



ENHANCE ★ PROTECT ★ CONSERVE

# Commission on Marine Resources

## August Meeting

August 21, 2018

**DEPARTMENT OF MARINE RESOURCES MARINE PATROL REPORT  
TO THE COMMISSION ON MARINE RESOURCES  
AUGUST 21, 2018**

**OYSTER VIOLATION CITATIONS**

**Total- 0  
FY 19 YTD: 0  
FY 18 YTD: 0  
Courtesy Citations-1  
Verbal Warnings-0**

**SHRIMP VIOLATION CITATIONS**

**Total-0  
FY 19 YTD: 0  
FY 18 YTD: 1  
Courtesy Citations-0  
Verbal Warnings-0**

**CRAB VIOLATION CITATIONS**

**No Commercial Crab License- 1  
Total-1  
FY 19 YTD: 1  
FY 18 YTD: 6  
Courtesy Citations-0  
Verbal Warnings-0**

**LIVE BAIT VIOLATION CITATIONS**

**Total-0  
FY 19 YTD: 0  
FY 18 YTD: 0  
Courtesy Citations-0  
Verbal Warnings-0**

**NET FISHING VIOLATION CITATIONS**

**Total-0  
FY 19 YTD: 0  
FY 18 YTD: 0  
Courtesy Citations-0  
Verbal Warnings-0**

**MISCELLANEOUS COMMERCIAL SEAFOOD VIOLATION CITATIONS**

No Commercial Seafood Dealer's License- 1  
Sale of Spotted Sea Trout in a Closed Season- 2  
Commercial Activity North of CSX- 1  
Purchase of Recreationally Harvested Finfish- 10  
Purchase of Spotted Sea Trout in Closed Season- 1  
Purchase of Red Drum in Closed Season- 3  
No Fresh Product Permit- 1  
No Spotted Sea Trout Endorsement- 1  
No Invoice for Red Drum- 1  
No Invoice for Spotted Sea Trout- 1  
**Total-22**  
**FY 19 YTD: 22**  
**FY 18 YTD: 6**  
**Courtesy Citations-1**  
**Verbal Warnings-0**

**FISHING VIOLATION CITATIONS**

No Saltwater Fishing License- 19  
No Non-Resident Saltwater Fishing License- 1  
No Federal Reef Fishing Permit- 1  
Possession of Undersized Spotted Sea Trout- 3  
Possession Over the Limit Spotted Sea Trout- 2  
Possession of Undersized Red Drum- 2  
Possession of Undersized Sheepshead- 1  
Possession of Undersized Large Coastal Shark- 1  
Possession of Undersized Small Coastal Shark- 1  
Possession of Prohibited Shark Species- 1  
Possession of Red Snapper during closed Season- 2  
Possession Over the Limit Red Snapper- 1  
Possession of Red Snapper without a Landing Permit- 9  
**Total- 44**  
**FY 19 YTD: 44**  
**FY 18 YTD: 79**  
**Courtesy Citations- 4**  
**Verbal Warnings-0**

**BOAT AND WATER SAFETY VIOLATION CITATIONS**

Insufficient PFD's- 5  
Child Under 12 Without PFD- 4  
No Boater Safety Card- 2  
No Navigation Lights- 3  
No Fire Extinguisher- 1  
No Flare Kit- 2  
Skiing without an Observer-1

**Page 3**

Reckless Operation- 1  
Bow Riding-5  
Wake Zone Violation- 5  
Negligent Operation/Jumping Wake- 2  
Negligent Operation Involving Alcohol- 1  
BUI- 4  
**Total- 36**  
**FY 19 YTD: 36**  
**FY 18 YTD: 60**  
**Courtesy Citations-13**  
**Verbal Warnings-2**

**MARINE LITTER VIOLATION CITATIONS**

**Total-0**  
**FY 19 YTD: 0**  
**FY 18 YTD: 0**  
**Courtesy Citations-0**  
**Verbal Warnings-0**

**WETLANDS VIOLATION CITATIONS**

**Operating a Vehicle on Wetlands- 2**  
**Total-2**  
**FY 19 YTD: 2**  
**FY 18 YTD: 0**  
**Courtesy Citations-0**  
**Verbal Warnings-0**

**MISCELLANEOUS VIOLATION CITATIONS**

Failure to Comply- 2  
Public Profanity/Drunkenness- 2  
**Total-4**  
**FY 19 YTD: 4**  
**FY 18 YTD: 7**  
**Courtesy Citations-0**  
**Verbal Warnings-0**

**TOTAL VIOLATIONS CITED: 109**

**FY 19 YTD: 109**  
**FY 18 YTD: 159**

**TOTAL COURTESY CITATIONS:**

Fishing- 4  
Boat and Water Safety-13  
Oyster- 1  
Misc. -1  
**Total- 19**

**Page 4**

**TOTAL VERBAL WARNINGS:**

Boat and Water Safety-2

**Total-2**

**TOTAL COURTESY CITATIONS/VERBAL WARNINGS:**

(2 verbal/ 19 courtesy citations)

**Total-21**

**FY 19 YTD: 21**

**FY 18 YTD: 69**

**TOTAL STOPS: 3199**

**FY 19 YTD: 4646**

**FY 18 YTD: 4646**

**INCIDENT REPORTS FOR JULY 2018:**

**BOATING ACCIDENTS WITHOUT INJURIES: 7**

There were seven boating accidents without injuries during the month of July. These accidents included three vessels sinking one at Round Island, one at Cat Island and one at the mouth of Bayou Casotte. There were two accidents involving vessels colliding with each other, one at the Shingle Mill Landing and one near Casino Row. There was one incident of a vessel hitting an object in the water near Broadwater Marina in Biloxi. The last accident occurred in the Bay St. Louis Harbor when a vessel caught on fire.

**BOATING ACCIDENTS WITH INJURIES: 1**

There was one boating accident with minor injuries during the month of July when a jet ski ran into a bulkhead in the Tchoutacabouffa River.

**Total Accidents-8**

**FY 19 YTD: 8**

**FY 18 YTD: 4**

**TOTAL WATER INCIDENTS: 0**

**FY 19 YTD: 0**

**FY 18 YTD: 0**

**TOTAL FATALITIES (Boating and Non-Boating): 0**

**FY 19 YTD: 0**

**FY 18 YTD: 0**

**DIVE ACTIVITY:** During the month of July the Dive Team was activated for response during the entire weekend of the Blue Angels Over Biloxi Air Show. Also, during the month of July the Dive team had one member to receive open water certification.

**ASSISTS WITH PUBLIC SAFETY CONCERNS:**

Assists to Another Agency- 21  
Overturned Vessel- 2  
Overdue Boater- 1  
Kayak Taking on Water- 2  
Domestic Dispute- 2  
Assist to Swimmers- 3  
Assist to Boaters in Distress/Tow-Ins- 9  
Boaters Trespassing-1  
Abandoned Vessel- 1  
Missing Child- 1  
Alligator in Public Area-3  
Vehicle Fire- 1  
Sunken Vessel – 1  
Altercation Between Boaters- 1  
Debris in Water- 4  
Reckless Jet Ski- 1  
Dolphin in Distress- 1  
Vehicle in the Water-2  
Injured Seagull- 3  
Medical Emergency- 4  
Vessel Afloat- 2  
Vessel hit Bridge- 1  
Shots Fired from a Boat- 1  
**Total- 68**  
**FY 19 YTD: 68**  
**FY 18 YTD: 61**

**MISCELLANEOUS COMPLAINTS/REPORTS:**

Assist to Motorist- 2  
Oil Sheen/ Suspicious Residue- 4  
Theft of Crab Traps- 3  
Vessel Blocking Channel/Slip- 4  
Vessel Anchored in the Channel- 1  
Hazard to Navigation-4  
Oil/Diesel Spill- 2  
Welfare Check- 1  
Boaters Playing Loud Music-1  
Overturned Vessel- 1  
Derelict Vessel- 2  
Suspicious Boaters-3  
Illegal Fishing Activity- 1  
Suspicious Net Boaters-1  
Wetlands Violation- 1  
**Total- 31**  
**FY 19 YTD: 31**  
**FY 18 YTD: 59**



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# Mississippi Department of Marine Resources

Coastal Resources Management

August 2018

**Request for Permit by:  
MSDMR-Beneficial Use Group  
File: DMR-090302**

- **Location: Mississippi Sound-north side of Deer Island, Biloxi, Harrison County, MS**
- **Use District: (P) Preservation District**






# Project Description

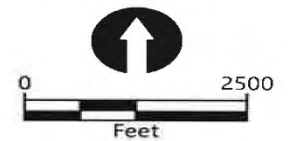
- The applicant is proposing to create a 70-acre Beneficial Use (BU) of dredged material site for placement of dredged material in accordance with MS Code 49-27-61.
  - Fill: Approximately 70 acres of Coastal Wetlands (unvegetated waterbottoms) with suitable dredged material
  - Dredging: Two (2) access channels each approximately 1,000' X 60' to a depth of 10 feet below mean lower low water (MLLW). Approximately 17,780 cubic yards.



**SOURCE:** Aerial image courtesy © 2018 Microsoft Corporation © 2018 DigitalGlobe © CNES (1018) Distribution Airbus DS. Bathymetric survey provided by DIMCO dated September 27, 2017.  
**HORIZONTAL DATUM:** Mississippi State Plane East, NAD83, U.S. Feet.  
**VERTICAL DATUM:** Mean Lower Low Water (MLLW).

**LEGEND:**

-  Existing Bathymetric Contours in Feet (1' Interval)
-  Proposed Breakwater/Chenier Contours in Feet (2' Interval)
-  Existing Reef Project

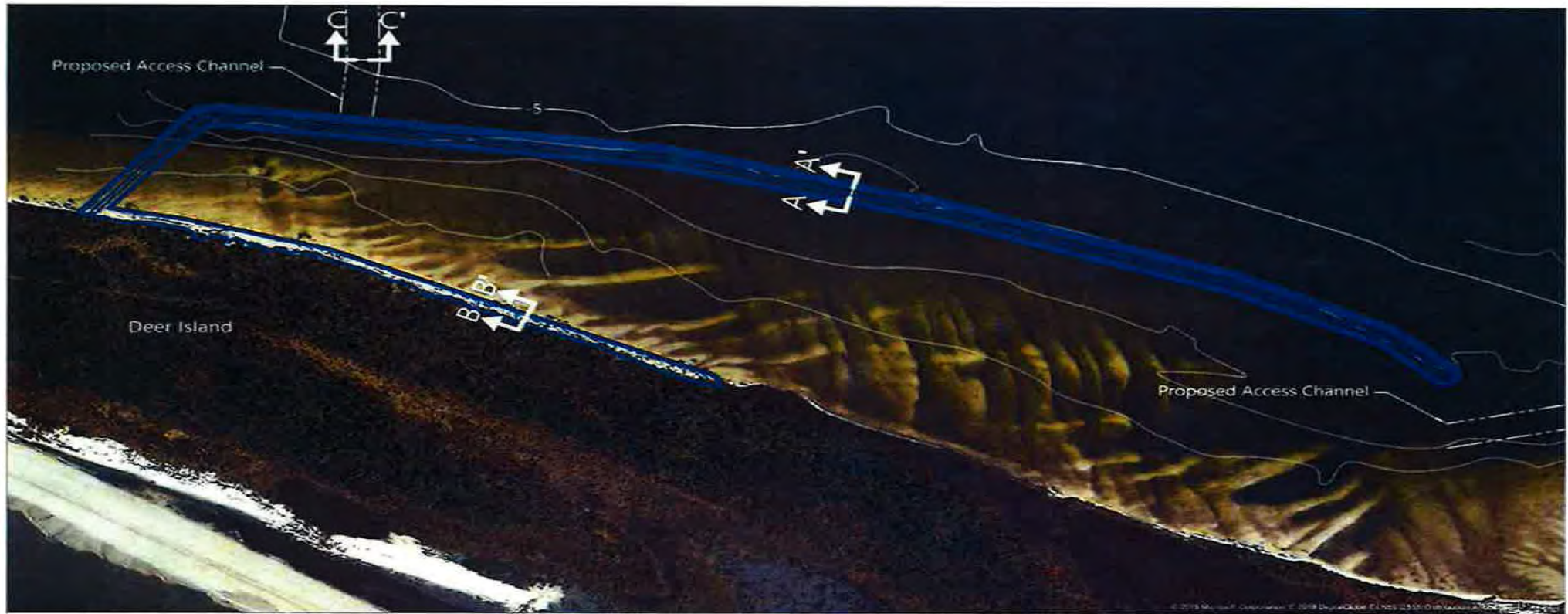


Publish Date: 2018/08/01 2:05 PM | User: diholmer  
 Filepath: K:\Projects\0762-Mississippi Department of Marine Resources\Mississippi Dept of Marine Resources\0762-RP-003 (Deer Island).dwg Overview






**Figure 3**  
**Deer Island Chenier and Beneficial Use Cell 3 Overview**  
 Beneficial Use of Dredged Material Program  
 Mississippi Department Marine Resources

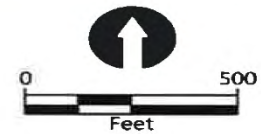




**SOURCE:** Aerial image courtesy © 2018 Microsoft Corporation © 2018 DigitalGlobe © CNES (1018) Distribution Airbus DS. Bathymetric survey provided by DIMCO dated September 27, 2017.  
**HORIZONTAL DATUM:** Mississippi State Plane East, NAD83, U.S. Feet.  
**VERTICAL DATUM:** Mean Lower Low Water (MLLW).

**LEGEND:**

-  Existing Bathymetric Contours in Feet (1' Interval)
-  Proposed Breakwater/Chenier Contours in Feet (2' Interval)
-  Cross Section Location (See Figures 3, 4, 5, and 6)



Publish Date: 2018/02/19 2:34 PM | User: dholmer  
 Filepath: K:\Projects\0762-Mississippi Department of Marine Resources\Mississippi Dept of Marine Resources\0762-RP-002 (Deer Island - Chenier) dwg Plan



**Figure 2**  
**Deer Island Chenier and Beneficial Use Cell 3**  
 Beneficial Use of Dredged Material Program  
 Mississippi Department Marine Resources



## Applicable Decision Factors

- **a) Applicable legislative and judicial statements of public interest...**
  - **Section 49-27-3, Public Policy Declared, Mississippi Coastal Wetlands Protection Law, and Chapter VIII, Mississippi Coastal Program**
  - **The project site will provide an additional location for the placement of dredged material. The material will eventually provide additional habitat and keep sediments from being disposed of in upland locations. Use of these BU sites is also less expensive to the municipalities and the companies performing dredging projects.**



# Applicable Decision Factors

continued

- **b) Coastal Wetlands Use Plan...**
  - **The project will not affect the Preservation (P) designation as the area will still be part of the Deer Island Coastal Preserve.**

# Applicable Decision Factors

continued

- **c) Variance to the MS Coastal Program...**
  - **Ch. VIII, Sect. 2, Part III.O.1.**
    - “Permanent filling of coastal wetlands because of potential adverse and cumulative environmental impacts is discouraged.”
  - **Justified under Ch. VIII, Sect. 2, Part I.E.2.c.i.**
    - **Impacts to Coastal Wetlands would be no worse than if the guidelines were followed**
      - **The project would replace an area that is currently unvegetated, barren water bottom with 70 acres of productive marsh and beach/dune habitats.**

# Applicable Decision Factors

continued

- **d) Precedent setting effects...**
  - **Two previous BU projects have been permitted adjacent to Deer Island. No precedent setting effects are expected with the project.**



# Applicable Decision Factors

continued

- **e) The extent to which the proposed activity affects biological integrity of coastal wetlands...**
  - Transform approximately 70 acres of unvegetated waterbottoms and eroding shoreline to productive marsh and beach/dune ecosystems
  - Provide additional habitat for marine organisms of recreational and commercial importance along with additional habitat for shorebirds
  - No shellfish or SAV were found in the project area

# Applicable Decision Factors

continued

- **f) The full extent of the project...**
  - While the main purpose of the project is to provide a location for the placement of dredged material, this project is also intended to complement other previous efforts to restore critical habitats on Deer Island.

# Applicable Decision Factors

continued

- **g) Adverse impacts that can be avoided through modifications, safeguards, etc...**
  - **Best Management practices will be utilized during all phases of construction**
  - **All dredged material proposed for placement into the site will be tested for suitability prior to placement at the location.**
  - **While pumping dredged material into the site is preferred, it may be necessary to dredge access channels for contractors who can only place material by mechanical methods.**

# Applicable Decision Factors

continued

- **h) Alternative sites available...**
  - **Rejected due to:**
    - **Presence of SAV**
    - **Private ownership**
    - **Need for hardened containment**



# Applicable Decision Factors

continued

- **i) The extent to which a proposed activity requires a waterfront location...**
  - **For the creation of marsh and beach/dune habitats a waterfront location is required.**

# Applicable Decision Factors

continued

- **j) The preservation of natural scenic qualities...**
  - The project abuts the northern shore of Deer Island which has and continues to undergo significant erosion. The project involves the creation of habitats that are native to this area and should either improve or have no adverse impact on the scenic qualities of the area.

# Applicable Decision Factors

continued

- **I) Comments...**
  - **Public Notice**
    - Notification of the project appeared in the *Sun Herald* on July 2, 8, and 15, 2018 and on the MDMR Website
      - No public comments were received
  - **MS DEQ: Reviewing the project**
  - **MS DAH: No objections as long as work is entirely below MHT**
  - **MS SOS: No comments/objection**
  - **MS DWFP: No comments**

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## Recommendation

- **Based upon departmental review and evaluation, staff recommends that the CMR approve the applicant's variance and permit request contingent on 401 Water Quality certification from DEQ.**



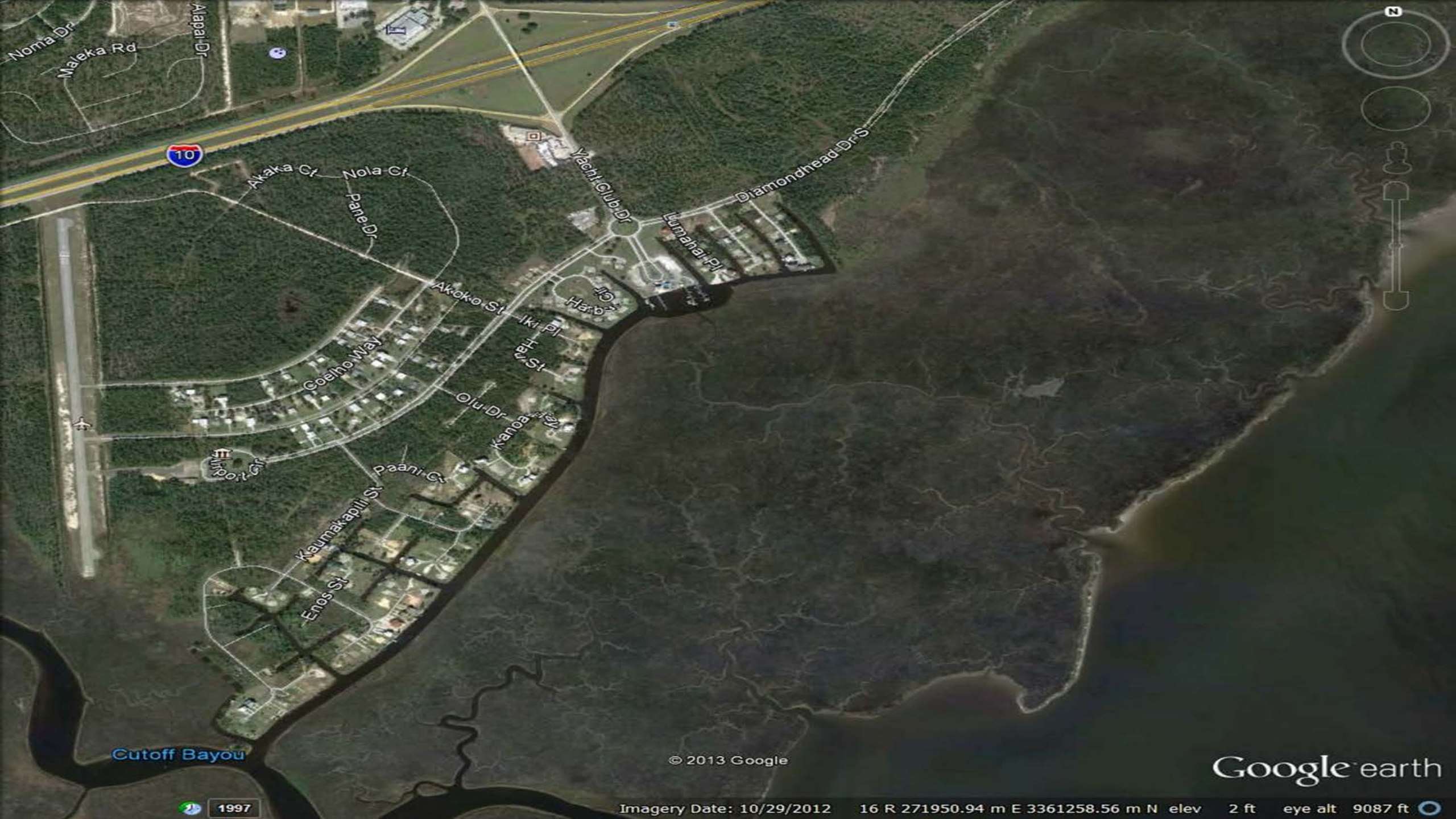
**Request for Permit Extension by:  
Diamondhead Corporation  
File: DMR-100129**

- **Location: Paradise Bayou, Diamondhead Marina, and accessory canals in Diamondhead, Hancock County, MS**
- **Use District: (G) General Use and (C) Commercial Fishing and Recreational Marinas District**

# Project Description

- **The applicant is requesting to extend an existing maintenance dredging permit for one (1) year until September 17, 2019. The previous Permit authorized:**
  - **Maintenance Dredging**
    - **Approximately 150,000 cubic yards of material from Paradise Bayou, Diamondhead Marina, and accessory canals on the south side of Diamondhead**





Cutoff Bayou

© 2013 Google

Google earth



1997

Imagery Date: 10/29/2012 16 R 271950.94 m E 3361258.56 m N elev 2 ft eye alt 9087 ft

# Project Chronology

- September 17, 2013: CMR approved applicant's request to dredge approximately 150,000 cubic yards of material
- August 15, 2018: Applicant submitted a one (1) year extension to the Permit



## Recommendation

- Based upon departmental review and evaluation, staff recommends that the CMR approve the applicant's request to extend the Permit for an additional year (September 17, 2019).

**Request for Permit Modification by:  
MS Department of Marine Resources  
File: DMR-090383**

- **Location: Restoration area 72 on Back Bay of Biloxi, in Jackson County, MS.**
- **Use District: (S-1) Natural and artificial reefs**

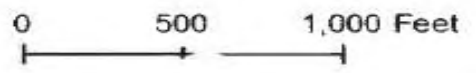
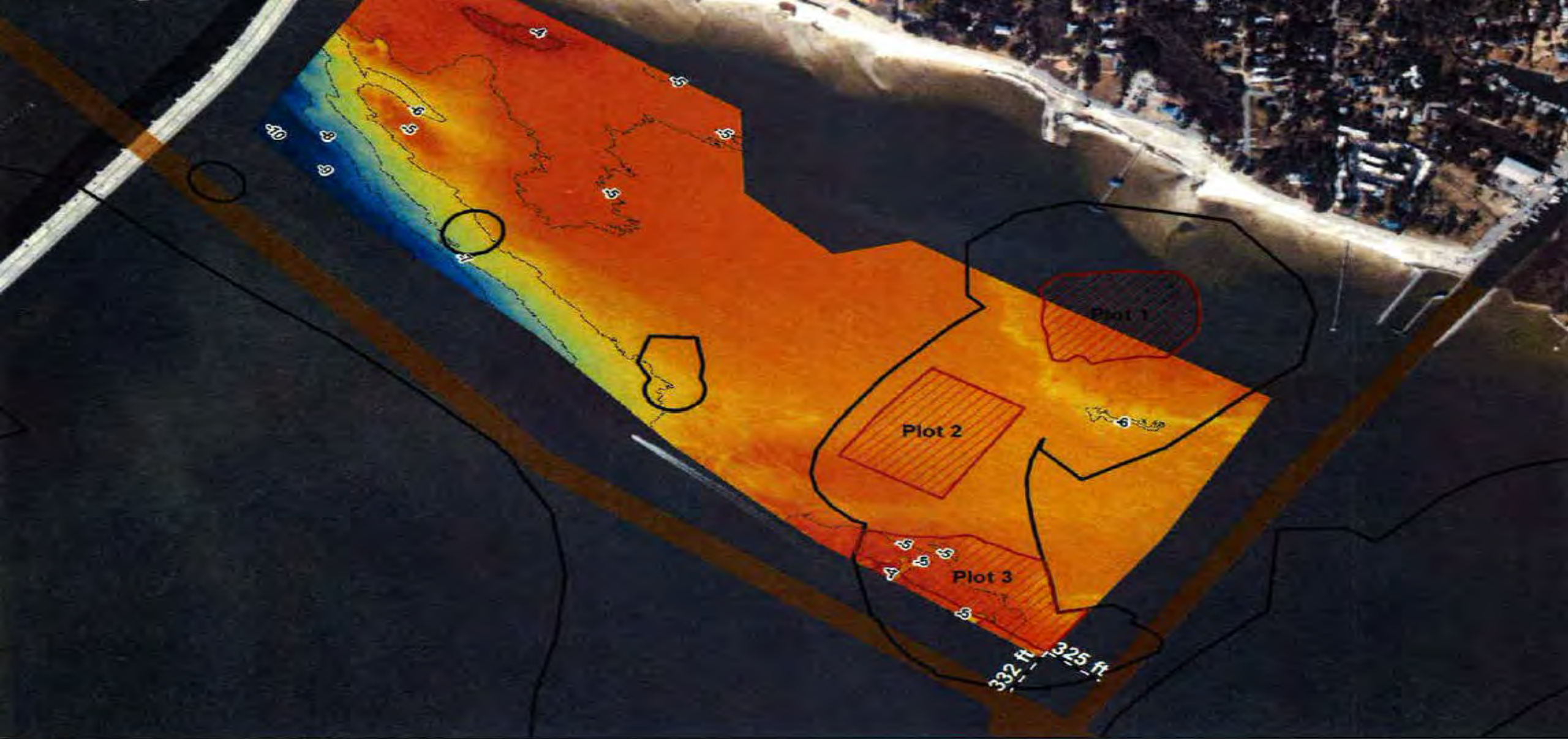
## Project Purpose/Need

- **The purpose of the modification is to experiment with the use of different cultch material and relief densities to help MDMR achieve the overall oyster reef restoration project.**

# Project Description

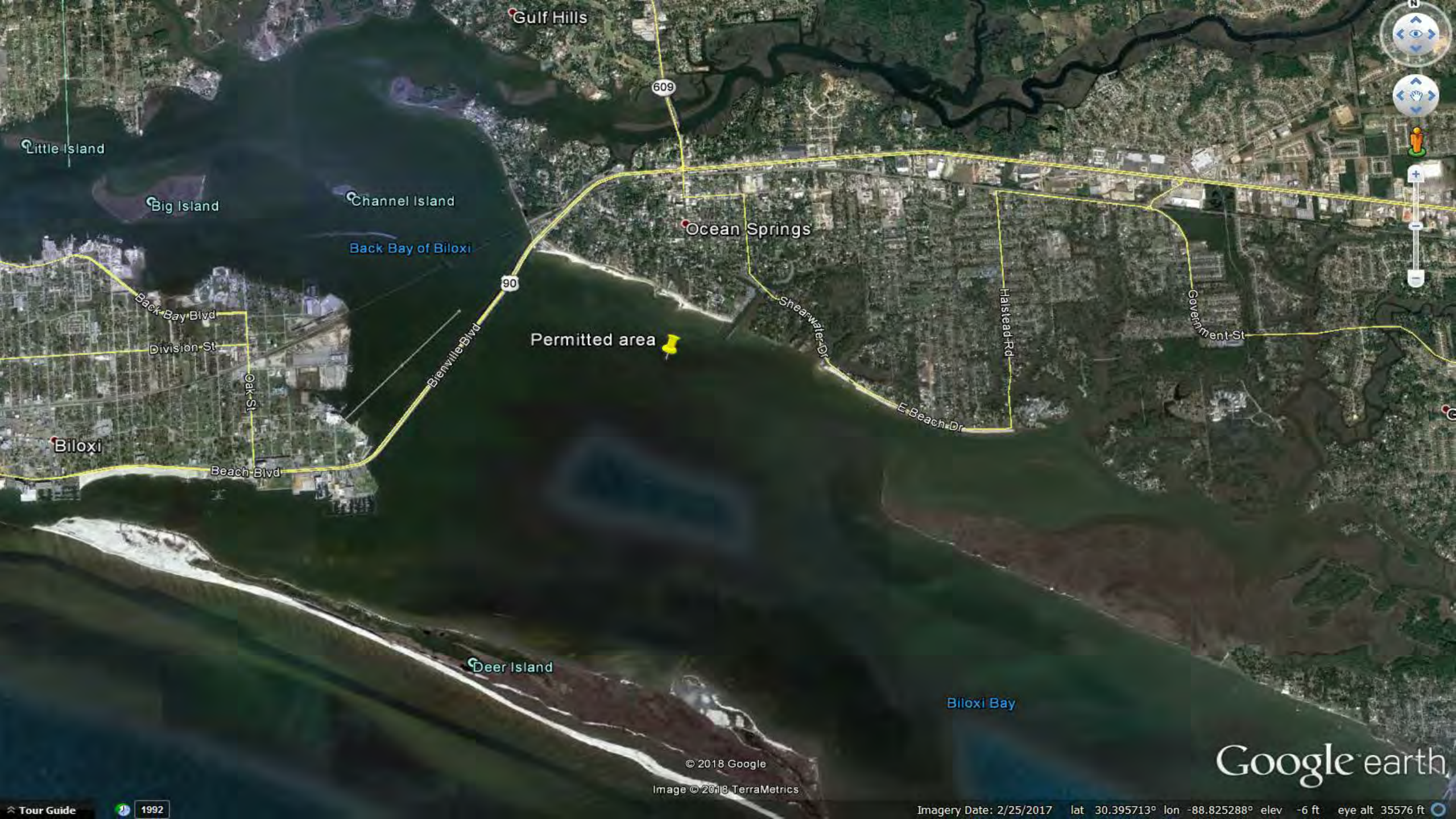
- Approximately 23,930 acres of existing and historical reefs were authorized in June 2016 to be restored with cultch material. Material was authorized to be placed at a density of 100 cubic yards per acre, totaling no more than 350,000 cubic yards of material within Phase I. This density ensured less than 6 inches of relief of cultch materials across the bottom of each restoration site.
- The applicant was granted a variance to Chapter 8, Section 2, Part III.O.1. of the Mississippi Coastal Program for filling of Coastal Wetlands. The MDMR also adjusted the Coastal Wetlands Use Plan by changing all the areas identified by the MDMR as public oyster reefs open to seafood harvest, and suitable for restoration, to a Special Use District S-1 classification (Special Use – Natural and artificial oyster reefs).
- The applicant has requested to modify restoration area 72 to allow a maximum 18 inches of relief (average relief of 8 inches). This will result in the cultch density increasing from 100 cubic yards per acre to 1,080 cubic yards per acre within the three (3) experimental plots, which covers 30 acres.





Service Layer Credits: Bathymetry products from DEA/EMC; Nautical chart from NOAA; Oyster cultch deployment areas from CCE/MDEQ; ESRI imagery; Permit areas/Bo' Suitability from MDMR





Gulf Hills

Little Island

Big Island

Channel Island

Back Bay of Biloxi

609

90

Ocean Springs

Permitted area

Back Bay Blvd

Division St

Oak St

Biloxi

Beach Blvd

Bienville Blvd

Shearwater Dr

Halstead Rd

Government St

E Beach Dr

Deer Island

Biloxi Bay

© 2018 Google

Image © 2018 TerraMetrics

Google earth



# Comments

- **Public Notice**
  - Notification of this project appeared in *The Sun Herald* on July 15, July 22, and July 29, 2018.
  - One comment was received in favor of the project
- **MS DEQ: Currently reviewing the project**
- **MS DAH: No Objections**
- **MS SOS: No comment**
- **MS DWFP: Recommends that if best management practices are implemented, and no submerged aquatic vegetation habitat is impacted, the proposed project likely poses no threat to the listed species of concern known to occur within 2 miles of the proposed project**

## Recommendation

- **The modification to increase the relief and density in area 72 has not changed the findings made on the previous decision factors presented to the CMR on June 21, 2016. Based upon departmental review and evaluation, it has been determined that the project is consistent with the MS Coastal Program because it will have a significant public benefit. Therefore, staff recommends approval of this modification request contingent on water quality certification from MDEQ.**



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# Title 22 Part 23

## RULES AND REGULATIONS FOR THE COASTAL WETLANDS PROTECTION LAW AND THE MISSISSIPPI COASTAL PROGRAM

Final Adoption

Willa Brantley

August 21, 2018



CMR Passed Notice of Intent on July 17, 2018

Notice of Intent Filed with the SOS on July 19, 2018

Mississippi Secretary of State  
125 South Congress St., P. O. Box 106, Jackson, MS 39205-0106

**ADMINISTRATIVE PROCEDURES NOTICE FILING**

AGENCY NAME: Department of Marine Resources		CONTACT PERSON: Walter Gray	TITLE/PHONE NUMBER: 228-523-4106	
A 119255 1347 Highway Ave.		CITY: Biloxi	STATE: MS	ZIP: 39301
EMAIL: DStella.Bailey@dmr.ms.gov	DEPARTMENT: DMR	Reference number of rule(s): Title 25, Part 29 - Rules and Regulations for the Coastal Wetlands Protection and the Interrelated System Program		

Short explanation of rule(s) number(s) for proposed rule amendment(s) or proposed rule regulation(s) to provide for the regulation of certain activities within the Coastal Zone and associated coastal watersheds for the conservation and protection of the Biological Integrity of the Coastal Wetlands, and to require suitable sites for water dependent activities for the use of those industries to the maximum extent practicable. This will bring existing regulations into Title 25 and make them consistent with the current filing for ADMR regulations.  
Specific legal authority authorizing the promulgation of rules: § 57-15 (1) and § 49-27-59

List of rules repealed, amended, or suspended by the proposed rule: (N/A)

**ORAL 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, an oral proceeding shall be held if a written request for an oral proceeding is submitted by a natural person, an agency or firm, or a non-profit. The written request should be submitted to the agency contact person to the agency address after business (22) days after the filing of this notice of administrative procedure and should include the name, address, email address, and telephone number of the person(s) making the request and, if so, also an agency or company, its name, address, email address, and telephone number of the party or parties present. At any time within the period of (22) days public comment period, written submissions including arguments, data, and views on the proposed rule amendment(s) shall may be submitted to the filing agency.

**ECONOMIC IMPACT STATEMENT:**

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

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
<input type="checkbox"/> Original Filing <input type="checkbox"/> Renewal of ordinance To be in effect in _____ days Effective date: <input type="checkbox"/> Immediately upon filing <input type="checkbox"/> Other (specify): _____	<b>Action proposed:</b> <input checked="" type="checkbox"/> New rule(s) <input type="checkbox"/> Amendment to existing rule(s) <input type="checkbox"/> Repeal of existing rule(s) <input type="checkbox"/> Adoption by reference <b>Proposed final effective date:</b> <input checked="" type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____	<b>Date Proposed rule filed:</b> _____ <b>Action taken:</b> <input type="checkbox"/> Adopted with no changes in text <input type="checkbox"/> Adopted with changes <input type="checkbox"/> Adopted by reference <input type="checkbox"/> Withdrawn <input type="checkbox"/> Repeal & replaced as proposed <b>Effective date:</b> <input type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____

Printed name and title of person authorized to file rules: Jug Spraggins, Director, Department of Marine Resources

Signature of person authorized to file rules: 

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
		
Accepted for filing by	Accepted for filing by <u>#23529</u>	Accepted for filing by

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

# Notice on DMR Website

## July 20, 2018

The screenshot shows the homepage of the Mississippi Department of Marine Resources (DMR). At the top left is the DMR logo. A large banner features a boat with the text "Safe Boating 2018" and "SAFE BOATING ON OUR COASTAL WATERS WEAR IT!". To the right of the banner is a vertical navigation menu with items: "Event Requests", "RESTORE projects", "Commission Meetings", "MDMR Ethics Hotline", "2016-2017 Annual Report", and "Transparency Mississippi". Below the banner is a horizontal navigation menu with categories: "Programs", "Aquaculture", "Boating", "Recreational Fishing", "Commercial Fishing", "Environment", "Wildlife", and "Education".

**OYSTER FARMING FUNDAMENTALS**  
Training for Commercial Off-Bottom Oyster Farming

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:  
f t g+ YouTube p in

**Quick Links**

- SPECKLED TROUT INFORMATION**
- RED SNAPPER 2018**
- BIDS, PROPOSALS & QUALIFICATIONS**
- JOBS - JOIN OUR TEAM!**

**News & Updates**

- MDMR to hold public hearing on proposed fish net ban around Cat Island
- Gulf Coast Heritage Area to hold business workshop Sept. 6
- MDMR to open recreational season for Gray Triggerfish Aug. 1
- Recreational season for Greater Amberjack to open Aug. 1
- MDMR offering food safety workshops
- New Flounder bag limit goes into effect July 20
- Red Snapper season to reopen July 23

**Public Notices**

- NOTICE OF PUBLIC MEETING EVALUATION OF MISSISSIPPI COASTAL WETLAND PROTECTION PROGRAM
- Title 22 Part 23 - Rules and Regulations for the Coastal Wetland Protection Act and the Mississippi Coastal Program - Proposed Adoption
- Title 22 Part 05 - Cat Island Net Exclusion - Proposed Changes
- Title 22 Part 07 - Spotted Seatrout Endorsement - Proposed Changes



# Legal Notice Appeared in the Sun Herald on July 29, August 5, and August 12, 2018

## SunHerald

### Order Confirmation

<b>Customer</b> DEPARTMENT OF MARINE RESOURCES	<b>Payor Customer</b> DEPARTMENT OF MARINE RESOURCES
<b>Customer Account</b> 681482	<b>Payor Account</b> 681482
<b>Customer Address</b> 1141 BAYVIEW AVENUE BILOXI MS 39530 USA	<b>Payor Address</b> 1141 BAYVIEW AVENUE BILOXI MS 39530 USA
<b>Customer Phone</b> 228-523-4108	<b>Payor Phone</b> 228-523-4108
<b>Customer Fax</b>	<b>Customer EMail</b>
<b>Sales Rep</b> rtaylor@sunherald.com	<b>Order Taker</b> rtaylor@sunherald.com

<b>PO Number</b>	<b>Payment Method</b> Credit Card	<b>Blind Box</b>	<b>Tear Sheets</b> 0	<b>Proofs</b> 0	<b>Affidavits</b> 0
<b>Net Amount</b> \$71.36	<b>Tax Amount</b> \$0.00	<b>Total Amount</b> \$71.36	<b>Payment Amount</b> \$0.00	<b>Amount Due</b> \$71.36	
<b>Ad Order Number</b> 0003780615	<b>Order Source</b>	<b>Ordered By</b>	<b>Special Pricing</b>	<b>Promo Type</b>	
<b>Invoice Text</b>			<b>Materials</b>		
<b>Package Buy</b>					

Title 22 Part 23 – Rules and Regulations for the Coastal Wetland Protection Act and the Mississippi Coastal Program The Mississippi Department of Marine Resources (MDMR) does hereby give public notice that on June 19, 2018 at the regularly scheduled meeting of the Commission on Marine Resources, the Commission approved a Notice of Intent to adopt Title 22 Part 23. Said Notice of Intent was filed with the Mississippi Secretary of State's office on July 19, 2018. A complete copy of Title 22 Part 23 is available at [www.dmr.ms.gov](http://www.dmr.ms.gov). Public comments on the proposed regulation changes will be accepted through August 20, 2018. All comments should be mailed to the MDMR, Attn: Willa Brantley, 1141 Bayview Avenue, Biloxi, MS 39530, faxed to 228-374-5008, or emailed to: [Willa.Brantley@dmr.ms.gov](mailto:Willa.Brantley@dmr.ms.gov) and delivered by 5:00 PM on August 20, 2018. Title 22 Part 23, if adopted, will bring regulations that currently exist as the Mississippi Coastal Program (authorized by MS Code § 57-15-6(1) and § 49-27-59) into Title 22 and make them consistent with the current format for MDMR regulations. These regulations have been revised to update agency names and responsibilities, reflect legislative changes, and make the document as a whole more streamlined and accessible. This is not a substantive change to the Program. PLEASE PUBLISH: July 29, 2018 August 5, 2018 August 12, 2018 0003780615



# Public Comments

- Notice of Intent Published on July 19, 2018
- Public Comment period July 19<sup>th</sup> through August 20<sup>th</sup>, 2018 (32 days)
- To date, no public comments have been received

The seal of the Mississippi Department of Marine Resources is centered in the background. It features a circular border with the text "MISSISSIPPI" at the top and "DEPARTMENT OF MARINE RESOURCES" at the bottom. Inside the circle, there is a central emblem depicting a fish, a bird, and a plant, with two stars on either side.

# Required:

A motion for final adoption of  
Title 22 Part 23

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ENHANCE ★ PROTECT ★ CONSERVE

# Mississippi

## Department of Marine Resources

Agency Financial Results

as of July 31, 2018

Commission on Marine Resources

August 21, 2018



## Key Metrics:

- State Revenue of \$3M
- Agency Revenue of \$3M
- State Net Income of \$2.7M
- Agency Net Income of \$2.5M

### MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

#### Income Statement - Fiscal Year 2019

As of July 31, 2018

	State	Federal : NFWF:	Operating Subtotal	Tidelands	Total DMR
<b>Revenue:</b>					
Transfer in from Other Governments	-	-	-	-	-
Off-road Fuel Tax	3,050,000	-	3,050,000	-	3,050,000
Federal Grants	-	-	-	-	-
Sales Revenue	11,735	-	11,735	125	11,860
Indirect Cost Recovery	-	-	-	-	-
Other Revenue	996	-	996	-	996
<b>Current Budget Year Revenue:</b>	<b>3,062,731</b>	-	<b>3,062,731</b>	<b>125</b>	<b>3,062,856</b>
<b>Expenditures:</b>					
Salaries, Wages, Fringe	236,080	93,351	329,431	45,285	374,716
Travel	533	2,536	3,069	1,028	4,097
Contractual Services	35,539	27,479	63,018	34,740	97,758
Commodities	7,079	1,055	8,134	1,721	9,856
Other than Equipment	-	-	-	-	-
Equipment	-	-	-	-	-
Vehicles	-	-	-	-	-
Wireless Devices	-	-	-	-	-
Subsidies, Loans, and Grants	-	-	-	-	-
<b>Current Budget Year Expenditures:</b>	<b>279,231</b>	<b>124,421</b>	<b>403,653</b>	<b>82,774</b>	<b>486,427</b>
<b>Current Budget Year Net Income/(Loss):</b>	<b>\$ 2,783,500</b>	<b>\$ (124,421)</b>	<b>\$ 2,659,078</b>	<b>\$ (82,649)</b>	<b>\$ 2,576,429</b>

# Financial Budget Comparison

- After one month of Fiscal Year 2019:

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES  
2019 Budget Comparison  
As of July 31, 2018

	<i>Actual Year to Date Expenditures</i>			<i>Budget Year Totals</i>			<i>Percent Remaining</i>		
	<b>Operating</b>	<b>Tidelands</b>	<b>Total</b>	<b>Operating</b>	<b>Tidelands</b>	<b>Total</b>	<b>Operating</b>	<b>Tidelands</b>	<b>Total</b>
<b>Expenditures:</b>									
Salaries, Wages, Fringe	\$ 329,431	\$ 45,285	\$ 374,716	\$ 8,644,260	\$ 1,012,526	\$ 9,656,786	96.2%	95.5%	96.1%
Travel	3,069	1,028	4,097	269,837	20,000	289,837	98.9%	94.9%	98.6%
Contractual Services	63,018	34,740	97,758	5,424,274	1,627,590	7,051,864	98.8%	97.9%	98.6%
Commodities	8,134	1,721	9,856	1,093,295	450,000	1,543,295	99.3%	99.6%	99.4%
Equipment	-	-	-	354,629	75,000	429,629	100.0%	100.0%	100.0%
Vehicles	-	-	-	70,000	-	70,000	100.0%	0.0%	0.0%
Wireless Devices	-	-	-	6,250	-	6,250	100.0%	0.0%	100.0%
Subsidies, Loans, and Grants	-	-	-	13,305,678	6,814,884	20,120,562	100.0%	100.0%	100.0%
<b>Total Expenditures:</b>	<b>\$ 403,653</b>	<b>\$ 82,774</b>	<b>\$ 486,427</b>	<b>\$ 29,168,222</b>	<b>\$ 10,000,000</b>	<b>\$ 39,168,222</b>	<b>98.6%</b>	<b>99.2%</b>	<b>98.8%</b>

- Operating Funds have 98.6% of Budget remaining
- Tidelands Trust Fund has 99.2% of Budget remaining



## Public Affairs – August 2018

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The MS Department of Marine Resources was mentioned 25 times in local, state and national media since the July CMR meeting. Popular news items included the Blues over Biloxi Air Show, shrimp season and Red Snapper season.

Marine Patrol taught five boat-and-water safety classes and certified 101 students. So far in FY19, officers have taught five classes and certified 101 students.

Marine Patrol also participated in the community outreach event, Summer Jamboree, through the City of Gulfport. The Marine Patrol officer met with hundreds of children from throughout the community. There were also two fishing rodeos and tournaments that Marine Patrol, along with the Office of Marine Fisheries, attended. These were the Carl Leggett Fishing Tournament in Biloxi and the Horn Island CCA kids fishing rodeo in Pascagoula.

Our staff also participated in various events in the community. Public Affairs took part in the City of Gulfport's Cinema by the Shore event. Mike Pursley in the Office of Coastal Resources Management gave a presentation on invasive species at the MS Pollinator Training workshop.

The annual Mississippi Wildlife Extravaganza was held August 3-5 in Jackson. The agency was on hand each day at the extravaganza meeting with attendees and distributing our rules and regulations publication, fish ruler stickers, fish posters and other informational pieces to the public.





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# Title 22 Part 7 Chapter 9 Spotted Seatrout Endorsement

Final Adoption

Matt Hill

August 21, 2018

K.1.

CMR Passed Notice of Intent on July 17, 2018

Notice of Intent Filed with the SOS on July 18, 2018

SOS APA Form 001

Mississippi Secretary of State

**ADMINISTRATIVE PROCEDURES NOTICE FILING**

AGENCY NAME Mississippi Department of Marine Resources		CONTACT PERSON Joe Jewell	TELEPHONE NUMBER (228) 523-1072	
ADDRESS 1141 Bayview Ave.		CITY Biloxi	STATE MS	ZIP 39530
EMAIL Joe.jewell@dmr.ms.gov	SUBMIT DATE 7/18/18	Name or number of rule(s): Title 22 Part 7		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: TITLE 22-- MISSISSIPPI DEPARTMENT OF MARINE RESOURCES PART 7 REGULATIONS TO PROVIDE SIZE LIMITS AND BAG LIMITS ON CERTAIN FISH SPECIES AND TO PREVENT SALE OF SEAFOOD BY RECREATIONAL FISHERMEN Chapter 9 Section 110 Commercial Size, Possession and Catch Limits Section: Modification of the Spotted Seatrout Endorsement and establishment of the time period in which endorsements are valid  
Specific legal authority authorizing the promulgation of rule: Mississippi Code Ann. § 49-15-15, APA, § 25-43-1.101 et seq.

List all rules repealed, amended, or suspended by the proposed rule: Title 22, Part 7: (see above summary description; complete description attached).

**ORAL 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 not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

**ECONOMIC IMPACT STATEMENT:**

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

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
<input type="checkbox"/> Original filing <input type="checkbox"/> Renewal of effectiveness To be in effect in _____ days Effective date: <input type="checkbox"/> Immediately upon filing <input type="checkbox"/> Other (specify): _____	<b>Action proposed:</b> <input type="checkbox"/> New rule(s) <input checked="" type="checkbox"/> Amendment to existing rule(s) <input type="checkbox"/> Repeal of existing rule(s) <input type="checkbox"/> Adoption by reference <b>Proposed final effective date:</b> <input checked="" type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____	<b>Date Proposed Rule Filed:</b> <b>Action taken:</b> <input type="checkbox"/> Adopted with no changes in text <input type="checkbox"/> Adopted with changes <input type="checkbox"/> Adopted by reference <input type="checkbox"/> Withdrawn <input type="checkbox"/> Repeal adopted as proposed <b>Effective date:</b> <input type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____

Printed name and Title of person authorized to file rules: Joe Spraggins Executive Director

Signature of person authorized to file rules: *Joe Spraggins*

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
<div style="border: 1px solid black; width: 100%; height: 100%;"></div>	<div style="border: 1px solid black; width: 100%; height: 100%; text-align: center;"> <p style="font-size: 2em; font-weight: bold; color: blue;">FILED</p> <p style="color: red;">JUL 18 2018</p> <p style="color: blue;">MISSISSIPPI SECRETARY OF STATE</p> </div>	<div style="border: 1px solid black; width: 100%; height: 100%;"></div>
Accepted for filing by	Accepted for filing by <i>JW</i> #23524	Accepted for filing by

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.



# 7-19-2018 MDMR Web Page Notice

The screenshot shows the MDMR website homepage with a navigation menu at the top including 'Recreational Fishing', 'Commercial Fishing', 'Environment', 'Wildlife', and 'Education'. A 'Quick Links' section features five categories: 'SPECKLED TROUT INFORMATION', 'RED SNAPPER 2018', 'BIDS, PROPOSALS & QUALIFICATIONS', 'JOBS - JOIN OUR TEAM!', and 'PURCHASE A RECREATIONAL FISHING LICENSE'. The 'News & Updates' section lists several items, including 'CMR approves state record for Grayby', 'CMR to meet Tuesday, July 17', and 'Red Snapper season to close July 11 - 23'. The 'Public Notices' section, circled in red, lists 'Title 22 Part 01 - Hand Dredge Specifications - Proposed Changes', 'Title 22 Part 05 - Cat Island Net Exclusion - Proposed Changes', and 'Title 22 Part 07 - Spotted Seatrout Endorsement - Proposed Changes'. Below this is a 'PUBLIC NOTICE OF APPLICATION FOR COASTAL WETLANDS PERMIT AND WATER QUALITY CERTIFICATION'. The footer contains contact information for the Mississippi Department of Marine Resources.

The screenshot shows the 'Public Notices' page for 'Title 22 Part 07 - Spotted Seatrout Endorsement - Proposed Changes'. The page features a navigation menu at the top with 'Agency Info', 'Coastal Resources Management', 'Recreation & Boating', 'Marine Fishing', 'Marine Parks', 'Commissions', and 'Forms'. The left sidebar includes a 'Public Notices' menu with options for 'Propose', 'Available', 'Bidding', 'Recreational Fishing', 'Commercial Fishing', 'Government', 'Wetland', and 'Education'. The main content area includes the MDMR logo, a 'Public Notices' heading, and the title 'Title 22 Part 07 - Spotted Seatrout Endorsement - Proposed Changes'. The text describes the Mississippi Department of Marine Resources (MDMR) public notice regarding the regularly scheduled meeting of the Commission on Marine Resources. It states that the Commission approved a Notice of Intent to update, modify and change below listed sections of the 22 Part 7. A public notice of intent was filed with the Mississippi Secretary of State's office on July 18, 2018. A complete copy of Title 22 Part 7 and the proposed changes are available at [www.dmr.ms.gov](http://www.dmr.ms.gov). Public comments on the proposed regulation changes will be accepted through August 20, 2018. All comments should be mailed to the SICMR, Attn: Trevor Monreal, 1141 Bayview Avenue, Biloxi, MS 39530 or emailed to [trevor.monreal@dmr.ms.gov](mailto:trevor.monreal@dmr.ms.gov) and delivered by 5:00 PM on August 20, 2018. A complete description of proposed changes is provided in the 'TITLE 22 - MISSISSIPPI DEPARTMENT OF MARINE RESOURCES, PART 7 Regulations to Provide Size Limits and Bag Limits on Certain Fish Species and to Prevent Sale of Seafood by Recreational Fishermen' document. The page also includes a 'Wetland Permitting Public Notices' section and a 'Share This' section with social media icons.



# Legal Notice Appeared in the Sun Herald on August 11, 2018

## SunHerald

**Order Confirmation**

<b>Customer</b> DEPT OF MARINE RESOURCES	<b>Payor Customer</b> DEPT OF MARINE RESOURCES
<b>Customer Account</b> 662389	<b>Payor Account</b> 662389
<b>Customer Address</b> 1141 BAYVIEW AVENUE BILOXI MS 39530 USA	<b>Payor Address</b> 1141 BAYVIEW AVENUE BILOXI MS 39530 USA
<b>Customer Phone</b> 228-374-5000	<b>Payor Phone</b> 228-374-5000
<b>Customer Fax</b>	<b>Customer Email</b> Greg.Christodoulou@dmr.ms.gov
<b>Sales Rep</b> rtaylor@sunherald.com	<b>Order Taker</b> rtaylor@sunherald.com

PO Number	Payment Method	Blind Box	Tax Sheets	Proofs	Affidavits
	Invoice		0	0	1
<b>Net Amount</b>	<b>Tax Amount</b>	<b>Total Amount</b>	<b>Payment Amount</b>	<b>Amount Due</b>	
\$160.44	\$0.00	\$160.44	\$0.00	\$160.44	

<b>Ad Order Number</b> 0003795795	<b>Order Source</b>	<b>Ordered By</b>	<b>Special Pricing</b>
<b>Invoice Text</b>			<b>Promo Type</b>
<b>Package Buy</b>			<b>Materials</b>

100 The Mississippi Department of Marine Resources (MDMR) does hereby give public notice that on July 17, 2018 at the regularly scheduled meeting of the Commission on Marine Resources, the Commission approved a Notice of Intent to update, modify and change below listed sections of Title 22 Part 7. Said Notice of Intent was filed with the Mississippi Secretary of State's office on July 18, 2018. A complete copy of Title 22 Part 7 and the proposed changes are available at [www.dmr.ms.gov](http://www.dmr.ms.gov). Public comments on the proposed regulation changes will be accepted through August 20, 2018. All comments should be mailed to the MDMR, Attn: Trevor Moncrief, 1141 Bayview Avenue, Biloxi, MS 39530 or emailed to: Trevor Moncrief at [trevor.moncrief@dmr.ms.gov](mailto:trevor.moncrief@dmr.ms.gov) and delivered by 5:00 PM on August 20, 2018. Complete description of proposed changes: TITLE 22 - MISSISSIPPI DEPARTMENT OF MARINE RESOURCES, PART 7 Regulations to Provide Size Limits and Bag Limits on Certain Fish Species and to Prevent Sale of Seafood by Recreational Fishermen Chapter 09 Commercial Size, Possession and Catch Limits Section 110 Beginning January 1, 2019 individuals commercially harvesting Spotted Seatrout (*Cynoscion nebulosus*) for sale must possess a Spotted Seatrout endorsement (\$10.00) in addition to a current applicable harvester's license. To qualify for this endorsement an application must be completed. The fisher must present proof that five thousand dollars (\$5000.00) of seafood product was sold in any twelve (12) consecutive months. Proof would be copies of sales records and a copy of the applicable harvester's license for the appropriate time period, or the fisher must present proof that ten (10) percent of their net income came from commercial fishing activities in a previous tax year. Proof would be a form provided by the DMR completed by a licensed tax preparer possessing a PTIN (Preparer Tax Identification Number), notarized, and submitted to the department. For the 2019 fishing season the fisher must present documentation that a minimum of twenty (20) percent of their taxable income came from commercial fishing activities in a previous tax year between 2013-2018. Documentation shall be a copy of the appropriate filed IRS tax form showing the applicant's taxable income for one of those years. A Marine Fisheries Trip Ticket officer will then run a sales summary for the year chosen using trip tickets to determine if the eligibility requirement has been met. This endorsement will be valid for a one-year period at which time a new application with qualifying documents for the previous tax year shall be submitted for a new endorsement. The income requirement and seafood sale provision of this section shall cease to be in effect April 30, 2020 unless further Commission action is taken to extend the requirement. The endorsement will be valid from January 1st - December 31st each year. In the event of a hardship approved by the Commission, the department may consider qualifying documents for the two years prior to the onset of the hardship. Publish 8/10, 8/17, 8/24-3795795

# Public Comments

- Notice of Intent Published on July 18, 2018
- Public Comment period July 19<sup>th</sup> through August 20<sup>th</sup>, 2018 (33 days)
- To date, three (3) public comments have been received

# Summary of Public Comments

July 25<sup>th</sup> – Ernest Cook: Id like to suggest reducing the limit to 10....this would definitely cut down on how many a Sport fisherman would have to sale. And in all fairness reduce length to 14". Also, no Commercial finish harvesting on the weekends...Recreational limits only Friday Midnight until Sunday Midnight.



August 10<sup>th</sup>-Mark Watts: This proposed regulation will make it virtually impossible for the part time fisherman to obtain an endorsement. All this proposal will do is take away the rights of the part time fisherman to participate in the allowable catch and give it to the full time or low income commercial fishermen.

MARK H. WATTS, P.A.  
ATTORNEY AT LAW  
A PROFESSIONAL CORPORATION

408 CONVENT AVENUE  
POST OFFICE DRAWER 1499  
TELEPHONE #: (228) 762-2373 PASCAGOULA, MISSISSIPPI 39568-1499 FACSIMILE #: (228) 769-1417

August 10, 2018

Mississippi Department of Marine Resources  
Attention: Trevor Moncrief  
1141 Bayview Avenue  
Biloxi, Mississippi 39530

RE: Comment on proposed changes to Title 22 Part 7  
Spotted Trout Endorsement

Dear Trevor:

I have been a licensed hook and line commercial fisherman for many years. In 2013, when the commission first implemented the requirements for the spotted sea trout endorsement, I was able to meet the requirements since I claim my fishing income and expenses on my tax return and keep up with all of my trip tickets. The guys that I primarily fish with were also able to obtain the endorsement. Then, in 2017, the Department of Marine Resources began to allow the use of Haul Seine nets to harvest spotted sea trout without promulgating any rules or regulations in regard to the use of these nets. Although the Haul Seine nets that were allowed are basically gill nets, they do not fall under the same regulations as gill nets. In 2018, the 50,000 lbs. Quota for spotted sea trout was met or exceeded within the first three months of the season due in large part to the Haul Seines.

I am somewhat confused by the proposed new regulation in regard to the spotted sea trout endorsement. If approved, the new regulation will do away with most, if not all, of the part time hook and line fishermen that currently hold a spotted sea trout endorsement. Why would the Commission punish the part time fisherman by taking away their fishing privileges when it was the Haul Seines that resulted in the Quota being met prematurely.

I am not necessarily advocating the prohibition of the use Haul Seine nets. Although I do believe that regulations are needed specifically addressing when, where and how Haul Seine nets may be used. I am advocating for the part time commercial fishermen that currently hold a spotted sea trout endorsement. When given the chance, we provide the public with fresh spotted sea trout on a consistent basis throughout the season. The fish markets and restaurants prefer hook and line caught trout and I believe that the trout eating public should be able to purchase fresh trout from the local seafood dealers or be served fresh trout at our local restaurants. As it stands now, since the Quota was met April 27, 2018, fresh trout will not be available to the

public until February 2019. That is a period of nine months without any fresh trout available to the public.

I have been advised, by the fisheries division of the Department of Marine Resources, that the Hook and Line commercial fishermen are responsible for the spotted sea trout quota being met prematurely. The fisheries department garners that information from trip tickets. What they do not seem to understand is that the fishermen provide the information on the trip tickets. The seafood dealer who purchases the fish and fills out the trip ticket will put whatever the fisherman tells them in regard to the gear used, time spent and area fished. So, even net caught fish may be reported as hook and line caught fish. Again, why are we punishing the hook and line fisherman for something that is outside of their control and in which they took no part.

Section 49-15-1 of Mississippi Code Ann. (1972) sets forth the public policy of the State of Mississippi as to the seafood laws. That statute reads, in part, as follows:

"It is the intent of the legislature to provide a modern, sound, comprehensive and workable law to be administered by specialists, who are vested with full and ample authority to take such action as may be necessary in order to help protect, conserve and revitalize seafood life in the State of Mississippi".

It is self evident that the spotted sea trout quota is designed to protect and conserve the spotted sea trout population in the State of Mississippi. What makes no sense to me is how limiting the number of speckled trout endorsements, by making it virtually impossible for the part time fishermen to obtain an endorsement, without changing the quota is supposed to protect, conserve and revitalize seafood life in our State. The allowable catch will remain the same. All this new proposal will do is take away the rights of the part time fisherman to participate in the allowable catch and give it to the full time or low income commercial fishermen.

I urge the commission not to approve the proposed changes to Title 22 Part 7.

If you have any questions or would like to discuss this matter further, please contact me upon your receipt of this letter.

Sincerely,

  
Mark H. Watts

MHW/djw

August 20<sup>th</sup>- Mississippi Commercial Fisheries United: Supports regulatory change because it provides stronger protections for bona-fide commercial fishermen. The current quota is inadequate to support current effort. MSCFU does not oppose the inclusion of charter boat income to qualify.

Franklin Parker  
President



Jason Privett  
Vice- President

6421 Boatline Road, Long Beach, MS 39560 | www.MSCFU.org | MSCFUwebs@gmail.com | 228.341.7719

VIA ELECTRONIC MAIL AND PERSONAL DELIVERY

August 20, 2018

Mississippi Department of Marine Resources  
Attn: Trevor Moncrief  
1141 Bayview Avenue, Biloxi, MS 39530  
Email: trevor.moncrief@dmr.ms.gov

RE: Mississippi Commercial Fisheries United- Public Comment Letter for the Commission on Marine Resources Proposed Regulatory Changes to TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES PART 7 REGULATIONS TO PROVIDE SIZE LIMITS AND BAG LIMITS ON CERTAIN FISH SPECIES AND TO PREVENT SALE OF SEAFOOD BY RECREATIONAL FISHERMEN Chapter 9 Section 110 Commercial Size, Possession and Catch Limits Section: Modification of the Spotted Seatrout Endorsement and establishment of the time period in which endorsements are valid.

Dear Mr. Moncrief and Commissioners,

The Mississippi Commercial Fisheries United, Inc. ("MSCFU") hereby submits public comment on the matter of a Notice of Intent approved by the Mississippi Commission on Marine Resources ("Commission") on July 17, 2018 to update, modify and change Title 22, Part 7: Chapter 09, Section 110 that seeks to modify the Spotted Seatrout Endorsement. MSCFU has standing on this matter as a member-based business alliance consisting of legally licensed commercial fishermen, fishing businesses, seafood dealers and processors in the State of Mississippi that will be impacted by this proposed regulatory change. MSCFU is a 501(c)(6) tax-exempt non-profit Corporation registered with the Mississippi Secretary of State that is dedicated to protecting the common interests of Mississippi's commercial fishing industry and promoting sustainable fisheries through leadership in stewardship.

Our organization **SUPPORTS** the aforementioned regulatory changes proposed by the Mississippi Commission on Marine Resources for the following reasons:

1 | P a g e

### I. Bona-fide Commercial Fishermen Deserve Stronger Protections

MSCFU supports the proposed regulatory change as proposed and unanimously approved by the Commission in the Notice of Intent filed with the Mississippi Secretary of State's Office on July 18, 2018 that would modify the commercial spotted seatrout endorsement qualifier to require that twenty percent of a fisherman's income be derived from commercial fishing and that such income would be verified using the MDMR's Trip Ticket Reporting System. **This measure will help to ensure that legitimate, bona-fide commercial fishermen have adequate access to the commercial spotted seatrout quota and to prevent the sale of seafood by recreational fishermen.** The Mississippi commercial spotted seatrout fishery is a limited access fishery and should be treated as such. Resident commercial fishing dependent fishermen who are actively involved in and are income dependant on commercial fin-fishing, shrimping, oystering, and crabbing should have priority access to the commercial spotted sea trout fishery and quota.

### II. The Commercial Spotted Sea Trout Quota is Inadequate to Support Current Effort

**MSCFU contends that the current Mississippi annual commercial spotted seatrout quota of 50,000 pounds is inadequate to support the current level of fishery participants holding commercial spotted seatrout endorsements.** Until the commercial spotted sea trout quota is increased to a fair and equitable level as required by Miss. Code Ann. § 49-15-2 (b)(i) (1972) then the only option is to reduce effort in the fishery. Increasing the income qualifier for the commercial spotted sea trout endorsement to twenty percent of a commercial fisherman's income will help to reduce effort in the fishery.

### III. MSCFU Does Not Oppose the Inclusion of Charter Boat Income to Qualify

**MSCFU does not oppose a request made by the Commission to consider allowing charter boat operator income as qualifying income to be eligible for the Mississippi commercial spotted seatrout endorsement.** MSCFU acknowledges that several charter fishermen are also dually licensed commercial fishermen; although the majority of their income may not be derived from the commercial sale of seafood, they do make a living from fishing income. Therefore, MSCFU contends that adequate consideration for including charter boat income as eligible income for the commercial spotted seatrout endorsement should be given.

Respectfully,

A handwritten signature in blue ink that reads "Ryan Bradley".

Ryan Bradley- Executive Director  
Mississippi Commercial Fisheries United, Inc.

2 | P a g e



## Title 22 Part 7

# Chapter 09 Commercial Size, Possession and Catch Limits

## Section 110

Beginning January 1, 2019 individuals commercially harvesting Spotted Seatrout (*Cynoscion nebulosus*) for sale must possess a Spotted Seatrout endorsement (\$10.00) in addition to a current applicable harvester's license. To qualify for this endorsement an application must be completed. The fisher must present proof that five thousand dollars (\$5000.00) of seafood product was sold in any twelve (12) consecutive months. Proof would be copies of sales records and a copy of the applicable harvester's license for the appropriate time period, or the fisher must present proof that ten (10) percent of their net income came from commercial fishing activities in a previous tax year. Proof would be a form provided by the DMR completed by a licensed tax preparer possessing a PTIN (Preparer Tax Identification Number), notarized, and submitted to the department. For the 2019 fishing season the fisher must present documentation that a minimum of twenty (20) percent of their taxable income came from commercial fishing activities in a previous tax year between 2013-2018. Documentation shall be a copy of the appropriate filed IRS tax form showing the applicant's taxable income for one of those years. A Marine Fisheries Trip Ticket officer will then run a sales summary for the year chosen using trip tickets to determine if the eligibility requirement has been met. This endorsement will be valid for a three one-year period at which time a new application with qualifying documents must for the previous tax year shall be submitted for a new endorsement. The income requirement and seafood sale provision of this section shall cease to be in effect April 30, 2020 unless further Commission action is taken to extend the requirement. The endorsement will be valid from January 1<sup>st</sup> – December 31<sup>st</sup> each year.



## Title 22 Part 7

# Chapter 09 Commercial Size, Possession and Catch Limits

## Section 110

Beginning January 1, 2019 individuals commercially harvesting Spotted Seatrout (*Cynoscion nebulosus*) must possess a Spotted Seatrout endorsement (\$10.00) in addition to a current applicable harvester's license. To qualify for this endorsement an application must be completed. For the 2019 fishing season the fisher must present documentation that a minimum of twenty (20) percent of their taxable income came from commercial fishing activities in a previous tax year between 2013-2018. Documentation shall be a copy of the appropriate filed IRS tax form showing the applicant's taxable income for one of those years. A Marine Fisheries Trip Ticket officer will then run a sales summary for the year chosen using trip tickets to determine if the eligibility requirement has been met. This endorsement will be valid for a one-year period at which time a new application with qualifying documents for the previous tax year shall be submitted for a new endorsement. The endorsement will be valid from January 1<sup>st</sup> – December 31<sup>st</sup> each year.

# Current Endorsements

Upon final adoption of the proposed regulation change to Title 22 Part 7 Section 110 all Spotted Seatrout Endorsements shall expire October 31, 2018.

# Required:

Motion for Final Adoption of Regulatory Changes to Title 22 Part 7 Chapter 9 Section 110 Changes to Spotted Seatrout Endorsement

Motion to withdraw Final Adoption of Regulatory Changes to Title 22 Part 7 Chapter 9 Section 110 Changes to Spotted Seatrout Endorsement.

Motion to bring back next month language regarding charter boat industry.

Motion to bring back language that addresses the 20% and different qualifiers for the endorsement.



- Beginning January 1, 2019 individuals commercially harvesting Spotted Seatrout (*Cynoscion nebulosus*) must possess a Spotted Seatrout endorsement (\$10.00) in addition to a current applicable harvester's license. To qualify for this endorsement an application must be completed. For the 2019 fishing season the fisher must present documentation that a minimum of twenty (20) percent of their taxable income came from commercial fishing **and/or charter for hire** activities in a previous tax year between 2013-2018. Documentation shall be a copy of the appropriate filed IRS tax form showing the applicant's taxable income for one of those years. A Marine Fisheries Trip Ticket officer will then run a sales summary for the year chosen using trip tickets to determine if the eligibility requirement has been met. This endorsement will be valid for a one-year period at which time a new application with qualifying documents for the previous tax year shall be submitted for a new endorsement. The endorsement will be valid from January 1<sup>st</sup> – December 31<sup>st</sup> each year.



ENHANCE ★ PROTECT ★ CONSERVE

# Title 22 Part 5 Chapter 4

## One-Mile Commercial Net Exclusion Zone Around Cat Island Update

Joe Jewell

August 21, 2018

K.2.



# Commercial Section of Title 22 Part 5 Chapter 4

## Sections 100 and 101

102. **COMMERCIAL EEL FISHING** shall be defined as a fishing activity using traps or pots where the sole purpose is to catch American eels (*Anguilla rostrata*). It shall be unlawful for any person, firm, or corporation to retain any fish or shellfish other than adult eels while engaged in commercial eel fishing. An adult eel shall be defined as an eel at least six (6) inches in length.
103. **APPROVED DEGRADABLE MATERIAL** shall be defined as a material which after one (1) year of immersion in water loses at least fifty (50) percent of its tensile strength and for which a field test must be available to analyze the material for authenticity or the net must have a placard issued by the Mississippi Department of Marine Resources (MDMR) which will be permanently attached to the net certifying that the net is made of an approved degradable material. Any material previously approved by the MCMR under Title 22 Part 5 shall be deemed an "approved degradable material" for purposes of this Title 22 Part 5, regardless of whether the material meets the fifty (50) percent loss in tensile strength after one (1) year of immersion in water.

### Chapter 04 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, 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, fish traps, and other like contrivances except permitted eel traps in the following areas of the State of Mississippi:
- 101.01 Within any river, bayou, creek, canal, stream, tributary, lake, bay, or inlet, or other water source entering into areas defined as salt waters under the jurisdiction of the MCMR, except Pt. aux Chenes Bay, Middle Bay, Jose Bay, L'Isle Chaude, Heron Bay, Pascagoula Bay, south of a line beginning at a point on the shoreline at the southern terminus of range lines R7W and R6W near Camp Lamotte; thence southeasterly along the most direct line to the southernmost point of Twin Islands; thence easterly along the most direct line to the southern point of Rabbit Island; thence easterly along the most direct line to the beacon "Oce R 4 sec 100 ft" on the eastern side of Titon Shipbuilding; thence southeasterly following the shoreline to the southeastermost point of Litton Shipbuilding; thence easterly along the most direct line to the southernmost point of land adjoining the entrance to Yazoo Lake) and South Rigolets and Biloxi Bay south of a line drawn between Marsh Point and Grand Bayou. These restrictions in subsection 101.01 shall not apply to mullet fishing in Pascagoula Bay south of the CSX Railroad bridge.

- 101.02 Within fifteen hundred (1500) feet from the shoreline between the U.S. Highway 90 bridge and the north shore of Bayou Caddy in Hancock County.
- 101.03 Within an area that would block the mouth of any river, bayou, creek, canal, stream, tributary, lake, bay, inlet, channel, or other water source entering into areas defined as salt waters under the jurisdiction of the MCMR. Areas defined as salt waters under the jurisdiction of the MCMR are specified by Mississippi Commission on Wildlife, Fisheries and Parks Public Notice Number 2276 in accordance with § 49-15-25 of the Mississippi Code Ann. of 1972, as amended.
- 101.04 Within an area formed by a line running one (1) mile from the shoreline of Cat Ship, Horn, Petit Bois, and Round Island, or from the shoals of Telegraph Keys and Telegraph Reef (Merrill Coquille), during the period from May 15 to September 15 of each year.
- 101.05 Within twelve hundred (1,200) feet of any private piers which extend a distance of seventy-five (75) feet or more from the shoreline, except when mullet fishing.
- 101.06 Within three-hundred (300) feet of any private piers which extend a distance of seventy-five (75) feet or more from the shoreline when mullet fishing.
- 101.07 All of the aforementioned piers must be in usable condition with boards spaced in such a way that persons can walk the entire distance of the pier.
- 101.08 It shall be unlawful for any person, firm, or corporation to use at any time trammel nets, gill nets, seines, 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.
- 101.09 It shall be unlawful for any person, firm, or corporation other than licensed menhaden vessels engaged in menhaden fishing, to use or have in possession purse seine(s) in excess of fifteen hundred (1500) feet in length. Said nets must be of a mesh size of one-half (1/2) inch square, one (1) inch stretch or larger.
- 101.10 It shall be unlawful for any person, firm, or corporation to leave a gill net, trammel net, purse seine, 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 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.



# CMR Passed Notice of Intent on July 17, 2018

Notice of Intent filed with the  
SOS Office on July 18, 2018

SOS APA Form 001

Mississippi Secretary of State

**ADMINISTRATIVE PROCEDURES NOTICE FILING**

AGENCY NAME Mississippi Department of Marine Resources		CONTACT PERSON Joe Spriggs	TELEPHONE NUMBER (601) 383-0772
ADDRESS 1241 Bayview Ave.		CITY Biloxi	STATE MS
EMAIL joespriggs@dmr.ms.gov		Name or number of rule(s): Title 22, Part 5	
SUBMIT DATE 7/18/18		ZIP 38930	

Short explanation of rule amendment/ repeal and reason(s) for proposing rule amendment/ repeal: TITLE 22 - MARINE RESOURCES PART 5 RULES AND REGULATIONS THAT ESTABLISH RESTRICTIONS GOVERNING THE USE OF NETS, FISH TRAPS AND POTS WITHIN THE TERRITORIAL WATERS OF THE STATE OF MISSISSIPPI AND ESTABLISHING CERTAIN CATCH LIMITATIONS AND QUOTAS Chapter 07 Commercial Net Classes Areas and Gear Size Restrictions To create a one-mile commercial net exclusion zone around Galveston and Specific legal authority authorizing the promulgation of rule: Mississippi Code Ann. § 49-15-15, APA, § 25-49-1.001 et seq.

List all rules repealed, amended, or suspended by the proposed rule: Title 22, Part 5: [\(see above summary/ regulation complete description spreadsheet\)](#)

**ORAL 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 not scheduled, an oral proceeding may be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or an individual or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an applicant or applicant, the name, address, email address, and telephone number of the party or parties you represent. Any state within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

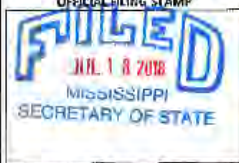
**ECONOMIC IMPACT STATEMENT:**

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

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
<input type="checkbox"/> Original filing <input type="checkbox"/> Renewal of effectiveness To be in effect in _____ days Effective date: _____ <input type="checkbox"/> Immediately upon filing <input type="checkbox"/> Other (specify): _____	Action proposed: <input type="checkbox"/> New rule(s) <input checked="" type="checkbox"/> Amendment to existing rule(s) <input type="checkbox"/> Repeal of existing rule(s) <input type="checkbox"/> Adoption by reference Proposed final effective date: <input checked="" type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____	Date Proposed Rule Filed: Action taken: <input type="checkbox"/> Adopted with no changes in text <input type="checkbox"/> Adopted with changes <input type="checkbox"/> Adopted by reference <input type="checkbox"/> Withdrawn <input type="checkbox"/> Repeal accepted as proposed Effective date: <input type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____

Printed name and Title of person authorized to file rules: Joe Spriggs Executive Director

Signature of person authorized to file rules: *Joe Spriggs*

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
		
Accepted for filing by	Accepted for filing by <i>JWS</i>	Accepted for filing by

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

# MDMR Web Page Public Notice Published on July 19, 2018

Recreational Fishing | Commercial Fishing | Environment | Wildlife | Education

**Quick Links**

- SPECKLED TROUT INFORMATION**
- RED SNAPPER 2018**
- BIDS, PROPOSALS & QUALIFICATIONS**
- JOBS - JOIN OUR TEAM!**
- PURCHASE A RECREATIONAL FISHING LICENSE**

**News & Updates**

- CMR approves state record for Graysby
- CMR to meet Tuesday, July 17
- Red Snapper season to close July 8 – 23
- MDMR's Tails n' Scales survey design receives NOAA Fisheries certification
- Commercial Red Drum season closing June 29
- CMR approves decreased bag limit for Flounder
- CMR certifies youth division state fishing record

**Public Notices**

- Title 22 Part 01 - Hand Dredge Specifications - Proposed Changes
- Title 22 Part 05 - Cat Island Net Exclusion - Proposed Changes
- Title 22 Part 07 - Spotted Seatrout Endorsement - Proposed Changes
- PUBLIC NOTICE OF APPLICATION FOR COASTAL WETLANDS PERMIT AND WATER QUALITY CERTIFICATION**
- Title 22 Part 01 - Area 6 Reclassification - Proposed Changes
- Title 22 Part 07 - Finfish Size and Bag Limits - Proposed Changes
- Title 22 Part 07 - Finfish Size and Bag Limits - Proposed Changes

Legal Notices | Transparency Mississippi | MDMR Ethics Hotline | ms.gov  
 601 MS 39530 | (228) 374-5000 | Marine Emergencies (228) 523-4134  
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**Public Notices**

**Title 22 Part 05 - Cat Island Net Exclusion - Proposed Changes**

The Mississippi Department of Marine Resources (MDMR) does hereby give public notice that on July 17, 2018 at the regularly scheduled meeting of the Commission on Marine Resources, the Commission approved a Notice of Intent to update, modify and change below listed sections of Title 22 Part 5. Said Notice of Intent was filed with the Mississippi Secretary of State's office on July 18, 2018. A complete copy of Title 22 Part 5 and the proposed changes are available at [www.dmr.ms.gov](http://www.dmr.ms.gov). Public comments on the proposed regulation changes will be accepted through August 20, 2018. All comments should be mailed to the MDMR, Attn: Joe Jewell, 1141 Bayview Avenue, Biloxi, MS 38530 or emailed to: [Joe.Jewell@dmr.ms.gov](mailto:Joe.Jewell@dmr.ms.gov) and delivered by 5:00 PM on August 20, 2018.

**Complete description of proposed changes:**

TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES, PART 5 Rules and Regulations that Establish Restrictions Governing the Use of Nets, Fish Traps and Pots Within the Territorial Waters of the State of Mississippi and Establishing Certain Catch Limitations and Quotas

Chapter 04 Commercial Net Closure Areas and Gear Size Restrictions Section 101

101.04 Within an area formed by a line running one (1) mile from the shoreline of Cat Ship, Horn, Pett Bots, and Round Island, or from the shoals of Telegraph Keys and Telegraph Reef (Merrill Coaulle), during the period from May 15 to September 15 of each year:

101.05 Within an area formed by a line running one (1) mile from the shoreline of Cat Island

101.06 101.06 Within twelve hundred (1,200) feet of any private piers which extend a distance of seventy-five (75) feet or more from the shoreline, except when mullet fishing.

101.07 101.07 Within three-hundred (300) feet of any private piers which extend a distance of seventy-five (75) feet or more from the shoreline when mullet fishing.

101.08 101.08 All of the aforementioned piers must be in usable condition with boards spaced in such a way that persons can walk the entire distance of the pier.

101.09 101.09 It shall be unlawful for any person, firm, or corporation to use at any time trammel nets, gill nets, seines, 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.

101.10 101.10 It shall be unlawful for any person, firm, or corporation other than licensed menhaden vessels engaged in menhaden fishing, to use or have in possession purse seine(s) in excess of fifteen hundred (1500) feet in length. Said nets must be of a mesh size of one-half (1/2) inch square, one (1) inch stretch or larger.

101.11 101.11 It shall be unlawful for any person, firm, or corporation to leave a gill net, trammel net, purse seine, 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 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.

[Download PDF]



# Legal Notice Appeared in the Sun Herald on July 29, 2018



## Order Confirmation

<b>Customer</b> DEPT OF MARINE RESOURCES		<b>Payor Customer</b> DEPT OF MARINE RESOURCES	
<b>Customer Account</b> 662389		<b>Payor Account</b> 662389	
<b>Customer Address</b> 1141 BAYVIEW AVENUE BILOXI MS 39530 USA		<b>Payor Address</b> 1141 BAYVIEW AVENUE BILOXI MS 39530 USA	
<b>Customer Phone</b> 228-374-5000		<b>Payor Phone</b> 228-374-5000	
<b>Customer Fax</b>		<b>Customer EMail</b> Greg.Christodoulou@dmr.ms.gov	
<b>Sales Rep</b> Lgum@sunherald.com		<b>Order Taker</b> Lgum@sunherald.com	

PQ Number	Payment Method	Blind Box	Tear Sheets	Proofs	Amisavia
	Invoice		0	0	1

Net Amount	Tax Amount	Total Amount	Payment Amount	Amount Due
\$81.84	\$0.00	\$81.84	\$0.00	\$81.84

Ad Order Number	Order Source	Ordered By	Special Pricing
0003779545			

Invoice Text	Promo Type

Package Rev	Materials

The Mississippi Department of Marine Resources (MDMR) does hereby give public notice that on July 17, 2018 at the regularly scheduled meeting of the Commission on Marine Resources, the Commission approved a Notice of Intent to update, modify and change below listed sections of Title 22 Part 5. Said Notice of Intent was filed with the Mississippi Secretary of State's office on July 18, 2018. A complete copy of Title 22 Part 5 and the proposed changes are available at [www.dmr.ms.gov](http://www.dmr.ms.gov). Public comments on the proposed regulation changes will be accepted through August 20, 2018. All comments should be mailed to the MDMR, Attn: Joe Jewell, 1141 Bayview Avenue, Biloxi, MS 39530 or emailed to Joe Jewell at [joe.jewell@dmr.ms.gov](mailto:joe.jewell@dmr.ms.gov) and delivered by 5:00 PM on August 20, 2018. Complete description of proposed changes: TITLE 22 - MISSISSIPPI DEPARTMENT OF MARINE RESOURCES PART 5 Rules and Regulations that Establish Restrictions Governing the Use of Nets, Fish Traps and Pots Within the Territorial Waters of the State of Mississippi and Establishing Certain Catch Limitations and Quotas Chapter 04 Commercial Net Closure Areas and Gear Size Restrictions Section 101.04 Within an area formed by a line running one (1) mile from the shoreline of Cat, Ship, Horn, Petit Bois, and Round Islands, or from the shoals of Telegraph Keys and Telegraph Reef (Merrill Coquills), during the period from May 15 to September 15 of each year, 101.05 Within an area formed by a line running one (1) mile from the shoreline of Cat Island 101.06 Within twelve hundred (1,200) feet of any private piers which extend a distance of seventy-five (75) feet or more from the shoreline, except when mullet fishing, 101.07 Within five-hundred (500) feet of any private piers which extend a distance of seventy-five (75) feet or more from the shoreline when mullet fishing, 101.08 All of the aforementioned piers must be in usable condition with boards spaced in such a way that persons can walk the entire distance of the pier, 101.09 It shall be unlawful for any person, firm, or corporation to use at any time trammel nets, gill nets, seines, 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, gill and trammel 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 other than licensed menhaden vessels engaged in menhaden fishing, to use or have in possession purse seine(s) in excess of fifteen hundred (1500) feet in length. Said nets must be of a mesh size of one-half (1/2) inch square, one (1) inch stretch or larger. 101.11 It shall be unlawful for any person, firm, or corporation to leave a gill net, trammel net, purse seine, 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 or



# Public Comments - Summary

NOI was filed on August 8, 2018 for a Public Hearing

- Notice of Intent Published on July 18, 2018
- Public Comment period July 19<sup>th</sup> through August 20, 2018 (33 days).
- To date, nine-hundred and three (903) public comments have been received.
- Seventy (70) [14-17-38-1= 70] requests for a public hearing were made.
- A Public Hearing has been scheduled for Wednesday September 5, 2018 at 6:00 p.m. in the Bolton Building Auditorium.
- Seventy (70) requests for an Economic Impact Statement to be conducted.

SOS APA Form 001

Mississippi Secretary of State

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**ADMINISTRATIVE PROCEDURES NOTICE FILING**

AGENCY NAME Mississippi Department of Marine Resources	CONTACT PERSON Ira Jewell	TELEPHONE NUMBER 601-973-3072
ADDRESS 1141 Bayview Ave.	CITY Biloxi	STATE ZIP MS 39202
EFFECTIVE DATE 8/8/18	SUBMIT DATE 8/8/18	Name of numbered rule(s): Title 22 Part 5

Short explanation of rule/amendment/peel and reason(s) for proposing rule/amendment/peel: TITLE 22 - MISSISSIPPI DEPARTMENT OF MARINE RESOURCES PART 5 RULES AND REGULATIONS - BY ESTABLISHING RESTRICTIONS GOVERNING THE USE OF NETS, FISH TRAPS AND HOOPS WITHIN THE TERRITORIAL WATERS OF THE STATE OF MISSISSIPPI AND ESTABLISHING CERTAIN CATCH LIMITS FOR 5 AND 10 FOOT CHLORIS Chloris Chloris and other species of fish. To create a moratorium commercial net and trap fishing in the state of Mississippi. Specific legal authority authorizing the promulgation of rule: Mississippi Code Ann. § 49-25-15, ANN. § 25-42-1(1) and any other applicable laws.

List all rules repealed, amended, or suspended by the proposed rule: Title 22, Part 5, (see above summary description) complete description attached.

ORAL PROCEEDINGS:

An oral proceeding is scheduled for this rule on: Date: September 5, 2018 Time: 6:00 p.m. Place: 1141 Bayview Ave. Biloxi, MS 39202

An oral proceeding is not scheduled for this rule.

If an oral proceeding is not scheduled, written comments should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule action and should include the name, address, email address, and telephone number of the person(s) making the request, and if possible, the name of an attorney, the name, address, email address, and telephone number of a party or parties you represent. Attachments to this notice of proposed rule action (including any supporting materials, data, and views on the proposed rule/amendment/peel) may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

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

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
Original filing Renewal of effectiveness To be in effect in _____ day(s) Effective date: _____ Immediately upon filing Other (specify): _____	Action proposed: New rule(s) <input checked="" type="checkbox"/> Amendment to existing rule(s) Repeal of existing rule(s) Adoption by reference Proposed final effective date: <input checked="" type="checkbox"/> 30 days after filing Other (specify): _____	Date Proposed Rule Filed: Action taken: <input type="checkbox"/> Adopted with no changes in text <input type="checkbox"/> Adopted with changes <input type="checkbox"/> Adopted by reference <input type="checkbox"/> Withdrawn <input type="checkbox"/> Repeal/Adopted as proposed Effective date: <input type="checkbox"/> 30 days after filing Other (specify): _____

Printed name and title of person authorized to file rule: Ira Spraggins Executive Director

Signature of person authorized to file rule: [Signature]

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
Accepted for filing by	Accepted for filing by <u>[Signature]</u> #23368	Accepted for filing by

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

# Summary of Public Comments, Cont.

A total of nine-hundred and three (903) public comments have received concerning the proposed commercial net ban within one-mile of Cat Island.

1. Five-Hundred and seventy-one (571) comments support the commercial net ban around Cat Island.
2. Three-hundred and thirty-two (332) comments oppose the commercial net ban around Cat Island.
3. Two groups support the ban: HOSSFLY and the Sierra Club.
4. One group opposes the ban: Mississippi Commercial Fisheries United.

# Summary of Public Comments Supporting the commercial net ban around Cat Island

Five-Hundred and seventy-one (571) comments in support of the commercial net ban around Cat Island.

- Limit commercial fishing to weekdays – no commercial fishing on the weekends.
- Oppose commercial net fishing around Cat Island.
- Support commercial hook-and-line fishing.
- Ban all commercial nets in Mississippi.
- Reduce the total numbers of Haul Seines and Gill Nets.
- Opposition to selling commercially caught SST out of state.
- Commercial hook-and-line should abide by the same size and quantity limits as the recreational fisherman and should not be allowed to sell over 30 trout per day.
- Require all commercial fishermen and Seafood Markets to fill out and submit Trip Tickets.



# Summary of Comments Received from CCA Site Using Form Email

A total of 487 Comments have been received

## Duplicate Comments:

- A total of 27 individuals commented twice ( $27 \times 2 = 54$ )
- A total of 9 individuals commented three times ( $9 \times 3 = 27$ )
- One person commented 4 times ( $1 \times 4 = 4$ )

All duplicate comments equal 82 if considered one comment each would equal 37 comments

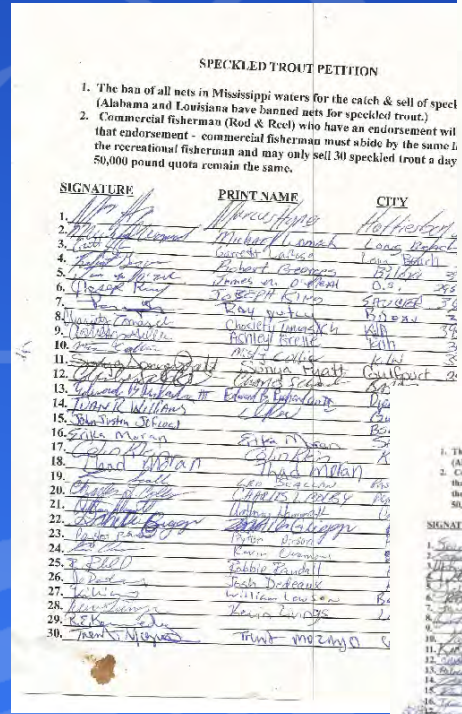
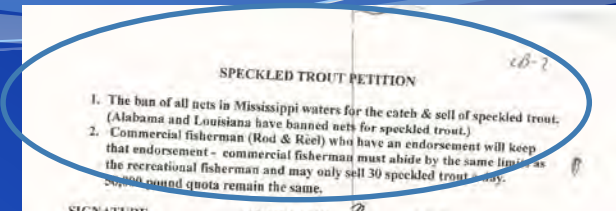
- Total comments = 487
- Total comments if only one comment each =  $487 - (82 - 37 = 45) = 442$

# Summary of Speckled Trout Petition Supporting Commercial Net Ban

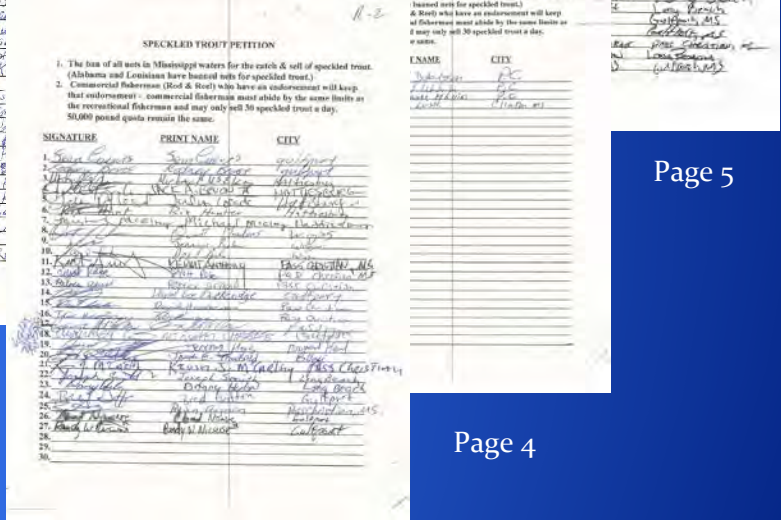
On August 16<sup>th</sup> received Speckled Trout Petition hand delivered with a total of 118 signatures.

Summary of the comments on the form letter:

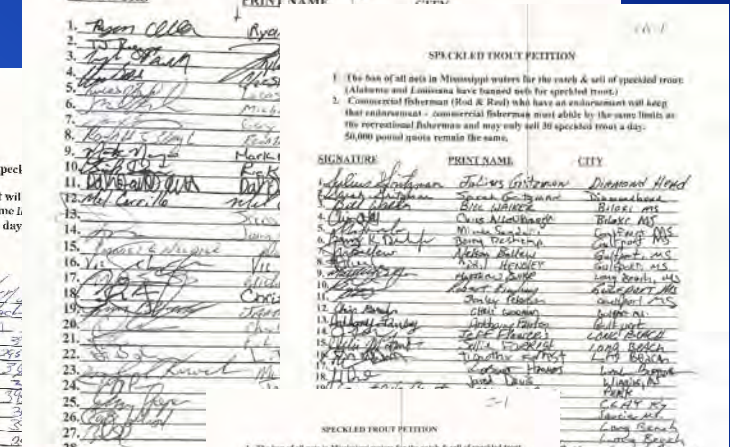
- Ban all nets in MS waters for the catch & sell of speckled trout.
- Commercial fisherman (Rod & Reel) who have endorsement will keep endorsement.
- Commercial fishermen must abide by the same limits as the recreational fisherman and may only sell 30 speckle trout a day.
- 50,000 pound quota would remain the same.



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Page 3



Page 4

Page 5



# Summary of Public Comments Opposing the Commercial Net Ban around Cat Island – MCFU Petition

On August 6<sup>th</sup> Ryan Bradley submitted 17 comments on a form letter and again on August 13<sup>th</sup> submitted the form letter with 38 comment. Summary of the comments on the form letter:

On August 20<sup>th</sup> Ryan Bradley submitted 14 comments on a form letter for a total of: 69

1. Opposes the proposed fish net ban on Cat Island.
2. Requests an oral hearing be held on this proposed regulatory change.
3. Requests that an Economic Impact Statement be conducted.
4. Request that best available science be available and be considered with this proposal.

## Example of form letter

Mississippi Department of Marine Resources  
ATTN: Joe Jewell

1141 Bayview Avenue  
Biloxi, MS 39530

I oppose regulatory changes being proposed by the Mississippi Commission on Marine Resources to Title 22 Part 5, Chapter 4 that would make it 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, fish traps, or any other like contrivances within an area formed by a line running one (1) mile from the shoreline of Cat Island. This proposed regulation will have a severe adverse impact on my commercial fishing business and affect my ability to make a living commercial fishing. I request that an oral proceeding be held before final adoption of this proposed regulation is voted upon. Due to the fact that this regulation is likely to have an adverse economic impact to the commercial fishing industry in excess of \$100,000.00 in total I request that an economic impact statement be conducted. I also request that the need for this proposed regulation be clearly conveyed and that the best available science supporting the proposed regulation be presented before this proposed rule is considered for final adoption.

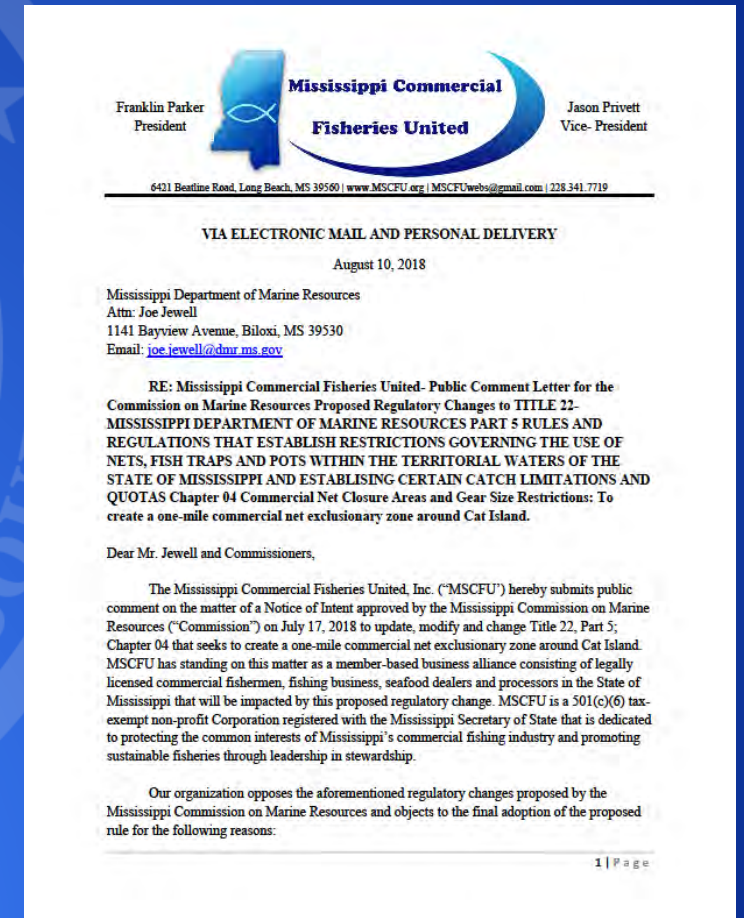
Name: *Eddie Rhoads*  
Address: *6632 Columbus Circle*  
Email Address:  
Phone number: *228-209-6803*  
Signature: *Edward Rhoads*

(Pages: 17+38+14=69)



# Summary of Public Comments Opposing the Commercial Net Ban around Cat Island – MCFU Organization Statement

1. Proposed changes is not consistent with standards for fishery conservation and management as required by SS 49-15-2.
2. No valid reason for the proposed regulation was stated publicly.
3. The Notice of Intent for the proposed regulation was not properly authorized by the Commission on Marine Resources.
4. The approval of the Notice of Intent for the proposed regulation is arbitrary and Capricious.
5. The proposed regulation has a disparate impact against a certain class of commercial fishermen in violation of the Fourteenth Amendment to the United States Constitution.



# Summary of Comments from Online Care2 Petition as submitted by Ryan Bradley

A total of 251 signatures submitted on August 20,  
2018 by Ryan Bradley

1. Where's all the data for closing these waters my guess there is no data.
2. Because I'm a fisherman in Mississippi I support my family with my boats and this would put a burden on my income.
3. We need commercial fishing to stay here in the USA and provide America our fish. Keep the nets.
4. CCA is the enemy of hard working commercial fishermen. They won't be happy until all seafood is imported.



# Summary of Public Comments Opposing the Commercial Net Ban around Cat Island, Cont.

- Would like the MDMR to take into consideration that this would have a large financial impact on the local economy.
- No Scientific basis to support this action and is purely discriminatory.
- If CMR is truly concerned about SST on Cat Island then should conduct a scientific survey to determine how each user group has on Cat Island SST.
- Will have great economic impact on commercial fishermen and the local economy.
- This action will reallocate resource from one user group to another.
- Recreational fishermen have it all and now they want to take away Cat Island.
- If enacted will further reduce commercial fishermen's area to fish.
- Finds it highly discriminatory as a net fishermen when other commercial activities can continue such as charter fishing, rod and reel fishing, crabbing and shrimping.
- Has large investment in commercial gear (boats, motors,



# Title 22 Part 5

## Chapter 04 Commercial Net Closure Areas and Gear Size Restrictions

### Section 101

- 101.04 Within an area formed by a line running one (1) mile from the shoreline of Cat, Ship, Horn, Petit Bois, and Round Island, or from the shoals of Telegraph Keys and Telegraph Reef (Merrill Coquille), during the period from May 15 to September 15 of each year.
- 101.05 Within an area formed by a line running one (1) mile from the shoreline of Cat Island

# Title 22 Part 5

## Chapter 04 Commercial Net Closure Areas and Gear Size Restrictions

### Section 101

- ~~101.05~~ 101.06 Within twelve hundred (1,200) feet of any private piers which extend a distance of seventy-five (75) feet or more from the shoreline, except when mullet fishing.
- ~~101.06~~ 101.07 Within three-hundred (300) feet of any private piers which extend a distance of seventy-five (75) feet or more from the shoreline when mullet fishing.
- ~~101.07~~ 101.08 All of the aforementioned piers must be in usable condition with boards spaced in such a way that persons can walk the entire distance of the pier.
- ~~100.08~~ 101.09 It shall be unlawful for any person, firm, or corporation to use at any time trammel nets, gill nets, seines, 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.
- ~~100.09~~ 101.10 It shall be unlawful for any person, firm, or corporation other than licensed menhaden vessels engaged in menhaden fishing, to use or have in possession purse seine(s) in excess of fifteen hundred (1500) feet in length. Said nets must be of a mesh size of one-half (1/2) inch square, one (1) inch stretch or larger.
- ~~100.10~~ 101.11 It shall be unlawful for any person, firm, or corporation to leave a gill net, trammel net, purse seine, 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 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.

# Questions?



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# Title 22 Part 20 Chapter 21

## Revocation of Spotted Seatrout Endorsement under Certain Penalties Notice of Intent

Joe Jewell  
August 21, 2018

K.3.

# Background

June 19<sup>th</sup> the CMR requested staff propose a provision in the regulations granting the Commission authority to revoke the Spotted Seatrout Endorsement under certain penalties.

July 17<sup>th</sup> CMR tabled agenda item K.3. Revocation of SST Endorsement under Certain Penalties till August CMR Meeting pending further review.

Title 22 Part 20  
Chapter 21 Administrative Penalties  
Section 104

104 Suspension or revocation of licenses or permits, or endorsements may be commenced in addition to seeking administrative penalties.

105 The Commission may revoke regulatory program requirements, such as but not limited to endorsements, tags, permits, or similar provisions for violations related to that particular program.



# Required:

A motion for a NOI for modification to Title 22 Part 20 Chapter 21 Section 104 including language to revoke SST Endorsement under certain penalties.

A motion for a NOI for modification to Title 22 Part 20 Chapter 21 Section 104 to include Endorsements under certain penalties. Add Section 105 to read that the Commission may revoke regulatory program requirements, such as but not limited to endorsements, tags, permits, or similar provisions for violations related to that particular program.

## Title 22 Part 7

### Chapter 09 Commercial Size, Possession and Catch Limits

#### Section 110

The CMR may revoke any person's, firm's, or corporation's Spotted Seatrout Endorsement for violating any of the endorsement's regulating provisions.

# Title 22 Part 09

## Chapter 06 Seafood Reporting Requirements

- 100 Each seafood dealer/processor is hereby required to complete Mississippi trip tickets provided by the MDMR. Commercial fishermen, who sell their catch to individuals other than a Mississippi dealer/processor or transport their catch out-of-state, are hereby required to complete Mississippi trip tickets provided by the MDMR and be in possession of a fresh product permit. A completed Mississippi trip ticket is only required for the initial point of sale of the seafood product. All trip tickets shall be returned to the MDMR or electronically submitted on or before the 10th of each month for actual transactions from every commercial fisherman during the preceding month. A trip ticket summary form that states the total trips taken in a given month shall be submitted by the 10<sup>th</sup> of each month by the seafood dealer/processor or commercial fisherman. The fisherman is required to provide to the dealer complete and accurate information necessary for the completion of the fisherman portion of the trip ticket. This may include, but is not limited to, commercial fisherman's name, valid license number, date and area of harvest, trip and fishing time, proper vessel identification, gear, quantity, and size of gear used, and applicable mesh size (if any) of gear used, seafood dealer's name, date of purchase, dealer license number, port and county product was landed, species being purchased, weight or any other applicable standard, condition of product, count or market grade of purchased seafood product, and price paid per unit ( pound or number) per species. The seafood dealer/processor or fisherman is required to verify the accuracy of the tickets by signing each ticket.



# Title 22 Part 09

## Chapter 06 Seafood Reporting Requirements Section 100

- Each seafood dealer/processor is hereby required to complete Mississippi trip tickets provided by the MDMR.
- Commercial fishermen, who sell their catch to individuals other than a Mississippi dealer/processor or transport their catch out-of-state, are hereby required to complete Mississippi trip tickets provided by the MDMR and be in possession of a fresh product permit.
- A completed Mississippi trip ticket is only required for the initial point of sale of the seafood product.
- All trip tickets shall be returned to the MDMR or electronically submitted on or before the 10th of each month for actual transactions from every commercial fisherman during the preceding month.
- A trip ticket summary form that states the total trips taken in a given month shall be submitted by the 10<sup>th</sup> of each month by the seafood dealer/processor or commercial fisherman.
- The fisherman is required to provide to the dealer complete and accurate information necessary for the completion of the fisherman portion of the trip ticket.
- This may include, but is not limited to, commercial fisherman's name, valid license number, date and area of harvest, trip and fishing time, proper vessel identification, gear, quantity, and size of gear used, and applicable mesh size (if any) of gear used, seafood dealer's name, date of purchase, dealer license number, port and county product was landed, species being purchased, weight or any other applicable standard, condition of product, count or market grade of purchased seafood product, and price paid per unit ( pound or number) per species.
- The seafood dealer/processor or fisherman is required to verify the accuracy of the tickets by signing each ticket.

# Title 22 Part 7 Chapter 7

- 101 A licensed for-hire vessel may obtain a two-day bag limit endorsement from the Department for a fee of \$100 per year. The endorsement allows the vessel to possess a two-day bag limit (whole or filleted) of Spotted Seatrout, Red Drum, and Southern Flounder under all of the following conditions:
  - The endorsement only applies while fishing in Mississippi territorial waters.
  - The trip must extend beyond 24 hours before returning to the mainland.
  - The harvest must comply with Mississippi's current size limits, regardless of the place of harvest.
  - The harvest must comply with Mississippi daily catch limits. This endorsement does not authorize any person to take more than one daily Mississippi bag limit during one calendar day.
  - The vessel must obtain a float plan from the Department prior to each trip.
  - The vessel may possess the two-day limit only during its final return to the mainland. During the final return, fishing is prohibited.

# Title 22 Part 7 Chapter 9

- 110 Individuals harvesting Spotted Seatrout (*Cynoscion nebulosus*) for sale must possess a Spotted Seatrout endorsement (\$10.00) in addition to a current applicable harvester's license. To qualify for this endorsement an application must be completed. The fisher must present proof that five thousand dollars (\$5000.00) of seafood product was sold in any twelve (12) consecutive months. Proof would be copies of sales records and a copy of the applicable harvester's license for the appropriate time period, or the fisher must present proof that ten (10) percent of their net income came from commercial fishing activities in a previous tax year. Proof would be a form provided by the DMR completed by a licensed tax preparer possessing a PTIN (Preparer Tax Identification Number), notarized, and submitted to the department. This endorsement will be valid for a three-year period at which time a new application with qualifying documents must be submitted for a new endorsement. The income requirement and seafood sale provision of this section shall cease to be in effect April 30, 2020 unless further Commission action is taken to extend the requirement.



# Title 22 Part 7 Chapter 9

- 111 The following provisions are provided to address safety concerns and allow fishermen to have another individual on board in case of an emergency.
- For commercial hook and line fishermen, if only two fishermen are aboard a vessel commercially harvesting Spotted Seatrout, one of the fishermen is not required to possess the Spotted Seatrout endorsement; however, that fisherman is required to possess an applicable commercial harvester's license. If two or more commercial hook and line fishermen possessing the Spotted Seatrout endorsement are aboard a vessel commercially harvesting Spotted Seatrout, all fishermen aboard the vessel are required to possess the Spotted Seatrout endorsement.
- For net fishermen, the vessel must possess a valid fishing boat license and if only two fishermen are aboard a vessel commercially harvesting Spotted Seatrout, one of the fishermen is not required to possess the Spotted Seatrout endorsement. If two or more net fishermen possessing the Spotted Seatrout endorsement are aboard a vessel commercially harvesting Spotted Seatrout, all fishermen aboard the vessel are required to possess the Spotted Seatrout endorsement.



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# Title 22 Part 1 Chapter 7

# Hand Dredge Specifications

# Final Adoption

Erik Broussard  
August 21, 2018

# CMR Passed Notice of Intent on July 17, 2018

Notice of Intent filed with the  
SOS Office on July 18, 2018

SOS APA Form 001

Mississippi Secretary of State

**ADMINISTRATIVE PROCEDURES NOTICE FILING**

AGENCY NAME Mississippi Department of Marine Resources		CONTACT PERSON Joe Jewell	TELEPHONE NUMBER 228-523-4072	
ADDRESS 3141 Bayview Avenue		CITY Biloxi	STATE MS	ZIP 39530
EMAIL joe.jewell@dmr.ms.gov	SUBMIT DATE 7-18-2018	Name or number of rule(s): Title 22, Part 1		

Short explanation of rule/amendment/ repeal and reason(s) for proposing rule/amendment/ repeal: TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES PART 1 RULES AND REGULATIONS FOR SHELLFISH HARVESTING, TAGGING, LANDING, UNLOADING, TRANSPORTING, RELAYING, MANAGEMENT, AREA CLASSIFICATION, AND OTHER SHELLFISH RELATED ACTIVITIES IN THE STATE, AND THE LEASING OF TERRITORIAL WATERS UNDER THE JURISDICTION OF THE STATE OF MISSISSIPPI, Chapter 7: Amends Sections 101 and 103. Specific legal authority authorizing the promulgation of rule: Mississippi Code Ann. § 49-15-15, APA, § 25-43-1.101 et seq.

List all rules repealed, amended, or suspended by the proposed rule: Title 22, Part 1: (complete description attached)

**ORAL 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 not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.


**ECONOMIC IMPACT STATEMENT:**

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

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
<input type="checkbox"/> Original filing <input type="checkbox"/> Renewal of effectiveness To be in effect in _____ days Effective date: _____ <input type="checkbox"/> Immediately upon filing <input type="checkbox"/> Other (specify): _____	Action proposed: <input type="checkbox"/> New rule(s) <input checked="" type="checkbox"/> Amendment to existing rule(s) <input type="checkbox"/> Repeal of existing rule(s) <input type="checkbox"/> Adoption by reference Proposed final effective date: <input checked="" type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____	Date Proposed Rule Filed: _____ Action taken: <input type="checkbox"/> Adopted with no changes in text <input type="checkbox"/> Adopted with changes <input type="checkbox"/> Adopted by reference <input type="checkbox"/> Withdrawn <input type="checkbox"/> Repeal adopted as proposed Effective date: <input type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____

Printed name and Title of person authorized to file rules: Joe Spraggins, Executive Director

Signature of person authorized to file rules: *Joe Spraggins*

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
[Blank]		[Blank]
Accepted for filing by	Accepted for filing by <i>#23523</i>	Accepted for filing by

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.






Complete description of proposed changes:



# MDMR Web Page Public Notice Published on July 19, 2018

Recreational Fishing | Commercial Fishing | Environment | Wildlife | Education

### Quick Links

-   
**SPECKLED TROUT INFORMATION**
-   
**RED SNAPPER 2018**
-   
**BIDS, PROPOSALS & QUALIFICATIONS**
-   
**JOBS - JOIN OUR TEAM!**
-   
**PURCHASE A RECREATIONAL FISHING LICENSE**

### News & Updates

- CMR approves state record for Graysby
- CMR to meet Tuesday, July 17
- Red Snapper season to close July 8 – 23
- MDMR's Tails n' Scales survey design receives NOAA Fisheries certification
- Commercial Red Drum season closing June 29
- CMR approves decreased bag limit for Flounder
- CMR certifies youth division state fishing record

### Public Notices

- Title 22 Part 01 - Hand Dredge Specifications - Proposed Changes
- Title 22 Part 05 - Cat Island Net Exclusion - Proposed Changes
- Title 22 Part 07 - Spotted Seatrout Endorsement - Proposed Changes
- PUBLIC NOTICE OF APPLICATION FOR COASTAL WETLANDS PERMIT AND WATER QUALITY CERTIFICATION**
- Title 22 Part 01 - Area 6 Reclassification - Proposed Changes
- Title 22 Part 07 - Finfish Size and Bag Limits - Proposed Changes
- Title 22 Part 07 - Finfish Size and Bag Limits - Proposed Changes

Legal Notices | Transparency Mississippi | MDMR Ethics Hotline | ms.gov  
P.O. Box 39530 | (228) 374-5000 | Marine Emergencies (228) 523-4134  
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# Legal Notice Appeared in the Sun Herald on July 29, 2018

## Ad Order Information

Ad Number	Ad Type	Production Method	Production Notes
0003779526-01	BLX-Legal Liner	AdBooker	
External Ad Number	Ad Attributes	Ad Released	Pick Up
		No	
Ad Size	Color		
1 X 56 li			
Product	Placement	Times Run	Schedule Cost
BLX- SunHerald	0300 - Legals Classified	1	\$40.92
Run Schedule Invoice Text	Position		
The Mississippi Department of Marine Res	0301 - Legals & Public Notices		
Run Dates			
07/29/2018			

The Mississippi Department of Marine Resources (MDMR) does hereby give public notice that on July 17, 2018 at the regularly scheduled meeting of the Commission on Marine Resources, the Commission approved a Notice of Intent to update, modify and change below listed sections of Title 22 Part 1. Said Notice of Intent was filed with the Mississippi Secretary of State's office on July 18, 2018. A complete copy of Title 22 Part 1 and the proposed changes are available at [www.dmr.ms.gov](http://www.dmr.ms.gov). Public comments on the proposed regulation changes will be accepted through August 20, 2018. All comments should be mailed to the MDMR, Attn: Joe Jewell, 1141 Bayview Avenue, Biloxi, MS 39530 or emailed to: Joe.Jewell@dmr.ms.gov and delivered by 5:00 PM on August 20, 2018. Complete description of proposed changes: TITLE 22 - MISSISSIPPI DEPARTMENT OF MARINE RESOURCES PART 1 RULES AND REGULATIONS FOR SHELLFISH HARVESTING, TAGGING, LANDING, UNLOADING, TRANSPORTING, RELAYING, MANAGEMENT, AREA CLASSIFICATION, AND OTHER SHELLFISH RELATED ACTIVITIES IN THE STATE, AND THE LEASING OF TERRITORIAL WATERS UNDER THE JURISDICTION OF THE STATE OF MISSISSIPPI.

Chapter 07 Dredge Specifications 101 It is unlawful for any person, firm, or corporation to take or attempt to take any oysters from the waters under the territorial jurisdiction of the State of Mississippi by the use of a hand using a mechanical advantage retrieval system, having a weight in excess of 40 pounds and the tooth bar cannot have more than 10 teeth of not more than five and one quarter inches unless otherwise permitted by the MDMR or as hereby authorized the MDMR, its Executive Director, Director of Marine Fisheries, Bureau Director, Program Coordinator or other MDMR designee. 103 No person, firm or corporation may use more than two dredges, unless otherwise permitted or restricted by the MDMR or as hereby authorized the MDMR, its Executive Director, Program Coordinator or other MDMR designee. 0003779526

# Public Comments

- Notice of Intent Published on July 18, 2018
- Public Comment period July 19, 2018 through August 20, 2018 (33 days)
- To-date no public comments have been received



# Title 22 Part 1 Chapter 7

101 It is unlawful for any person, firm, or corporation to take or attempt to take any oysters from the waters under the territorial jurisdiction of the State of Mississippi by the use of a hand dredge using a mechanical-advantage retrieval system, having a weight in excess of 40 pounds and the tooth bar cannot have more than 10 teeth of not more than five and one quarter inches unless otherwise permitted by the MCMR or as hereby authorized the MDMR, its Executive Director, Director of Marine Fisheries, Bureau Director, Program Coordinator or other MDMR designee.

# Title 22 Part 1 Chapter 7

~~101~~ 103 No person, firm or corporation may use more than two such dredges, unless otherwise permitted or restricted by MCMR or as hereby authorized the MDMR, its Executive Director, Director of Marine Fisheries, Bureau Director, Program Coordinator or other MDMR designee.

# Required:

A motion for final adoption of regulatory changes to Title 22  
Part 1 Chapter 7 Hand Dredge Specifications.





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# Title 22 Part 7 Chapter 9

Commercial Size Limit Change for Gag  
Notice of Intent

Carly Somerset  
August 21, 2018

K.5.

**Gulf of Mexico Fishery Bulletin**  
*Bringing Fishing News to You*

FB18-044  
FISHERY BULLETIN ISSUE DATE: June 22, 2018  
CONTACT: Rich Malinowski, 727-824-5305, [Rich.Malinowski@noaa.gov](mailto:Rich.Malinowski@noaa.gov)

**Final Rule to Modify Gulf of Mexico Mutton Snapper and Gag Management Measures**

**KEY MESSAGE:**

NOAA Fisheries announces a final rule modifying commercial and recreational mutton snapper and commercial gag management measures in the Gulf of Mexico. The rule will:

- Modify the annual catch limit for mutton snapper
- Remove the annual catch target
- Decrease the mutton snapper recreational bag limit
- Increase the mutton snapper commercial and recreational minimum size limits
- Increase the gag commercial minimum size limit

**WHEN THIS RULE WILL TAKE EFFECT:**

- Regulations will be effective **July 23, 2018**.

**WHAT THIS MEANS:**

- The annual catch limits for mutton snapper during 2018-2020 will be decreased from 203,000 pounds whole weight to:
  - o 134,424 pounds whole weight in 2018,
  - o 139,292 pounds whole weight in 2019,
  - o and 143,694 pounds whole weight in 2020 and subsequent years.
- The annual catch target will be removed.
- **The mutton snapper recreational bag limit will be decreased from 10 mutton snapper per angler per day within the 10-snapper aggregate bag limit to 5 mutton snapper per angler per day within the 10-snapper aggregate bag limit.**
- **The mutton snapper commercial and recreational minimum size limits will be increased from 16 inches total length (TL) to 18 inches TL.**
- **The gag commercial minimum size limit will be increased from 22 inches TL to 24 inches TL.**

FORMAL FEDERAL REGISTER NAME/NUMBER: [NOAA-NMFS-2017-0082](#), published June 22, 2018.

**FREQUENTLY ASKED QUESTIONS (FAQs)**

**Why are these changes needed?**

- In 2015, a population assessment indicated mutton snapper are not experiencing overfishing (rate of removal is not too high) and are not overfished (stock abundance is too low), but the adult population is smaller than previously estimated.
- Therefore, a reduction in mutton snapper harvest limits is necessary to ensure that overfishing does not occur.

# Title 22 Part 7 Chapter 9

Commercial Size, Possession and Catch Limits

Section 100

100.18 Gag Grouper – ~~twenty-two (22)~~ twenty-four (24) inches (total length)

ENHANCE ★ PROTECT ★ CONSERVE



# Required:

A Motion for a Notice of Intent to Amend Title 22 Part 7 Chapter 9 Section 100 Subsection 100.18 commercial size limit for Gag.



ENHANCE ★ PROTECT ★ CONSERVE

# Title 22 Part 7 Chapters 8 and 9

Commercial and Recreational Bag and Size Limit Changes for Mutton Snapper  
Notice of Intent

Brittany Chudzik  
August 21, 2018

K.6.

**Gulf of Mexico Fishery Bulletin**  
*Bringing Fishing News to You*

FB18-044  
FISHERY BULLETIN ISSUE DATE: June 22, 2018  
CONTACT: Rich Malinowski, 727-824-5305, [Rich.Malinowski@noaa.gov](mailto:Rich.Malinowski@noaa.gov)

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**FREQUENTLY ASKED QUESTIONS (FAQs)**

**Why are these changes needed?**

- In 2015, a population assessment indicated mutton snapper are not experiencing overfishing (rate of removal is not too high and are not overfished (stock abundance is too low), but the adult population is smaller than previously estimated.
- Therefore, a reduction in mutton snapper harvest limits is necessary to ensure that overfishing does not occur.



# Title 22 Part 7 Chapter 8

## Recreational Bag, Possession and Size Limits

### Section 100

100.11.02 Mutton Snapper (*Lutjanus analis*) – may possess five (5) within the ten (10) fish aggregate

### Section 102

102.06 Mutton Snapper – eighteen (18) inches (total length)

# Chapter 8 Section 102

## Recreational Bag, Possession and Size Limits

- ~~102.05~~ 102.05 Red and Mutton Snapper – sixteen (16) inches (total length).
- ~~102.06~~ 102.06 Mutton Snapper - eighteen (18) inches (total length).
- ~~102.06~~ 102.07 Vermillion Snapper – ten (10) inches (total length).
- ~~102.07~~ 102.08 Lane Snapper – eight (8) inches (total length).
- ~~102.08~~ 102.09 Gray, Schoolmaster, Cubera, Dog, Mahogany, and Yellowtail Snapper – twelve (12) inches (total length).
- ~~102.09~~ 102.10 Red and Yellowfin Grouper – twenty (20) inches (total length).
- ~~102.10~~ 102.11 Gag and Black Grouper – twenty-four (24) inches (total length).
- ~~102.11~~ 102.12 Scamp – sixteen (16) inches (total length).
- ~~102.12~~ 102.13 Gray Triggerfish – fourteen (14) inches (fork length).
- ~~102.13~~ 102.14 King Mackerel – twenty-four (24) inches (fork length).
- ~~102.14~~ 102.15 flounders (*Paralichthys sp.*) – twelve (12) inches (total length).
- ~~102.15~~ 102.16 small coastal sharks – twenty-five (25) inches total length.
- ~~102.16~~ 102.17 large coastal sharks – thirty-seven (37) inches total length.
- ~~102.17~~ 102.18 Lesser Amberjack and Banded Rudderfish – may possess fish between fourteen (14) inches (fork length) to twenty-two (22) inches fork length.
- ~~102.18~~ 102.19 Bigeye Tuna (*Thunnus obesus*) – twenty-seven (27) inches as measured from the tip of the upper jaw to the fork of the tail along the contour of the middle of the body (curved fork length).
- ~~102.19~~ 102.20 Yellowfin Tuna (*Thunnus albacares*) – twenty-seven (27) inches as measured from the tip of the upper jaw to the fork of the tail along the contour of the middle of the body (curved fork length).
- ~~102.20~~ 102.21 Blue Marlin (*Makaira nigricans*) – ninety-nine (99) inches as measured from the tip of the lower jaw to the fork of the tail (lower jaw fork length).
- ~~102.21~~ 102.22 White Marlin (*Tetrapturus albidus*) – sixty-six (66) inches as measured from the tip of the lower jaw to the fork of the tail (lower jaw fork length).
- ~~102.22~~ 102.23 Sailfish (*Istiophorus platypterus*) – sixty-three (63) inches as measured from the tip of the lower jaw to the fork of the tail (lower jaw fork length).
- ~~102.23~~ 102.24 Hogfish – twelve (12) inches (fork length)
- ~~102.24~~ 102.25 Tripletail (*Lobotes surinamensis*) eighteen (18) inches total length

# Title 22 Part 7 Chapter 9

## Commercial Size, Possession and Catch Limits

### Section 100

100.11 Mutton Snapper – ~~sixteen (16)~~ eighteen (18) inches (total length)



# Required:

A Motion for a Notice of Intent to Amend Title 22 Part 7 Chapter 8 and Chapter 9, Section 100 Bag and Size Limit for Mutton Snapper.



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# Oyster Depuration Overview

Ruth Posadas  
August 21, 2018

# Background

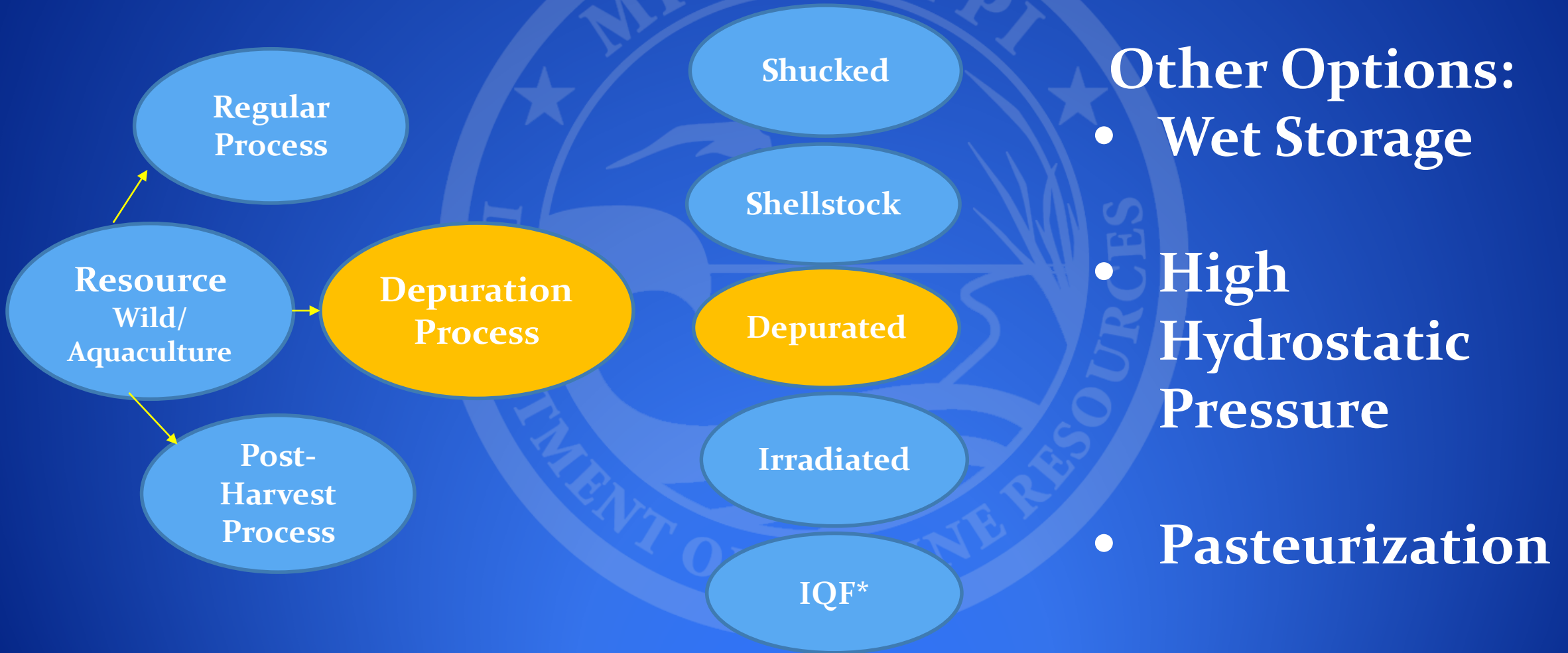
**Motion:** For DMR to comeback with recommendations to develop a program for a depuration facility and to develop a feasibility study, a cost analysis and a funding source.



# Needed Actions

- Develop an Oyster Depuration Program
- Develop a Feasibility Study
- Present a Cost Analysis
- Find a Funding Source

# Oyster Processing Options and Products



\* Individually Quick Frozen



Available Options



Proposed Option

# 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)



# Site Selection

- **JACKSON COUNTY - Commission Recommendation**
  - Available Water (Source/Effluence outlet)
  - Available Technology
  - Limited Expertise
  - Private/State Laboratory
  - Limited Manpower
  - Limited Resource
- \* Legal size Oysters

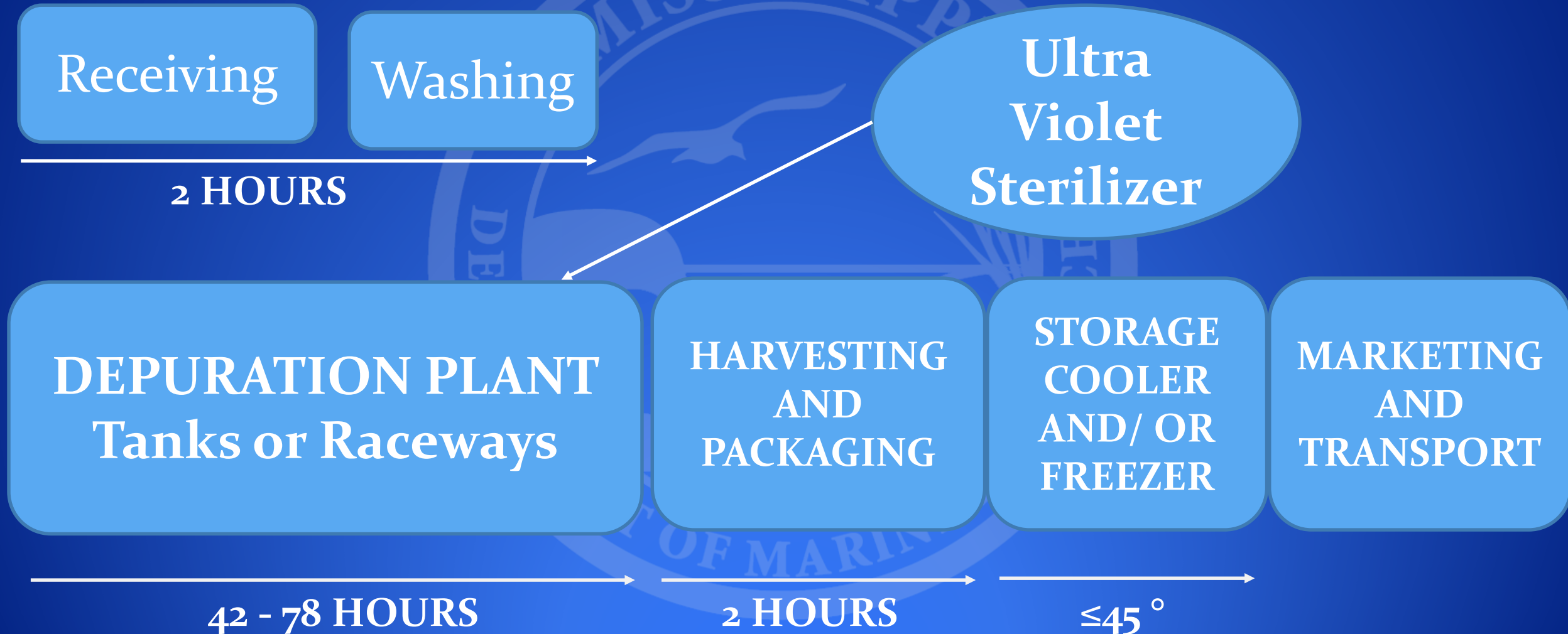
**Estimated  
Oysters in  
Jackson County:**

**37,588 sacks \***

**Area 6**

**2017**

# Facility Operation



# 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:

$\leq 60.7^{\circ}\text{F}$  /  $77^{\circ}\text{F}$

American Oyster spawns  $\geq 60.7^{\circ}\text{F}$   
Gulf of Mexico Oysters  $\geq 77^{\circ}\text{F}$

## Dissolved Oxygen:

5.0 mg/L to saturation

## Bacteriological:

(Total Coliform/100 ml):  
0 to  $< 1$

## Minimum Depuration

### Time:

$\geq 44$  hours



# Regulatory Requirements

## MUST HAVE:

- License: MS Seafood Dealer's License (MDMR)
- Permit: MS Aquaculture Permit (MDAC)
- Certification: MS –001– DP (MDMR)
- Depuration Plant Operations Manual (Company)
- Memorandum of Agreement (MS and another state)
  - The company plans to do business with a dealer from a different state as source or a receiver of depurated oysters
- Laboratory to analyze bacteriological contents of water and end product testing

# A FEASIBILITY STUDY

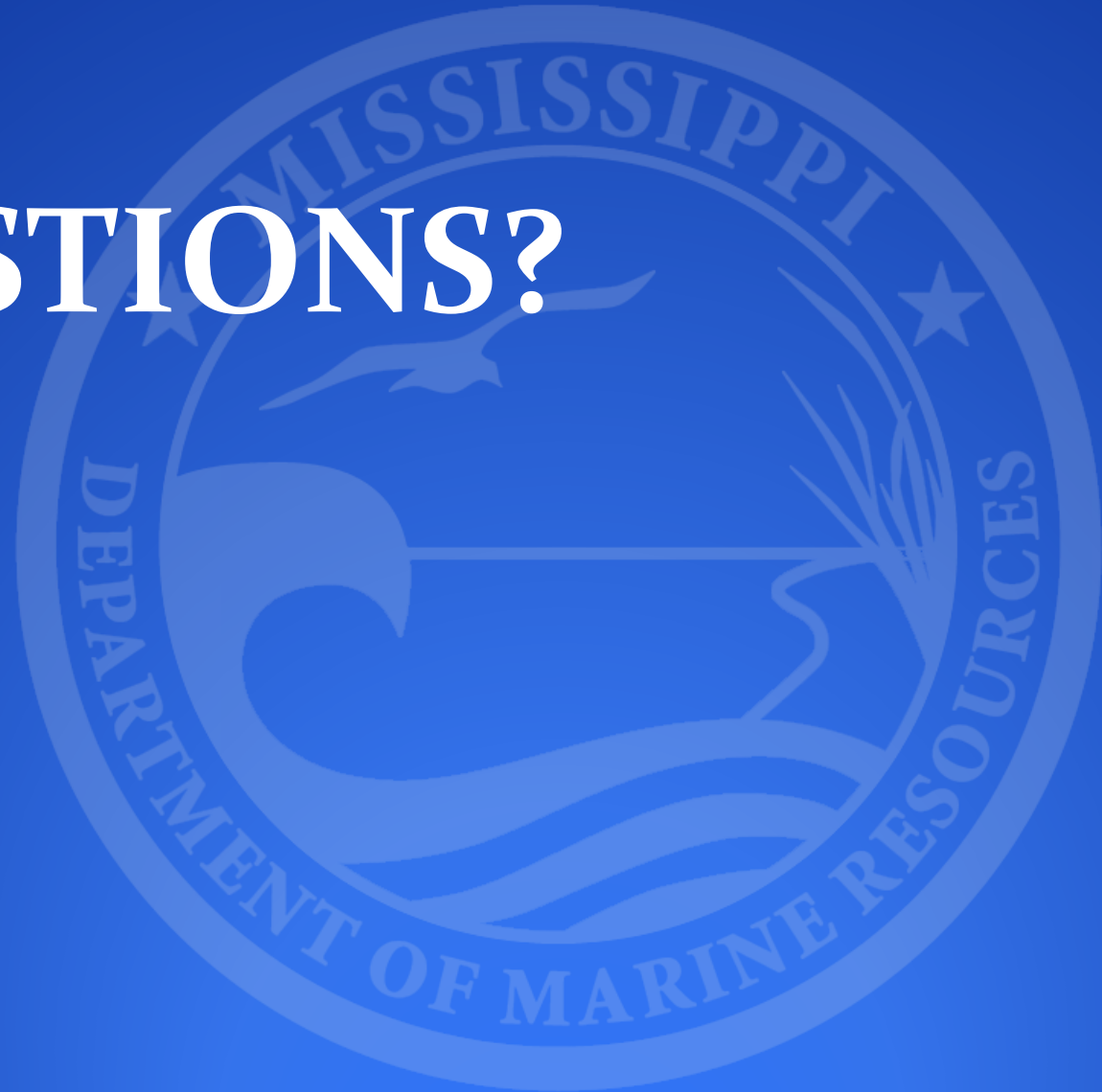
A feasibility study will be contracted to conduct an economic feasibility of a depuration plant in Jackson County with cost analysis on the specific requirements of a depuration plant.

# POTENTIAL FUNDING SOURCES

- Feasibility Study – Tideland’s Funds/BP Restore Funds
- Partner with Colleges or Universities to get federal funding from the Department of Labor and Department of Education under the Mandated Workforce Innovation and Opportunity Act (July 22, 2014)
- Depuration Plant – Collaboration with Local Government and Private Sector
- Saltonstall-Kennedy Grant (NOAA) – Address the Needs of Fishing Communities



# QUESTIONS?



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# State Saltwater Finfish Records

Brittany Chudzik  
August 21, 2018

K.8.

The background features a large, faint, circular seal of the Mississippi Department of Marine Resources. The seal contains the text "MISSISSIPPI" at the top and "DEPARTMENT OF MARINE RESOURCES" at the bottom. In the center, there is a stylized illustration of a bird in flight over waves.

# Conventional Tackle

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# State Saltwater Fishing Record

## **Tiger Shark** *Galeocerdo cuvier*

Old Record: 390 lbs.

New Record: 675 lbs.

**Angler: Michael Garrett**



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# New Youth State Saltwater Fishing Record

**Red Drum**

*Sciaenops ocellatus*

**New Record: 26 lbs. 8.00 oz.**

**Angler: Margaret Schindler**



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# New Youth State Saltwater Fishing Record

★ **Striped Burrfish** ★

*Chilomycterus schoepfii*

**New Record: 1 lbs. 5.62 oz.**

**Angler: Kyson Blocker**

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Required:

Motion to Adopt New State Records.



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