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Mississippi Advisory Commission on Marine Resources

February 15, 2022



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Employment, Contracts and Procurement Updates February 15, 2022

Employment Updates

- Danielle Koushel – Coastal Resource Management Specialist II Permitter – 01.16.22

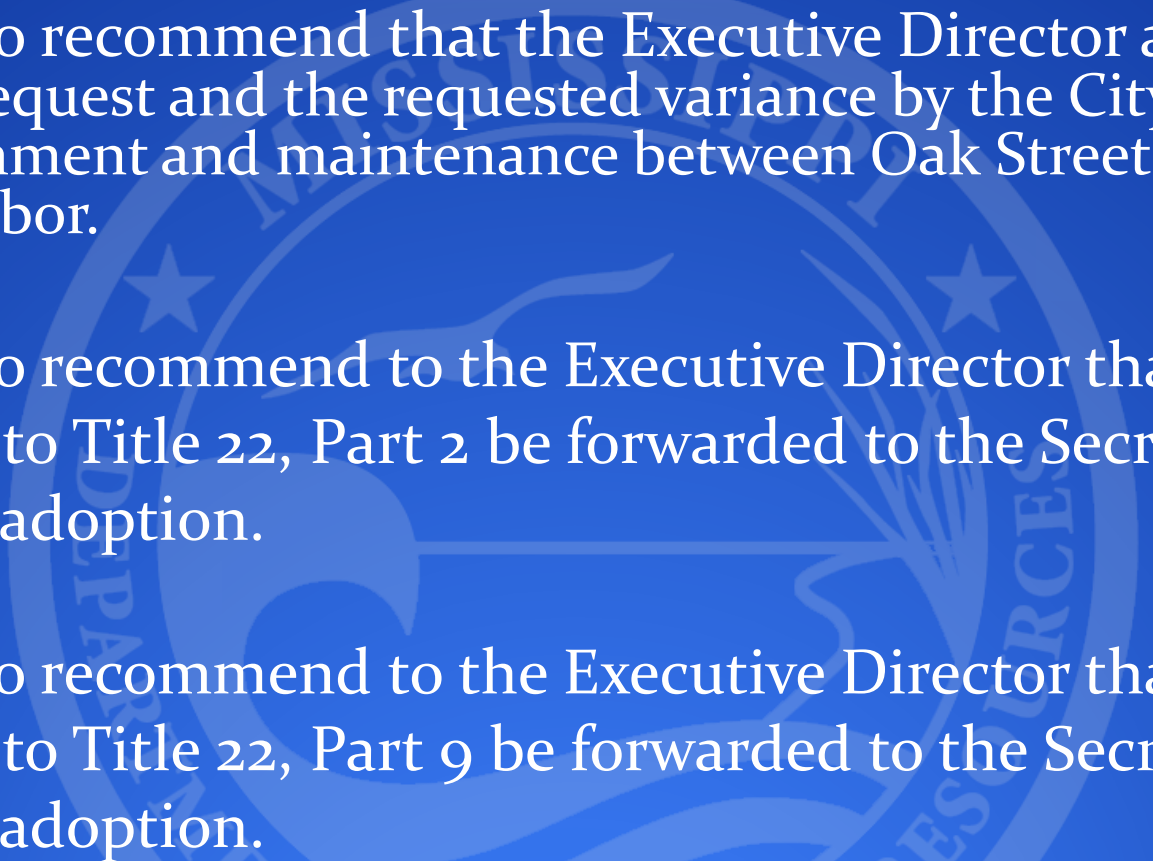


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Actions Update for February 15, 2022

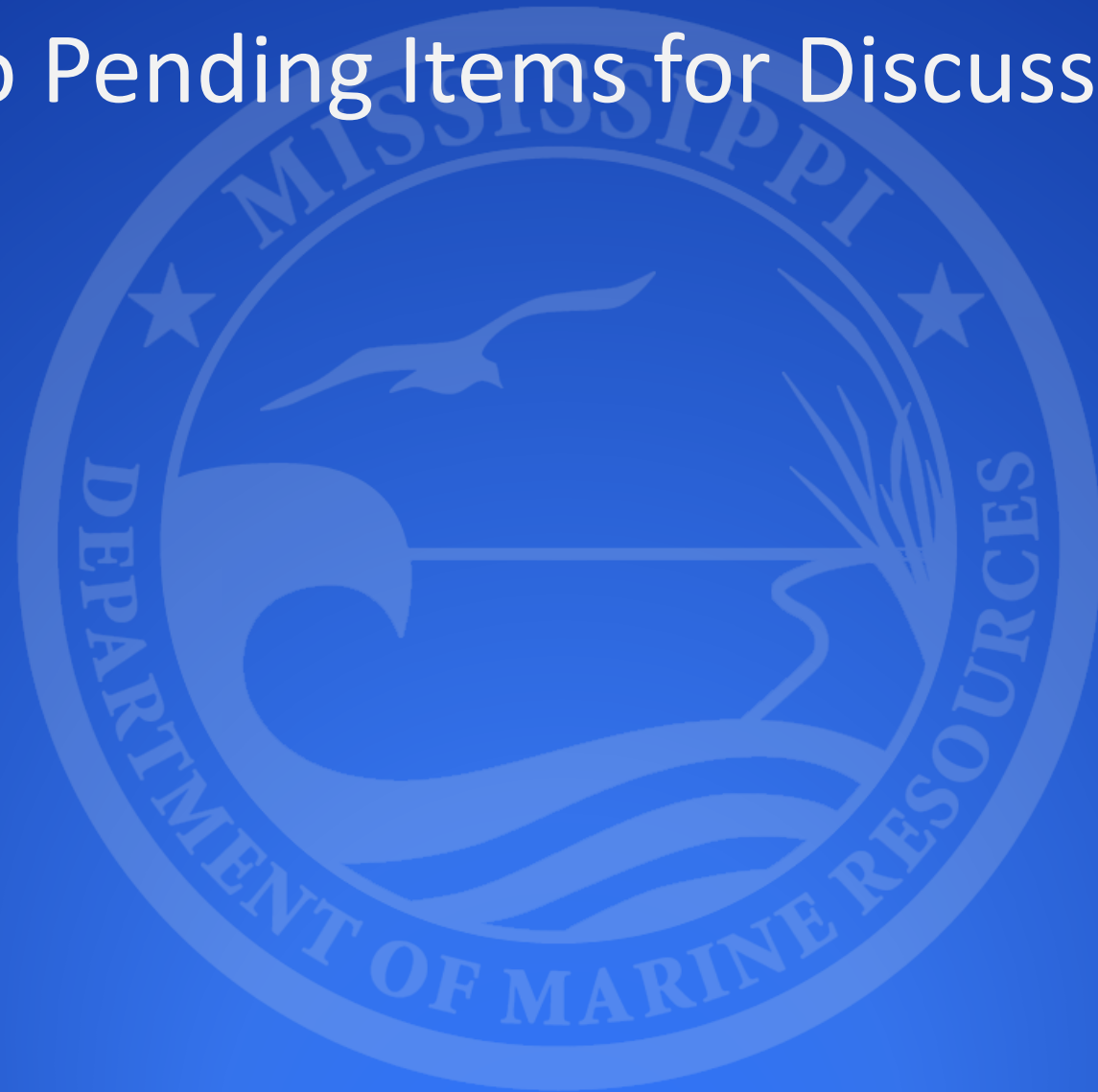
Discussed at the January 2022 meeting:

1. Motion to recommend that the Executive Director approve the following in relation to the Request for Permits by the MDMR for creation of artificial oyster reefs for research activities in the Pascagoula Bay in Pascagoula and the Mississippi Sound in Pass Christian:
 - Approval of the Requested Variances.
 - Approval of the Requested Use Plan Changes
 - Approval of the Requested Permits.

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- The seal of the Department of Marine Resources is faintly visible in the background. It features a central figure of a fish, possibly a snook, with a star above its head. The text "DEPARTMENT OF MARINE RESOURCES" is written around the perimeter of the seal.
- 2) Motion to recommend that the Executive Director approve the 10-Year Permit Request and the requested variance by the City of Biloxi for beach renourishment and maintenance between Oak Street and the Biloxi Small Craft Harbor.
 - 3) Motion to recommend to the Executive Director that the proposed changes to Title 22, Part 2 be forwarded to the Secretary of State's Office for final adoption.
 - 4) Motion to recommend to the Executive Director that the proposed changes to Title 22, Part 9 be forwarded to the Secretary of State's Office for final adoption.

Director approved the motions as recommended

No Pending Items for Discussion



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Mississippi Department of Marine Resources

Agency Financial Results
as of January 31, 2022

Key Metrics:

- State Revenue of \$4.4M
- Agency Revenue of \$18.6M
- State Net Income of \$665K
- Agency Net Income of \$4.2M

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

Income Statement - Fiscal Year 2022

As of January 31, 2022

	State	Federal : GOMESA PHII: NFWF:	Operating Subtotal	Tidelands	Total DMR
Revenue:					
Transfer in from Other Governments	55,000	(26,147)	28,853	-	28,853
Off-road Fuel Tax	3,050,000	-	3,050,000	-	3,050,000
Federal/NonFederal Grants	260,024	1,784,155	2,044,179	-	2,044,179
Sales Revenue	670,572	-	670,572	-	670,572
Indirect Cost Recovery	266,808	-	266,808	-	266,808
Other Revenue	101,454	1,214,649	1,316,103	11,299,457	12,615,560
Current Budget Year Revenue:	4,403,857	2,972,657	7,376,514	11,299,457	18,675,970
Expenditures:					
Salaries, Wages, Fringe	2,997,086	1,775,211	4,772,297	507,540	5,279,836
Travel	4,761	16,640	21,401	6,390	27,791
Contractual Services	447,946	731,257	1,179,203	381,255	1,560,458
Commodities	210,980	1,100,375	1,311,356	68,618	1,379,974
Other than Equipment	-	8,555	8,555	-	8,555
Equipment	70,927	168,618	239,546	19,176	258,721
Vehicles	(232)	6,732	6,500	-	6,500
Subsidies, Loans, and Grants	6,694	3,928,522	3,935,215	1,956,279	5,891,494
Current Budget Year Expenditures:	3,738,163	7,735,911	11,474,073	2,939,257	14,413,330
Current Budget Year Net Income/(Loss):	\$ 665,694	\$ (4,763,254)	\$ (4,097,560)	\$ 8,360,200	\$ 4,262,640

Financial Budget Comparison

- After seven months of Fiscal Year 2022:

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
2022 Budget Comparison
As of January 31, 2022

	<i>Actual Year to Date Expenditures</i>			<i>Budget Year Totals</i>			<i>Percent Remaining</i>		
	Operating	Tidelands	Total	Operating	Tidelands	Total	Operating	Tidelands	Total
Expenditures:									
Salaries, Wages, Fringe	\$ 4,772,297	\$ 507,540	\$ 5,279,836	\$ 11,407,393	\$ 1,054,140	\$ 12,461,533	58.2%	51.9%	57.6%
Travel	21,401	6,390	27,791	158,996	25,000	183,996	86.5%	74.4%	84.9%
Contractual Services	1,179,203	381,255	1,560,458	7,438,245	1,651,000	9,089,245	84.1%	76.9%	82.8%
Commodities	1,311,356	68,618	1,379,974	3,009,942	360,000	3,369,942	56.4%	80.9%	59.1%
Other than Equipment	8,555	-	8,555	8,555	-	8,555	0.0%	-	0.0%
Equipment	239,546	19,176	258,721	626,857	125,000	751,857	61.8%	84.7%	65.6%
Vehicles	6,500	-	6,500	121,500	250,000	371,500	94.7%	0.0%	98.3%
Wireless Devices	-	-	-	6,250	-	6,250	100.0%	0.0%	100.0%
Subsidies, Loans, and Grants	3,935,215	1,956,279	5,891,494	73,575,817	8,761,357	82,337,174	94.7%	77.7%	92.8%
Total Expenditures:	\$ 11,474,073	\$ 2,939,257	\$ 14,413,330	\$ 96,353,555	\$ 12,226,497	\$ 108,580,052	88.1%	76.0%	86.7%

- Operating Funds have 88.1% of Budget remaining
- Tidelands Trust Fund has 76.0% of Budget remaining



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Changes to Title 22 Parts 4 and 21 – Rules and Regulations for the Taking and Processing of Saltwater Crabs

Jason Saucier
February 15, 2022

Changes to Title 22 Parts 4 and 21

- Combined harvest (Part 4) and processing (Part 21) regulations and renamed Part 4 – Rules and Regulations for the Taking and Processing of Saltwater Crabs
- Added new definitions for crab harvest and wholesale dealers
- Removed wording that was already included in Mississippi Code. Cited the applicable statutory and regulatory authorities
- Updated the format to “Rules” and “Sources” to conform with the format prescribed by the Secretary of State’s Office
- Added rules for harvesters acting as wholesale dealers

Chapter Title Changes – Chapters 9-19

- **CHAPTER 09 CRAB PROCESSOR APPLICATION**
- **CHAPTER 11 PROCESSOR CERTIFICATION MDMR PROGRAM MANAGEMENT**
- **CHAPTER 17 PROCESSOR PURCHASE AND SALES RECORDS**
- **CHAPTER 20 PROCESSOR COMPLIANCE ENFORCEMENT**

Substantive Changes – Title

- PART 4 RULES AND REGULATIONS FOR THE TAKING AND PROCESSING OF SALTWATER CRABS ~~IN THE STATE OF MISSISSIPPI~~

Substantive Changes – Chapter 1

Introduction

- Rule 1.1 This part provides for the regulations of the commercial and recreational taking of saltwater crabs and the minimum requirements necessary to regulate the processing of saltwater crabs in Mississippi waters.

Substantive Changes – Chapter 2 Justification and Authority

- ~~100~~ The Mississippi Commission on Marine Resources (MCMR) has determined that there is a continuing need for maintaining a sanctuary for sponge crabs.
- ~~101~~ There exists a need to prohibit the taking of crabs by unlicensed crab vessels. Rule 2.1 A license is required for the catching or taking of crabs for commercial or recreational purposes.
- Rule 2.2 ~~In the case of licensed~~ Licensed vessels fishing for crabs with crab traps or crab pots, ~~that it is necessary for said traps or pots be~~ must ensure that the traps or pots are identifiable to enforcement personnel.
- ~~103~~ The MCMR is authorized to enact all regulations necessary for the protection, conservation or propagation of all seafood in the waters under the territorial jurisdiction of the State of Mississippi as provided for in ~~§ 49-15-15~~, of the Mississippi Code Ann. of 1972, as amended.
- ~~100~~ The Mississippi Commission on Marine Resources (MCMR) has determined that it is in the best interest of the State of Mississippi and necessary for the protection, conservation, and propagation of all saltwater crabs to regulate saltwater crab processing.
- ~~101~~ The MCMR is authorized by Miss. Code Ann. ~~§ 49-15-15 (1) (c)~~, as amended, to regulate all seafood sanitation and processing programs.
- ~~102~~ Miss. Code Ann. ~~§ 49-15-63~~, as amended, addresses general penalties for violation of these regulations.

Substantive Changes – Chapter 3

Definitions

- A. ADULTERATED – Any saltwater crab product that is prepared, packed or held under unsanitary conditions whereby it may have become contaminated with filth or whereby it may have been rendered injurious to health.
- B. BUSTER CRAB – A blue crab currently undergoing a molt.
- G. CRAB TRAP – Any rigid-frame trap or pot constructed of wire mesh or webbing and having entrance funnels designed to entrap blue crabs.
- N. HOLDING – The act of temporarily storing saltwater crabs by a wholesale dealer for the purpose of resale.
- S. PEELER CRAB – A pre-molt stage blue crab having a new soft shell fully developed under the hard shell and having a definite white, pink or red line or rim on the outer edge of the back fin or flipper.
- Z. SOFT-SHELL CRAB – A post-molt stage crab which has recently shed its hard shell
- BB. WHOLESALE DEALER – Any person, firm or corporation who buys saltwater crabs from multiple harvesters for the purpose of resale.

Substantive Changes – Chapter 05 Area Closures

- Rule 5.1 It is unlawful to commercially take crabs from the marine waters north of the CSX Bridge in the three coastal counties of Mississippi.
- Rule 5.2 It is unlawful to place or cause to be placed any crab traps or pots north of the Interstate 10 (I-10) Highway in the three (3) coastal counties.

Substantive Changes – Chapter 06

Incidental Catch

- Rule 6.1 It ~~shall be~~ is unlawful for any person, firm, or corporation, or any person in command of or control of any boat with a commercial shrimping license, fish net license or oyster license to fail to immediately return to the water any crabs caught in ~~trawls~~ nets or dredges regardless of the location unless the boat operating the ~~trawl~~ net or dredge has a valid commercial crab license. This does not apply to crabs retained for personal consumption as allowed in statute.

Substantive Changes – Chapter 07 Gear Regulations

- ~~Rule 7.4 It shall be unlawful for any person fishing for crabs for personal use or consumption by means of crab traps or crab pots to use in excess of six (6) such traps or pots; and each said trap or pot shall be marked with the owner's name~~ Recreational crab fisherman must mark each trap or pot with the owner's name in such a manner to be clearly visible to an inspecting officer. In addition, all crab traps or pots fished from a boat or vessel must also be marked with that boat or vessel's registration identification.
- ~~Rule 7.8 Recreational crabbers may use no more than six (6) crab traps per household. It shall be~~ is unlawful to recreationally fish for a recreational crab fisherman to fish in excess of six (6) crab traps or pots per registered boat or vessel.
- ~~108 It is unlawful for any person, firm, or corporation to place or cause to be placed any crab traps or pots to be placed to place crab traps north of the Interstate 10 (I-10) Highway in the three (3) coastal counties.~~

Substantive Changes – Chapter 08 Cat Island Sanctuary Closure

- Rule 7.1 It is unlawful ~~for any person, firm, or corporation~~ to harvest or attempt to harvest or possess any crabs between January 1 and March 31 of each year within the area bounded by the following line:
 - A. beginning at a point on the Louisiana-Mississippi border due south of the "Intracoastal Waterway Grand Island Channel light 1" (30.178026, -89.303372),
 - B. thence running due north to said "Light 1" (30.179862, -89.303372),
 - C. thence running northeasterly along the "Intracoastal Waterway Marianne Channel" through "Buoy 22", "Light 18", "Buoy 12", to "Light 8" (30.190048, -89.288085),
 - D. thence running northeasterly along the most direct line to "Lighted Buoy 7" (30.214984, -89.245477),
 - E. thence running northeasterly along the most direct line to "Lighted Buoy 4" (30.223545, -89.231492),
 - F. thence running northeasterly along the most direct line to the northeastern corner of the crab sanctuary to "Lighted Buoy 5" (30.237595, -89.208236),
 - G. thence running southeasterly along the most direct line to "Cat Island West End Channel Light" (30.228679, -87.19686),
 - H. thence running southwesterly along the most direct line to "Cat Island Channel Buoy E" (30.204731, -89.208826),
 - I. thence running due south to a point on the Louisiana-Mississippi border; (30.202153, -89.208799),
 - J. thence running westerly along the Louisiana-Mississippi border to the point due south of the "Intracoastal Waterway Grand Island Channel Light 1" (30.178026, -89.303372).

Substantive Changes – Chapter 09

Closed Seasons

- Rule 8.1 ~~The MCMR may establish a closed season or seasons for the use of crab traps in the public waters of this state. The MCMR may designate the closed season as not less than ten (10) days nor more than thirty (30) days per year. Any crab trap remaining in the public waters after the expiration of the seventh day of a closed season shall be considered abandoned and can be removed for proper disposal. The first seven days of the closed season shall be a period of time for crab fishermen to remove traps from the water; however, during this time harvest of crabs caught in traps is prohibited. The ~~CMR~~ shall MDMR must publish the season closure dates and areas in a closing order to the general public.~~

Substantive Changes – Chapter 10 Crab Holding by a Wholesale Dealer

- Rule 10.1 Wholesale dealers must ensure that live crabs are stored in a cool place protected from contamination, in clean containers.

Substantive Changes – Chapter 11 Processor Certification Application

- Rule 11.1 The provisions of this Part apply to: ~~100.01~~ All all persons, firms, or corporations engaged in the processing of saltwater crabs intended for human consumption.
~~100.02~~ Retail establishments located in Hancock, Harrison and Jackson Counties of the State of Mississippi operating in conjunction with a certified crab plant or seafood market which primarily deal with saltwater crabs or saltwater crab products.

Substantive Changes – Chapter 12 Processor Certification Program Management

- Rule 12.3 The MDMR Executive Director, the Director of Marine Fisheries or the ~~MDMR designee in charge of saltwater crab processing or his designee~~ Seafood Technology Bureau Director will declare that saltwater crabs or saltwater crab products be recalled when the MDMR determines that a recall is required to eliminate a public health risk to consumers. The recalled saltwater crabs or saltwater crab products will be properly disposed ~~in accordance with Chapter 13, Subchapter 103 of this Part~~ to prevent human consumption.

Substantive Changes – Chapter 16

Actions Triggered by Inspections

- Rule 16.4 Temporary hold on saltwater crabs or saltwater crab products
 - C. The temporary hold ~~shall~~ will remain in effect until the processor is notified in writing by the MDMR that the violation has been corrected and the products confiscated have been destroyed or managed in some other manner that allows the products to be safely marketed for human consumption. These corrective actions must be done to the satisfaction of the ~~MCMR~~ or as hereby authorized the Executive Director, or the ~~MDMR~~ designee in charge of saltwater crab processing the Director of Marine Fisheries or the Seafood Technology Bureau Director.

Substantive Changes – Chapter 16

Actions Triggered by Inspections

- Rule 14.5 Cease and Desist Orders

A. After crab product has been on temporary hold for seventy-two (72) hours ~~on temporary hold of a certified crab plant's saltwater crab product~~, the ~~MDMR~~ Executive Director, the Director of Marine Fisheries or the ~~MDMR~~ designee in charge of saltwater crab processing Seafood Technology Bureau Director has the authority to issue a cease and desist order ~~which~~ . The cease and desist order will remain in effect until proper corrective actions have been taken and the order is lifted as provided in writing.

Substantive Changes – Chapter 19 Adulterated or Misbranded Saltwater Crab Products

- Rule 19.3 Any adulterated, misbranded, mislabeled, or unlabeled saltwater crab products under the authority of the ~~MCMR~~ MDMR ~~are subject to impoundment~~ will be impounded by the ~~MDMR~~ Executive Director, the Director of Marine Fisheries or the ~~designee in charge of saltwater crab processing~~ Seafood Technology Bureau Director.

Notice of Intent

Recommendation to the Executive Director that the new format and changes to Title 22 Parts 4 and 21 be sent to the Secretary of State's Office for Notice of Intent.



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Title 22 Parts 3, 5, 7

Matt Hill

K.2

Updates and Changes

- Combined all finfish related rules and regulations from Part 3, 5, and 7 into one Part
- Removed wording that was already covered in Mississippi Code. Referenced the applicable statutory or regulatory authorities
- Updated the format to “Rules” and “Sources” to conform with the format prescribed by the Secretary of States Office
- Added new language
- Updated old language
- Removed language not pertinent to the modern fishery

Part 3 Substantive Changes

- Part 3 – Rules and Regulations for Taking of Menhaden
 - Retained language regarding the opening and closing date of season
 - Added Jackson County to language regarding county-specific closed areas
 - The commercial fishing season for menhaden is from the third Monday in April through the first day of November of each year. It is unlawful to harvest menhaden, for the purposes of reduction, within one mile of the mainland shoreline of Harrison, Hancock, and Jackson County.
 - All other language within Part 3 is listed in state statute; therefore, has been removed for redundancy purposes

Part 5 Substantive Changes

- Added definitions specific to gear types and methods used in targeting finfish
- Clarified regulations specific to entrapment nets and entanglement nets
- Updated regulations regarding the use of fish traps

Part 7 Substantive Changes

- Added definitions specific to activities taking place during the targeting of finfish
 - Charter Vessel - a vessel carrying a passenger for hire who is engaged in recreational fishing
- Updated filet regulations
- Updated two-day bag limit language
- Updated size and possession limits as needed
 - Deleted commercial minimum size limit for Mullet
- Simplified language regarding TACs for Flounder, Red Drum and Spotted Seatrout
- Revised language regarding Spotted Seatrout Endorsement
- Update Trotline language

Spotted Seatrout Endorsement

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. A Trip Ticket officer will validate, through the Trip Ticket system, that the applicant sold at least one thousand (\$1,000) dollars of finfish or five thousand (\$5,000) dollars of seafood product in the previous or current calendar year. The endorsement will be valid from January 1st – December 31st each year. In the event of a hardship approved by the Executive Director, the department may consider the applicants qualification based on sales one year prior to the onset of the approved hardship.

Notice of Intent

Recommendation to the Executive Director that the new format and changes to Title 22 Parts 3, 5, 7 be sent to the Secretary of State's Office for Notice of Intent.