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Mississippi Advisory Commission on Marine Resources

June 18, 2024



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Employment Updates

Promotions:

- Dylan Kessen – Promoted June 1, 2024 – LEO III, Master Sergeant - Office of Marine Patrol

New Hires:

- Katherine Wright – June 6, 2024 – ENRS II - Office of Marine Fisheries, Finfish Bureau



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Mississippi Advisory Commission on Marine Resources

June 18, 2024



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Actions Update for June 18, 2024 Commission Meeting

Discussed at the May 2024 meeting:

- The Commission recommended and the Director approved the following motions:
- Motion to recommend the proposed changes to Title 22 Part 1 to conform with the requirements of Senate Bill 2648 and House Bill 1007 be sent to the Secretary of State's Office for Notice of Intent.

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- Motion to recommend the final adoption of changes to Title 22 Part 3 Chapter 7 Recreational Bag, Possession, and Size:

G. The recreational fishing season, bag limit, and size limit for Red Snapper shall be set by the Executive Director. The recreational opening order for Red Snapper shall include language establishing the size limit, bag limit, and season structure for the corresponding season. In the event that the size and bag limit is not listed in the opening order, the established limits listed above in Chapter 07 will apply.

- Motion to recommend the following State Saltwater Finfish Record:
 - a. All Tackle:
 1. Red Grouper (*Epinephelus morio*) – 27 lbs. 0.32 oz. – Darin Grant



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Final Adoption:
Title 22 Part 1 Rules and Regulations for
Molluscan Shellfish Related Activities to
Conform with the Requirements of Senate Bill
2648 and HB 1007

Jason Rider
June 18, 2024

Background

At the May 21, 2024, 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.

Changes to Title 22 Part 1

- Amended the requirements for tagging of shellfish according to House Bill 1007
- Added/adjusted language in Chapter 10 pertaining to Senate Bill 2648
- Added definitions pertaining to Senate Bill 2648
- Amended the requirements for On-Bottom Molluscan Shellfish Leases according to Senate Bill 2648

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Substantive Changes

Chapter 2 Definitions

- C. ADVERSE POLLUTION CONDITION – A state or situation caused by meteorological, hydrological or seasonal events or point source discharges that has historically resulted in elevated fecal coliform levels in a particular growing area.

- L. CERTIFICATION OR CERTIFY - The issuance of a numbered certificate to a person for a particular activity or group of activities that indicates: (a) Permission from the MDMR Authority to conduct the activity; and (b) Compliance with the requirements of the NSSP Model Ordinance.

Substantive Changes

Chapter 2 Definitions

- o. COMMERCIAL MOLLUSCAN SHELLFISH AQUACULTURE PERMIT – A permit issued by the MDMR Shellfish Bureau to a Mississippi aquaculture harvester. The harvester must have an active commercial aquaculture harvesters license. The permit includes endorsements allowable for the harvester including grow-out and seed purchases, seed nursery, wet storage, intermediate shellstock grow-out, off-site cultivation, bulk tagging, and transport of shellstock across state lines. ~~The permit must be renewed annually at the start of the calendar year.~~ Renewal of this permit is required on an annual basis, with expiration occurring on April 30th each year.
- p. COMMERCIAL MOLLUSCAN SHELLFISH LEASE PERMIT – A permit issued by the MDMR Shellfish Bureau to an active, on-bottom, private lease holder. The permit includes endorsements allowable for the harvester including harvest of molluscan shellfish and cultch material deployment on the lease. ~~The permit must be renewed annually at the start of the calendar year.~~ Renewal of this permit is required on an annual basis, with expiration occurring on April 30th each year.
- q. COMMERCIAL MOLLUSCAN SHELLSTOCK TRANSPORT PERMIT – A permit issued by the MDMR Shellfish Bureau to a Mississippi Certified Dealer and/or Processor for the transportation of shellstock by a marine vessel from waters outside of the state of Mississippi into the state of Mississippi. ~~The permit must be renewed annually at the start of the calendar year.~~ Renewal of this permit is required on an annual basis, with expiration occurring on April 30th each year.

Substantive Changes

Chapter 2 Definitions

- S. CONTAINER - Any bag, sack, tote, conveyance or other receptacle used for containing shellfish for holding or transporting.
- T. CULTIVATION -The deliberate actions taken by the lessee to improve conditions for the growth, reproduction, and overall well-being of oyster populations within the designated lease area. This involves activities such as bagless dredging and other forms of substrate maintenance. Leaseholders may submit additional or alternative activities to the Executive Director for approval to adhere to the requirements of this Part.
- EE. MOST PROBABLE NUMBER (MPN) - a statistical estimate of the number of bacteria per unit volume and is determined from the number of positive results in a series of fermentation tubes.

Substantive Changes

Chapter 2 Definitions

LL. PROPAGATION - The deliberate actions taken by the lessee to increase the population of oysters within the designated lease area. This includes cultch deployment and stocking oyster seed or spat. Leaseholders may submit additional or alternative activities to the Executive Director for approval to adhere to the requirements of this Part.

NN. RELAY - To transfer shellstock from a growing area classified as restricted or conditionally restricted to a growing area classified as approved or conditionally approved for the purpose of reducing pathogens as measured by the coliform indicator group or poisonous or deleterious substances that may be present in the shellstock by using the ambient environment as the treatment process.

CCC. TRIP TICKET – A form of written documentation that includes the date time and each lot of shellfish harvested.

Substantive Changes

Chapter 3

Management and Classification of Molluscan Shellfish Growing Waters

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 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), if applicable.
4. Oyster hotline number or other means of notification
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

Harvesting, Landing and Transfer of Molluscan Shellfish

Rule 4.2 Harvesting Molluscan Shellfish from State-Owned Reefs

- F. Molluscan shellstock harvested from state-owned reefs must be culled according to MS Code 49-15-38.
- G. It is unlawful to transfer molluscan shellfish from one vessel to another vessel, until ~~the vessels have been checked out at the appropriate check station.~~ both vessels have been checked out at the designated landing location.

Substantive Changes

Chapter 5

Labeling and Tagging of Molluscan Shellfish

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 Agreement for Oyster Production, or lease permit, Molluscan Shellfish Commercial On-Bottom Lease Permit, and the most current version of the NSSP Model Ordinance.
- B. Harvest tags not originating directly from the MDMR Authority for Commercial On-Bottom Lease Harvest and Commercial Aquaculture Harvest must receive approval from the MDMR Authority in accordance with the most current version of the NSSP Model Ordinance before use. All tags not originating directly from the MDMR Authority must abide by the guidelines in this Part.
- C. All harvest tags for state-owned reefs must originate from the MDMR Authority in accordance with the most current version of the NSSP Model Ordinance.
- D. Harvest tags must meet the following requirements:
 1. Shall be durable and waterproof.
 2. Shall be at least 5 ½ x 2 ¾ inches in size.
 3. Shall stay affixed to the container until the container is in the possession of an individual or business who is licensed, and certified to sell shellfish.
 4. Shall not be reused.

Substantive Changes

Chapter 5

Labeling and Tagging of Molluscan Shellfish

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

5. Harvesters must complete all information on the tag, including:

- i. The harvester's identification number as assigned by the Authority.
- ii. Harvest Date.
- iii. Harvest Area.
- iv. Type of molluscan shellfish.
- v. Quantity of molluscan shellfish.
- vi. The statement “THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY OR IS RETAGGED AND THEREAFTER KEPT ON FILE FOR 90 DAYS” in bold capitalized type.

E. Shellstock must be ~~tagged at the time of landing~~ landed at an approved dock, with tags attached, prior to shipment. Tags shall be filled out with indelible, legible information in accordance with the most current version of the NSSP Model Ordinance.

G. All shellstock tags must be affixed to the outside of the sack or container. ~~with the fastener provided by the MDMR.~~

Substantive Changes

Chapter 8

Molluscan Shellfish Aquaculture Operations

Rule 8.2 On-Bottom Molluscan Shellfish Aquaculture

- A. Any cultch materials used for molluscan shellfish aquaculture must be approved by the MDMR before use. All material must be Approved Cultch Material as defined in Chapter 02 of this Part.

3. Exceptions to this list of ~~generally accepted cultch materials~~ Approved Cultch Material must be specifically approved by the MDMR Authority.

Substantive Changes

Chapter 10

Molluscan Shellfish Leases

Rule 10.1 All Molluscan Shellfish Leases must adhere to the following boundary markings:

- B. Each leaseholder must mark ~~at least the four (4)~~ corners of each lease with an appropriate marker and must maintain all markers. If the lease configuration does not have definitive corners, the boundaries must be marked in a manner that clearly identifies the lease area.
- ~~D. Each off-bottom lessee must file a "Private Aids to Navigation" application with and receive permit approval from the U.S. Coast Guard, for the lease markers, and provide a copy of the permit approval to the MDMR Director of Marine Fisheries prior to final granting of the lease and placement of the markers.~~

Substantive Changes

Chapter 10

Molluscan Shellfish Leases

- Rule 10.2 All-Off-bottom Molluscan Shellfish Leases
 - A. All off-bottom molluscan shellfish aquaculture harvesters must adhere to the rules and regulations outlined in the applicable Public Trust Tidelands Sublease, Commercial Aquaculture Permit, this Part, and the most current version of the NSSP Model Ordinance.
 - B. Each off-bottom lessee must file a "Private Aids to Navigation" application with and receive permit approval from the U.S. Coast Guard, for the lease markers, and provide a copy of the permit approval to the MDMR Authority prior to final granting of the lease and placement of the markers.

Substantive Changes

Chapter 10

Molluscan Shellfish Leases

- 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. ~~Applications are available at the MDMR office.~~
2. Applications will be available at the MDMR office and on it's website.
4. Applicants must be a resident of the State of Mississippi or if a firm or corporation, such firm or corporation shall be organized under the laws of the State of Mississippi, registered with the Secretary of State's Office, and owned by a resident of the State of Mississippi.
6. Each application must be accompanied by a plat showing the proposed lease area using decimal degrees coordinates, ~~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.

Substantive Changes

Chapter 10

Molluscan Shellfish Leases

7. ~~Upon initial leasing of new areas, pursuant to Senate Bill 2544-2648, 2023 of the 2024 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 Public Notice that applications will be accepted, and such applications will be prioritized based on qualifications established in MS Code 49-15-27. ~~must include the following information:~~
- ~~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 culched/seeded~~
 - ~~e. Timeframe for cultivation on the proposed lease~~
 - ~~f. Experience in reef development.~~

Substantive Changes

Chapter 10

Molluscan Shellfish Leases

B. Lease Application Review

1. The MDMR Authority will review and evaluate each lease application based on the information provided in the application and ~~in the response to the “Request for Proposals”~~; determine ~~whether~~ the qualifications of each applicant.
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 application. Applicants will be prioritized based upon ~~their level of experience in oyster cultivation and their financial stability~~ the qualifications established in MS Code 49-15-27.
3. The MDMR Authority may request additional information from the applicant or conduct site visits as part of the ~~evaluation~~ application process.

Substantive Changes

Chapter 10

Molluscan Shellfish Leases

B. Lease Application Review

7. In the event that applications are received for overlapping areas, the area will be assigned to the applicant with the highest priority based upon the qualifications established in MS Code 49-15-27. In the event that the areas applied for are the exact same area and the applicants are deemed to possess the exact same experience and financial stability, the MDMR will award that particular lease to the first applicant. ~~The applications must be processed in order of the earliest receipt and so noted by the MDMR Authority, prior to consideration of each lease application; however, the MDMR is authorized to exercise its discretion as to which bid is the highest responsible bid, and such~~ leases must be awarded to promote the maximum cultivation and propagation of molluscan shellfish.
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 no less than 30 days after the action proposal.~~

Substantive Changes

Chapter 10

Molluscan Shellfish Leases

C. Lease Conditions

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 (15) years from the date of the lease.
7. Each application for an on-bottom lease must be for a minimum of one (1) acre but must not exceed 2,500 acres.
- ~~9. The proposed lease area must be configured as a square or rectangle with the lease area boundaries meeting at right angles. However, the lease rent may be adjusted pro rata to conform to non-rectangular shapes within the lease area.~~
- ~~10. The length of the proposed lease area cannot be greater than twice the distance of the width of the lease area.~~
11. No proposed lease areas will be approved that are within ~~100 feet yards~~ 50 yards of an existing lease area or lease area that is pending final approval, unless the same person holds both leases.

Substantive Changes

Chapter 10

Molluscan Shellfish Leases

D. Cultivation and Propagation Requirements

~~5. Planting, harvest, and cultivation activities shall be reported to the MDMR annually by December 31st.~~

~~7. Failure to meet the above requirements may be deemed an “Event of Default”.~~

Substantive Changes

Chapter 10

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 include planting, harvesting and cultivation, to the MDMR Shellfish Bureau for the previous lease period no later than December 31st of each year. ~~within 30 days on or before January 30th of each year.~~

F. Termination and Waivers

2. Non-compliance with lease terms, laws, and regulations after an opportunity to remedy the non-compliance may result in termination of the lease and forfeits to the MDMR all the works, improvements, betterments, and oysters on the leased water bottom.

G. Subleases and Transfers ~~Failure of the lessee to meet the cultivation and propagation requirements of the agency will be deemed an “Event of Default”~~

5. The lease transferee must be a ~~Mississippi resident or corporation.~~ resident of the State of Mississippi, or if a firm or corporation, such firm or corporation shall be organized under the laws of the State of Mississippi and owned by a resident of the State of Mississippi.
6. The new lease combined with other leases held by the lease transferee must not amount to more than 2,500 acres.

Publication of Proposed Regulation

Notice of the proposed regulation was published in the Sun Herald on May 26, 2024.

ORDER DETAILS

Order Number:
IPL0175177
Order Status:
Submitted
Classification:
Legals & Public Notices
Package:
BLX - Legal Ads
Final Cost:
\$58.15
Payment Type:
Account Billed
User ID:
IPL0024694

ACCOUNT INFORMATION

DEPT OF MARINE RESOURCES IP
1141 BAYVIEW AVENUE SUITE 101
BILOXI, MS 39530
228-374-5000
accounts.payable@dmr.ms.gov
DEPT OF MARINE RESOURCES

TRANSACTION REPORT

Date
May 24, 2024 9:43:37 AM EDT
Amount:
\$58.15

SCHEDULE FOR AD NUMBER IPL01751770

May 26, 2024
SunHerald (Biloxi) Print

Notice of Intent

The Mississippi Department of Marine Resources (MDMR) does hereby give public notice that on May 21, 2024 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 to Conform with the Requirements of Senate Bill 2648 and HB 1007. Said Notice of Intent was filed with the Mississippi Secretary of State's office on May 22, 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 Monday, June 17, 2024. 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 17, 2024.

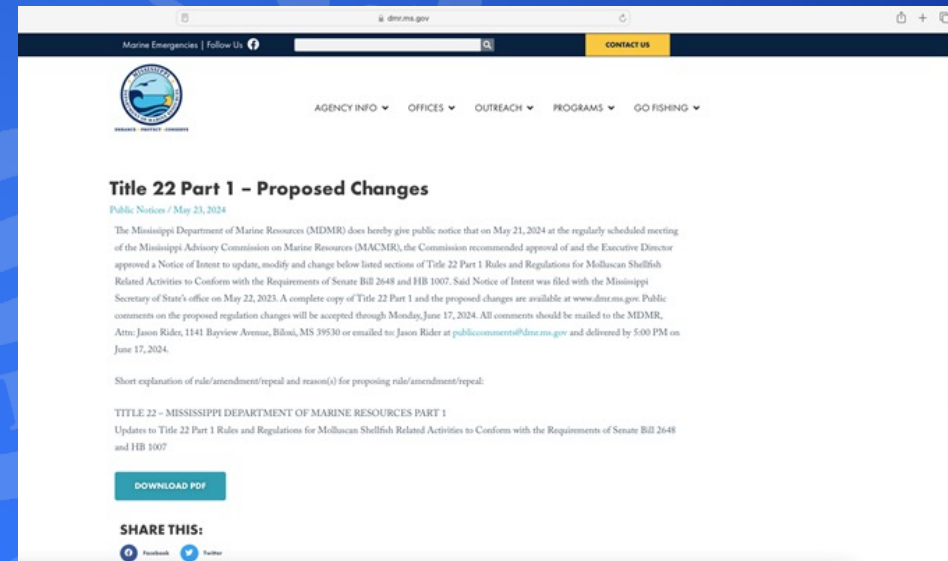
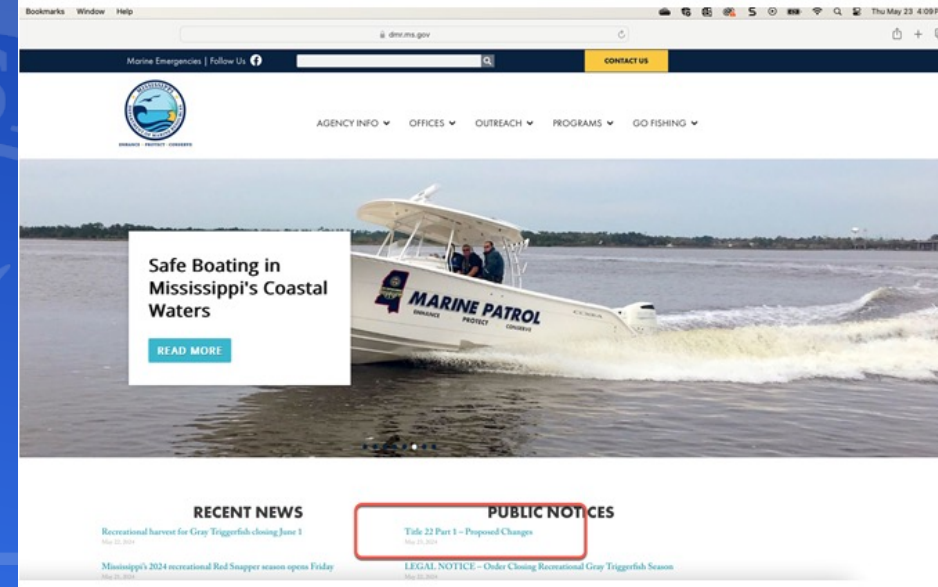
Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal:

TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES PART 1
Updates to Title 22 Part 1 Rules and Regulations for Molluscan Shellfish Related Activities to Conform with the Requirements of Senate Bill 2648 and HB 1007

For a complete description of the proposed changes, please visit www.dmr.ms.gov
W00000000
May 26 2024

Publication of Proposed Regulation

Notice of the proposed regulation was also posted on the MDMR website on May 23, 2024.



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 18, 2024



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Trevor Moncrief
June 18, 2024



All Tackle

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All Tackle Fishing Record

Golden Tilefish

Lopholatilus chamaeleonticeps

Old Record: 20lbs. 11.68 oz.

New Record: 23 lbs. 3.2 oz.

Angler: Nathan Bosarge



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All Tackle Fishing Record

Permit

Trachinotus falcatus

Old Record: 11 lbs. 0.76 oz.

New Record: 11 lbs. 11.2 oz.

Angler: Mark Kleinpeter



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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 fish leaping from the water, with a stylized wave below it.

Required:
Motion to Adopt New State Records

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Mississippi Advisory Commission on Marine Resources

June 18, 2024