL COURT.

LEGAL PROCEEDING:

An oral proceeding is scheduled for this rule on: Date: _____ Time: _____ Place: _____

Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is scheduled, the written report must be filed a written report for an oral proceeding is conducted by a public arbitrator, or agency or the State of Mississippi. The written report must be submitted to the agency contact person at the above address within twenty (20) days after the filing of the notice of proposed rule adoption and shall include the name, address, email address, and telephone number of the person(s) who filed the report, and, if an agency or other person, the name, address, email address, and telephone number of the party or parties who prepared it. At any time within the twenty (20) day public comment period, written objections to the proposed rule, amendments, and suspensions of the proposed rule, may be submitted to the State Secretary.

ECONOMIC IMPACT STATEMENT:

Economic impact statement not required for this rule. Concise summary of economic impact statement attached.

TEMPORARY RULES

Original filing: _____
Revised effectiveness: _____
To be effective in: _____ days
Effective date: _____
Immediacy upon filing: _____
Other (specify): _____

PROPOSED ACTION ON RULES

Action proposed: New (rule)
Amendment to existing (rule)
Repeal of existing rule(s)
Adoption by reference
Proposed final effective date: _____
30 days after filing
Other (specify): _____

FINAL ACTION ON RULES

Action taken: Adopted with no changes in text
Adopted with changes
Adopted by reference
Withdrawn
Repealed (subject to a request)
Effective date: 30 days after filing
Other (specify): _____

Printed name and Title of person authorized to file rules: Jim Sherwin, Executive Director
Signature of person authorized to file rules: [Signature]

OFFICIAL FILING STAMP: DO NOT WRITE BELOW THIS LINE
FILED
JAN 24 2019
MISSISSIPPI
SECRETARY OF STATE

Accepted for filing by: [Signature]

Mississippi Secretary of State SOS.APA Form 001

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME: Mississippi Department of Marine Resources
CONTACT PERSON: JIM SHERWIN
TELEPHONE NUMBER: 601-562-1000

ADDRESS: 1141 Bay Avenue, Bileau, MS 39001
CITY: Bileau
STATE: MS
ZIP: 39001

DATE: 01/24/2019
TITLE: Notice of Intent to File

Short explanation of rule/amendment/proposal and reason(s) for proposing rule/amendment/proposal: TITLE 22 - MISSISSIPPI DEPARTMENT OF MARINE RESOURCES HAS ISSUED AN ORDER TO TEMPORARILY CLOSE THE SEASON FOR THE USE OF CRAB TRAPS FOR THE REMOVAL OF ABANDONED TRAPS IN THE STATE OF MISSISSIPPI. THE ORDER IS EFFECTIVE AS OF 01/24/2019. THE ORDER IS SUBJECT TO THE PROVISIONS OF THE MISSISSIPPI CONSTITUTION AND THE MISSISSIPPI CONSTITUTIONAL COURT. THE ORDER IS SUBJECT TO THE PROVISIONS OF THE MISSISSIPPI CONSTITUTION AND THE MISSISSIPPI CONSTITUTIONAL COURT. THE ORDER IS SUBJECT TO THE PROVISIONS OF THE MISSISSIPPI CONSTITUTION AND THE MISSISSIPPI CONSTITUTIONAL COURT.

LEGAL PROCEEDING:

An oral proceeding is scheduled for this rule on: Date: _____ Time: _____ Place: _____

Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is scheduled, the written report must be filed a written report for an oral proceeding is conducted by a public arbitrator, or agency or the State of Mississippi. The written report must be submitted to the agency contact person at the above address within twenty (20) days after the filing of the notice of proposed rule adoption and shall include the name, address, email address, and telephone number of the person(s) who filed the report, and, if an agency or other person, the name, address, email address, and telephone number of the party or parties who prepared it. At any time within the twenty (20) day public comment period, written objections to the proposed rule, amendments, and suspensions of the proposed rule, may be submitted to the State Secretary.

ECONOMIC IMPACT STATEMENT:

Economic impact statement not required for this rule. Concise summary of economic impact statement attached.

TEMPORARY RULES

Original filing: _____
Revised effectiveness: _____
To be effective in: _____ days
Effective date: _____
Immediacy upon filing: _____
Other (specify): _____

PROPOSED ACTION ON RULES

Action proposed: New (rule)
Amendment to existing (rule)
Repeal of existing rule(s)
Adoption by reference
Proposed final effective date: _____
30 days after filing
Other (specify): _____

FINAL ACTION ON RULES

Action taken: Adopted with no changes in text
Adopted with changes
Adopted by reference
Withdrawn
Repealed (subject to a request)
Effective date: 30 days after filing
Other (specify): _____

Printed name and Title of person authorized to file rules: Jim Sherwin, Executive Director
Signature of person authorized to file rules: [Signature]

OFFICIAL FILING STAMP: DO NOT WRITE BELOW THIS LINE
FILED
JAN 24 2019
MISSISSIPPI
SECRETARY OF STATE

Accepted for filing by: [Signature]

Public Hearing February 14, 2019

- Public attendance – 6
- MDMR Employees – 13
- TOTAL in Attendance: 19

Public Comment period January 24th through February 18, 2019 (25 days)

- To date, **five** public comments have been received
- Number of Oral Comments: 3
- Email Comments: 1
- Written Comments: 1 (CCA Letter)

Support the proposed changes – 4

Oppose the proposed changes – 0

Miscellaneous comment – 1

Summary of Public Comments

Three oral comments received at public hearing:

- FJ Eicke (CCA Mississippi): Commends the Gear Task Force as a positive move to clarify the ambiguity that had existed in defining methods of fishing and CCA lends its support to the proposed regulatory changes. The proposed changes should allow MDMR enforcement to effectively monitor methods of fishing that will be in the best interest of sustaining our marine resources.
- Steve Shepard (MS Chapter of the Sierra Club) – Mr. Shepard, as well as the Sierra Club, supports the changes.
- Ralph Humphrey – Thanks the MDMR for making these changes; it is a positive step and a step in the right direction.

Summary of Public Comments, Cont.

- Email comment: submitted by Don Balias noting that haul seine was not included in Title 22 Part 5 Chapter 4, Subsection 101.08
- Written Comment: Submitted by CCA supporting the recommended changes to Title 22 Parts 5 and 8



CCA Letter of Support

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.

~~131428~~ **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.

~~132428~~ **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"

~~134430~~ **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.

~~135431~~ **PLACARD** - Marking or identification permanently attached to nets or fishing devices that verifies that they meet specified requirements such as an approved degradable material.

~~136432~~ **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.

Required:

A motion to proceed with Final Adoption for regulatory changes to Title 22 Part 8 Chapter 4 regarding the addition of new definitions developed by the Gear Type Task Force

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

- 101.08 It shall be unlawful for any person, firm, or corporation to use at any time trammel nets, gill nets, seines, haul seine, or any other like contrivances in excess of twelve-hundred (1200) feet in length. Except when fishing gill and trammel nets between October 15 through December 15 of each year, nets must be of a mesh size of one and one half (1-1/2) inch square, three (3) inch stretch or larger, and it shall be unlawful for any boat to use more than one (1) such net. Between October 15 through December 15 of each year, gill and trammel nets must be of a mesh size of one and three-fourths (1 3/4) inch square, three and one-half (3 1/2) inch stretch or larger, and it shall be unlawful for any boat to use more than one (1) such net.
- 101.10 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 Final Adoption for regulatory changes to Title 22 Part 5 Chapter 4 regarding the inclusion of haul seine in regulation and modification to language in subsection **101.08** and 101.10



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Update on the Charter For-Hire Task Force Meeting

Carly Somerset
February 19, 2019

Overview

The For-Hire Task Force meeting was held jointly with a Gulf Council For-Hire Reporting workshop

- The Charter For-Hire Task Force met February 13th with the following agenda:
- Electronic reporting requirements for federal for-hire vessels
 - Presentation by Gulf Council's Emily Muehlstein
- Mississippi Charter For-Hire electronic reporting
- Recent Gulf Council Meeting Update (Orange Beach, AL)
- Federal/State Compliance (Sharks)
- Other Business
 - Sheepshead/Black Drum
- This presentation provides a summary of the discussion on agenda items above and any actions or recommendations that resulted from the Charter For-Hire Task Force meeting

Gulf Council Federal For-Hire Reporting Workshop

- Vessels with federal reef fish and/or coastal pelagic permits will be required to report species retained and discarded
- Goal of new requirements - to have a better understanding of species, more accurate models, and more informed management decisions
- Failure to report regularly will result in loss of fishing privileges during season then revocation of federal permit(s)
- Vessels will choose reporting devices/equipment through approved vendors
- Reporting program will be implemented in two phases:
 - Phase 1: Hail out and electronic reporting (Tentative: August 15)
 - Phase 2: GPS tracking (Tentative: October 1)

Mississippi For-Hire Reporting Survey

- For-Hire Electronic Logbook built in-house to record targeted species
 - Spotted Seatrout
 - Red Drum
 - Black Drum
 - Flounder
 - Sheepshead
 - Tripletail
 - Sand Seatrout (White Trout)
 - Kingfish (Ground Mullet)
 - Any additional species (Sharks etc.)
- Information collected – captains most interested in collecting data on where fish are harvested

The screenshot shows a mobile application interface for the MDMR CFH Survey. The title bar at the top reads "MDMR CFH Survey". The form contains the following fields and options:

- Date of trip ***: A date picker field.
- License number ***: A text input field.
- Number of fish caught ***: A text input field.
- Number of anglers ***: A text input field.
- Hours fished ***: A text input field.
- Species targeted ***: A list of checkboxes for species selection:
 - Spotted Seatrout
 - Red Drum
 - Black Drum
 - Flounder
 - Sheepshead
 - Tripletail
 - Sand Seatrout (White Trout)
 - Kingfish (Ground Mullet)
- Landing Site**: A section with a dropdown arrow and radio button options:
 - County
 - Hancock
 - Harrison
 - Jackson

At the bottom right, there is a checkmark icon in a circle, and at the very bottom, there are standard Android navigation icons (back, home, recent apps).

Federal/State Compliance (Sharks)

If your vessel has an active HMS permit, you must follow federal regulations for sharks no matter where you are fishing

- Length and bag limits

- Shark Endorsement

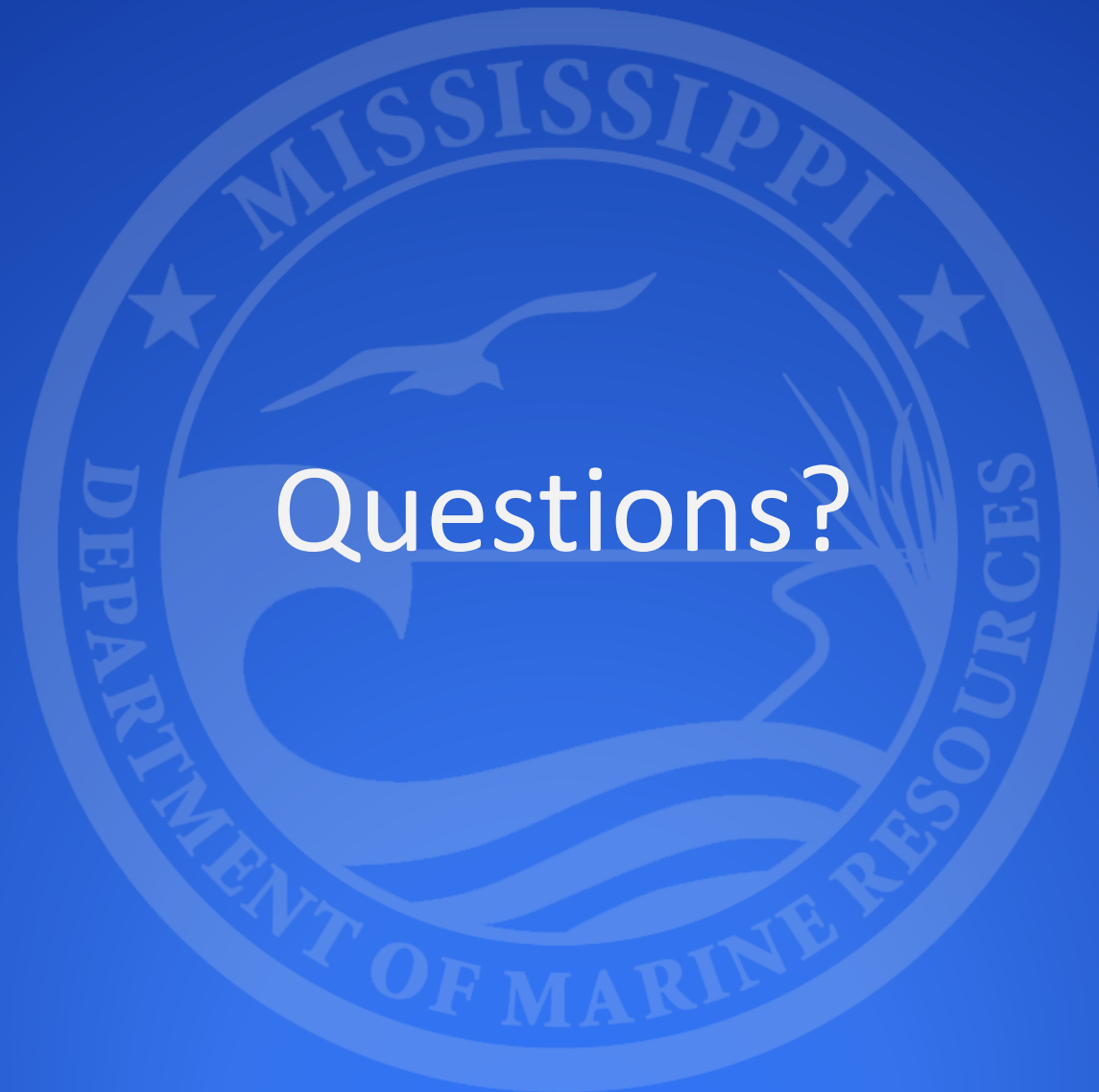
If your vessel **does not** have an active HMS permit, shark regulations are dictated by **where** you are fishing

- If in state waters (within 3 miles), your vessel falls under state regulations

- If federal waters (beyond 3 miles), you are prohibited from fishing for or retaining sharks and any other species regulated by the HMS permit

Additional Recommendations

- Motion – For Chairman of task force to come before the Commission in March to advocate for keeping state shark regulations at status quo



Questions?

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Recommendations for Development of a Fish Tagging Program

Wade Hardy
February 19, 2019

Background

- At the January 2019 CMR meeting the following motion was made regarding recommendations for a fish tagging program in Mississippi coastal waters:
 - Motion: For Marine Fisheries to bring back a format of a possible tagging program for Spotted Seatrout, Red Drum, and potentially other species as noted by the staff.
- This presentation will outline the procedures involved in initiating and managing a tag and recapture program.

Option A – DMR Management

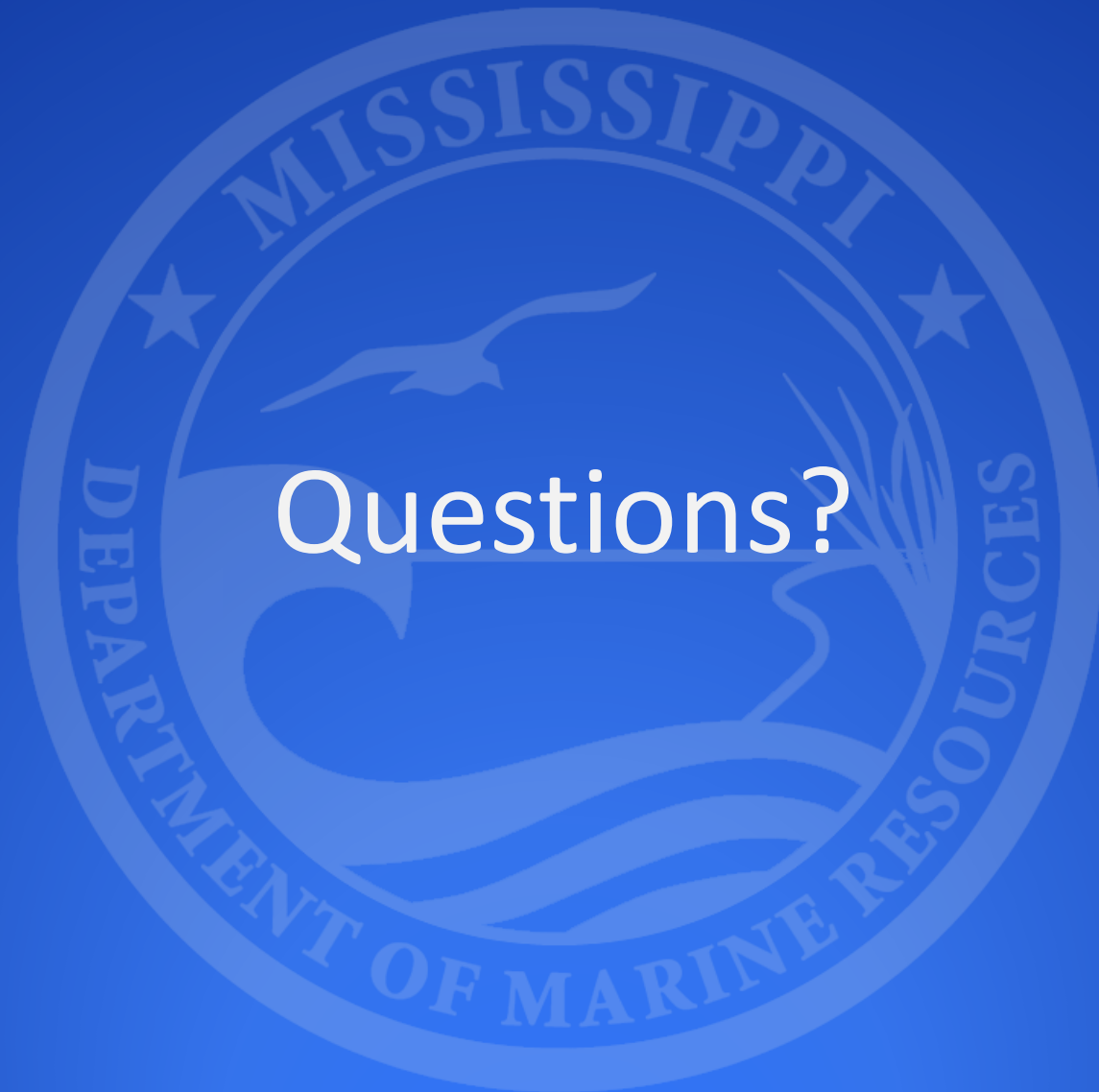
- Secure annual funding for the program.
- Initiate and manage a tag and recapture program targeting Spotted Seatrout, Red Drum, and other species as necessary.
- Recruit up to 200 Mississippi anglers (for-hire and private) to participate in the program.
- Provide enough tags for 3,500 Spotted Seatrout and Red Drum (combined) each year.
- Tagging activities will only occur in Mississippi state waters.

Option A – DMR Management

- Initial Staffing Requirements
 - Designate two fisheries scientists to manage the program.
 - Fisheries staff will be responsible for the following:
 - Recruit volunteer anglers into the program.
 - Obtain all tagging supplies and promotional materials.
 - Distribute tagging packets to participating anglers.
 - Create a reward system for participating anglers.
 - Perform all data analysis.
 - Produce annual reports from tag and recapture data.
- Funding Requirements
 - \$48,600 approximate annual cost.

Option B – GCRL Management

- Add Spotted Seatrout and Red Drum to their existing Sport Fish Tag and Release Program funded through a USFWS Sport Fish Restoration (SFR) grant.
- This option would be more cost effective as GCRL already has an infrastructure (which includes reporting platforms and staff) in place.
- All tagging data and angler reporting would flow through GCRL and would minimize angler confusion.
- Funding Requirements
 - \$14,000 approximate annual cost.



Questions?

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Assessment of Species for Consideration for Compliance with Federal Guidelines

Trevor Moncrief
February 19, 2019

Background

- In the January 2019 CMR meeting the following motion was made regarding state and federal compliance:
 - **Motion:** For staff to come back next month with an assessment of species for consideration for compliance with federal guidelines.
- This presentation will outline specific changes to ensure compliance in Mississippi's fisheries.

State Water Designation

- The territorial line for state and federal waters is three miles south of the barrier islands and follows the curvature of the islands.
- This line does not include reef fishes (9 nautical miles south) and Red Snapper (200 nautical miles south under the current EFP).

Commercial

	State	Federal
Spanish Mackerel	14"	12"
Cobia*	No Take	2pp-33"FL
Red Drum	60,000 lbs. annually	No Take
Hogfish	12"	14"

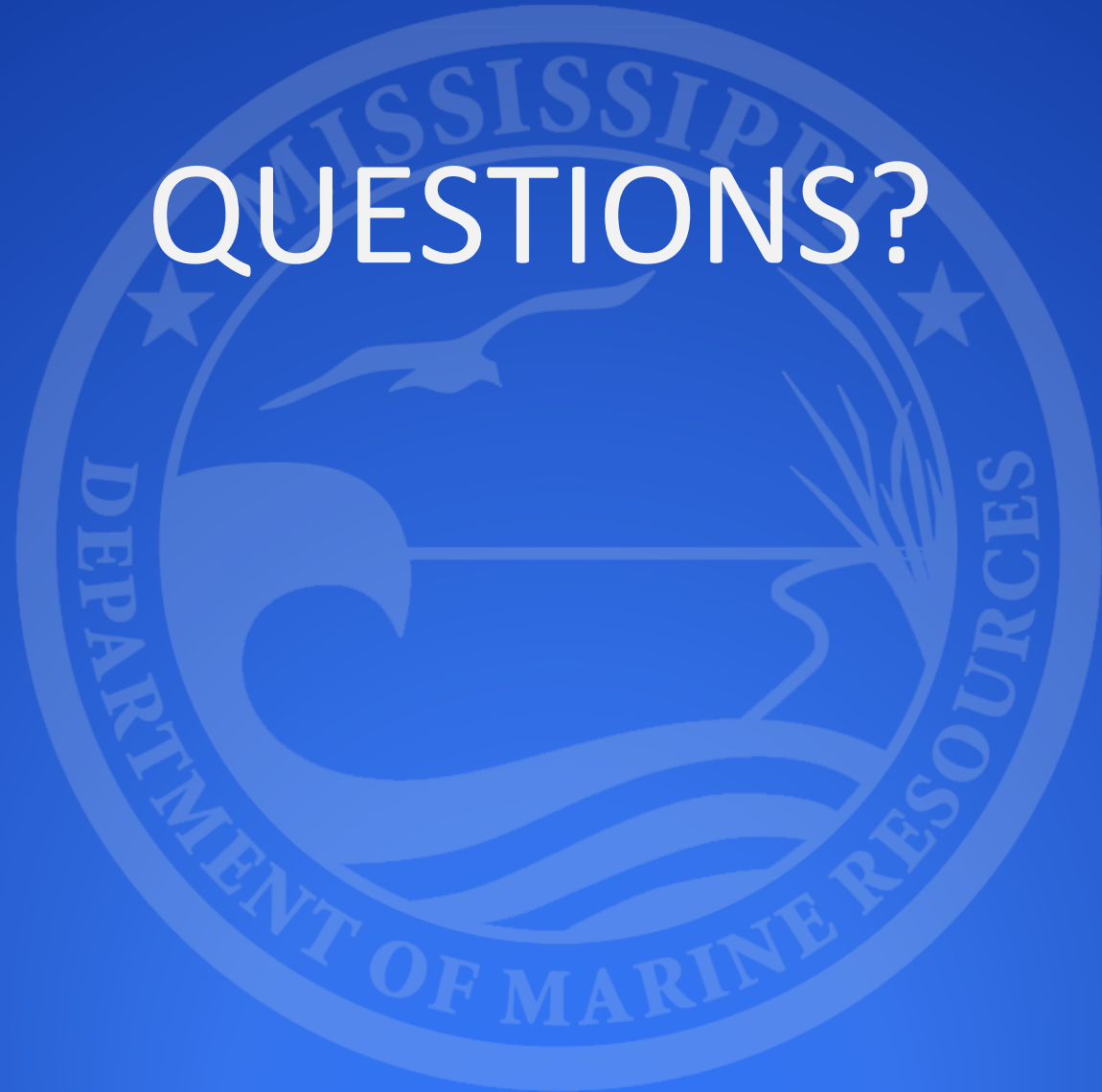
Recreational

	State	Federal
Red Drum	3pp-18" - 30" (1 over 30")	No Take
Vermilion Snapper	20 in aggregate	10pp (within 20 reef fish aggregate)
Red Grouper	4 in aggregate	2pp
Hogfish	12"	14"
Spanish Mackerel	No min. size limit	12"
Swordfish	No Regulations	47" Lower jaw fork length (LJFL)

Species of Non-Compliance

- Option 1. Status Quo
- Option 2. Compliance with exceptions
 - Red Drum – Currently in a federal moratorium, but provides a viable recreational and commercial fishery for the state.
 - Cobia – Designated as a Gamefish per state statute 49-15-76 and thus cannot be commercially harvested.
- Option 3. Comply with all federal regulations

QUESTIONS?



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Response to Environmental Conditions

Jan 2019 Motion: MDMR staff to present a proposed Notice of Intent for the Commission to take emergency-type measures in response to environmental conditions.

Current Authority

§ 49-15-38

The commission may authorize culling of oysters less than 3” in response to special circumstances or extreme natural conditions affecting the habitat, including but not limited to flooding.

§ 49-15-64.1

If a natural or man-made disaster has the potential of adversely affecting the shrimp fishery, the commission, may by majority vote, open legal shrimping areas.

- 25-43-3.113
- A regulation may become effective immediately upon filing or on a date earlier than the required 30 days after filing of the final adoption by the commission, if the agency if the agency finds:
 - (i) required by Constitution, statute or court order
 - (ii) **confers a benefit or removes a restriction** on the public
 - (iii) only delays the effective date of another rule that is not yet effective
 - (iv) imminent peril to public **health, safety or welfare**

- 
- The seal of the Mississippi Department of Marine Resources is a circular emblem. It features a central illustration of a fish, likely a bluefish, swimming in stylized waves. The fish is facing left. Above the fish, the word "MISSISSIPPI" is written in an arc. Below the fish, the words "DEPARTMENT OF MARINE RESOURCES" are written in an arc. The entire seal is rendered in a light blue color against a darker blue background.
- Propose legislation for the 2020 session to grant the commission the authority to modify all fisheries programs in response to environmental conditions.

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MS Red Snapper EFP Update 2019 Season Update

ENHANCE ★ PROTECT ★ CONSERVE



Commission of Marine Resources Meeting

Trevor Moncrief
February 19, 2019

K.7.

Background

- Exempted Fishing Permit (EFP)
 - EFPs are permits issued by NOAA that allow harvest of certain species that would otherwise not be allowed under federal regulations
 - Typically, these permits are used for scientific purposes
- 2019 will be the second year of the approved EFP for State Red Snapper management

Mississippi Red Snapper EFP

- Revised EFPs have been submitted to NOAA by all gulf states and approved for the 2019 recreational Red Snapper season
- Mississippi's EFP allows the state to control harvest for both the state for-hire and private recreational components of the recreational sector (Federally permitted for-hire vessels are federally managed under Mississippi's EFP)

Mississippi Red Snapper EFP

- Purpose
 - Determine if a recreational Mississippi landed annual catch limit (ACL) can be accurately attained
 - Gather region-specific scientific data that is currently limited on Red Snapper in the Gulf of Mexico
- Data Collection
 - MDMR will utilize the Tails n' Scales Program to collect data on Red Snapper harvest, angler effort, and biological samples in Mississippi state and federal waters out to 200 nautical miles

EFP Annual Catch Limit (ACL) for Mississippi

- In 2018, Mississippi's harvest for the two components was 137,949 pounds
 - Private Recreational – 135,149 pounds
 - State For-Hire – 2,800 pounds
- Due to an increase in the Gulf ACL for the Red Snapper fishery, Mississippi's 2019 allocation will be 151,584 pounds
 - Private Recreational – 148,507 pounds
 - State For-Hire – 3,077 pounds
 - Accounting for the SFH overage in 2018 (435 pounds), allocation will be 2,642 pounds
- A required 10% buffer will be applied to ensure Mississippi does not exceed its ACL
- Mississippi will manage to the ACT to ensure we do not exceed our ACL

Potential Red Snapper Season

- Recreational season will begin Memorial Day Weekend (May 24th) and end Labor Day (September 2nd).
 - 81 days is projected to meet our ACT (annual catch target) as listed in Mississippi's Red Snapper EFP (exempted fishing permit)
 - Additionally, we request to have the ability to set a mid-season closure, as was done in 2018, to ensure our ACL is not met before Labor Day. This request will allow the Red Snapper season to be closed for a brief time to project harvest to ensure Mississippi stays within its ACL.

Mid-Season Closure

- Would occur from July 8th through July 28rd
- This closure would allow MDMR staff to analyze all data from the first segment of the season and run projections based on harvest up to this date.
- Also, this closure will increase the possibility of the season to run through Labor Day

Required:

A motion granting the Executive Director authority to manage Mississippi's 2019 Recreational Red Snapper season under the guidelines established in the MS EFP granted by NOAA



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Oyster Depuration Feasibility Study

Paul F. Mickle Ph.D.

Chief Scientific Officer

The Mississippi Department of Marine Resources

Background

- **Presentation a response from CMR Motion:** Direct staff to come back with a presentation which includes a oyster depuration feasibility study.
- Present
 - Past efforts
 - Hurdles
 - Operational costs
 - Federal regulations
 - Strategies



Depuration Review

- Ruth Posadas presented background (September CMR meeting)
- Interest in a feasibility study
- Production strategies for depuration or similar method
- Identify production hurdles
- Identify regulatory strategies

Oyster Depuration Program Needs

- Guidelines to Build a Program – (Rules and Regulations)
- Site Selection – (Technology, Water and Resource)
- Facility – (Plant Design, Construction, Equipment and Operating System)
- Labor – (Expertise for Management and Trained Manpower)
- Utilities – (Power and Potable Water)
- Laboratory – (In-house/Independent FDA Certified Lab)
- Regulatory Concerns – (Inspector, Permits, Licenses and Certifications)
- Feasibility Study – (Cost Benefits and Returns)

Standards for Depuration

Flow Rate: 1 gal/ minute/bushel (0.626 sack)	Volume of water: 59.84 gallons/bushel	Salinity: 10 ppt to 30 ppt
Turbidity: 0-20 units	pH: 7.0 – 8.4	Temperature: ≤ 60.7° F / 77° F <small>American Oyster spawns ≥60.7°F Gulf of Mexico Oysters ≥77°F</small>
Dissolved Oxygen: 5.0 mg/L to saturation	Bacteriological: (Total Coliform/100 ml): 0 to < 1	Minimum Depuration Time: ≥ 44 hours

Past/Present Depuration Efforts

- Internationally
- Nationally
- Mississippi
 - Long history of interest and effort
 - Large areas prohibited from harvest
 - Small tidal swings
 - Poor water quality



Feasibility Analyses

Start-up cost enterprise budget

Item	Unit	Quantity of units	Cost per unit (\$)	Total (\$)
Business entity structuring fees	One-time fee	1	110	110
Equipment				
Boat hull	Used 4.3 m (14 feet) boat	1	2500	2500
Boat engine	11.2 kW (15 horsepower) unit	1	3500	3500
Truck	Used truck	1	5000	5000
Cages	25.4 mm (1 in.) wired cage	5400	20	108,000.00
Refrigerator	780 W refrigerator	6	350	2,100.00
Sorting table	Table	1	300	300.00
Depuration tank	Custom-made tank	18	2500	45,000.00
Depuration tank equipment (UV sterilizers, pumps, etc.)	1 set of materials	18	1035.4	18,637.20
Driveway	Paved driveway	1	3500	3,500.00
Air conditioning unit (cold room)	1330 W household air conditioning unit	1	239	239.00
Air conditioner converter unit	Converter unit	1	350	350.00
Cold room building materials	1 set of materials	1	1200	1,200.00
Metal trailer (office)	Commercial trailer	1	7000	7,000.00
Tent frame	9.1 m × 18.3 m (30 × 60 feet) tent	1	1833	1,833.00
Total equipment expenses				199,159.20

Feasibility Analyses

Annualized cost enterprise budget

Annualized cost enterprise budget.				
	1000000			
Item (1 million oysters)	Unit	Quantity of units	Cost per unit (\$)a	Total (\$)
Gross receipts				
Market oyster revenue	Sack	3,636	50	181,818.18
Tax collected on sales	Per dollar sales	181,818	0.70%	1272.73
Operating expenses				
Full-time labor (Owner/operator)	Hour	2080	15	31200.00
Part-time labor	Hour	2808	13	36504.00
Fringe benefits	Proportion of wage	67,704	49.93%	33804.61
Shipping	Per 30,000 spat	11	50	550.00
Fuel (truck and boat)	1 L	2726.21	1.97	5370.63
Artificial seawater	1000 L	31.49	107.32	3379.51
Maintenance	Annual expense	1	1266.67	1266.67
Expendable suppliesc	Annual expense	1	70	70.00
Miscellaneous suppliesc	Annual expense	1	1300	1300.00
Electricity	kWh	6985	0.21	1466.85
Water	1000 L	545.22	1.31	714.24
General excise taxb	Per dollar sales	195,000	0.50%	975.00
Rent on gross receipts	Per dollar sales	195,000	1.50%	2925.00
Total operating expenses				153,529.44
Return over operating expenses				41,470.56
Fixed costs				195,000.00
Truck insurance	Annual expense	1	400	400
Business liability insurance	Annual expense	1	700	700
Business entity structuring feesc	Annualized start-up cost	1	11	11
Other taxes and feesc	Annual expense	1	1262.12	1262.12
Rent	1 ha per year	20.23	1235.53	25,000.00
Annualized equipment expensesc	Annualized start-up cost	1	7060.1	7060.1
Total fixed costs				34,433.22
Permits and testing costs				
Private lab testingc	Annualized start-up cost	6.41	360	360
DOH certification testingc	Total Annual cost (includes year o)	6.41	9000	9000
Total permits and testing costs				9,360.00
Total annual costs				238,793.22
Estimated pre-tax return				-56,975.04

Feasibility by Strategy

Land Based Depuration

- High startup costs
- Annual permits and regulatory testing
- High equipment costs
- Large staff requirements
- Constrained by size of facility
- Constrained by amount of oysters
- **No control on constant supply of oysters needed**

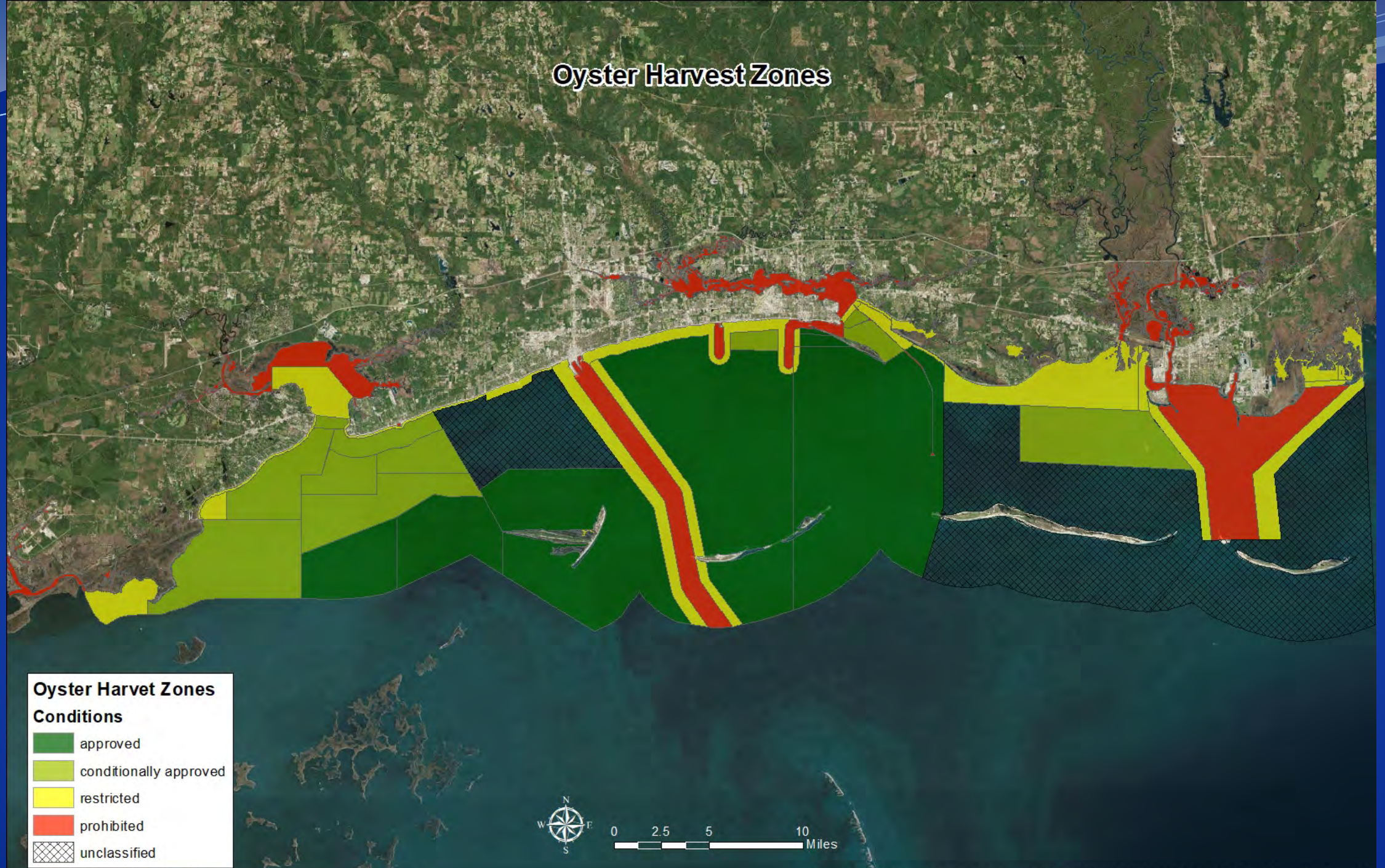
Aquatic Based Wet Storage

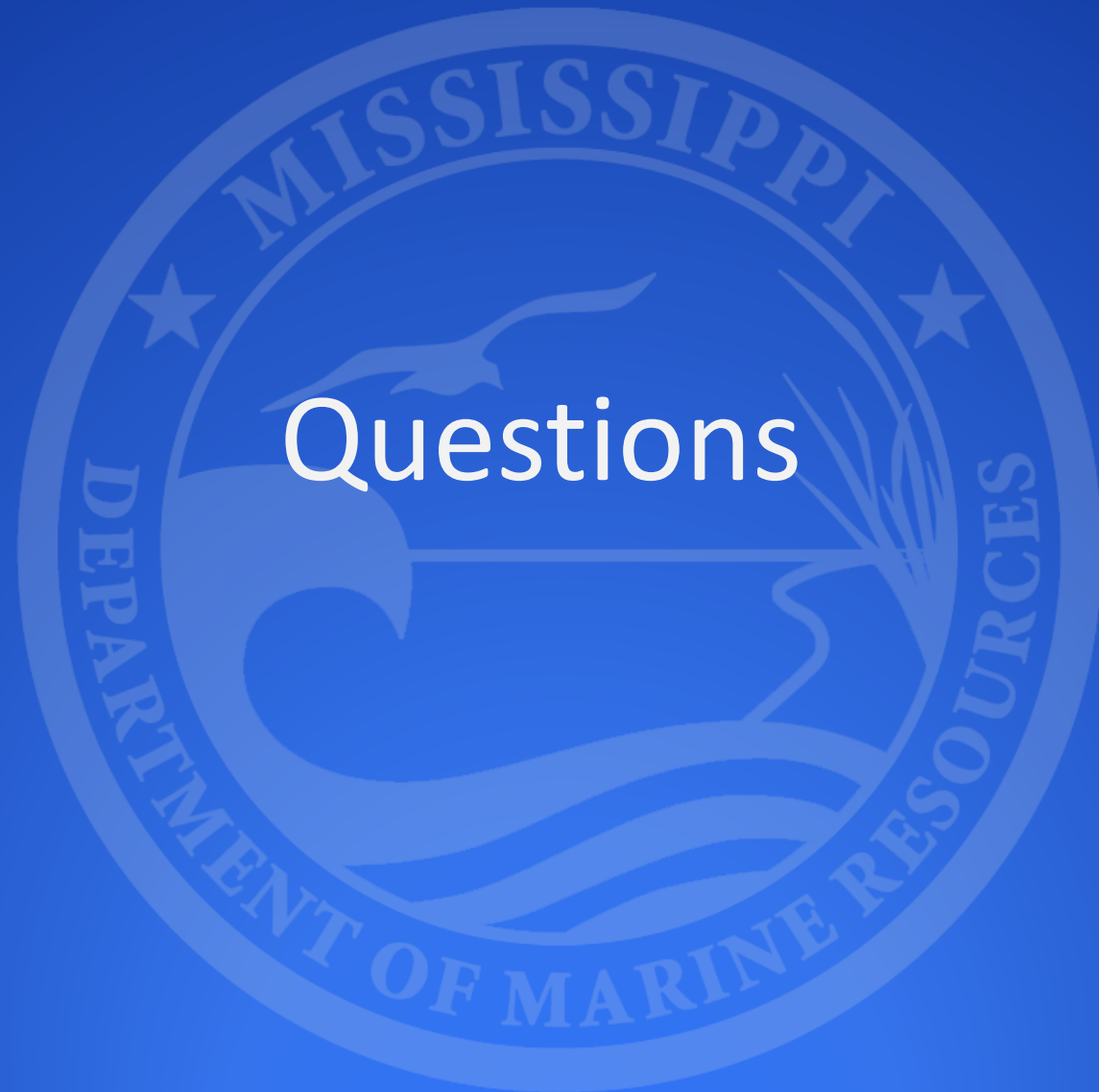
- High startup costs (Cultch)
- Extended start up time
- Bottom leasing (\$5/Acre)
- Low equipment costs
- Small staff requirements
- Currently, no regulatory changes needed
- Low operational costs
- **Control of constant supply of oysters**

Wet Storage Recommendation

- Current FDA regulatory harvest zones allow this strategy
- Lower operational costs
- Leasing based operation
 - Oysters are cultivated in restricted areas on private leases
 - Oysters are transported into approved private lease areas for wet storage to adhere to federal depuration regulation
 - Final processing/harvesting can occur 14-60 days after transport

Oyster Harvest Zones





Questions

ENHANCE ★ PROTECT ★ CONSERVE