



ENHANCE ★ PROTECT ★ CONSERVE

Mississippi Advisory Commission on Marine Resources

June 20, 2023



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Employment, Contracts and Procurement Updates June 20, 2023

Employment Updates

New-Hires:

- Rebecca Hardgrove – Started on June 1, 2023 – Public Health Laboratory Director – Marine Fisheries
- Matthew Byrnes – Started on June 14, 2023 – ENR Specialist III – Marine Fisheries
- Jillianne Craft – Started on June 19, 2023 – Compliance Inspector I - Marine Fisheries

Promotions:

- Cameron Keys – Promoted to Law Enforcement Officer II (Corporal) on June 1, 2023 – Marine Patrol

Retirement:

- Rita Duvernay – Retiring on June 30th – started January 1, 1995 (28 Years and 6 months) – ENR Specialist II – Marine Fisheries

Contracts and Procurements for June 2023

Service Contracts					
<u>Vendor</u>	<u>Procurement Method</u>	<u>Amount</u>	<u>Term</u>	<u>Funding Source</u>	<u>Commodity/Service Description</u>
Spat Tech LLC	Exempt Live Animal	1,480,000.00	4 Months	RESTORE	Spat on Cultch and Deployment



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Mississippi Advisory Commission on Marine Resources

June 20, 2023

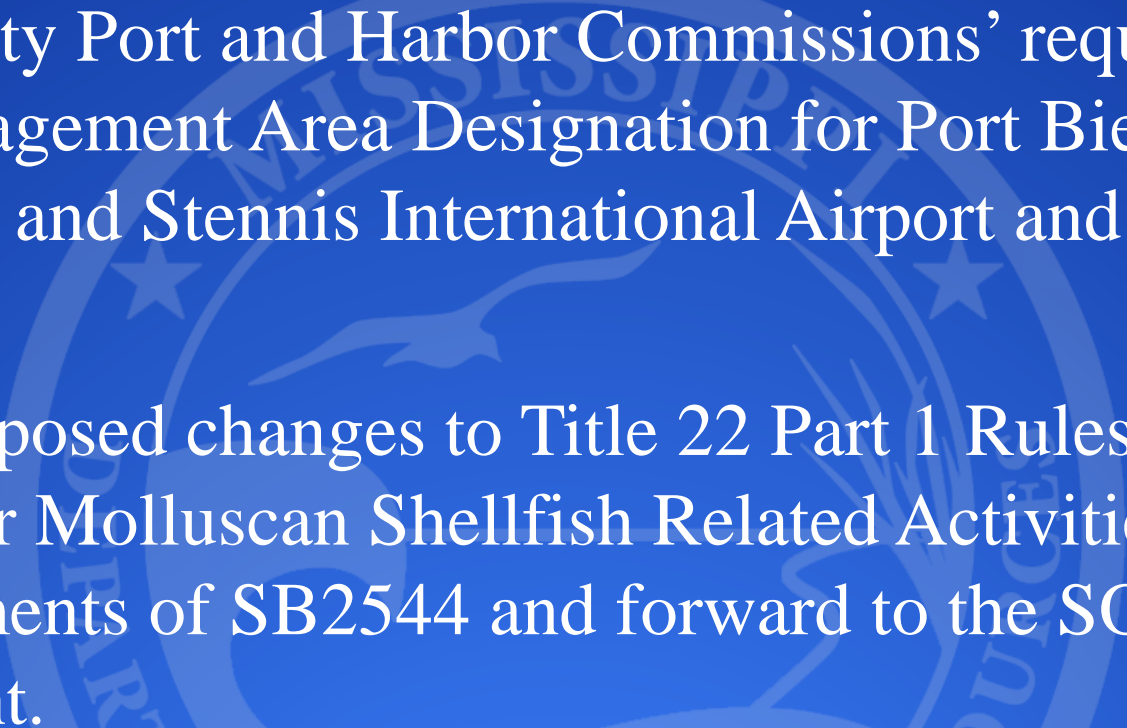


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Actions Update for June 20, 2023 Commission Meeting

Discussed at the May 2023 meeting:

- The Commission recommended and the Director approved the following motions:
- 1) Resolutions to name/rename the following:
 - Dantzler Tract in the Pascagoula River Marshes in Jackson County renamed to SOS Eric Clark Coastal Preserve effective July 1, 2023.
 - Big Island in the Back Bay of Biloxi renamed Gollott Island and the breakwater improvement south of Big Island renamed Godfather Point effective July 1, 2023.
 - Oyster reef constructed by The Nature Conservancy in the Bay of St. Louis named the Tony Trapani Reef.

- 
- The logo of the Mississippi Department of Marine Resources is a circular seal. It features a central figure of a fish, possibly a bluefish, leaping out of stylized waves. The seal is surrounded by the text "MISSISSIPPI DEPARTMENT OF MARINE RESOURCES" and two stars.
- 2) Hancock County Port and Harbor Commissions' request to establish a Special Management Area Designation for Port Bienville Industrial Park and Stennis International Airport and Airpark.
 - 3) Accept the proposed changes to Title 22 Part 1 Rules and Regulations for Molluscan Shellfish Related Activities to conform to the requirements of SB2544 and forward to the SOS's office for Notice of Intent.



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Mississippi Advisory Commission on Marine Resources

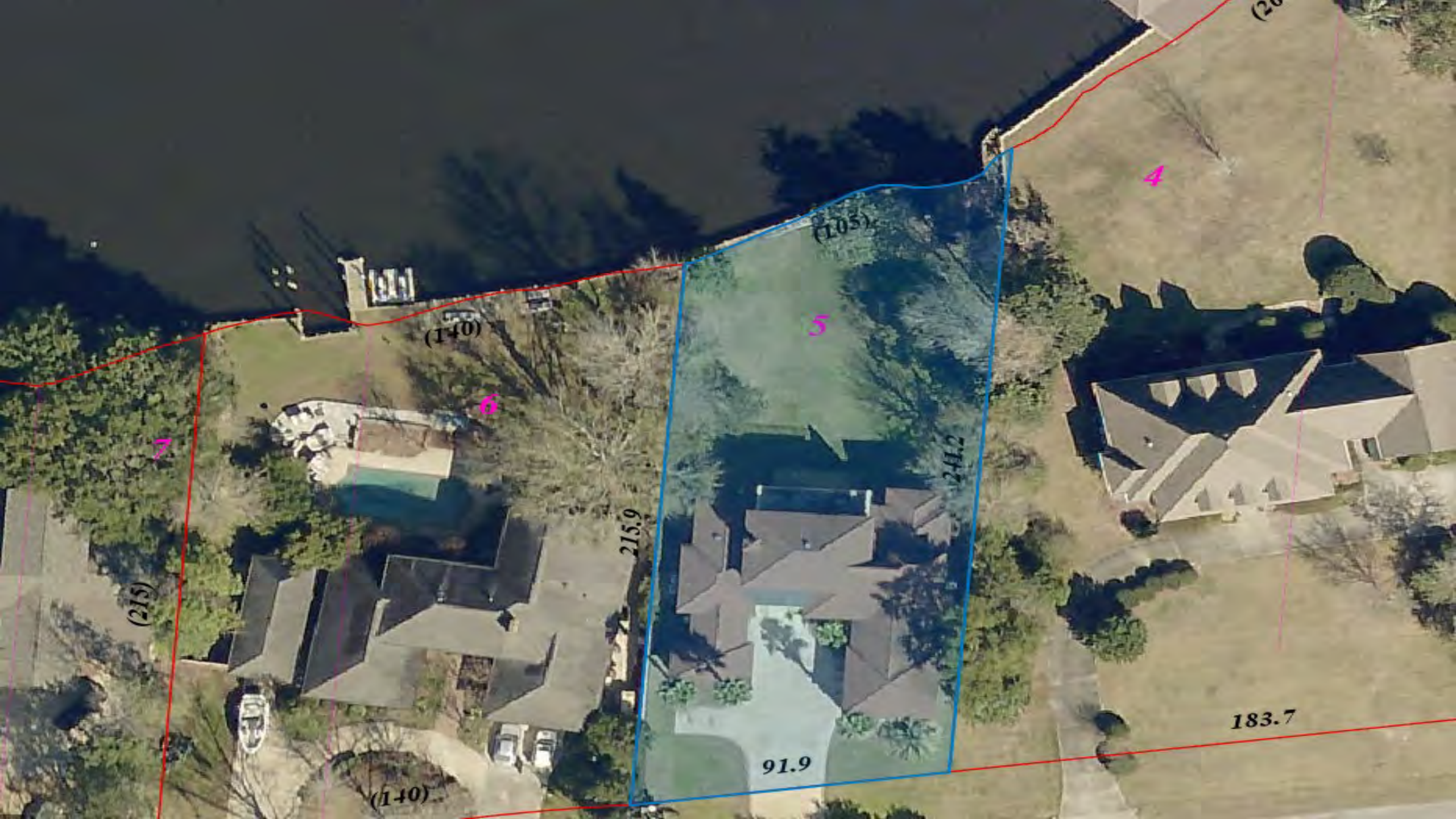
June 20, 2023

Violation:
Robert Chambers
File: V23-000018, DMR23-000177

- **Location: 110 Bayou Circle, Gulfport, MS 39507**
- **Use District: (G) General Use**
- **Agents: On the Water, LLC**



110 Bayou Cir



(215)

(140)

(140)

215.9

(105)

241.2

91.9

183.7

(20)

7

6

5

4

Project Description

- **Agent/Contractor began construction of a bulkhead prior to issuance of authorization**

Project Chronology

- **March 13, 2023**: Application for bulkhead submitted
- **April 20, 2023**: MDMR staff conducted site visit; Construction of bulkhead had begun with bulkhead placement waterward of previously existing bulkhead; MDMR staff spoke to agent by telephone and instructed him to stop working because no authorization had been issued
 - Agent came in to meet with MDMR staff in-office
 - MDMR project manager sent an email covering what was discussed during this meeting and informed agent a written statement that work would stop would be required
- **May 5, 2023**: Follow-up email sent reminding agent of the need for a written statement that work would stop

Project Chronology

- **May 17, 2023**: MDMR staff was alerted construction on the bulkhead had begun again
 - Site visit performed the same day revealed that construction had continued
- **May 19, 2023**: Notice of violation sent to property owner and agent
- **May 22, 2023**: Agent submitted letter stating construction would stop
- **June 1, 2023**: MDMR staff met on site with applicant, agent, and Secretary of State's office to determine allowable location of bulkhead
- **June 8, 2023**: SOS sent email stating no objection to placement of bulkhead waterward of previously existing bulkhead because original bulkhead was constructed using creosote treated materials

Bulkhead as Proposed

Gulfport Lake

New 88' Replacement Bulkhead

5' wide New Riverwalk (landward (inside) of bulkhead)

Existing Boat House
to remain as-is

New 18' Replacement Bulkhead

New 18' Replacement Bulkhead

New 16' Replacement Bulkhead

Property Line

Property Line

Subject Property



Property as of April 20, 2023



Property as of May 17, 2023



Recommendation

- **The staff of the Department of Marine Resources has conducted an evaluation of the matter and recommends:**
 - **A fine be issued to the agent, On The Water, LLC**
 - **The fines should be paid within 45 days in accordance with MS Code § 49-15-415, or the matter should be forwarded to the Attorney General's office for further enforcement action (At the request of On The Water, LLC, a payment plan can be agreed upon to allow more time for payment)**

Potential Penalty Range

- **Violation discovered: April 20, 2023**
 - Written confirmation that construction would stop received on May 22, 2023
- **Violation duration: 32 days**
- **Maximum potential fine for residential: \$16,000.00**
- **Recommended Fine:**
 - No fine recommended for permittee
 - \$16,000.00 fine recommended for agent
- **Decision Factors:**
 - Agent is very familiar with the permitting process
 - Agent has had other compliance issues
 - Permittee has been very cooperative and was unaware that authorization had not been issued
 - Permittee has had no other compliance issues



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Mississippi Advisory Commission on Marine Resources

June 20, 2023



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Mississippi Department of Marine Resources

Agency Financial Results
as of May 31, 2023

Key Metrics:

- State Revenue of \$5.7M
- Agency Revenue of \$65.8M
- State Net Income of (\$1.4M)
- Agency Net Income of \$32.9M

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
Income Statement - Fiscal Year 2023
As of May 31, 2023

	Federal :				
	GOMESA				
	PHII:				
	NFWF:		Operating		
	<u>State</u>	<u>Non-Federal:</u>	<u>Subtotal</u>	<u>Tidelands</u>	<u>Total DMR</u>
Revenue:					
Off-road Fuel Tax	3,050,000	-	3,050,000	-	3,050,000
Federal/NonFederal Grants	116,145	5,024,433	5,140,579	-	5,140,579
Sales Revenue	1,265,670	4,603	1,270,273	7,753	1,278,026
Indirect Cost Recovery	1,004,778	-	1,004,778	-	1,004,778
Other Revenue	341,865	44,276,202	44,618,067	10,762,952	55,381,020
Current Budget Year Revenue:	<u>5,778,458</u>	49,305,239	55,083,697	10,770,706	<u>65,854,403</u>
Expenditures:					
Salaries, Wages, Fringe	5,631,349	3,238,129	8,869,478	1,022,603	9,892,081
Travel	31,547	59,587	91,134	20,637	111,771
Contractual Services	1,021,280	2,806,133	3,827,413	745,213	4,572,626
Commodities	345,161	1,136,160	1,481,321	177,838	1,659,159
Other than Equipment	10,072	29,450	39,522	15,109	54,631
Equipment	134,555	356,267	490,822	129,936	620,758
Vehicles	38,892	69,619	108,511	220,285	328,796
Subsidies, Loans, and Grants	9,101	9,856,741	9,865,841	5,807,025	15,672,867
Current Budget Year Expenditures:	7,221,957	17,552,086	24,774,043	8,138,646	32,912,689
Current Budget Year Net Income/(Loss):	<u>\$ (1,443,499)</u>	<u>\$ 31,753,153</u>	<u>\$ 30,309,654</u>	<u>\$ 2,632,060</u>	<u>\$ 32,941,714</u>

Financial Budget Comparison

- After eleven months of Fiscal Year 2023:

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
2023 Budget Comparison
As of May 31, 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	\$ 8,869,478	\$ 1,022,603	\$ 9,892,081	\$ 12,331,570	\$ 1,672,239	\$ 14,003,809	28.1%	38.8%	29.4%
Travel	91,134	20,637	111,771	168,911	25,000	193,911	46.0%	17.5%	42.4%
Contractual Services	3,827,413	745,213	4,572,626	7,829,792	1,651,000	9,480,792	51.1%	54.9%	51.8%
Commodities	1,481,321	177,838	1,659,159	3,086,978	360,000	3,446,978	52.0%	50.6%	51.9%
Other than Equipment	39,522	15,109	54,631	139,522	15,109	154,631	71.7%	0.0%	64.7%
Equipment	490,822	129,936	620,758	669,605	185,000	854,605	26.7%	29.8%	27.4%
Vehicles	108,511	220,285	328,796	170,000	280,000	450,000	36.2%	21.3%	26.9%
Wireless Devices	-	-	-	6,250	-	6,250	100.0%	0.0%	100.0%
Subsidies, Loans, and Grants	9,865,841	5,807,025	15,672,867	99,839,583	8,266,899	108,106,482	90.1%	29.8%	85.5%
Total Expenditures:	\$ 24,774,043	\$ 8,138,646	\$ 32,912,689	\$ 124,242,211	\$ 12,455,247	\$ 136,697,458	80.1%	34.7%	75.9%

- Operating Funds have 80.1% of Budget remaining
- Tidelands Trust Fund has 34.7% of Budget remaining



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Mississippi Advisory Commission on Marine Resources

June 20, 2023



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Title 22 Part 1

Amendments to conform with the requirements of Senate Bill 2544

Final Adoption

Jason Rider

June 20, 2023

Background

At the May 16, 2023, MACMR meeting the Advisory Commission recommended to the Executive Director that the changes to Title 22, Part 1 be sent to the Secretary of State's Office for Notice of Intent.

Substantive Changes made to Title 22 Part 1

- Added/adjusted language in Chapter 10 pertaining to Senate Bill 2544
- Added definitions pertaining to Senate Bill 2544
- Removed the Tonging Line from Regulations
- Identified “State-Owned Reefs”
- Updated Harvest Requirements from On-Bottom Private Leases
- Updated Tagging Requirements for On-Bottom Private Leases
- Updated the following items to comply with Senate Bill 2544
 - Lease Application Process
 - Lease Application Review
 - Lease Conditions
 - Cultivation, and Propagation Requirements
 - Reporting
 - Termination and Waivers

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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

Tonging Line

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

On May 16, 2023, the Advisory Commission recommended to the Executive Director that the changes to Title 22, Part 1 be sent to the Secretary of State's Office for Notice of Intent.

Executive Director approved the recommendation, and the proposed regulation was filed with the SOS's office on May 18, 2023.

Publication of Proposed Regulation

Notice of the proposed regulation was published in the Sun Herald on May 21, 2023.

Attention: Jennifer Wilder
DEPT OF MARINE RESOURCES
1141 BAYVIEW AVENUE
SUITE 101
BILOXI, MS 39530
accounts.payable@dmr.ms.gov

Legal Notice

The Mississippi Department of Marine Resources (MDMR) does hereby give public notice that on May 16, 2023 at the regularly scheduled meeting of the Mississippi Advisory Commission on Marine Resources (MACMR), the Commission recommended approval of and the Executive Director approved a Notice of Intent to update, modify and change below listed sections of Title 22 Part 1 Rules and regulations for molluscan shellfish related activities. Said Notice of Intent was filed with the Mississippi Secretary of State's office on May 16, 2023. A complete copy of Title 22 Part 1 and the proposed changes are available at www.dmr.ms.gov. Public comments on the proposed regulation changes will be accepted through Friday June 16, 2023. All comments should be mailed to the MDMR, Attn: Jason Rider, 1141 Bayview Avenue, Biloxi, MS 39530 or emailed to: Jason.Rider@dmr.ms.gov and delivered by 5:00 PM on June 16, 2023.

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 MOLLUSCAN SHELLFISH RELATED ACTIVITIES, Add language, definitions and amend requirements for On-Bottom Molluscan Shellfish leases pertaining to MS Senate Bill 2544 - Specific legal authority authorizing the promulgation of rule: Mississippi Code Ann. § 49-19-15, APA, § 25-43-1.101 et seq.
For a complete description of the proposed changes, please visit www.dmr.ms.gov.
P.L.O.123732
May 21 2023

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Before me, the undersigned Notary of Dallas County, Texas personally appeared Stefani Beard, who, being by me first duly sworn, did depose and say that she is a clerk 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 issue(s) of:

1 insertion(s) published on:
05/21/23

Affidavit further states on oath that said newspaper has been established and published continuously in said county for a period of more than twelve months next prior to the first publication of said notice.

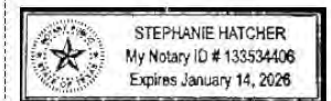
Stefani Beard

Sworn to and subscribed before me this 24th day of May in the year of 2023

Stephanie Hatcher

Notary Public

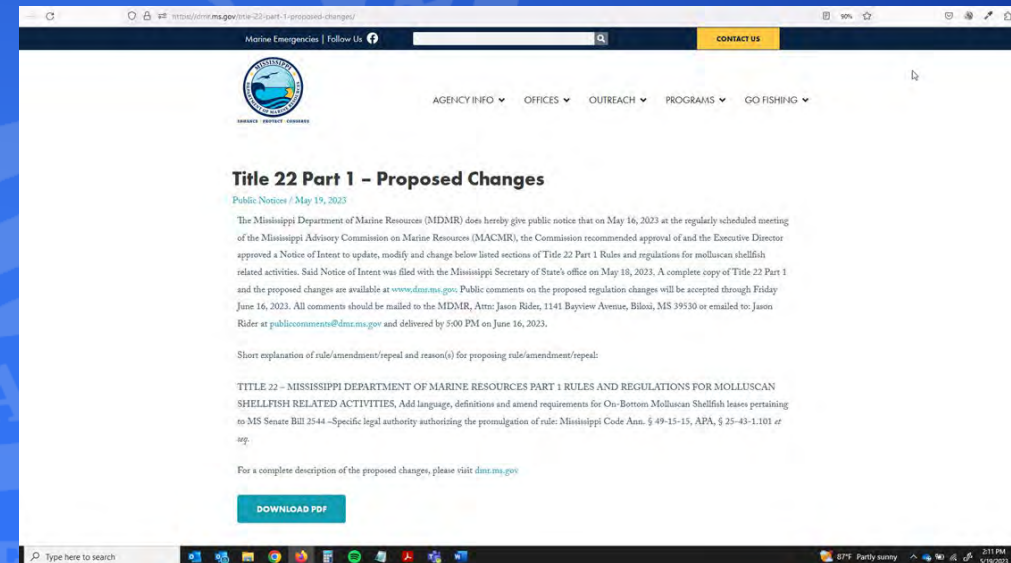
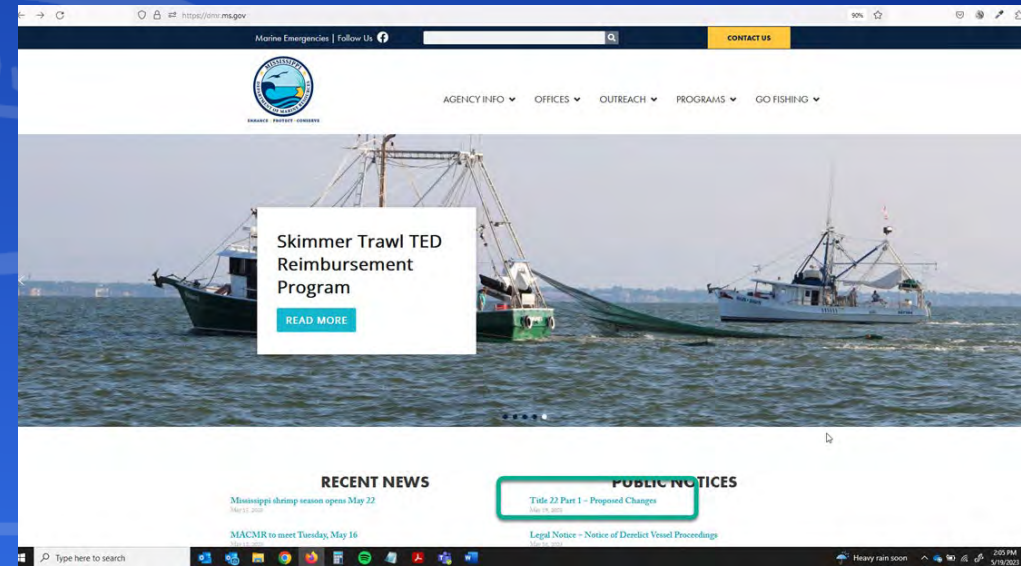
*The Sun Herald has been deemed eligible for publishing legal notices in Jackson County to meet the requirements of Miss. Code 1972 Section 13-3-31 and 13-3-32.



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

Publication of Proposed Regulation

Notice of the proposed regulation was also posted on the MDMR website on May 19, 2023.



Public Comments

- No public comments were received.

Staff Recommendation

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

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Mississippi Advisory Commission on Marine Resources

June 20, 2023



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State Saltwater Finfish Records

Trevor Moncrief

June 20, 2023

The seal of the Mississippi Department of Marine Resources is a circular emblem. It features a central illustration of a bald eagle with its wings spread, perched on a branch. Below the eagle are stylized waves representing water. The words "MISSISSIPPI" and "DEPARTMENT OF MARINE RESOURCES" are inscribed around the perimeter of the seal, separated by two five-pointed stars.

Youth: Conventional Tackle Record

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Youth Fishing Record

Cownose Ray
Rhinoptera bonasus

Old Record: 22 lbs. 11.04 oz.

New Record: 30 lbs. 5.6 oz.

Angler: Rodie Armes



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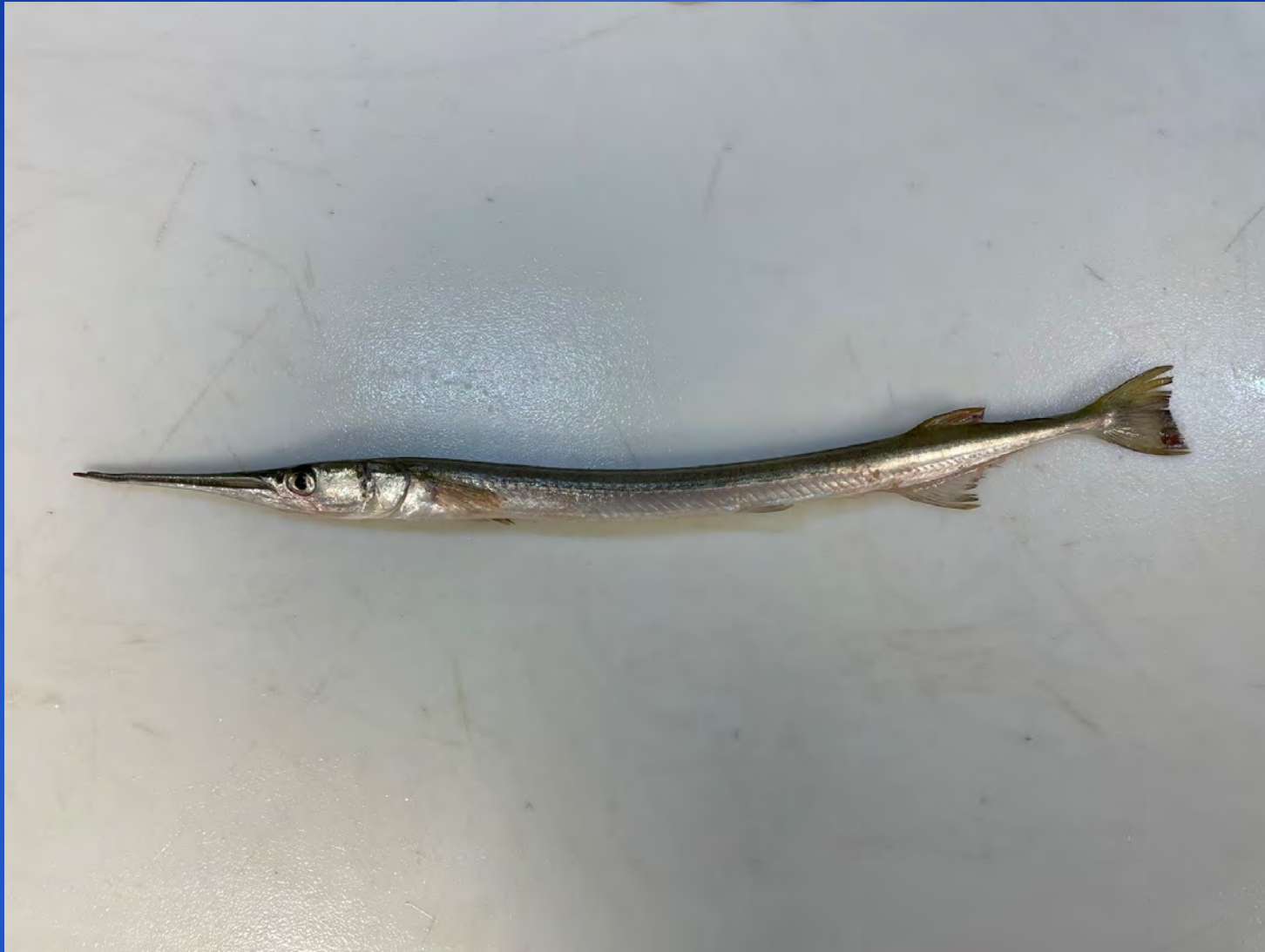
Youth Fishing Record

Atlantic Needlefish
Strongylura marina

Old Record: 2.56 oz.

New Record: 7.06 oz.

Angler: Rodie Armes



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Youth Fishing Record

Gray Triggerfish
Balistes capriscus

New Record: 5 lbs. 15.2 oz.

Angler: Thomas Brown



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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, separated by two stars. The central image depicts a bird in flight over a body of water with waves.

Motion to Recommend Adoption of New State Records

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Mississippi Advisory Commission on Marine Resources

June 20, 2023