



ENHANCE ★ PROTECT ★ CONSERVE

Commission on Marine Resources

December 17, 2019



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Employment, Contracts and Procurement Updates December 17, 2019

D.1.

Contracts and Procurements for December 2019

Service Contracts					
<u>Vendor</u>	<u>Procurement Method</u>	<u>Amount</u>	<u>Term</u>	<u>Funding Source</u>	<u>Commodity/Service Description</u>
W.C. Fore Trucking, Inc.	Invitation for Bids	Not to exceed \$200,000.00 (\$32.00 per ton)	12.09.2019 – 12.08.2020	100% GOMESA	Concrete Culvert Deployment for Katrina Key
W.C. Fore Trucking, Inc.	Invitation for Bids	Not to exceed \$350,000.00 (\$33.20 per ton)	12.06.2019 – 12.05.2020	100% NFWF	Ingalls Artificial Reef Deployment



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Title 22 Part 20

Administrative Penalty Procedures

Chapter 21

Paragraphs 104 & 105

Background

- At the November 19, 2019 CMR meeting the following motion was passed:
- Motion: Motion for staff to take the proposed language establishing a penalty matrix for administrative actions out for Notice of Intent.

- CMR passed NOI on November 19, 2019

- NOI filed with SOS on November 19, 2019

- MDMR web page notice posted on Nov 22, 2019

- Legal Notice appeared in the Sun Herald on Nov 24, 2019

Mississippi Secretary of State
NOI APA Form 001

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi Department of Marine Resources	CONTACT PERSON TJ Moran	TELEPHONE NUMBER (781) 513-8141
ADDRESS 1141 Bayview Ave	CITY Biloxi	STATE MS
EMAIL TJ.Moran@dmr.ms.gov	ZIP 39202	

Short explanation of rule/amendment/repair and reason(s) for proposing rule/amendment/repair: Title 22 - MISSISSIPPI DEPARTMENT OF MARINE RESOURCES PART 20 ADMINISTRATIVE PENALTY PROCEDURES Chapter 21 Admin. Penalties. A summary memo is attached to this form. Specific legal authority authorizing the promulgation of rule: Mississippi Code Ann. § 49-1-11, 49A, § 7-1-11 (1) or etc.

List all rules repealed, amended, or suspended by the proposed rule: Title 22, Part 20 (see attached summary memorandum, complete description attached).

DIAL PROCEEDING:

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

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

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 Repeal of effectiveness To be in effect in _____ days 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) _____	Action taken: <input type="checkbox"/> Adopted with changes <input type="checkbox"/> Adopted by reference Withdrawn <input type="checkbox"/> Repeal adopted as proposed Effective date: 30 days after filing Other (specify) _____

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

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
	FILED NOV 19 2019 MISSISSIPPI SECRETARY OF STATE	

Accepted for filing by: [Signature]
Accepted for filing by: [Signature]
Accepted for filing by: [Signature]

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

https://dmr.ms.gov/title-22-part-20-administrative... 67% ... CONTACT US

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Title 22 - Part 20 - Administrative Penalties Matrix - Proposed Changes

Public Notice / November 22, 2019

The Mississippi Department of Marine Resources (MDMR) does hereby give public notice that on November 19, 2019 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 20. Said Notice of Intent was filed with the Mississippi Secretary of State's office on November 19, 2019. A complete copy of Title 22 Part 20 and the proposed changes are available at www.dmr.ms.gov. Public comments on the proposed regulations changes will be accepted through December 16, 2019. All comments should be mailed to the MDMR, Attn: TJ Moran, 1141 Bayview Avenue, Biloxi, MS 39530 or emailed to TJ Moran at publiccomment@dmr.ms.gov and delivered by 5:00 PM on December 16, 2019.

Complete description of proposed changes:

TITLE 22 - MISSISSIPPI DEPARTMENT OF MARINE RESOURCES, PART 20 Administrative Penalty Procedures

Chapter 21 Penalties

104 Suspension or revocation of licenses or regulatory program requirements such as, but not limited to, endorsements, tags, permits (in similar permitting may be commensurate) in addition to seeking administrative penalties.

105 The Commission may suspend or revoke regulatory program requirements established by the Commission, such as, but not limited to, endorsements, tags, permits, or similar provisions for violations related to that particular program in accordance with the following schedule:

For 1st offense, a suspension for up to 3 months
For 2nd offense, a suspension for up to 6 months
For 3rd offense, a suspension for up to 1 year

SunHerald

AFFIDAVIT OF PUBLICATION

Issue #	Publication	Legal Notice	1	2	3	4	5	6	7	8	9	10
000000	000000001	The Mississippi Department of Marine Resources										

Attention: TJ Moran
DEPT OF MARINE RESOURCES
1141 BAYVIEW AVENUE
SUITE 101
BILOXI, MS 39530

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned authority of the County of Harrison, State of Mississippi, known to me to be the person whose name and title are set forth in the foregoing, and who being duly sworn, did depose and say that she is a duly qualified and authorized publisher of the Sun Herald, a daily newspaper published in the city of Gulfport, in Harrison County, Mississippi and the publication of the notice, a copy of which is hereto attached, has been made in said paper in the manner of

1 (continued)

Subscribed:
November 24, 2019

Affidavit further states on oath that said newspaper has been established and published continuously in said county for a period of years from before the date next prior to the first publication of said notice.

[Signature]
Notary Public

My Notary # is 123456789
Expire May 30, 2023

The Sun Herald has been deemed eligible for publishing legal notices in Jackson County to meet the requirements of Miss. Code Ann. § 5-2-3 and § 5-2-3.2.

Each charge for legal notice affidavits shall document where the notice was published.

Public Comments on Title 22 Part 20

- Public comment period: November 19, 2019 through December 16, 2019 – 27 days.
- To date no public comments have been received.

Title 22 Part 20 Chapter 21

- 104 Suspension or revocation of licenses or regulatory program requirements such as but not limited to, endorsements, tags, permits or similar provisions may be commenced in addition to seeking administrative penalties.
- 105 The Commission may suspend or revoke regulatory program requirements established by the Commission, such as but not limited to, endorsements, tags, permits, or similar provisions for violations related to that particular program in accordance with the following schedule:
 - For 1st offenses, a suspension for up to 3 months;
 - For 2nd offenses, a suspension for up to 6 months;
 - For 3rd offenses, a suspension of up to 1 year;
 - For 4th and subsequent offenses, a suspension for up to 2 years or revocation.
 - Suspensions shall be scheduled for a time period coinciding with the particular fishing season in which the offense is related.

- If the violation is deemed to be so egregious as to warrant a suspension outside of the penalty matrix, the Commission, by unanimous vote, may impose a suspension outside of the above matrix by skipping to the next level. (For example, if it's a 1st offense that is deemed to be so egregious as to warrant a suspension outside of the penalty matrix stated above, the Commission, by unanimous vote, may impose a suspension for up to 6 months as allowed under the 2nd offense tier.)
- In the event that a violator does not pay the administrative penalty assessed by the Commission in full within twenty-four (24) months, the Commission may, by majority vote, indefinitely suspend the endorsement, tag, permit or similar regulatory program requirement related to the violation until such time as the penalty is paid in full.

Required

- Motion to proceed with Final Adoption for regulatory changes to Title 22 Part 20 Chapter 21 Paragraphs 104 & 105 to establish a penalty matrix for administrative actions.

**Request for Permit by:
MS Department of Environmental Quality
File: DMR-200009**

- **Location: Near Big Island in the Back Bay of Biloxi, Harrison County**
- **Use District: (G) General Use District**
- **Project Purpose/Need:**
 - **NRDA Early Restoration Project**
 - Reduce erosion
 - Support secondary productivity
- **Agent: Alane Young, Covington Civil and Environmental, LLC**

Project Description

- **Big Island:**
 - **Breakwater**
 - **8,000 linear feet total**



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


SOURCES:

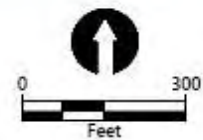
1. Aerial image courtesy of USGS Earthstar Geographics SIO © 2016 Microsoft Corporation.
2. Survey provided by DIMCO, Inc. dated July 26 to August 10, 2016.
3. Navigation channel from drawings provided by U.S. Army Engineer District, Corps of Engineers, Mobile, Alabama dated February 5, 2016.

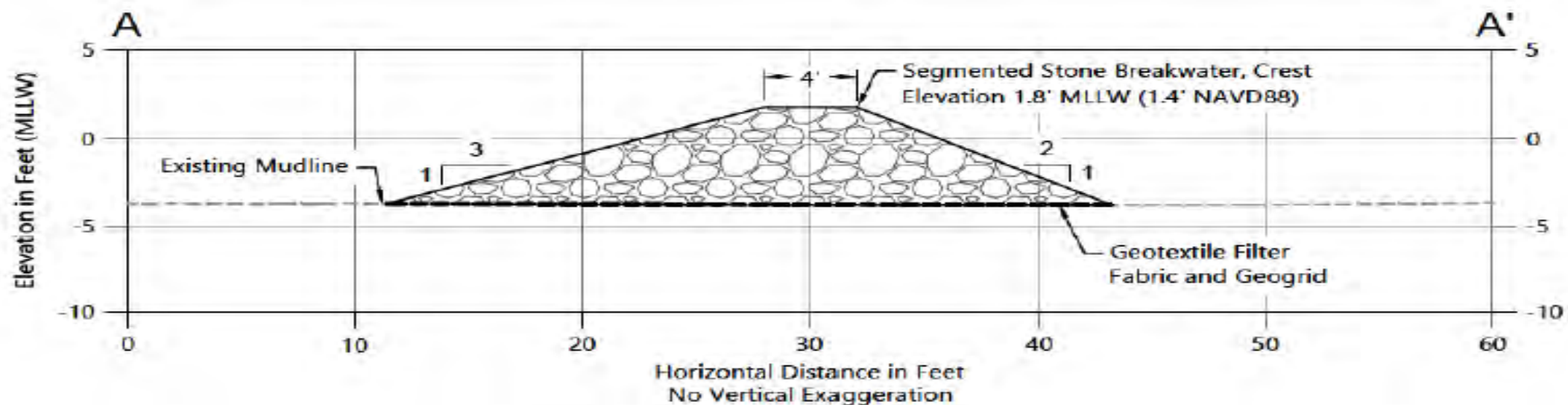
HORIZONTAL DATUM: Mississippi State Plane East, NAD83, U.S. Survey Feet.

VERTICAL DATUM: Mean Lower Low Water (MLLW).

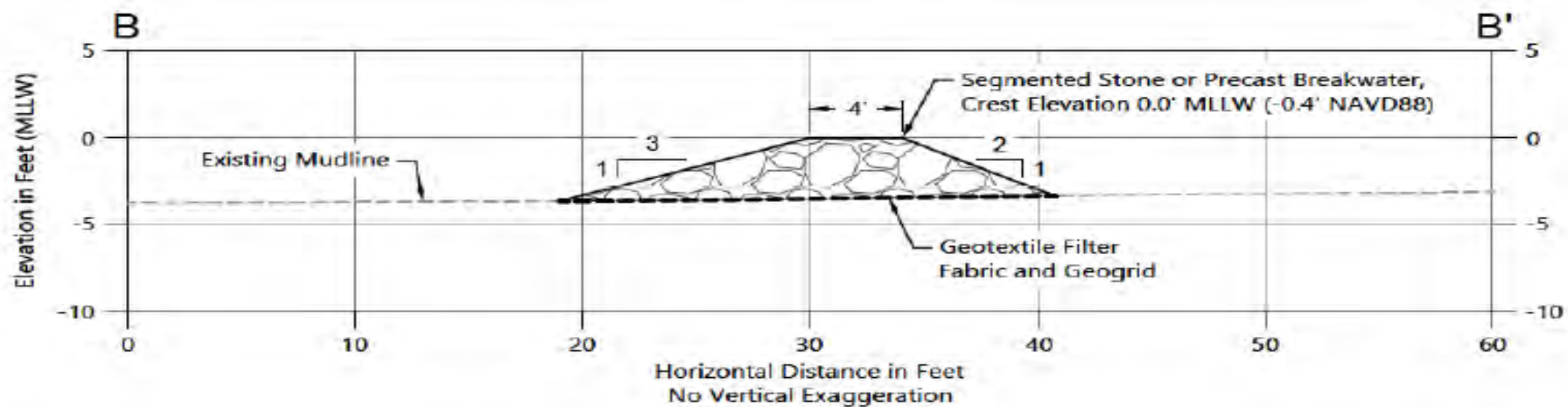
LEGEND:

-  30+00 Segmented Breakwater Alignment
-  75' Offset from Navigation Channel
-  Cross Section Location (See Figure 4)





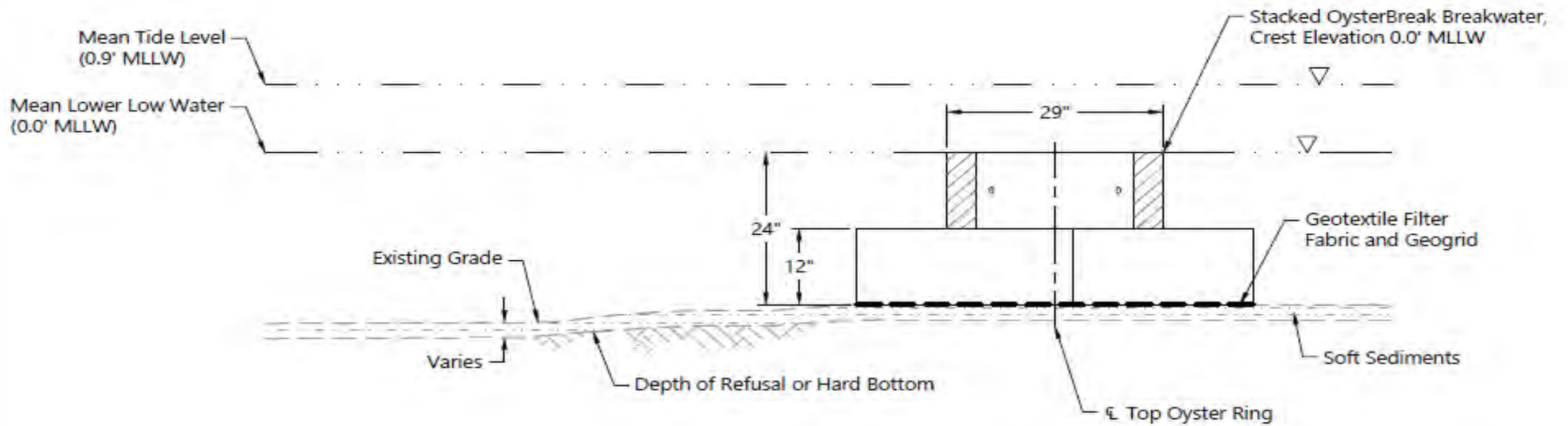
Outer Breakwater



Inner Breakwater

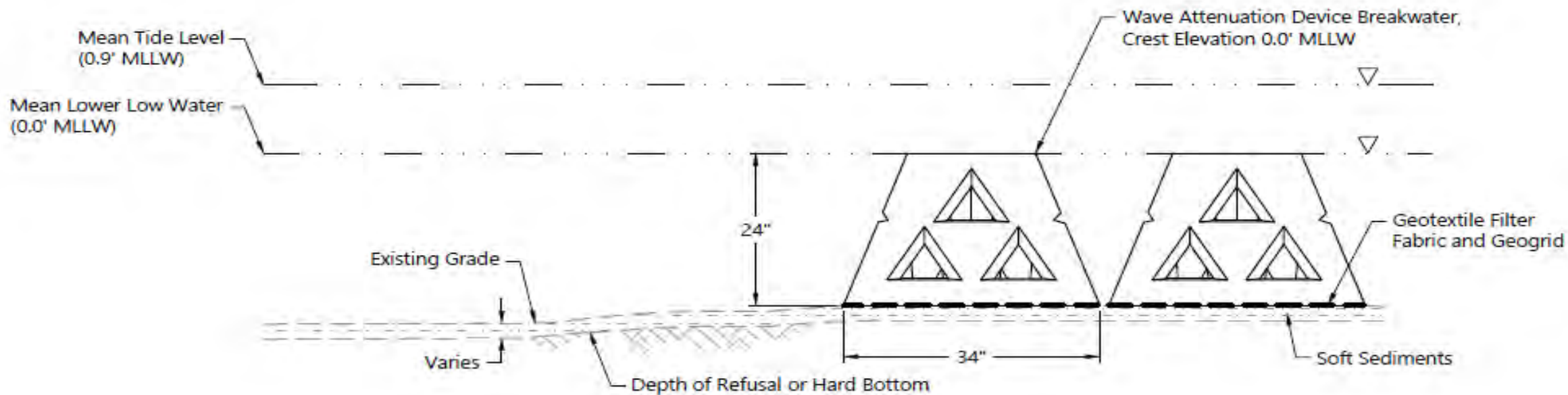
NOTES:

1. Inner breakwater to be constructed at bed elevations between -1.5 and -2.5 feet MLLW.
2. Outer breakwater to be constructed at bed elevations between -2.5 and -3.5 feet MLLW.



Typical Section OysterBreak Breakwater Option

Not to Scale



Typical Section Wave Attenuation Device Breakwater
 Not to Scale

Project Description

continued

- The applicant has requested a change to the Coastal Wetlands Use Plan in the footprint of the proposed project.
- This change request was justified under Ch. VIII, Sect. 2, Part I.E.2.b.ii.
 - There is a significant public benefit in the activity
 - Impacts to public access and adverse environmental impacts have been minimized
 - The general public as well as governmental entities were notified of the project
 - A public hearing was held on October 17, 2019

Project Description

continued

- **The applicant has requested variances:**
 - **Chapter VIII, Section 2, Part III.O.1. of the MCP.**
 - Permanent filling of Coastal Wetlands because of potential adverse and cumulative environmental impacts is discouraged.
 - **Miss. Admin. Code Title 22, Part 23, Chapter 8, Section 114.01**
 - Permanent filling of coastal wetlands below the mean high tide line because of potential adverse and cumulative environmental impacts is not authorized
- **These variance requests were justified under Ch. VIII, Sect. 2, Part I.E.2.c.i. and Miss. Admin. Code Title 22, Part 23, Chapter 8, Section 118.01**
 - The impacts on Coastal Wetlands would be no worse than if the guidelines were followed.

Public and Agency Notification

- Notification of this project appeared in *The Sun Herald* on August 11, August 18, August 25, September 22, September 29, and October 6, 2019.
 - Several public comments were received and a public hearing was held on October 17, 2019. Comments concerned:
 - Aesthetics
 - That alternatives have not been evaluated adequately
 - Maintenance and long-term survivability
 - Public involvement
 - The stated purpose and need
 - Secondary and cumulative impacts
 - That approval of the project would set a precedent
 - Impacts to nearby habitat and hydrology
 - Safety
- MDEQ: Currently reviewing the project
- MDAH: Requested a cultural resources survey. After reviewing the survey, no objections
- MS SOS: The project will require a rent exempt lease
- MDWFP: No comments
- MDMR: No comments

Recommendation

- **Based upon departmental review and evaluation based on the decision factors in Ch. 8, Sect. 2, Part I.E.2. of the MCP, it has been determined that the project will have a significant public benefit. Therefore, staff recommends that the CMR approve the variance request and Use Plan change and issue the requested permit with the following conditions:**
 - **The project area should be re-checked for the presence of SAV during the growing season prior to implementation of the project.**
 - **The survey report should be submitted to MDMR Wetlands Permitting staff at least 30 days prior to project commencement**
 - **If SAV is found in the project area, a final review and approval by MDMR staff should be required prior to project commencement**



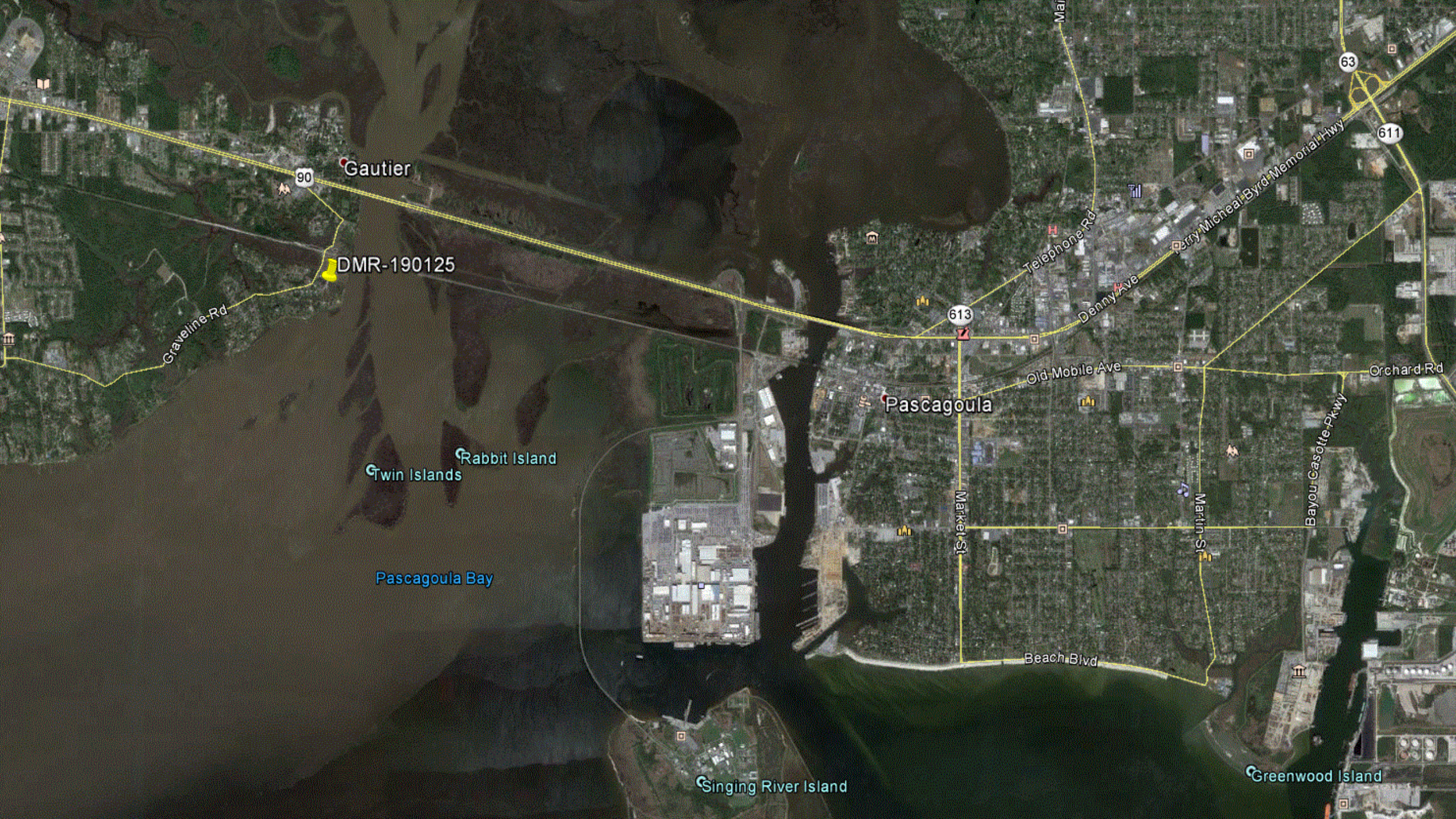
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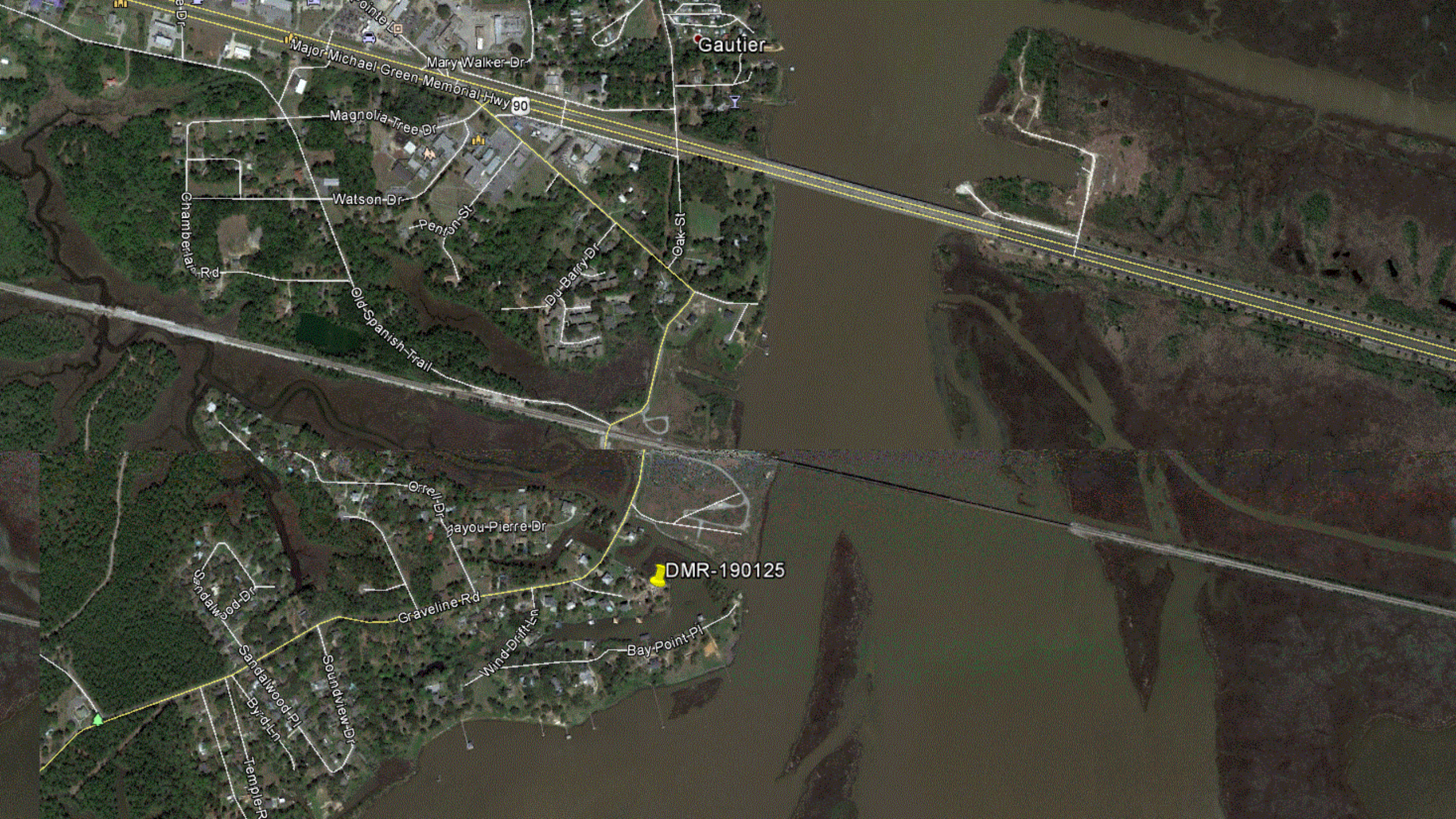
Mississippi Department of Marine Resources

Coastal Resources Management
December 2019

**Violation/Request for After-the-Fact
Exclusion by: Daniel Taylor
File: DMR-190125**

- **Location: An unnamed inlet adjacent to the West Pascagoula River at 301 Pierre Cove in Gautier, Jackson County, MS**
- **Use District: (G) General Use District**
- **Agent: N/A**





Gautier

Major Michael Green Memorial Hwy 90

Magnolia Tree Dr

Watson Dr

Penton St

Du Barry Dr

Oak St

Old Spanish Trail

Chamberlaine Rd

Orrell Dr

Bayou Pierre Dr

Graveline Rd

Wind Drift Ln

Bay Point Pl

Sandalwood Dr

Sandalwood Pl

Byrd Ln

Temple Rd

Soundview Dr

DMR-190125



Bayou Pierre Dr

Graveline Rd

Pierre Cove

DMR-190125

Wind Driften

Italian Isle Rd

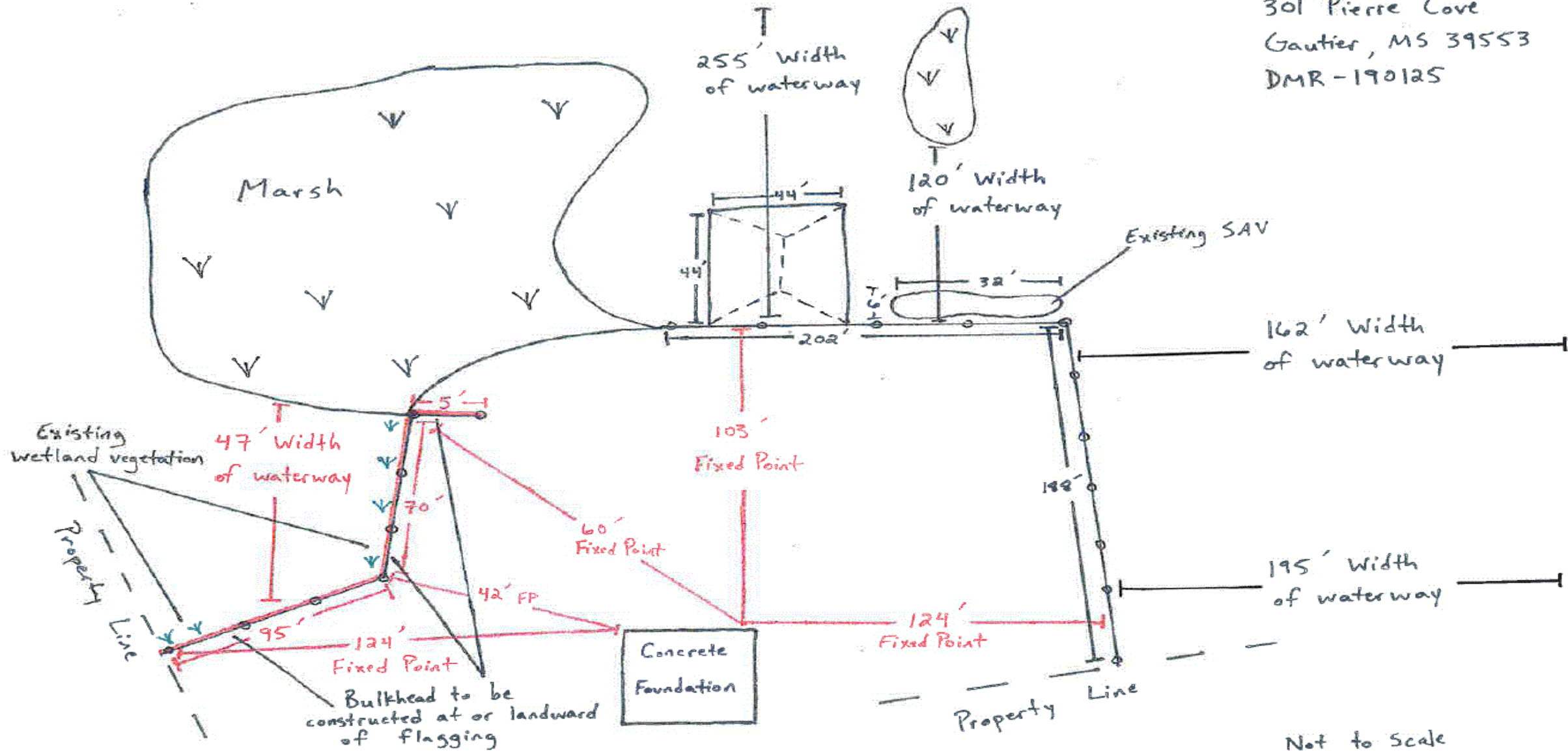
Bay Point Pl

Project Description

- **Structure**

- **Enclosed structure 13.9 feet above Base Flood Elevation in height**
- **Precedent was set for height of enclosed structures at 14 feet above Base Flood Elevation**

Daniel Taylor
301 Pierre Cove
Gautier, MS 39553
DMR-190125



Not to Scale



2019. 9. 19



2019. 9. 19



2019. 9. 19



2019. 9. 19



2019. 9. 19



2019. 9. 19

Project Chronology

- **October 26, 2018:** DMR received an application to construct a bulkhead and boathouse.
- **December 12, 2018:** DMR issued a General Permit for a bulkhead and an open-sided boathouse, 44' in length and 44' in width, to be constructed no more than 25' above MHT in height.
- **July 1, 2019:** DMR received a request for modification to add dredging to the application.

Project Chronology

continued

- **September 19, 2019:** A site visit was performed which revealed that the boathouse included an enclosed structure and was more than 25 feet above MHT in height.
- **September 27, 2019:** Notified Mr. Taylor of violation
- **October 25, 2019:** Received after-the-fact application from Mr. Taylor to retain a 24'10" x 13'2" enclosed structure on top of the upper deck of the previously authorized boathouse.

Applicable Decision Factors

continued

- **d) Precedent setting effects...**
 - **The project, if approved, would not set a precedent for allowing:**
 - **An enclosed structure over water, and;**
 - **A structure greater than 14 feet above Base Flood Elevation (BFE) in height.**

Applicable Decision Factors

continued

- **I) Comments...**
 - **No comments were received from the adjacent property owners**
 - **MS DEQ: No comments**
 - **MS DAH: No cultural resources are likely to be affected**
 - **MS SOS: Project presents no Public Trust Tidelands issues**
 - **MS DWFP: No comments**

Recommendation

- **Based upon departmental review and evaluation, staff recommend issuance of an After-the-Fact Certificate of Exclusion and a fine in accordance with MS Code § 49-27-51.**

Potential Penalty Range

- **Violation discovered: September 19, 2019**
- **Violation duration: 37 days**
- **Maximum potential fine for residential: \$18,500**
(minimum \$50)
- **Recommended Fine:**
 - \$500
- **Decision Factors:**
 - No previous violations
 - Cooperative
 - The portions of the boathouse that are in violation of the issued GP (the walls and the extra height) were added by Mr. Taylor after the marine contractor had completed work.



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Mississippi

Department of Marine Resources

Agency Financial Results

as of November 30, 2019

Commission on Marine Resources

December 17, 2019

Key Metrics:

- State Revenue of \$3.9M
- Agency Revenue of \$18.7M
- State Net Income of \$1.3M
- Agency Net Income of \$8.4M

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

Income Statement - Fiscal Year 2020

As of November 30, 2019

	Federal :		Operating	Tidelands	Total DMR
	State	GOMESA PHII: NFWF:	Subtotal		
Revenue:					
Transfer in from Other Governments	-	-	-	-	-
Off-road Fuel Tax	3,050,000	-	3,050,000	-	3,050,000
Federal/NonFederal Grants	-	2,598,986	2,598,986	-	2,598,986
Sales Revenue	343,605	1,170	344,774	1,781	346,556
Indirect Cost Recovery	444,908	-	444,908	-	444,908
Other Revenue	85,986	272,900	358,886	11,914,866	12,273,753
Current Budget Year Revenue:	3,924,499	2,873,056	6,797,555	11,916,648	18,714,202
Expenditures:					
Salaries, Wages, Fringe	2,144,859	1,141,779	3,286,639	329,303	3,615,942
Travel	17,419	14,674	32,093	16,882	48,974
Contractual Services	206,643	2,218,129	2,424,771	373,295	2,798,066
Commodities	154,470	1,096,269	1,250,739	63,490	1,314,229
Other than Equipment	-	-	-	-	-
Equipment	25,743	37,931	63,674	33,704	97,378
Vehicles	-	-	-	-	-
Wireless Devices	-	-	-	-	-
Subsidies, Loans, and Grants	4,998	835,394	840,393	1,504,698	2,345,090
Current Budget Year Expenditures:	2,554,132	5,344,176	7,898,308	2,321,372	10,219,680
Current Budget Year Net Income/(Loss):	\$ 1,370,366	\$ (2,471,120)	\$ (1,100,753)	\$ 9,595,276	\$ 8,494,522

Financial Budget Comparison

- After five months of Fiscal Year 2020:

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
2020 Budget Comparison
As of November 30, 2019

	<i>Actual Year to Date Expenditures</i>			<i>Budget Year Totals</i>			<i>Percent Remaining</i>		
	Operating	Tidelands	Total	Operating	Tidelands	Total	Operating	Tidelands	Total
Expenditures:									
Salaries, Wages, Fringe	\$ 3,286,639	\$ 329,303	\$ 3,615,942	\$ 7,914,097	\$ 858,543	\$ 8,772,640	58.5%	61.6%	58.8%
Travel	32,093	16,882	48,974	137,184	16,531	153,715	76.6%	-2.1%	68.1%
Contractual Services	2,424,771	373,295	2,798,066	5,449,441	887,202	6,336,643	55.5%	57.9%	55.8%
Commodities	1,250,739	63,490	1,314,229	4,609,547	367,611	4,977,158	72.9%	82.7%	73.6%
Equipment	63,674	33,704	97,378	902,691	287,049	1,189,740	92.9%	88.3%	91.8%
Vehicles	-	-	-	45,000	12,387	57,387	100.0%	0.0%	0.0%
Wireless Devices	-	-	-	6,250	-	6,250	100.0%	0.0%	100.0%
Subsidies, Loans, and Grants	840,393	1,504,698	2,345,090	31,195,496	5,450,241	36,645,737	97.3%	72.4%	93.6%
Total Expenditures:	\$ 7,898,308	\$ 2,321,372	\$ 10,219,680	\$ 50,259,705	\$ 7,879,565	\$ 58,139,270	84.3%	70.5%	82.4%

- Operating Funds have 84.3% of Budget remaining
- Tidelands Trust Fund has 70.5% of Budget remaining



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Title 22 Part 7: Commercial Tarpon Regulations

Joe Jewell
December 17, 2019

K.1.

Background

- At the September 17, 2019 CMR meeting, the following motion was passed:
 - **Motion:** To proceed with a Notice of Intent for regulatory changes to Title 22 Part 7 Chapter 9 to add Paragraph 114 prohibiting the harvest or possession of an Atlantic Tarpon for commercial purposes.
- At the October 15, 2019 CMR meeting this item was removed from the agenda.
- November 19th CMR meeting the commission passed motion to withdraw the previously approved commercial Tarpon NOI. Tabled issue and requested staff to discuss further.

Title 22 Part 7 Chapter 9

Chapter 9 Commercial Size, Possession and Catch Limits

114 It shall be unlawful for any person, firm, or corporation, to barter, sell, offer for sale or transport for sale or possess for sale Atlantic Tarpon (*Megalops atlanticus*).

115 It shall be unlawful for any commercial fishermen to possess any Atlantic Tarpon smaller than seventy-five (75) inches fork length or to possess more than a daily bag limit of one (1) Atlantic Tarpon per vessel.

Required:

A motion to proceed with a Notice of Intent for regulatory changes to Title 22 Part 7 Chapter 9 regarding commercial rules for Atlantic Tarpon (*Megalops atlanticus*) within Mississippi waters.



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Title 22 Part 9 Chapter 11 Section 101 Reporting Requirements Update

Matt Hill
December 17, 2019

K.2.

Background

- At the November CMR meeting, the following motions were passed regarding the Charter For-Hire (CFH) Reporting Program:
 - Motion 11: To forego moving forward with this particular project.
 - Motion 13: For staff to come back at the next meeting with language that requires reporting pursuant to Title 22 Part 9 Chapter 11 Paragraph 101.
- This presentation will outline potential options and considerations for future and current CFH reporting

Current MRIP Procedures

- CFH vessel frame regularly maintained to contain profiles and contact methods for charter license holders as well as an active/inactive designation
 - Pre-evaluations
 - Randomly drawn visits to determine CFH activity
 - Post-evaluations
 - Randomly drawn calls to collect CFH effort, location, and target species
- Site registry regularly maintained to contain harbors and public access sites with assigned pressure levels
 - Access point interviews
 - CFH clients interviewed upon landing during scheduled MRIP surveys to collect demographics, target species, effort, harvest, and biological data

CFH MRIP Survey Forms

Pre-evaluation

Phone Survey

Mississippi - For-Hire Fishing Telephone Survey

Sample week: 25 Eligibility: EL
(EL=Eligible, IN=Ineligible, NC=Noncooperative)

Number of Representatives Contacted for SHEARWATER, 634646 Boat Type: C
(C=Charter, H=Head)

***Total Recreational Saltwater FinFishing Trips with Paying Passengers**

Date	Day of Week	* Trip No	* Trip Type (Charter, Head, or Other)	* # of anglers	Origin of Trip *State Country	Access Site (see codes)	Target Species (see ITIS codes)	*Fish Area (see codes)	*Distance from shore	Time Trip Started (24hr)	Time Trip Ended (24hr)	Time Spent Fishing (nearest half-hr)	Multi-day Trip?
06/17/19	MON	1											
06/17/19	MON	2											
06/17/19	MON	3											
06/18/19	TUE	1											
06/18/19	TUE	2											
06/18/19	TUE	3											
06/19/19	WED	1											
06/19/19	WED	2											
06/19/19	WED	3											
06/20/19	THU	1											
06/20/19	THU	2											
06/20/19	THU	3											
06/21/19	FRI	1											
06/21/19	FRI	2											
06/21/19	FRI	3											
06/22/19	SAT	1											
06/22/19	SAT	2											
06/22/19	SAT	3											
06/23/19	SUN	1											
06/23/19	SUN	2											
06/23/19	SUN	3											

***Total Vessel Trips (trips with paying passengers + other dock-to-dock trips for Week of 06/17/19)** _____

Representative: BRANDON MORANO
 Vessel Registration: 634646
 Vessel Name: SHEARWATER
 Vessel ID: 2800040
 Notification Received _____
 Form Used _____
 Verified: _____ Errors Found (Y or N) _____
 Initials: _____ Date: _____

Fishing Areas
 1=Gulf, Ocean, or Open Bay
 2=Sound
 3=River
 4=Enclosed Bay
 5=Other

Multi-Day
 1=YES
 2=NO

If Gulf, Ocean or Open Bay:
 1= <= 3 miles from shore
 2= > 3 miles from shore
 3= <= 10 miles from shore
 4= > 10 miles from shore
 5=Not applicable

***KEY QUESTIONS**

CFH Program Improvements

- CFH vessel frame updated in December of 2019
- CFH vessel frame has increased by 100% from 2016.
- CFH MRIP sites reviewed in August and October of 2019. Site pressures adjusted to increase intercepts.
- New charter site added to Pass Christian Harbor (west) to increase dockside intercepts.

2019 Program Results

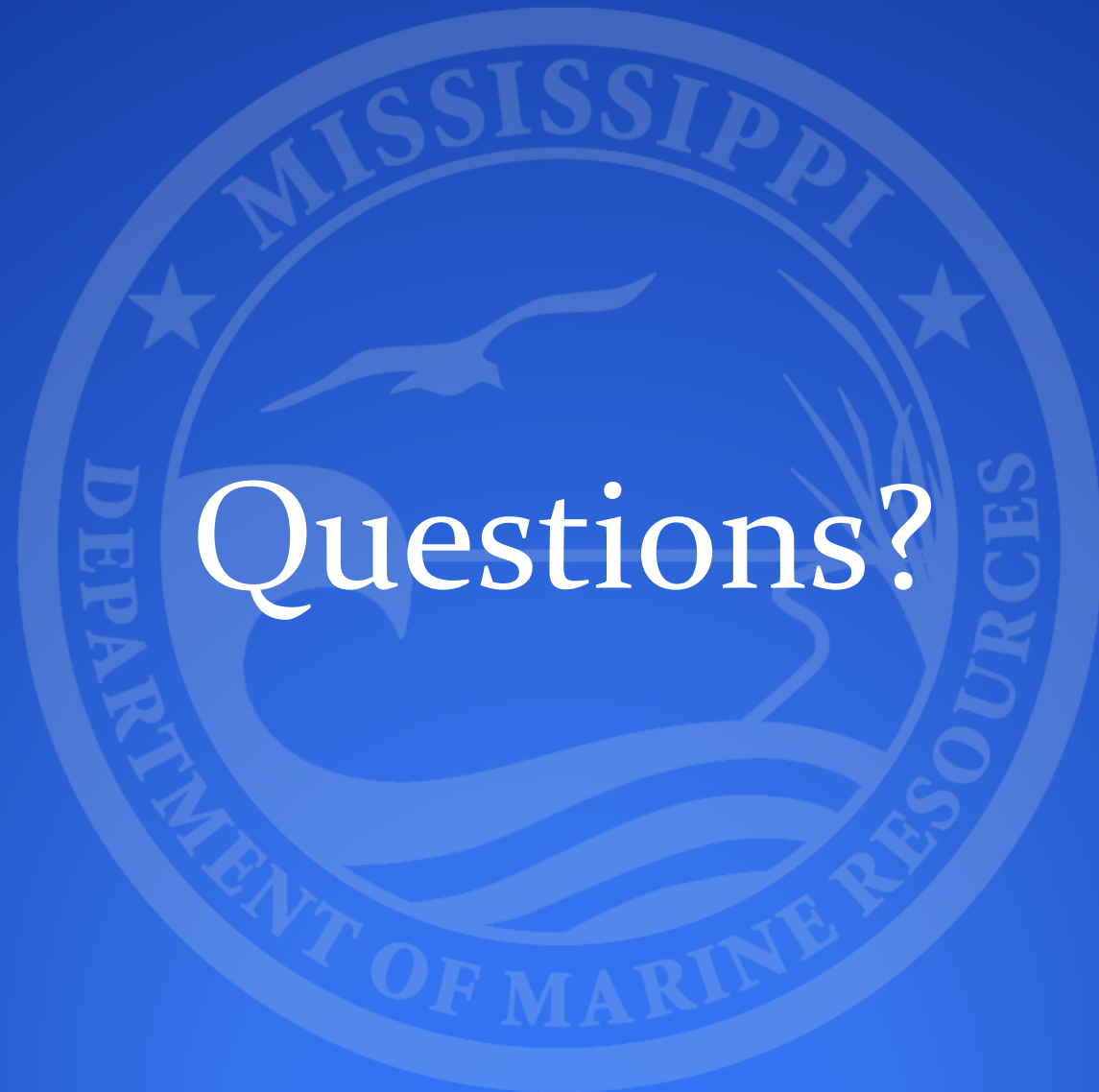
- 10% of the CFH vessels surveyed each week
- Completed 312 pre-evaluations (site visits) for the CFH fleet
- Completed 312 phone surveys to determine fishing effort, targeted species, and fishing locations.
- Conducted 816 dockside surveys with the CFH fleet.

Title 22 Part 9 Chapter 11

- **101 Charter and Head Boat Reporting.** Charter Boat and Head Boat captains operating in Mississippi waters shall be required to complete questionnaires furnished by the MDMR for each trip. Completed questionnaires shall be furnished to an information confidentiality officer upon request. In addition to the reporting required pursuant to this paragraph, the following reporting is also required.
 - 101.01 – **TailsnScales Reporting for Charter and Head Boat Red Snapper Harvest.** Charter boat and head boat captains operating in waters under the jurisdiction of the MDMR or landing Red Snapper in Mississippi shall be required to complete a vessel harvest report through the TailsnScales reporting system.
 - 101.02 – **TailsnScales Reporting for Additional Species Charter and Head Boat Harvest.** When requested by the MDMR, Captains shall be required to complete a vessel harvest report for any additional species through the TailsnScales reporting system.

Potential for CFH Reporting

1. Status quo
2. Re-evaluate MRIP CFH program through GSMFC to increase phone surveys and dockside intercepts.
3. Additional post-evaluation call sampling of CFH to supplement MRIP post-evaluation data
4. Include supplemental questions during post-evaluation calls for harvested and released species to increase catch data.
5. Commission could address Title 22 Part 9 Chapter 11



Questions?

ENHANCE ★ PROTECT ★ CONSERVE

GULF MENHADEN

STEVE VANDERKOOY – GULF STATES MARINE FISHERIES COMMISSION
PRESENTED TO THE MISSISSIPPI COMMISSION ON MARINE RESOURCES



GULF MENHADEN

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GULF MENHADEN BASICS

- Spawning occurs September through April peaking in January and February (Shaw et al. 1988) when the reduction season is closed.
- Eggs hatch at sea, carried inland by currents, develop into juveniles inshore (Reid 1955).
- YOY found in estuaries and inland marshes, mature during second season and migrate offshore by late fall at age-2, move back into coastal waters following spring (Nelson and Ahrenholz 1986).

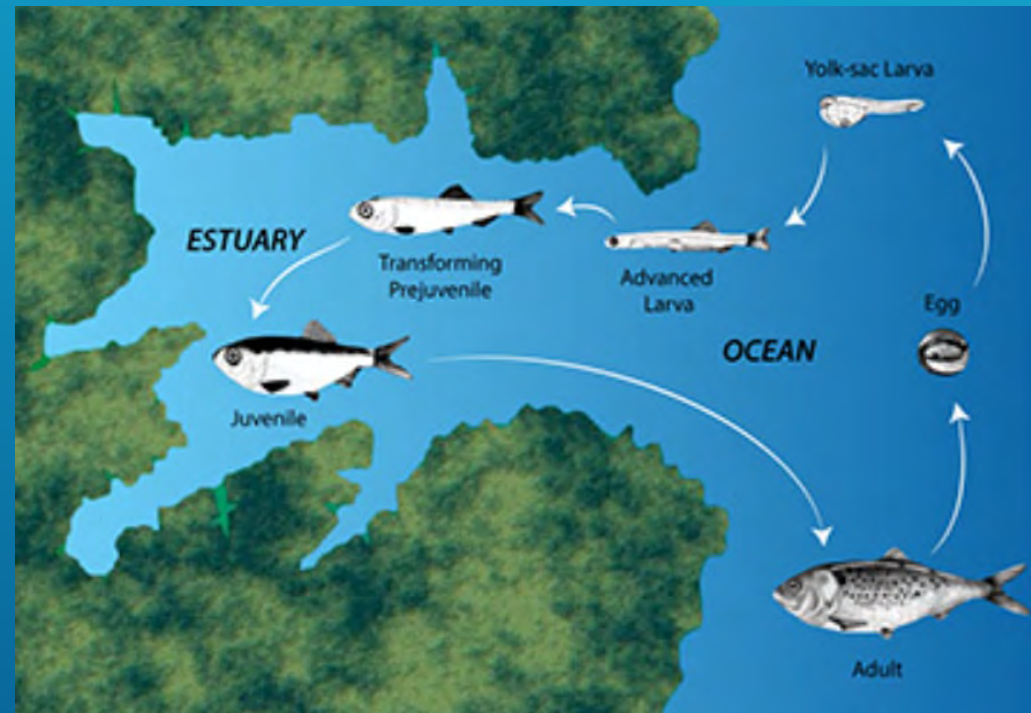


Image by Daybrook Fisheries

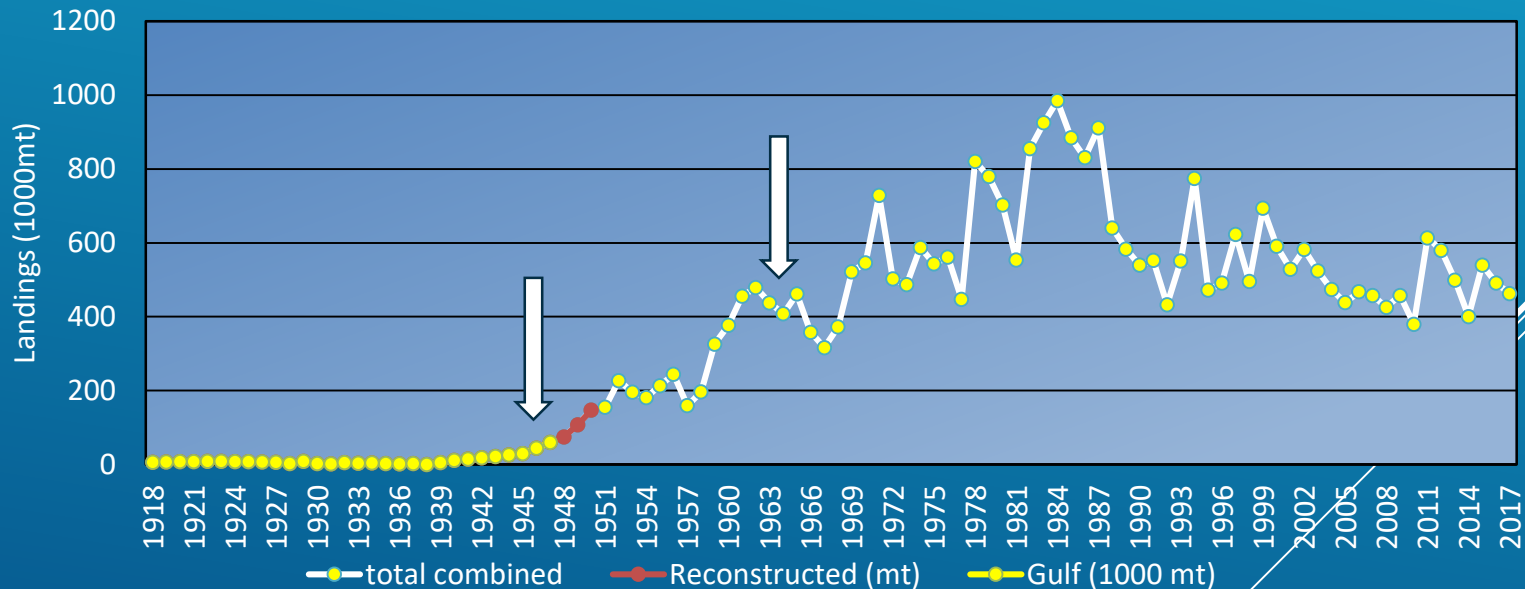
GULF MENHADEN BASICS

- Gulf Menhaden do not exhibit extensive east and west movement, and generally, older adults are believed to occur near the center of the population's range around the Mississippi River delta based on tagging work (Ahrenholz 1981).
- As fish age, there appeared to be a slight tendency of fish from eastern and western fishing grounds to move toward the Mississippi River delta (Ahrenholz 1981).



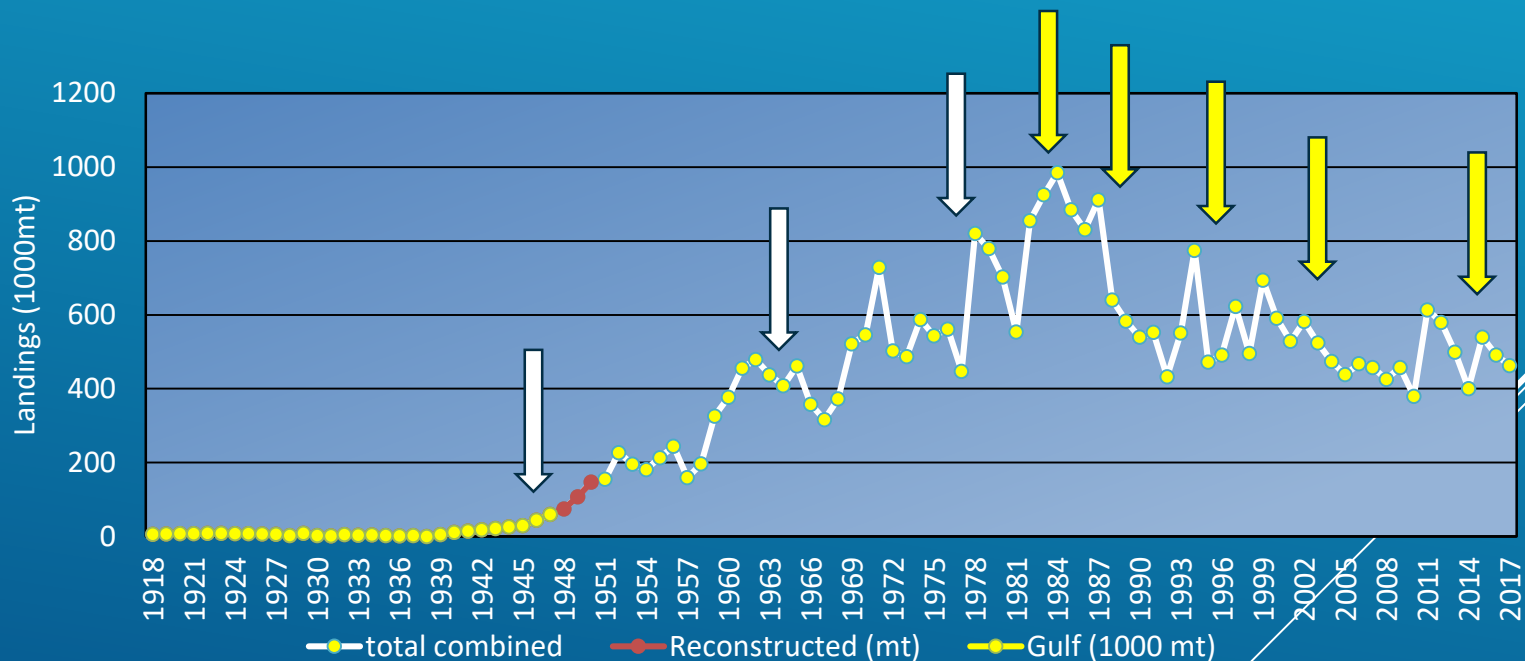
MANAGEMENT STRUCTURE IN THE GULF

- Landings and fishing effort data have been collected for the Gulf Menhaden purse-seine fishery since 1946 by the National Marine Fisheries Service (NMFS).
- NMFS and the states have monitored the Gulf Menhaden industry since 1964, collecting information on daily landings, fishing effort, and size and age compositions of the catch through the Captain's Daily Fishing Reports or CDFRs and port sampling of the catch.



MANAGEMENT STRUCTURE IN THE GULF

- CDFRs include catch estimates, location, set duration, and weather and water conditions for each individual purse-seine set.
- Port samples provide age data on the catch which is processed through the NMFS Beaufort Lab in North Carolina.
- Gulf Menhaden have been under a regional FMP since 1978 which has undergone five revisions (1983, 1988, 1995, 2002, and 2015).



MANAGEMENT STRUCTURE IN THE GULF


- The five Gulf states manage their own respective waters for Gulf Menhaden. Regulations for Gulf Menhaden are set on a state by state basis, and it is up to the individual agencies to enforce them.
- The Gulf States Marine Fisheries Commission provides coordination of the various participants through the Commission's Menhaden Advisory Committee (MAC) which the state agencies are members.
- The MAC was formed in 1977 to develop the first FMP. The MAC hears and addresses all management and resource issues related to Gulf menhaden and Gulf menhaden fishing (reduction and bait) and provides recommendations to the Commission.
- Stock assessments are conducted by the state agencies and NOAA using the Southeast Data, Assessment, and Review (SEDAR) process. The Commission has financially supported these efforts but coordinates the logistics of the assessments only.

ASSESSMENT HISTORY

- **Virtual Population Analysis (VPA)**
 - Nelson & Ahrenholz (1986) – data through 1978
 - Vaughan (1987) – data through 1985
 - Vaughan et al. (1996) – data through 1992
 - Vaughan et al. (2000) – data through 1997

- **Beaufort Age-Structured Model (BAM)**
 - Vaughan et al. (2007) – data through 2004
 - SEDAR 32A Benchmark (2013) – data through 2011
 - GDAR 02 Update (2016) – data through 2015
 - SEDAR 63 Benchmark (2018) – data through 2017


The fishery continues to be classified by NOAA as ‘not overfished’ with ‘no overfishing occurring’




REGULATIONS BY STATE

- MS: Prohibits purse seining within one mile of the shoreline of Hancock and Harrison Counties and barrier islands; bycatch may not exceed 5% by weight in an individual menhaden net set and no Red Drum can be in possession
- AL: Purse seining is restricted to western sound and offshore Alabama waters.
- LA: Purse seining is prohibited within established inside-outside line
- TX: Purse seining is prohibited within one half mile of the shoreline; A 31.5M lbs TAC was established in 2008 for effort management. Bycatch may not exceed 5% by volume of the menhaden in possession
- FL: Reduction fishing is restricted to more than three miles offshore; Nets may not exceed two inches, stretched mesh, and are limited to 500 ft².

REGULATIONS BY STATE

- Existing regulations are based on long standing industry practices such as not fishing on weekends or holidays and not fishing during the spawning season.
 - Today, 100% of the fleet has bycatch reduction devices which were never mandated.
 - The fleet fully participates voluntarily in the CDFR program which was implemented in the late 1960s as well as the individual states required Trip Ticket programs.
- 

IN SUMMARY

- As the fishery exists today, there has not been a need for effort management, catch limits, etc... the results of our best data and assessment models indicate that Gulf Menhaden are not overfished, nor is overfishing occurring.
 - The Commission is currently working with the state agencies, fishing participants, and a number of ENGOs to assess potential reference points for management of the Gulf Menhaden fishery moving into the future.
 - The Commission is working with a number of ecosystem modelers to develop potential ecosystem management whenever the data needed to fully develop these models becomes available. The MAC receives updates on these efforts on a regular basis.
- 

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Coastal Conservation Association is an organization of over 100,000 recreational anglers and outdoor enthusiasts working for the conservation and enhancement of our marine resources and coastal environments.



Mission Statement



Educate our members and the public on conservation and protection of marine resources

Monitor and influence state and national regulatory agencies as they develop policy effecting marine resources

Conserve, promote and enhance the present and future availability of our coastal resources for the benefit and enjoyment of the general public and future generations.

GULF MENHADEN (*Brevoortia patronus*)



A PROPOSAL TO MANAGE THE MISSISSIPPI MENHADEN FISHERY

The Total Allowable Catch (TAC) of menhaden (*Brevoortia sp*) in Mississippi waters shall be set at 28,900 metric tons per year, based on the average for the period 2000 to 2012 (excluding 2005), as a precautionary ecosystem-based approach to the management of the menhaden fishery.

The Commission may adjust this TAC but shall not expand the fishery.

A PROPOSAL TO MANAGE THE MISSISSIPPI MENHADEN FISHERY

- From: The Menhaden Fishery of the Gulf of Mexico, United States:
A Regional Management Plan, 2015 Revision

“The most critical concern of managers was that there was too much uncertainty regarding estimates of biomass for Gulf Menhaden.....
Therefore, the only appropriate action that could be taken by the state agencies would be to manage for effort or harvest levels.” (p 9-5)

State agency for Mississippi is the Mississippi Commission on Marine Resources charged with “full power.....to regulate all matters pertaining to all saltwater aquatic life and marine resources” (MS Code 49-15-301)

A PROPOSAL TO MANAGE THE MISSISSIPPI MENHADEN FISHERY

- Data Available to MDMR staff (Captains Data Fishing Reports: CDFR):
Title 22, Part 9, Chapter 08 Menhaden Landings Reporting Requirements.
100: The captains of each vessel fishing for menhaden (*Brevoortia* sp) in Mississippi waters is required to maintain a logbook and complete all logbook entries for each set made during each day's operation. Reports may be collected bi-weekly by personnel of the MDMR. Logbooks may be furnished by the MDMR. The captain of each vessel must follow the printed instructions contained in each logbook. An annual report by month on processed products (meal, oil, and solubles) will be required of each firm.

MENHADEN FISHERY

Some Data:

- Omega Protein is now family- owned by a Canadian firm, Cooke Aquaculture, making data about profit-and-loss, key executives, and other information less available.
- per set catch has been documented (by NMFS) from 17 to 21 metric tons per set (one metric ton = 2204.623 pounds);
- catch and bycatch in Mississippi waters is unknown to the public and public officials (what is known is the landings at the Moss Point plant);
- bycatch is limited to 5% by weight of the catch per set with species specified (retention of Reddrum is prohibited by statute and was challenged a few years back without success.) Numerous observations of discarded fish include Reddrum, Jack Crevalle, Tarpon, with marine mammal mortalities reported.
- The Moss Point plant originally employed local residents (most seasonally) but may have evolved to more legal immigrants from Central American countries.
- Consistent complaints by recreational anglers, charterboat captains and environmental advocates but attempts to manage this fishery beyond the present minimal regulation have been unsuccessful to date.

A PROPOSAL TO MANAGE THE MISSISSIPPI MEMHADEN FISHERY

Period: 2000 – 2012; Average Annual Data

Total Catch of Menhaden Gulf-wide:

Metric Tons: 497,500 metric tons annually

Pounds: 1,096,799,942. pounds

Total Catch of Menhaden in Mississippi Waters:

Metric Tons: 28,900 metric tons annually

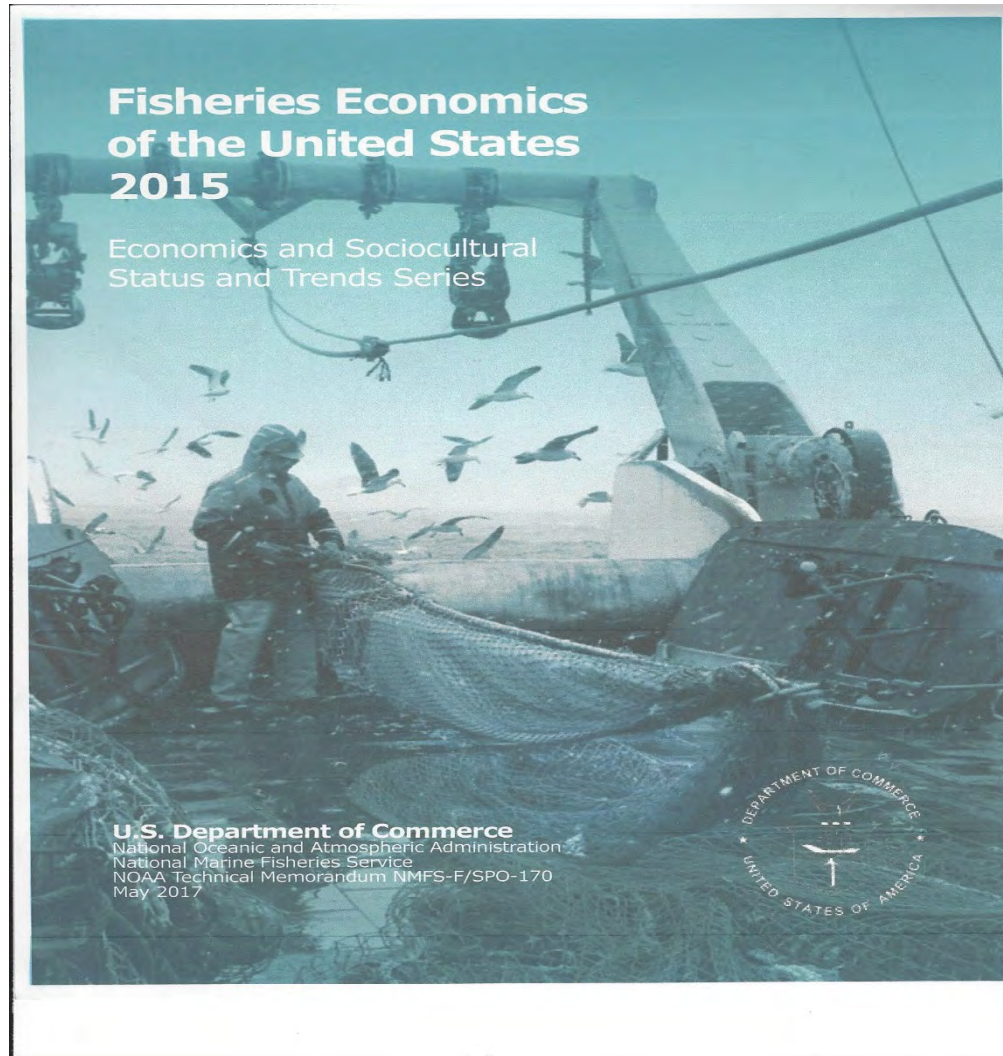
Pounds: 63,713,604.7 pounds (2204.623 pds/mt)

[5.9% since 2000 of coast-wide catch]

FEUS 2015 estimates average annual price of menhaden = \$0.18/pd

TEXAS DEPARTMENT OF WILDLIFE AND FISHERIES; March 2008:
established Total Allowable Catch (TAC) for menhaden in Texas
Territorial Sea (TTS) at 31,500,000 lbs per year, based on the
approximate average of the five-year period from 2002-2006.

FISHERIES ECONOMICS OF THE UNITED STATES (FEUS)



FEUS 2015: Mississippi

• **RECREATIONAL: Value Added**

- Fishing Mode: For-Hire \$ 9,232,000
 - Private Boat \$ 10,751,000
 - Shore: \$ 4,861,000
- Expenditures: Trip \$ 49,450,000
 - Equipment: \$ 495,859,000
 - Total: \$ 545,309,000
- Total Valued Added from Durable Good Expenditures: \$ 329,250,000
- Total State Value Added: \$ **354,185,000**

A PROPOSAL TO MANAGE THE MISSISSIPPI MENHADEN FISHERY

On behalf of Coastal Conservation Association Mississippi, we express our appreciation for the opportunity to present this proposal to the Mississippi Commission on Marine Resources and hope it will be given serious consideration as a precautionary, ecosystem-based action to

*Enhance, Protect, and Conserve the saltwater
aquatic life and marine resources of the
State of Mississippi.*

JIMMY SANDERS MEMORIAL LIONFISH CHALLENGE 2019



SEAN COOK ACCEPTS THE JIMMY SANDERS MEMORIAL LIONFISH CHALLENGE 2019 WINNER'S PLAQUE

