



ENHANCE ★ PROTECT ★ CONSERVE

Mississippi Advisory Commission on Marine Resources

May 16, 2023



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Employment, Contracts and Procurement Updates May 16, 2023

Employment Updates

New-Hires:

- Bryan Drieling – Started on April 17, 2023 – Law Enforcement Officer I – Marine Patrol
- Tyler Williams – Started on May 8, 2023 – ENR Specialist I – CRM - Permitting

Promotions:

- Jacob Goff – Promoted on April 16, 2023 – ENR Specialist III – Grand Bay NERR

Interns:

Coastal Resources: Alia Jones and Olivia Brasswell

Restoration & Resiliency: Christian Richardson

IT/GIS: Peter Huynh and Brock Babin

GBNERR: Juliana Heise

Marine Patrol: William Swinford

Marine Fisheries/Lyman: Hailey Hudgins, Jacob Cole Moody, Ethan Favre



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Mississippi Advisory Commission on Marine Resources

May 16, 2023



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Actions Update for May 16, 2023 Commission Meeting

Discussed at the April 2023 meeting:

- The Commission recommended and the Director approved the following motions:
 - 1) Approval of the Jackson County Board of Supervisor's request for establishment of a No Wake Zone for the proposed leg #4 at the Fort Bayou Bridge in Ocean Springs, MS.



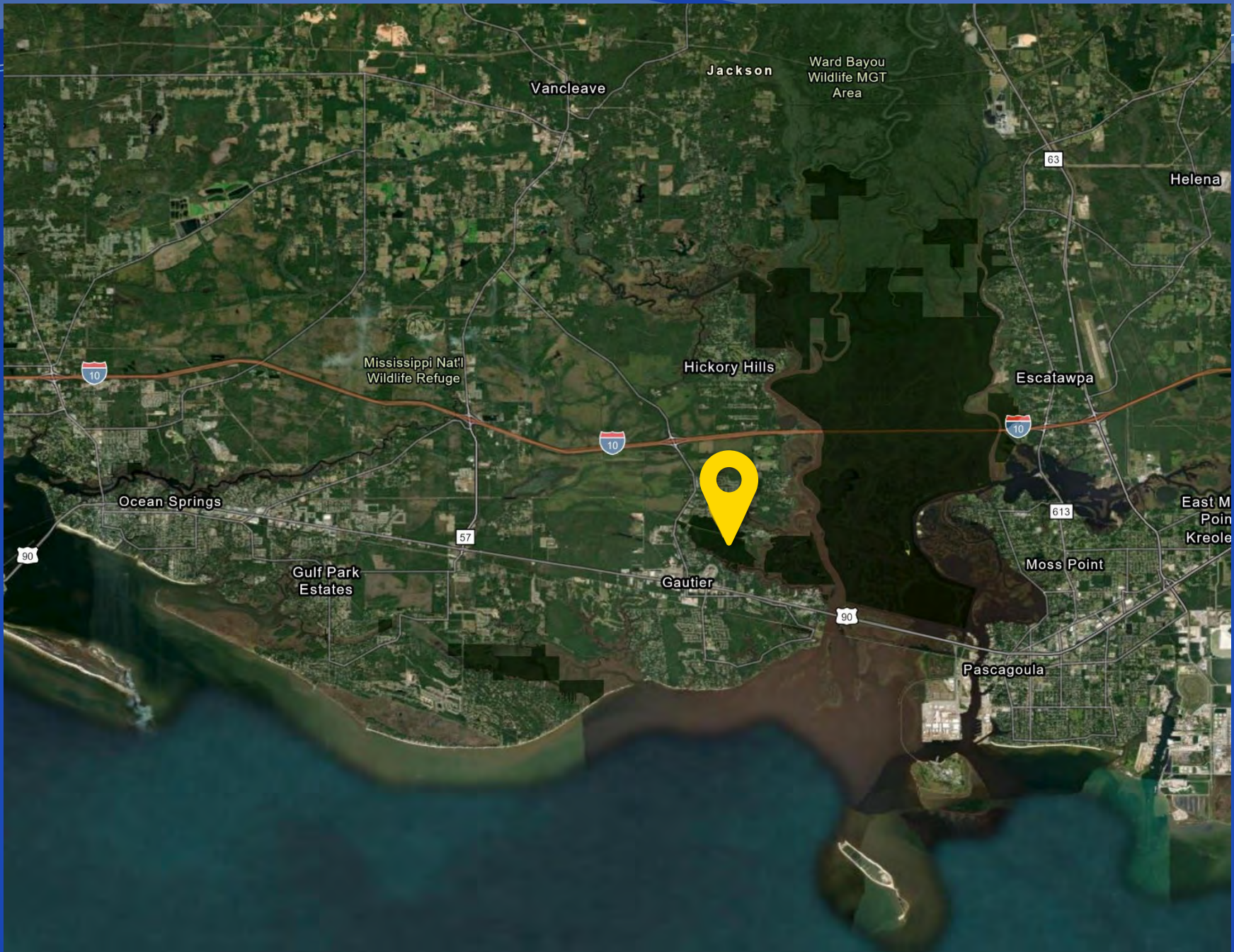
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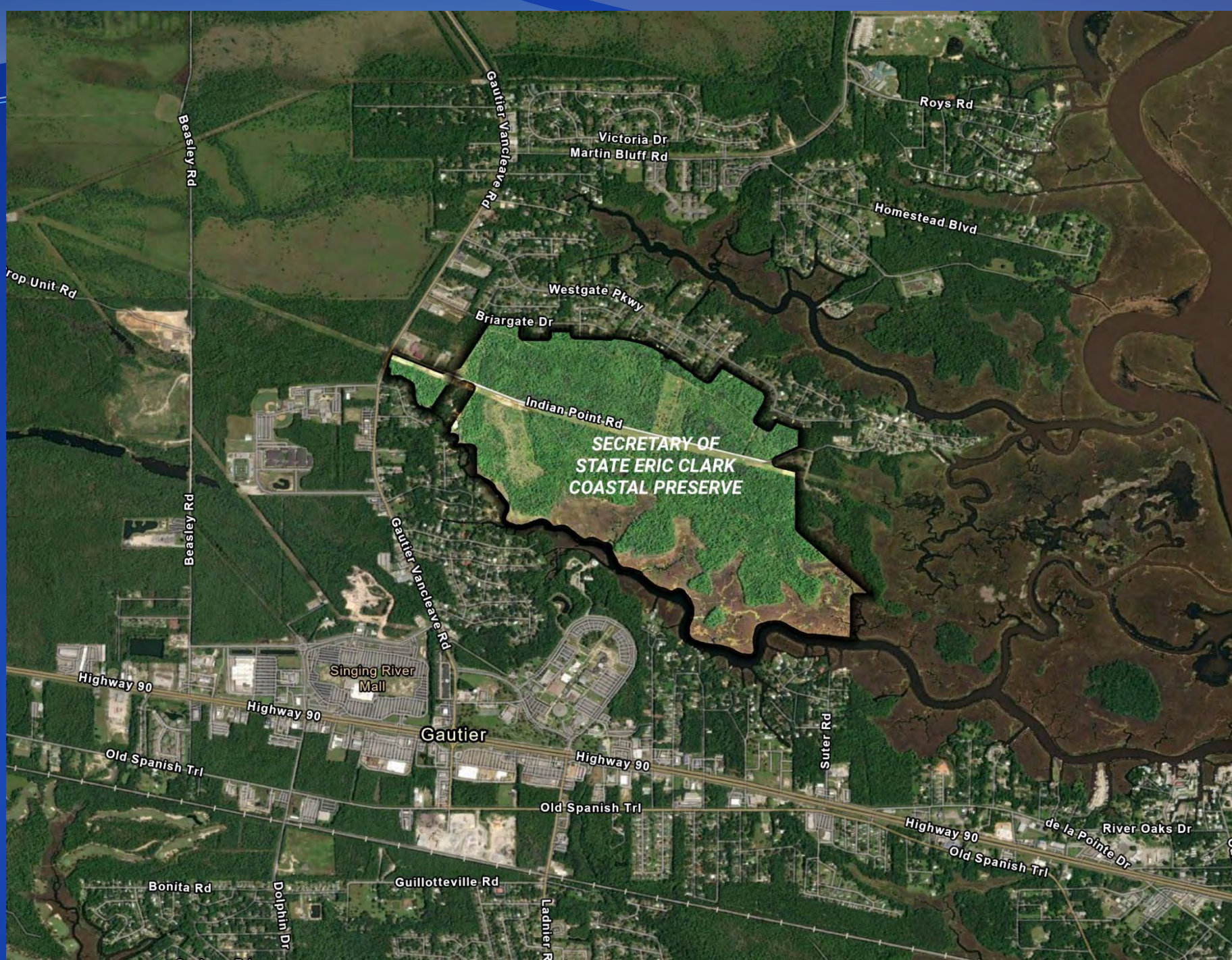
Mississippi Advisory Commission on Marine Resources

May 16, 2023

Resolution No. 051623-01

In accordance with Senate Bill 2530, The MDMR renames the Dantlzer Tract, (925) acres located in Jackson County as the “Secretary of State Eric Clark Coastal Preserve”





SECRETARY OF
STATE ERIC CLARK
COASTAL PRESERVE

Gautier

Singing River
Mall

Highway 90

Highway 90

Highway 90

Old Spanish Trl

Highway 90

Old Spanish Trl

Bonita Rd

Dolphin Dr

Guillotteville Rd

Ladnier R

Suter Rd

de la Pointe Dr

River Oaks Dr

Beasley Rd

Gautier Vanleave Rd

Victoria Dr

Martin Bluff Rd

Roys Rd

Homestead Blvd

Westgate Pkwy

Briargate Dr

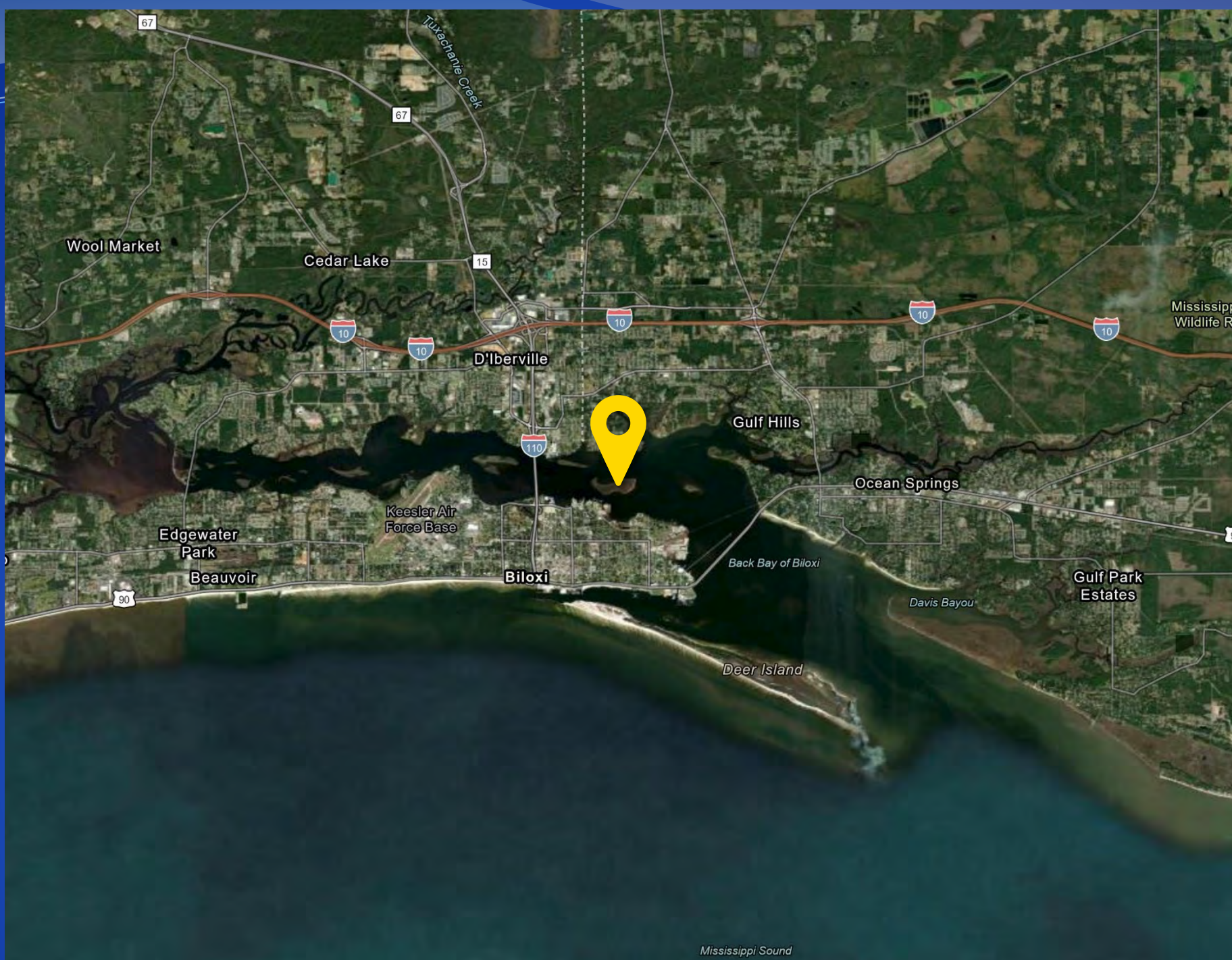
Indian Point Rd

Gautier Vanleave Rd

Top Unit Rd

Resolution No. 051623-02

In accordance with Senate Bill 2530, The MDMR renames Big Island, (57) acres located in Back Bay of Biloxi as “Gollott Island” and designates breakwater improvements on the south side of Gollott Island as “Godfather Point”



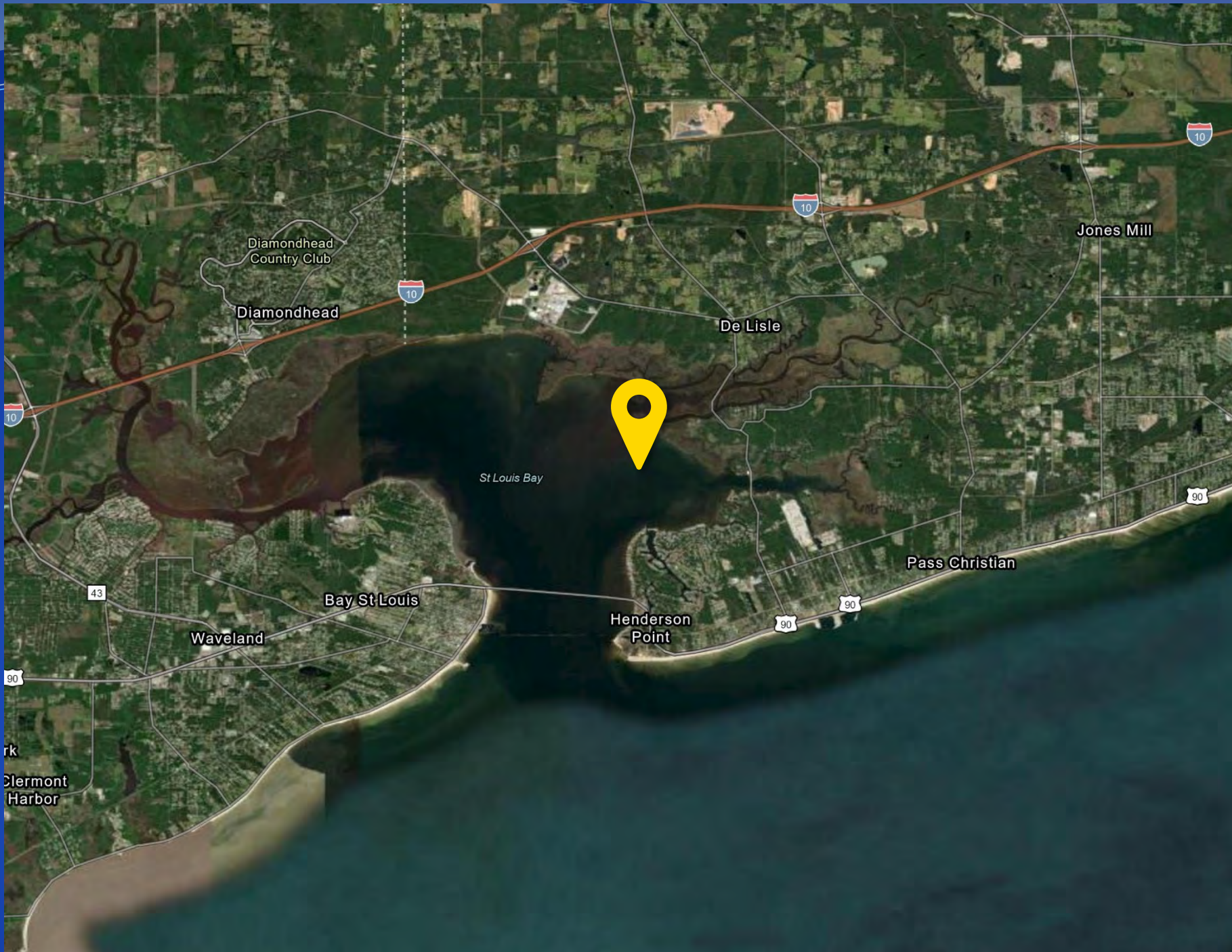
Mississippi Sound

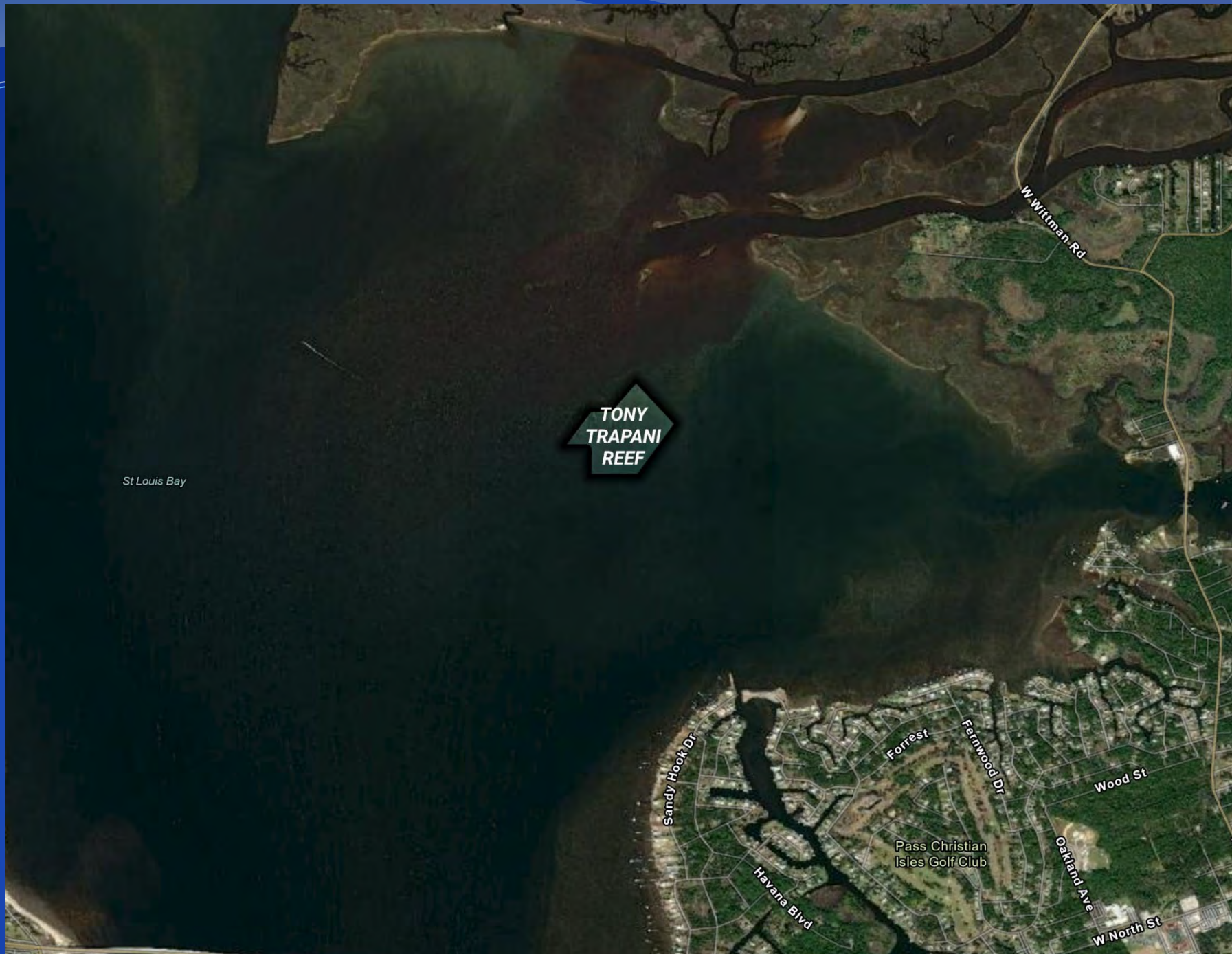


Resolution No. 051623-03

The MDMR designates The Nature Conservancy artificial reef development in the Bay of St. Louis, Hancock County as the Tony Trapani Reef

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TONY
TRAPANI
REEF

St Louis Bay

Sandy Hook Dr

Havana Blvd

Forrest

Fernwood Dr

Wood St

Oakland Ave

W North St

Pass Christian
Isles Golf Club

W. Wittman Rd



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Mississippi Advisory Commission on Marine Resources

May 16, 2023



Eight Years of Giant Applesnail (*Pomacea maculata*)

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Giant Applesnail Overview



- South American freshwater snail
- Large snail (grow up to 6")
- One lung and one gill
- Females larger than male
- Mature in 60-80 days
- Produce 2,500 eggs per mass
- Hatch 10-14 days

Environmental Impact

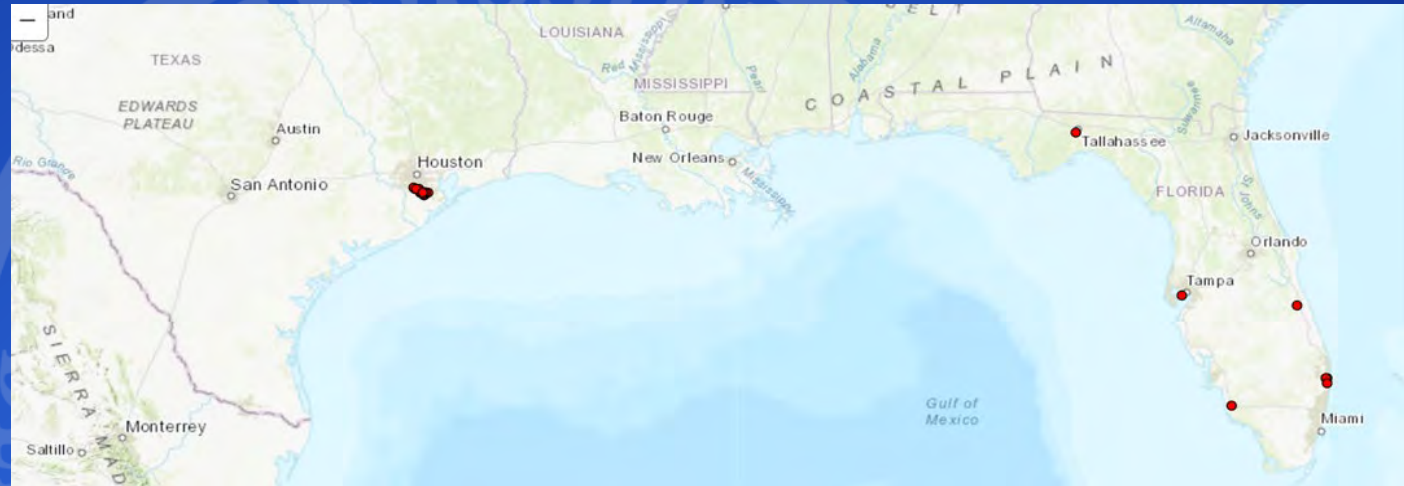
- Strips marsh of vegetation
- Changes plant community to algal based
- Carrier of rat lungworm parasite
- Predator of amphibian eggs
- Few predators (*Aramus guarauna*)



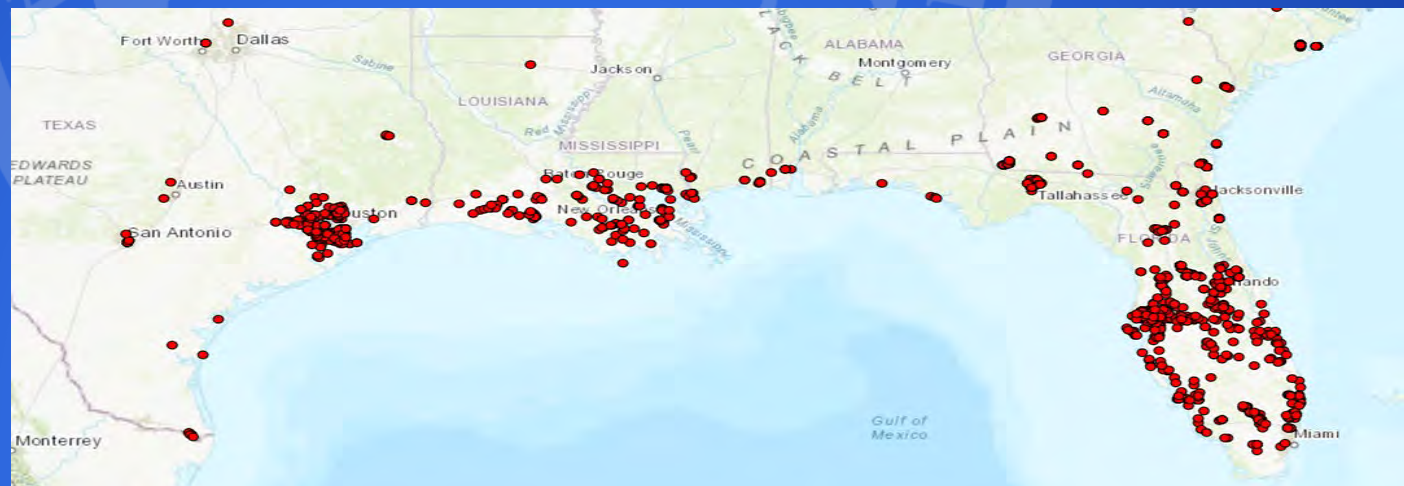
© K. Wilkerson - 2022

Expansion of Giant Applesnail Sightings

2002



2022



Giant Applesnails Techniques Over the Years

Kayak/Canoe Crews

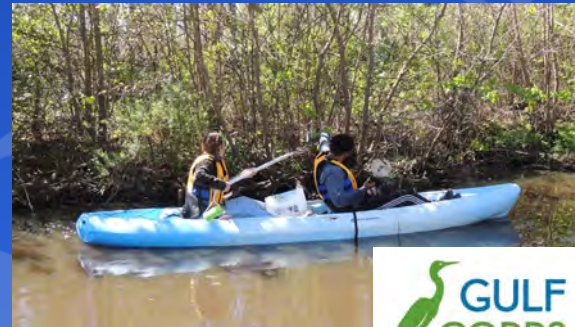
Hand-held Snailinator



Stainless Steel Grill Brush



Paint Roller Extension Handle



Field Data Collection

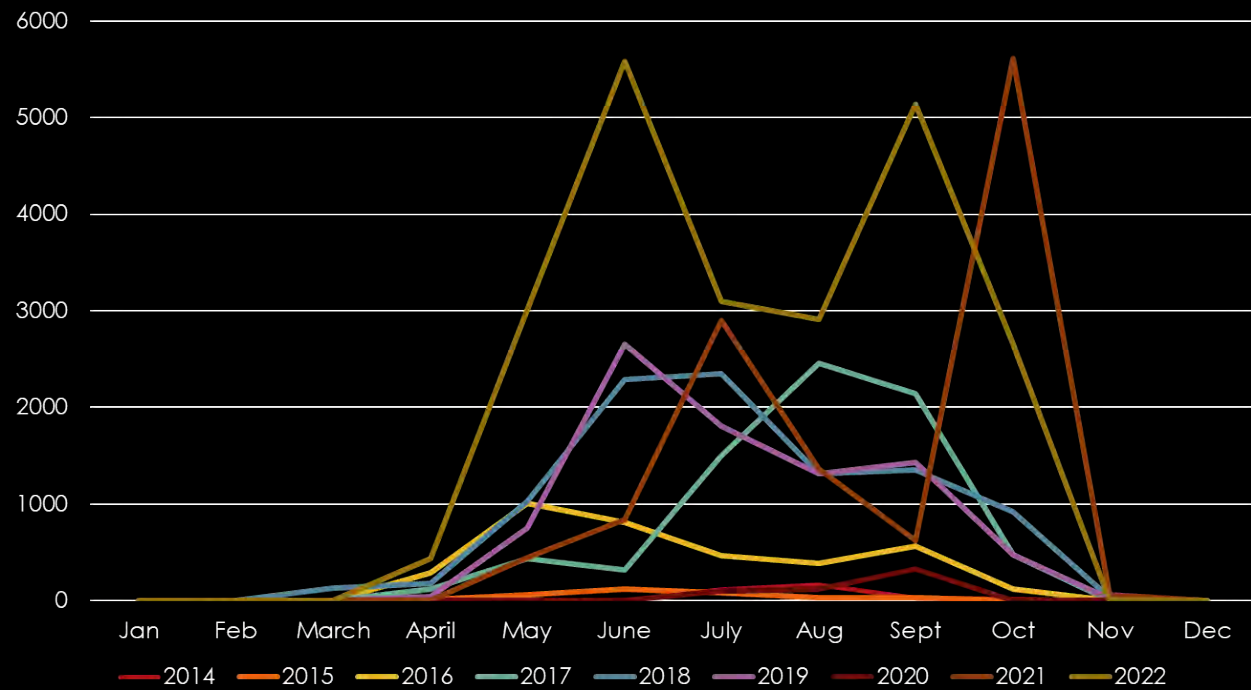


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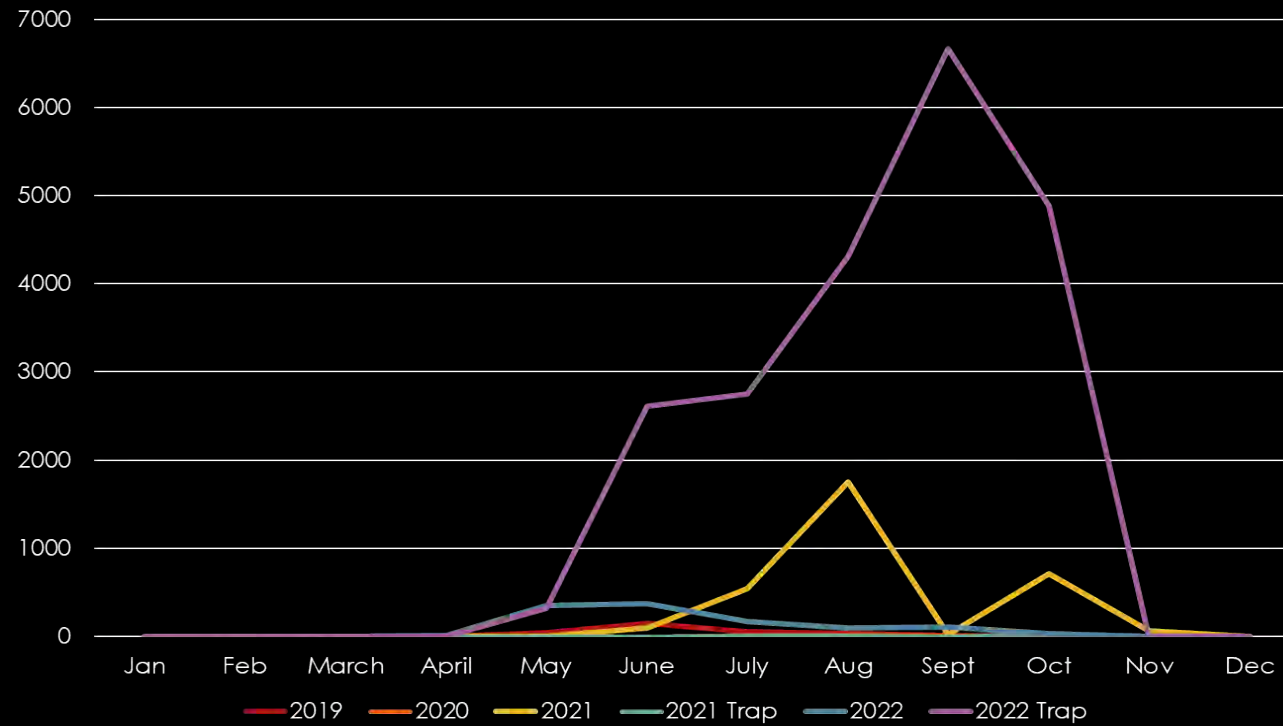
Modified Crawfish Traps



Number of Egg Masses Destroyed by Month and Year



Snail Capture by Month and Year



Success

- More than 65,000 egg masses were destroyed
- Over 5,300 snails removed by hand
- Improved trapping methods
- 21,577 snails removed from trapping

Future Plans

- Continue monitoring and trapping
- Improve trapping equipment and baits
- Broader monitoring for early detection of new infestation



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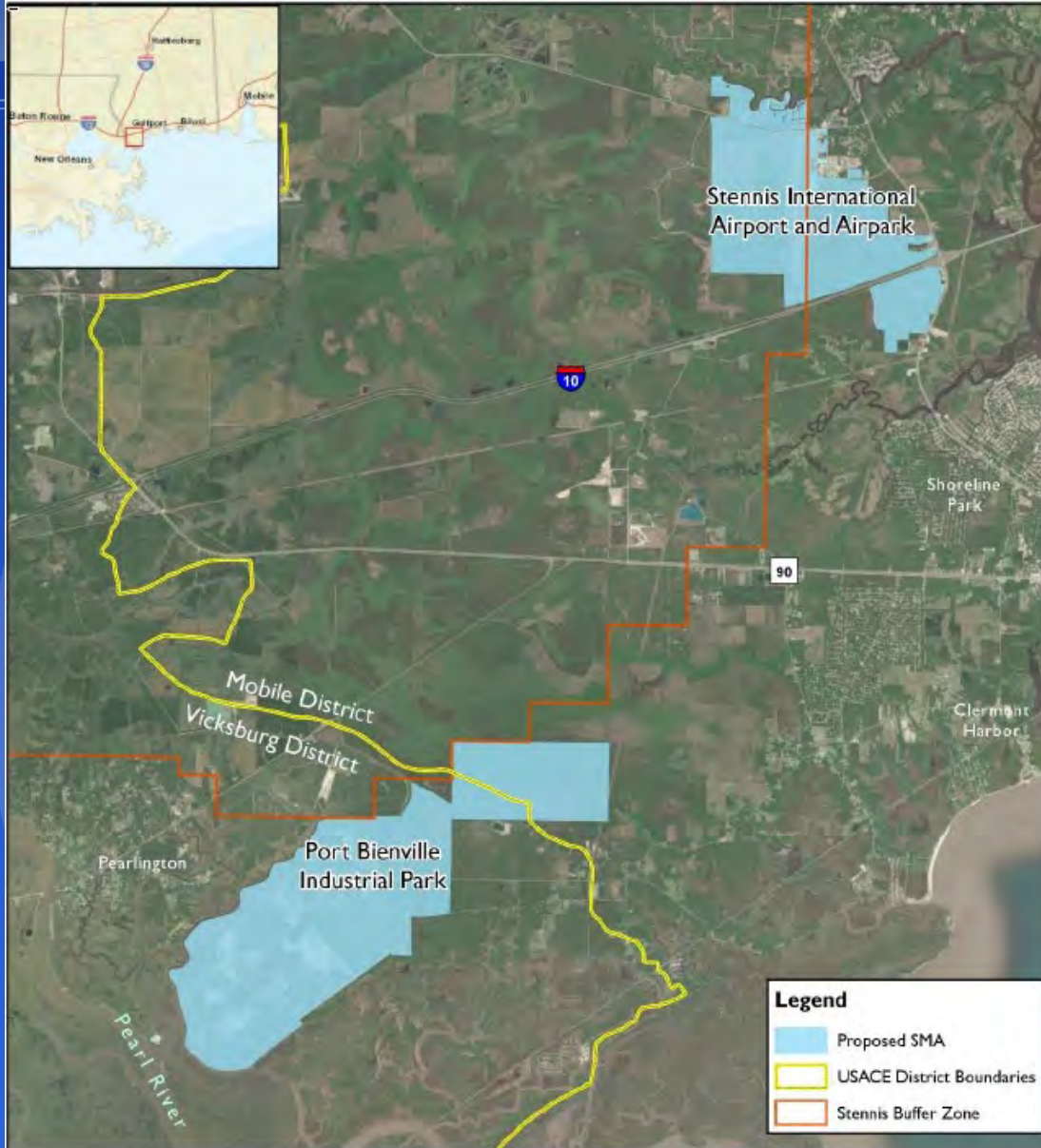
Mississippi Department of Marine Resources

Coastal Resources Management

May 2023



**Request for a Special Management Area
Designation and Development of an SMA Plan
by:
Hancock County Port and Harbor Commission**

- **Location: Port Bienville Industrial Park and Stennis International Airport and Airpark**
- **Agent: Cypress Environment and Infrastructure**



Legend

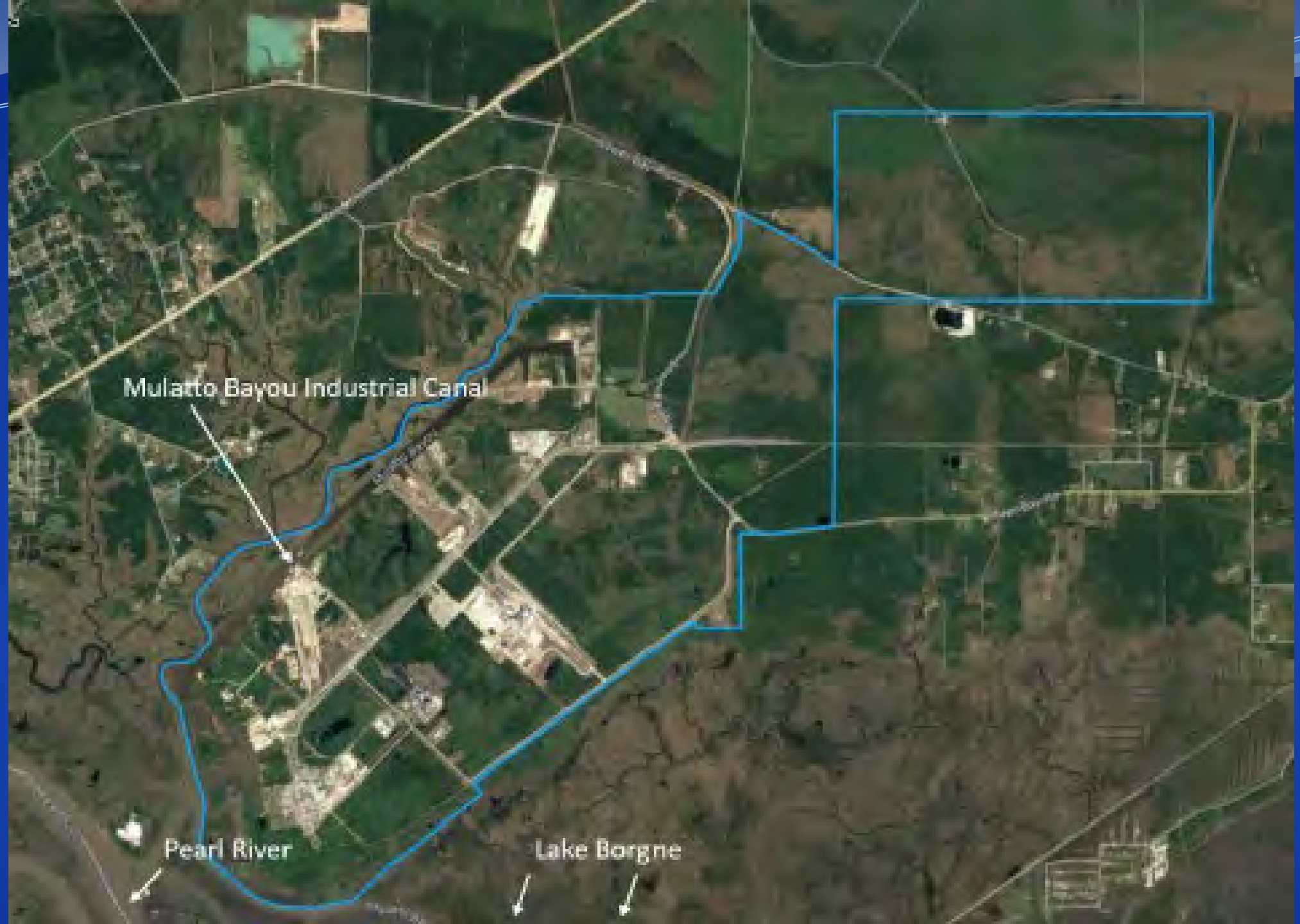
- Proposed SMA
- USACE District Boundaries
- Stennis Buffer Zone



 0 1 2 Miles
 Coordinate System:
 NAD 1983 State Plane
 Mississippi East FIPS 2301 Feet

**HANCOCK COUNTY PORT &
 HARBOR COMMISSION**
 Hancock County, MS

Proposed Special Management Area

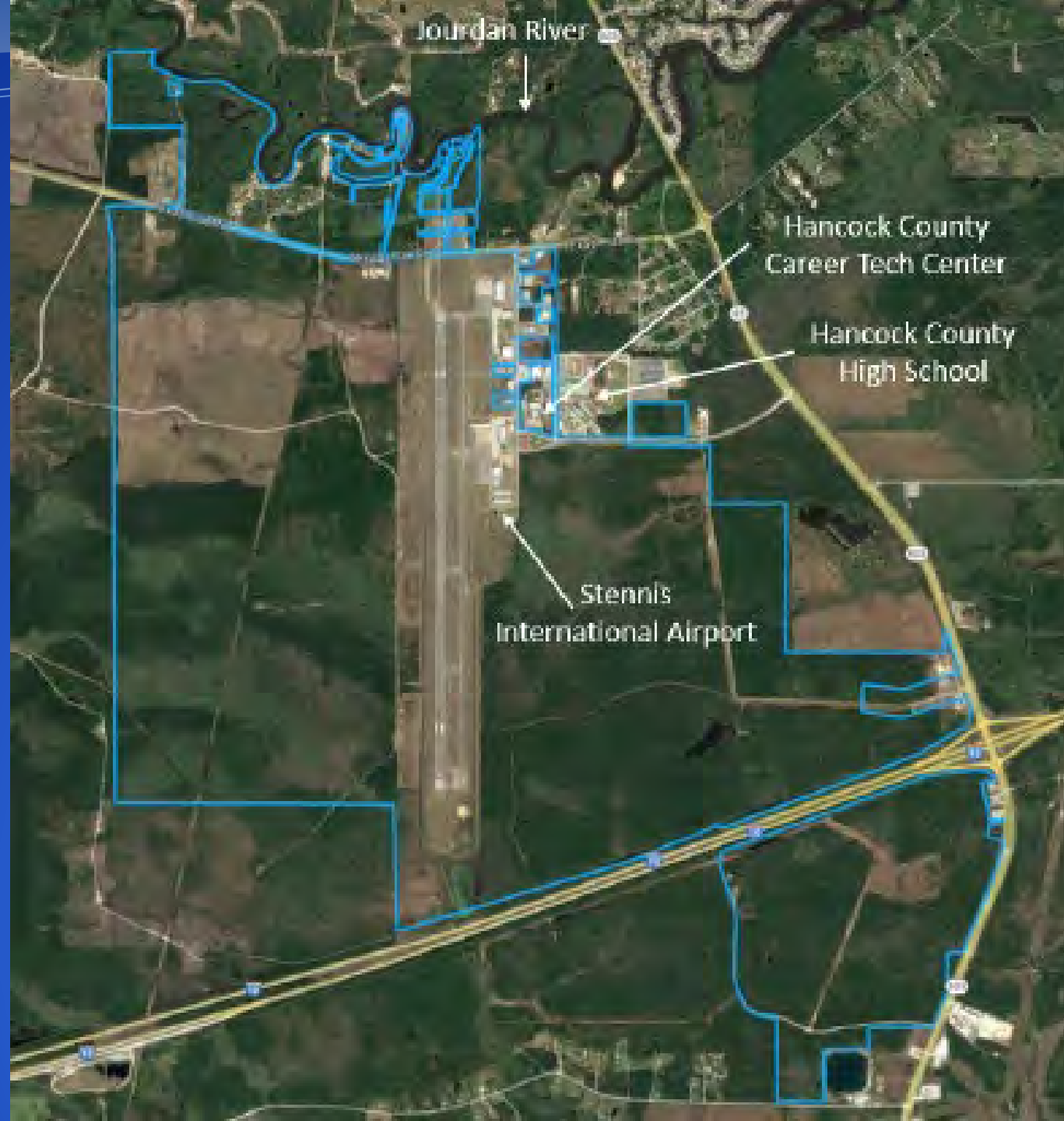

CYPRESS
 Environment & Infrastructure



Mulatto Bayou Industrial Canal

Pearl River

Lake Borgne



Goals of the SMA Planning Process

- Apply the general provisions of the MCP
- Streamline regulatory decisions
- Coordinate federal and state regulatory decisions with development efforts of the MCP and local governments
- Provide assistance to local governments and state agencies to plan for public facilities and services

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What an SMA Plan Does

- **Defines boundaries**
- **Describes how the physical development is to be managed**
- **Recognizes environmental and economic factors**
- **Specifies the implementation responsibilities of agencies**
- **Includes necessary interagency agreements and similar instruments**
- **Includes analysis of environmental impacts and alternatives (if the plan is to prevail over the MCP)**

What an SMA Plan Does Not Do

- Authorize the imposition of new regulatory authorities
- Require local governments to agree to the plan

HCPHC'S Intent in Requesting the SMA Designation

- **Increase economic growth in MS through jobs and investment**
- **Keep the environmental impacts contained within the two industrial sites**
- **Mitigate necessary impacts ahead of development so future permitting is streamlined and predictable**
- **Facilitate coordination between all regulating agencies involved in permitting of development for these two industrial sites**

Justification

- **Port Bienville Industrial Park was designated as a Special Management Area in the MCP**
- **Port of Pascagoula plan was approved in 1985**
- **Decrease uncertainty of individual project planning**
- **Increase predictability of economic investment required**
- **Provide for protection of priority wetlands and consolidation of on-site mitigation**
- **Address potential conflicts ahead of project development**

Next Steps if Approved

- **MDMR and responsible local government enter into an agreement to develop the SMA plan**
- **Coordination with federal, state, and local agencies to create a draft plan**
- **Public hearing on draft plan**
- **Final plan presented for MDMR, local government, and appropriate federal agencies for concurrence**
- **Public notice of approval of the plan**

Major Elements

- **Area Development Plan**
- **Dredged Material Plan**
- **Mitigation Program**

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Requested Motion

- **Motion to recommend approval of Hancock County Port and Harbor Commissions's request for a Special Management Area designation at Port Bienville Industrial Park and Stennis International Airport and Airpark**



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Mississippi Advisory Commission on Marine Resources

May 16, 2023



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Mississippi Department of Marine Resources

Agency Financial Results
as of April 30, 2023

Key Metrics:

- State Revenue of \$5.4M
- Agency Revenue of \$64.7M
- State Net Income of (\$1.1M)
- Agency Net Income of \$35.7M

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES					
Income Statement - Fiscal Year 2023					
As of April 30, 2023					
	Federal :				
	GOMESA				
	PHIL:				
	NFWF:		Operating		
	State	Non-Federal:	Subtotal	Tidelands	Total DMR
Revenue:					
Off-road Fuel Tax	3,050,000	-	3,050,000	-	3,050,000
Federal/NonFederal Grants	116,145	4,650,265	4,766,410	-	4,766,410
Sales Revenue	1,019,059	4,603	1,023,663	6,953	1,030,616
Indirect Cost Recovery	933,197	-	933,197	-	933,197
Other Revenue	321,523	43,984,812	44,306,335	10,711,691	55,018,026
Current Budget Year Revenue:	5,439,925	48,639,680	54,079,605	10,718,644	64,798,249
Expenditures:					
Salaries, Wages, Fringe	5,101,723	2,944,242	8,045,965	928,186	8,974,151
Travel	28,256	56,242	84,498	18,788	103,286
Contractual Services	943,681	1,729,194	2,672,876	628,584	3,301,460
Commodities	308,624	1,109,539	1,418,162	124,279	1,542,442
Other than Equipment	10,072	-	10,072	15,109	25,181
Equipment	131,314	289,469	420,783	92,164	512,948
Vehicles	38,892	69,619	108,511	220,285	328,796
Subsidies, Loans, and Grants	9,067	8,579,592	8,588,659	5,630,691	14,219,349
Current Budget Year Expenditures:	6,571,630	14,777,897	21,349,527	7,658,085	29,007,612
Current Budget Year Net Income/(Loss):	\$ (1,131,705)	\$ 33,861,783	\$ 32,730,077	\$ 3,060,560	\$ 35,790,637

Financial Budget Comparison

- After ten months of Fiscal Year 2023:

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
2023 Budget Comparison
As of April 30, 2023

	<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	\$ 8,045,965	\$ 928,186	\$ 8,974,151	\$ 12,331,570	\$ 1,672,239	\$ 14,003,809	34.8%	44.5%	35.9%
Travel	84,498	18,788	103,286	168,911	25,000	193,911	50.0%	24.8%	46.7%
Contractual Services	2,672,876	628,584	3,301,460	7,829,792	1,651,000	9,480,792	65.9%	61.9%	65.2%
Commodities	1,418,162	124,279	1,542,442	3,086,978	360,000	3,446,978	54.1%	65.5%	55.3%
Other than Equipment	10,072	15,109	25,181	139,522	15,109	154,631	92.8%	0.0%	83.7%
Equipment	420,783	92,164	512,948	669,605	175,000	844,605	37.2%	47.3%	39.3%
Vehicles	108,511	220,285	328,796	170,000	250,000	420,000	36.2%	11.9%	21.7%
Wireless Devices	-	-	-	6,250	-	6,250	100.0%	0.0%	100.0%
Subsidies, Loans, and Grants	8,588,659	5,630,691	14,219,349	99,839,583	8,306,899	108,146,482	91.4%	32.2%	86.9%
Total Expenditures:	\$ 21,349,527	\$ 7,658,085	\$ 29,007,612	\$ 124,242,211	\$ 12,455,247	\$ 136,697,458	82.8%	38.5%	78.8%

- Operating Funds have 82.8% of Budget remaining
- Tidelands Trust Fund has 38.5% of Budget remaining



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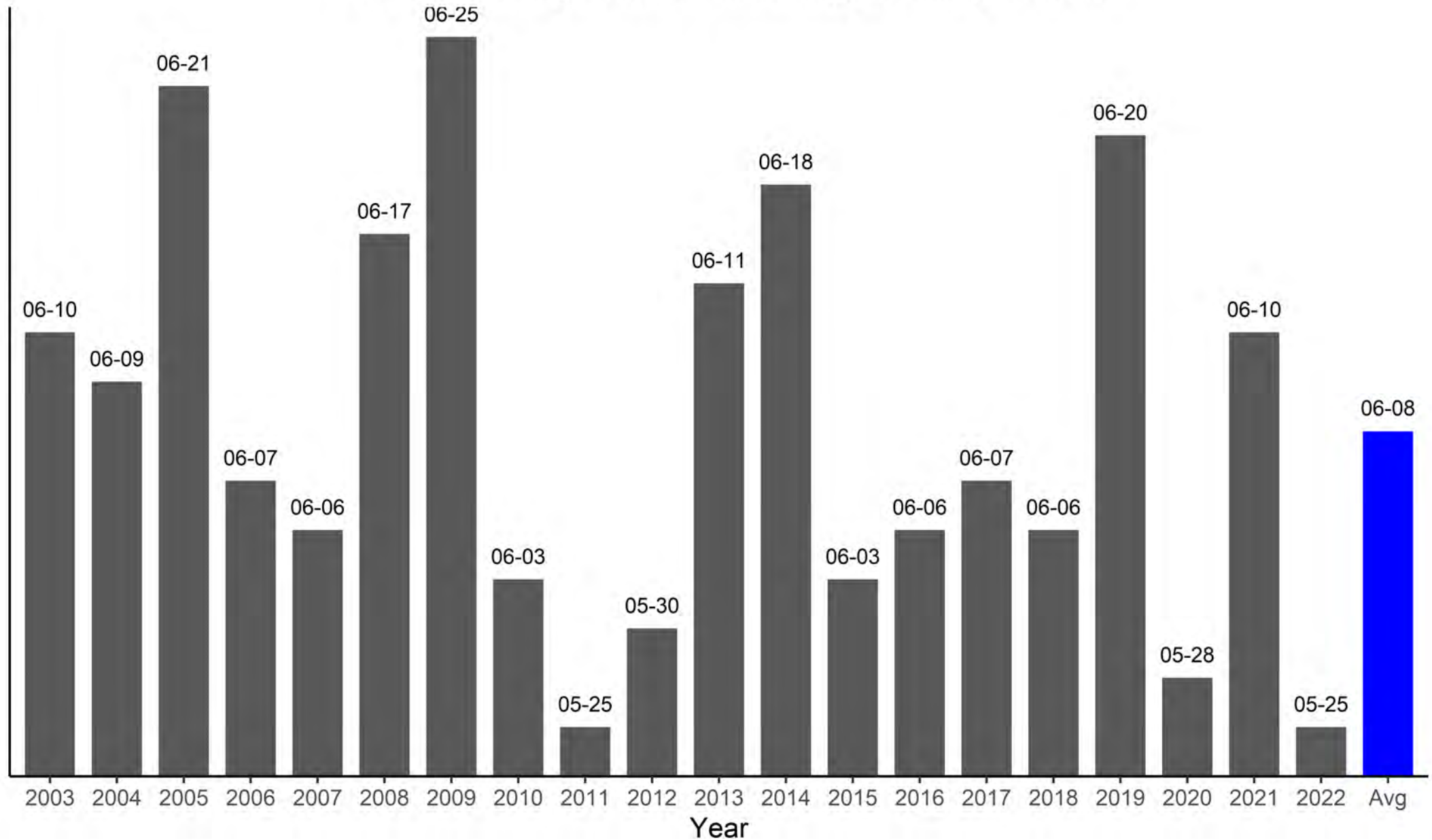
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2023 Mississippi Shrimp Season Update

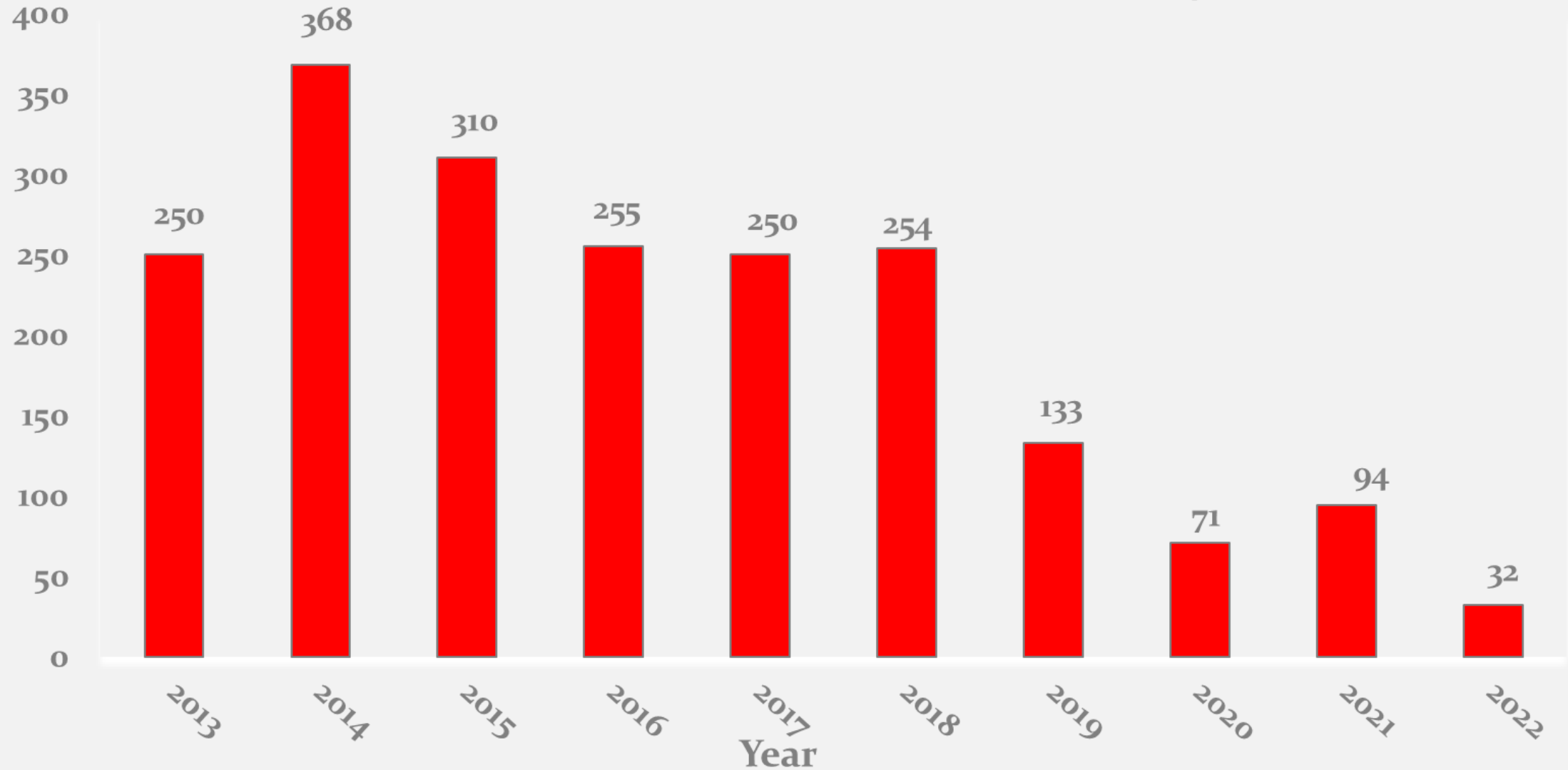
Jason Saucier

May 16, 2023

Historic Opening Dates of Mississippi Shrimp Season



Number of Shrimp Vessels Counted on Opening Day





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Mississippi Shrimp Season Opening Sampling

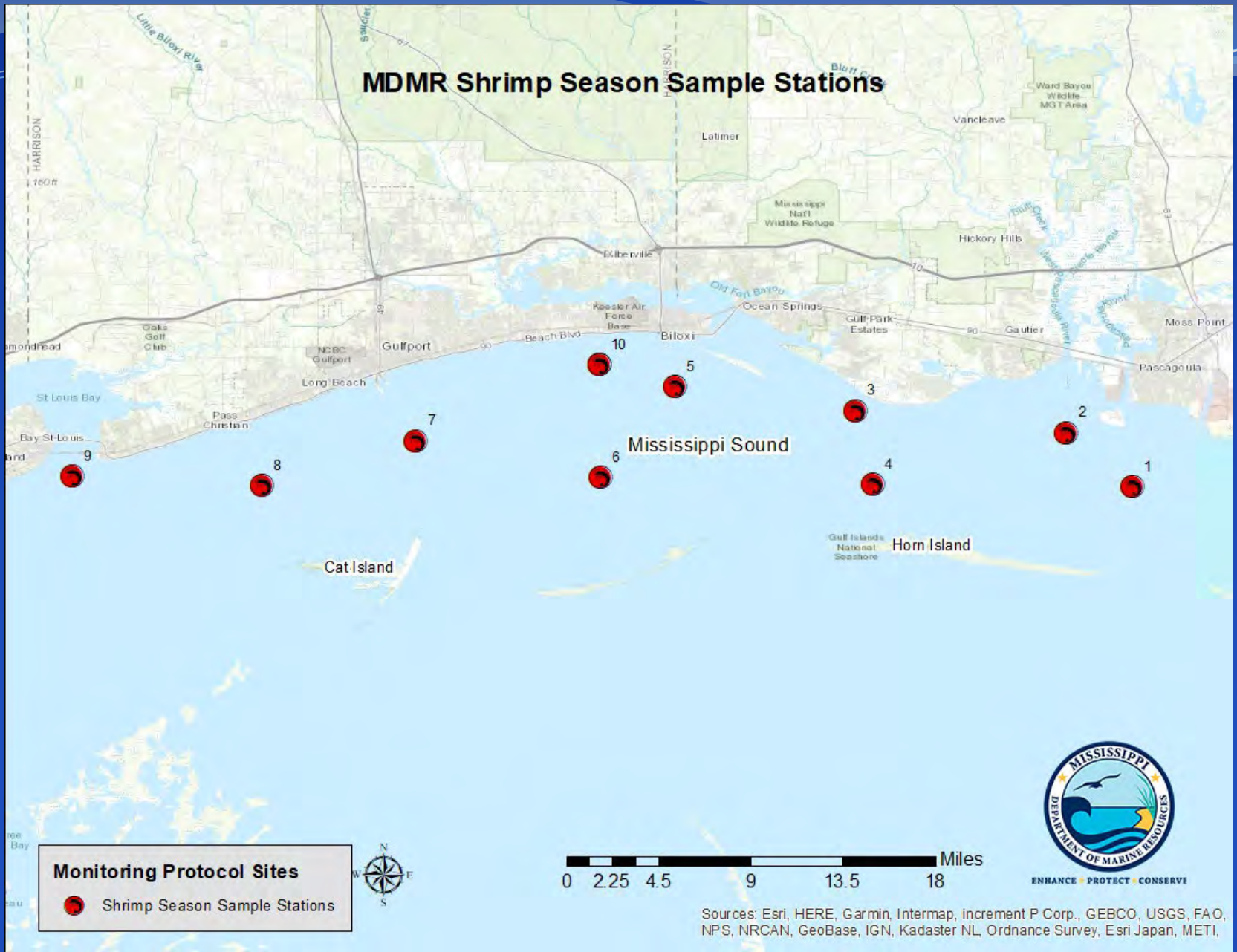
- **Post larval sampling (begins February)**
 - Standardized beam plankton trawl sampling at historical stations
- **April – June juvenile/adult sampling**
 - Standardized 16-foot trawl sampling at historical stations
 - Chart the growth of Brown Shrimp from juveniles to adults
 - Season opens when Brown Shrimp reach legal size of 68 count





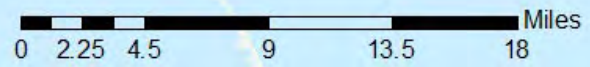
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MDMR Shrimp Season Sample Stations



Monitoring Protocol Sites

- Shrimp Season Sample Stations



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI,

2023-2024 Mississippi Shrimp Season Opening

The 2023-2024 shrimp season will open on
Monday, May 22.

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MS Skimmer Trawl TED Reimbursement Program

- Program began April 1, 2021 and will end July 31, 2024
- Eligibility requirements: 2018-2019 or 2019-2020 and a current 2020-2021 Mississippi resident commercial shrimp license for a skimmer trawl vessel 40 feet and over
- A maximum of two NOAA-approved TEDs and installation will be reimbursed per qualified licensed vessel not to exceed \$700 (\$350 per TED).
- Apply online via MDMR website at <https://arcg.is/1uamKqo>



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Title 22 Part 1

Amendments to conform with the requirements of Senate Bill 2544

Jason Rider

May 16, 2023

Changes to Title 22 Part 1

- Added/adjusted language in Chapter 10 pertaining to Senate Bill 2544
- Added definitions pertaining to Senate Bill 2544
- Amended the requirements for On-Bottom Molluscan Shellfish Leases according to Senate Bill 2544

Substantive Changes

Chapter 2

Definitions

APPROVED CULTCH MATERIAL - Materials that have been authorized or accepted by the relevant regulatory or governing body for use in on-bottom molluscan shellfish cultivation. These materials are typically used to provide a suitable substrate or surface for shellfish to attach and grow on, such as oyster spat or other natural or synthetic materials. A list of suitable materials will be listed in the Molluscan Shellfish Growing Waters Operational Plan.

EVENT OF DEFAULT – A circumstance where the leaseholder fails to fulfill their contractual obligations or breaches the terms and conditions of the “Lease Agreement for Oyster Production”.

ON-BOTTOM PROPERTY CLASSIFICATIONS – The categorization or classification of submerged lands or water bottoms that are suitable for leasing or cultivating molluscan shellfish. As of July 1, 2023, the classifications are as follows:

1. Class I – Substantial Shellfish Resource/Recently Improved Bottoms
2. Class II – Minimal Shellfish Resource/Improved Bottoms
3. Class III – No Resource/Unimproved Bottoms

Substantive Changes

Chapter 2

Definitions

OYSTER SPAT - The early juvenile stage of an oyster, which is the larval oyster that has settled and attached to a hard substrate, such as a shell, or rock.

PLAT - A detailed map drawn to scale, used to show the divisions and boundaries of a piece of land. It identifies the corner coordinates (decimal degrees), describes the piece of land, its boundaries, and gives a description of the approved cultch material and amount to be deployed.

STATE-OWNED REEFS - A designated area within the state's tidal waters that is set aside for the protection, propagation, and management of oyster populations for the benefit of the environment and the oyster industry.

Substantive Changes

Chapter 3 Tonging Line

~~Rule 3.4—Tonging Line—Except as otherwise provided for leased bottoms, all waters north of a line herein described must be defined as tonging reefs. Beginning at a point on the southern shore at the mouth of Bayou Caddy, thence proceeding to a point one (1) nautical mile due east of said point, thence proceeding northeasterly, following the meandering of the shoreline one (1) nautical mile there from, and maintaining one (1) nautical mile off the CSX railroad bridge, thence proceeding easterly following the meandering of the shoreline one (1) nautical mile there from, to a point on Longitude $89^{\circ}15.139'W$, thence proceeding due south to a point at Latitude $30^{\circ}17.138'N$, Longitude $89^{\circ}15.139'W$, thence proceeding due east to a point at Latitude $30^{\circ}17.138'N$, Longitude $89^{\circ}14.340'W$, thence proceeding due north to a point at Longitude $89^{\circ}14.340'W$ one (1) nautical mile from the shoreline, thence proceeding easterly following the meandering of the shoreline one (1) nautical mile from the shoreline to the intersection of the Alabama State line.~~

~~•—Source: MISS. CODE ANN. §§49-15-3, 49-15-39; NSSP Model Ordinance §§ II-IV, III-IV, IV-II~~

Substantive Changes

Chapter 3

Rule 3.4 Shellfish Growing Waters Openings and Closings for State-Owned Reefs and Private Leases

A. The MDMR will set the opening date of oyster season on public state-owned reefs in an opening order in accordance with the most current version of the NSSP Model Ordinance. The opening order will include:

1. Opening date
2. Open molluscan shellfish growing areas
3. Check station location(s)
4. Oyster hotline number
5. Sack limits and/or quotas
6. Allowable gear type
7. Reference to the rules and regulations of molluscan shellfish related activities

Substantive Changes

Chapter 4

Identifying State-owned Reefs

State-Owned Reefs

Rule 4.2 Harvesting Molluscan Shellfish on State-owned reefs

A. The following reef locations are hereby defined as state-owned reefs

1. **Henderson Point** - "beginning at 30.28911, -89.306056; thence running south to 30.275936, -89.307225; thence running easterly to 30.276742, -89.286143; thence running north-northwest to 30.285544, -89.287495; thence northwest to 30.286804, -89.298546; thence north-northwest to 30.288524, -89.301152; thence west-northwest to the starting point of 30.28911, -89.306056"
2. **Pass Christian Reef** - "beginning at 30.295625, -89.259498; thence running due south to 30.266667, -89.259722; thence running eastward to 30.266706, -89.239754; thence running due north to 30.295594, -89.238995; thence running northwest to 30.307562, -89.243751; thence east-southeast to 30.304763, -89.253733; thence southeast to the starting point of 30.295625, -89.259498"
3. **Pass Marianne Reef** - "beginning at 30.260434, -89.257656; thence running due south to 30.232937, -89.257053; thence running east-northeast to 30.237694, -89.235895; thence heading north-northeast to 30.261201, -89.229848, thence running westerly to the starting point of 30.260434, -89.257656"
4. **Biloxi Bay Reef** - "beginning at 30.390865, -88.850817; thence north-northeast to 30.397775, -88.849747; thence running easterly 30.398098, -88.840548; thence southeast to 30.397022, -88.838840; thence due south to 30.390560, -88.839293; thence westerly to the starting point of 30.390865, -88.850817"
5. **Shearwater Reef** - "beginning at 30.395348, -88.828985; thence running north-northeast to 30.396273, -88.828634; thence running east-northeast to 30.396738, -88.823464; thence running southeast to 30.395822, -88.820765; thence running due south to 30.392236, -88.820854; thence running northwest to the starting point of 30.395348, -88.828985"
6. **Pascagoula West Reef** - "beginning at 30.350556, -88.629745, thence running north to 30.351887, -88.629707; thence running east to 30.351965, -88.619731; thence southeast to 30.346569, -88.615309; thence southwest to 30.345063, -88.619559; thence northwest to the starting point of 30.350556, -88.629745"
7. **Pascagoula Causeway Reef** - "beginning at 30.337473, -88.586133; thence running west-northwest to 30.338845, -88.592265; thence northwest to 30.343418, -88.596595; thence north-northeast to 30.349412, -88.595152; thence east to 30.349177, -88.588124; thence running south-southeast to starting point of 30.337473, -88.586133"

Substantive Changes

Chapter 4

Harvesting Molluscan Shellfish from On-Bottom Private Leases

Rule 4.3 Harvesting Molluscan Shellfish from On-Bottom Private Leases

- A. All on-bottom molluscan shellfish reef leases must abide by all statements, terms, conditions or clauses in the: Department of the Army, Mobile District Corps of Engineers Permit and the MDMR Wetlands Permit (available on the MDMR website), Lease Agreement for Oyster Production, and MDMR Shellfish Bureau Commercial Molluscan Shellfish Lease Permit and adhere to the rules outlined in the lease contract, lease permit, this Part, and the most current version of the NSSP Model Ordinance.
- C. All on-bottom molluscan shellfish reef leases are subject to closure based on area classifications and the management for shellfish growing waters within the state of Mississippi per Rule 3.4 of this Title and Part

Substantive Changes

Chapter 5

Tagging Requirements

Rule 5.5 Tagging Shellstock from Private Leases and State-Owned Reefs

- A. All on-bottom and off-bottom molluscan shellfish reef lessees must adhere to the labeling and tagging rules and regulations outlined in the lease contract, lease permit and the most current version of the NSSP Model Ordinance.
- B. It is unlawful for any person, firm, or corporation harvesting from ~~public~~ state-owned reefs to have possession of tags in excess of the daily sack limit.

~~Rule 5.6 All on bottom molluscan shellfish reef lessees must adhere to the labeling and tagging rules and regulations outlined in the lease contract, lease permit and the most current version of the NSSP Model Ordinance.~~

~~Rule 5.7 All off-bottom molluscan shellfish aquaculture harvesters must adhere to the labeling and tagging rules and regulations outlined in the Public Trust Tidelands Sublease, Commercial Aquaculture Permit, this Part, and the most current version of the NSSP Model Ordinance.~~

Substantive Changes

Chapter 10 Rule 10.3

On-Bottom Molluscan Shellfish Leases

A. Lease Application

1. Any person wanting to lease bottoms must complete an on-bottom shellfish lease application in writing and submit it to the MDMR Authority ~~Director of Marine Fisheries~~. Applications are available at the MDMR office.
2. An application fee of \$50 must be rendered at the time of submission.
3. Applicants must be a resident of the State of Mississippi or be organized under the laws of the State and registered with the Secretary of State's Office.
4. The time and date of the receipt of each application will be noted on the application.
5. Each application must be accompanied by a plat showing the proposed lease area using decimal degrees coordinates, and a map taken from NOAA nautical charts, 11371, 11372, 11373, or 11374, depicting the area to be leased and a description of cultch material and amount to be deployed.
6. Upon initial leasing of new areas, pursuant to Senate Bill 2544, 2023 Regular Legislative Session, the MDMR will issue a "Request for Proposals," the response to which must include the following information in addition to the application:
 - a. Identification of the classification of property for lease
 - b. Evidence of the applicant's financial stability
 - c. Proposed acreage to be leased
 - d. Amount of proposed acreage to be cultched/seeded
 - e. Timeframe for cultivation on the proposed lease
 - f. Experience in reef development.

Substantive Changes

Chapter 10 Rule 10.3

On-Bottom Molluscan Shellfish Leases

B. Lease Application Review

1. The MDMR Authority will review and evaluate each lease application based on the information provided through the "Request for Proposals".
2. Approval of lease applications will be based on the criteria established by the "Request for Proposals" and an evaluation of the information provided in the response.
3. The MDMR Authority may request additional information from the applicant or conduct site visits as part of the evaluation process.
4. Upon approval of the lease application, the applicant will be required to enter into a lease agreement with the MDMR, which will outline the terms and conditions of the lease, including rental rates, lease duration, and reporting requirements.
5. Lease holders must comply with all applicable federal, state, and local laws and regulations, including environmental and conservation requirements, throughout the term of the lease
8. The MDMR will either grant or deny the lease application and the applicant will be notified in writing of the action on their lease application within no less than 30 days after the action proposal.

Substantive Changes

Chapter 10 Rule 10.3

On-Bottom Molluscan Shellfish Leases

C. Lease Conditions

2. Leases must be for a term of fifteen ~~five~~ (15) years, with the right of the lessee to renew the lease for an additional fifteen ~~five~~ (15) years and continue to renew at fifteen ~~five~~ year (15) intervals, at the same ground rental rate
4. All leases issued before or after July 1 of each year must be prorated from the date of lease to the following expiration of fifteen ~~five~~ (15) years from the date of the lease.
5. All leases expire on ~~July 1~~ December 31 of the expiration year.
7. Each application for an on-bottom lease must be for ~~five-one~~ (51) acres ~~or more~~ but must not exceed 2,500 acres.
- ~~11. In the case of an individual, there will not be counted towards such limitation any lands leased by a corporation, partnership, or association in which such individual owns ten percent or less interest, and, in the case of a corporation, partnership, or association, there will not be counted towards such limitation, any lands leased by an individual stockholder, partner, or associate thereof, who owns ten percent or less interest in such corporation, partnership, or association.~~

Substantive Changes

Chapter 10 Rule 10.3

On-Bottom Molluscan Shellfish Leases

C. Lease Conditions

11. No proposed lease areas will be approved that are within 100 feet yards of an existing lease area or lease area that is pending final approval, unless the same person holds both leases
12. No areas designated as tonging state-owned reefs, as defined in this Part ~~nor areas defined as natural reefs, nor areas within the boundaries of riparian property owners~~ will be leased for shellfish harvest by the MDMR.
13. Leases must be active and engaged in ~~shellfish aquaculture~~ ensuring maximum cultivation and propagation of oysters on their lease.
15. ~~All leases made by the MDMR under the authority of this Part must be subject to the paramount right of the State of Mississippi and any of its political subdivisions authorized by law, to promote and develop ports, harbors, channels, industrial or recreational projects, freshwater diversion projects, and all such leases must contain a provision that in the event such authorized public body must require the area so leased or any part thereof for such public purposes, that the lease must be terminated on reasonable notice fixed by the MDMR in such lease.~~

Substantive Changes

Chapter 10 Rule 10.3

On-Bottom Molluscan Shellfish Leases

D. Cultivation and Propagation Requirements

1. Lessee shall propagate no less than 50% of the total bottom area leased within the first five (5) years of the lease, with a minimum of 20% being propagated by Year two (2) of the lease agreement. A minimum of 10% per year shall be propagated for each year thereafter. This provision will not apply to Class III of the On-Bottom Property Classifications.
2. The minimum planting density shall be no less than 60 cubic yards of approved cultch per acre OR no less than 5 cubic yards of approved cultch material with a minimum of 75,000 oyster spat per cubic yard.
3. Must only culture species native to the Gulf of Mexico. Polyploid native species are prohibited. Imported shellfish seed to be used for grow-out in Mississippi waters must be descendants of broodstock who originated in the Gulf of Mexico. The hatchery where the aquaculture seed was produced must provide documentation of broodstock origin.
4. In instances of extreme environmental conditions designated by the Department that are not conducive to oyster recruitment or survival (i.e. hurricanes, freshwater intrusion, prolonged dissolved oxygen events, harmful algal blooms, federal fisheries disaster declarations) the cultivation requirements may be waved until favorable conditions resume.
5. Planting, harvest, and cultivation activities shall be reported to the MDMR annually by December 31st.
6. MDMR staff will inspect cultch material and volume prior to deployment to ensure conditions of USACE Permit are adhered to.
7. Failure to meet the above requirements may be deemed an "Event of Default".

Substantive Changes

Chapter 10 Rule 10.3

On-Bottom Molluscan Shellfish Leases

E. Reporting

2. All on-bottom molluscan shellfish reef lessees must submit an annual written summary with supporting documentation of lease activity to the MDMR Shellfish Bureau for the previous lease period within 30 days from the lease anniversary date on or before January 30th of each year.

F. Termination and Waivers

1. The MDMR may conduct inspections, audits, and investigations of lease holders' compliance with lease terms, laws, and regulations.
2. Non-compliance with lease terms, laws, and regulations may result in termination of the lease and forfeits to the MDMR all the works, improvements, betterments, and oysters on the leased water bottom.
3. ~~On the termination of any lease, the lessees has the right to remove any shellfish within the leased area within such time as may be fixed by the MDMR Authority and in accordance with such reasonable rules and regulations as the MDMR may adopt.~~
4. Failure of the lessee to meet the cultivation and propagation requirements of the agency will be deemed an “Event of Default”.

Substantive Changes

Chapter 10 Rule 10.3

On-Bottom Molluscan Shellfish Leases

~~G. Subdivisions~~

- ~~1. Political subdivisions of the State of Mississippi may lease up to 1,000 acres of bottoms for molluscan shellfish reef development and such political subdivisions are authorized to permit residents of the State of Mississippi to harvest molluscan shellfish from such reefs and charge and receive a fee for each sack of molluscan shellfish harvested.~~
- ~~2. The MDMR will consider and approve the application of a political subdivision after determining that no conflicts exist with sites requested in the applications filed prior to the application of the political subdivision and a fair and reasonable rental rate of not less than five (5) dollars per acre has been set. Such lease will ensure the maximum cultivation and propagation of shellfish.~~
- ~~3. The MDMR Authority will cooperate with the Jackson County Port Authority, the Harrison County Development Commission, the Municipal Port Commissions, and other port and harbor agencies, to avoid the planting of molluscan shellfish beds in close proximity to navigable channels.~~

Source: MISS. CODE ANN. §§ ~~49-15-3, 49-15-15, 49-15-27, 49-15-303, 49-15-304~~; NSSP Model Ordinance §§ II-VIII

Substantive Changes

Chapter 11

Relaying Molluscan Shellstock

Rule 11.3

2. All applicants must:

ii. ~~Have been a resident of the State of Mississippi for at least five (5) years.~~

Rule ~~11.5~~ Bonding

~~MDMR.~~

A. ~~The Permittee must be bonded in compliance with the permit system established by the~~

B. ~~Permittees are required to post a penal bond of \$100.00 per acre leased with the MDMR.~~

C. ~~This bond must be forfeited if permittee violates any provisions of this Part.~~

D. ~~The MDMR shall approve the bond if sufficient property or sureties secure it.~~

Source: ~~MISS. CODE ANN. §§ 49-15-15, 49-15-303, 49-15-304~~

Notice of Intent

Recommendation to the Executive Director that the proposed changes to Title 22, Part 1 be sent to the Secretary of State's Office for Notice of Intent.

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Mississippi Advisory Commission on Marine Resources

May 16, 2023