ORDER BY THE EXECUTIVE DIRECTOR OF THE MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
OPENING THE 2014 - 2015 LIMITED MISSISSIPPI OYSTER SEASON FOR THE HARVEST OF OYSTERS IN CERTAIN WATERS CLASSIFIED AS CONDITIONALLY APPROVED, AND PLACING CERTAIN RESTRICTIONS ON OYSTER HARVESTING AND HANDLING ACTIVITIES.

By virtue of the authority vested in the Mississippi Commission on Marine Resources, under the provisions of Section §49-15-15 of the Mississippi Code of 1972, Annotated, the Mississippi Commission on Marine Resources in their regularly scheduled meeting of September 16, 2014, and their special meeting of November 5, 2014, did hereby order that:

The Executive Director of the Mississippi Department of Marine Resources is authorized to allow a very LIMITED 2014 - 2015 Mississippi Oyster Season for the harvest of oysters by tonging in certain areas, after receiving input from the industry to maximize their value; and to open Telegraph and St. Josephs (St. Joe) Reef for a limited season for all licensed oyster harvesters.

Now, therefore, the Executive Director of the Mississippi Department of Marine Resources does hereby order that:

The LIMITED 2014 - 2015 Mississippi Oyster Season shall open for the harvest of oysters, beginning at legal sunrise, Friday, November 14, 2014, for tonging only in Areas II "A" and II "F" Conditionally Approved Waters, and for dredging or tonging on Telegraph Reef, located within an area north of the ICWW Grand Island Channel and Marianne Channels and south of the 30°13.800'N Latitude line and between the 89°15.602' and 89°18.450' West Longitude lines, which is located in Conditionally Approved Area II "G" and Approved Area II "H" Waters; and St. Josephs Reef, located within an area north of the ICWW St. Joe Pass Channel and the Grand Island Channel and south of the 30°11.750'N Latitude line and between the 89°23.750' and 89°26.000' West Longitude lines, located in Area I "B" Conditionally Approved Waters. Other tonging areas of Area II Conditionally Approved Waters may be opened at a later date, to tonging only, by the Executive Director after resource sampling of those areas indicates sufficient numbers and sizes of oysters within those areas. These areas will open to harvest provided the they meet all criteria for opening as specified in Title 22 – Mississippi Department of Marine Resources - Part 1 Rules and Regulations for Shellfish Harvesting, Tagging, Landing, Unloading, Transporting, Relaying, Management, Area Classification, and other Shellfish Related Activities in the State, and the Leasing of Territorial Waters Under the Jurisdiction of the State of Mississippi, or its successor, for said respective waters, and under the limited oyster season requirements set forth in this order. All other areas and waters of the State of Mississippi shall remain closed to the harvest of oysters.

The Executive Director has the authority to establish and adjust the commercial sack limits for harvesting oysters, for the Limited 2014 - 2015 Mississippi Oyster Season, as well as adjust check-out times as may be necessary. Additionally, the Executive Director shall have the authority to close areas to conserve the resource or if user group conflicts, excessive enforcement problems or unusual biological events occur.

All Mississippi waters and public or private reef areas therein shall remain closed on Sundays and the following days: Thanksgiving Day, Christmas Eve Day, Christmas Day, and New Year's Day.

All other Mississippi waters and reef areas will remain closed due to low numbers of legal size oysters or in accordance with their management plan in Title 22, Part 1 or its successor; or do not

meet the National Shellfish Sanitation Conferences' Model Ordinance standards for conditionally approved waters; however, area waters with private lease reefs may be opened and closed by the Commission or the MDMR, its Executive Director, Deputy Director, Director of Marine Fisheries, Shellfish Bureau Director or Biological Program Coordinator. Said openings and closures of these areas will be in accordance with Title 22, Part 1, or its successor. In addition to all provisions of Title 22, Part 1, or its successors the following regulations, restrictions, or procedures shall be in effect for the LIMITED 2014 – 2015 Mississippi Oyster Season.

1. All private lease owners must have prior written approval from the Department of Marine Resources to conduct lease activities including harvest. All fishermen harvesting oysters on privately owned leases must have prior written approval from said lease owner in their possession and available for inspection upon request by an official of the Department of Marine Resources prior to harvesting.

2.
   a. All fishermen must check-in prior to harvest at a designated check station or drop box. All fishermen must check-out at the same designated check station where they checked-in. Fishermen checking-in at a drop box must check-out at the designated check station for said drop box.
   b. The daily checkout time is 4:00 P.M. The Executive Director is authorized to establish checkout times as may be required or necessary, but not later than 4:00 P.M.
   c. In accordance with §49-15-46 of the Mississippi Code of 1972, all harvesters (commercial and recreational) are required to pay on the day of harvest, a shell retention fee of fifteen cents (15¢) per sack harvested. No tags will be issued to harvesters at the designated check station until the required shell retention fee is paid. The harvester shall be responsible for providing correct change for all shell retention fees due.
   d. In accordance with §49-15-46 of the Mississippi Code of 1972, all commercial harvesters transporting their oysters out of the state are required to pay on the day of harvest, a shell retention fee of fifty cents (50¢) per sack harvested. No tags will be issued to harvesters at the designated check station until the required shell retention fee is paid. The harvester shall be responsible for providing correct change for all shell retention fees due.
   e. In accordance with §49-15-46 of the Mississippi Code of 1972, the initial dealer, processor or factory first purchasing Mississippi oysters are required to pay a shell retention fee of fifteen cents (15¢) per sack to the MDMR, on forms submitted by the MDMR no later than the 10th day of the month following the purchase.
   f. All fishermen checking-in at a drop box or check station must accurately and legibly print the following information on a MDMR trip notification ticket (available at the check station): date, check-in time, license number, harvester's name, captain's name, name of boat, boat registration or documentation number and where it is documented, intended harvest area, license type (commercial or recreational), gear type (tong or dredge), and number of individuals on board the boat. All fishermen checking-in at the Pass Christian oyster check station may check-in electronically using their valid oyster harvest vessel license following the instructions at the license scanner. Scan the license only one time each day. If no receipt is printed, you must complete and submit a written notification slip as directed above.
   g. All fishermen shall retain the harvester's copy of the trip ticket in their possession while transporting their catch, and said ticket shall be present and available for inspection upon request by any official of the Department of Marine Resources.
   h. All commercial oysters shall be placed under mechanical refrigeration within four (4) hours of their checkout time, and cooled to a temperature of 55° F or below within eight (8) hours after being placed under mechanical refrigeration. Certified shellfish dealers,

processors and shippers are also required to have in place and follow HACCP procedures and records documenting these time/temperature requirements. The Executive Director is authorized to change these time/temperature requirements as necessary.

3. All fishermen must observe all instructions given at a check station, or by a Marine Patrol Officer, or any other official of the Department of Marine Resources, or posted at a drop box. This shall include the authority to close or delay opening any reef area if the criteria for closing or delaying opening said area exists as specified in Title 22, Part 1 or its successor; or, if, in the opinion of the official of the Department of Marine Resources, actual or pending weather conditions threaten or jeopardize the safe, orderly harvest of oysters.

4. The designated check stations and drop boxes will be the Department of Marine Resources check stations located at 104 South Market Street in the Pass Christian Harbor and the MDMR Check Station at 5200 Shipyard Road in Bayou Caddy, which will be open provided that areas are open to harvest.

5. Information with respect to open and closed areas may be obtained by calling the 24-hour Oyster Information Hotline at 1-228-374-5167 or 1-800-385-5902.

6. All shellstock oysters landed in Mississippi must be landed and tagged on the date of harvest. All containers of shellstock oysters must be tagged. Fishermen shall be responsible for ensuring that the following information appears accurately and legibly on all shellstock oyster tags and that the tag is securely affixed to the container of shellstock oysters: date of harvest, harvester's name, harvester's address, license number, harvest location, and state of origin.

7. All land transport vehicles used by licensed oyster harvesters to transport harvested oysters shall have shading over the oysters to protect the oysters from direct exposure to the sun, thus reducing the potential for an increase in the temperature of the oysters while held on a land transport vehicle.

8. Oysters of less than three (3) inches measured from hinge to bill shall not be taken from the reefs of Mississippi, unless otherwise permitted by the Commission on Marine Resources.

9. On Mississippi public reefs the following sack limits shall be in effect:

RECREATIONAL:

All recreational harvest is limited to three (3) sacks per recreationally licensed resident individual per seven (7) day period. All Mississippi recreationally licensed harvesters must obtain a recreational harvest tally card at the check-in/out stations prior to their initial harvest trip. This tally card must be presented at the check-in/out station prior to any subsequent recreational harvest trip.

COMMERCIAL:

The Commission on Marine Resources authorizes the Executive Director to establish the initial commercial oyster tonging vessel daily limit of seven (7) sacks and a commercial oyster dredging vessel daily limit of ten (10) sacks. The Executive Director is also authorized to adjust the harvest vessel daily sack limits as deemed necessary. Individual(s) must also harvest oysters from said licensed vessel. No commercial vessel shall possess over the daily catch limit by any manner, or exceed any experimental limit as may be established.

COMMERCIAL PERSONAL USE:

All commercially licensed Mississippi resident individuals and/or vessels are limited to three (3) sacks for personal use per seven (7) day period per commercially licensed vessel actively engaged in harvesting said sacks, however, these sacks of oysters shall be counted towards the daily commercial sack limit for that boat or vessel. Said sacks shall be tagged with tags identifying them as "Personal Use" and may not be sold. "Personal Use" is hereby defined for purposes herein as "any use other than for sale or intent to sell".

10. All persons, firms, or corporations harvesting or handling shellstock oysters taken from the public reefs of the State of Mississippi shall maintain accurate and legible records of the sale and/or transfer of shellstock oysters and shall submit said records when called for by the Mississippi Commission on Marine Resources.

11. The standard measure for said sack in accordance with Title 22, Part 8 shall consist of a tub or other round vessel of the following dimensions, to wit:

    It shall measure 18 inches in diameter inside at the top, and 14 inches in diameter inside at the bottom, and 17 inches from bottom to top, the unit of such tub or sack measure to be in the shape of a frustum of a cone.

    One (1) of these measures filled level to the top shall make one (1) sack.

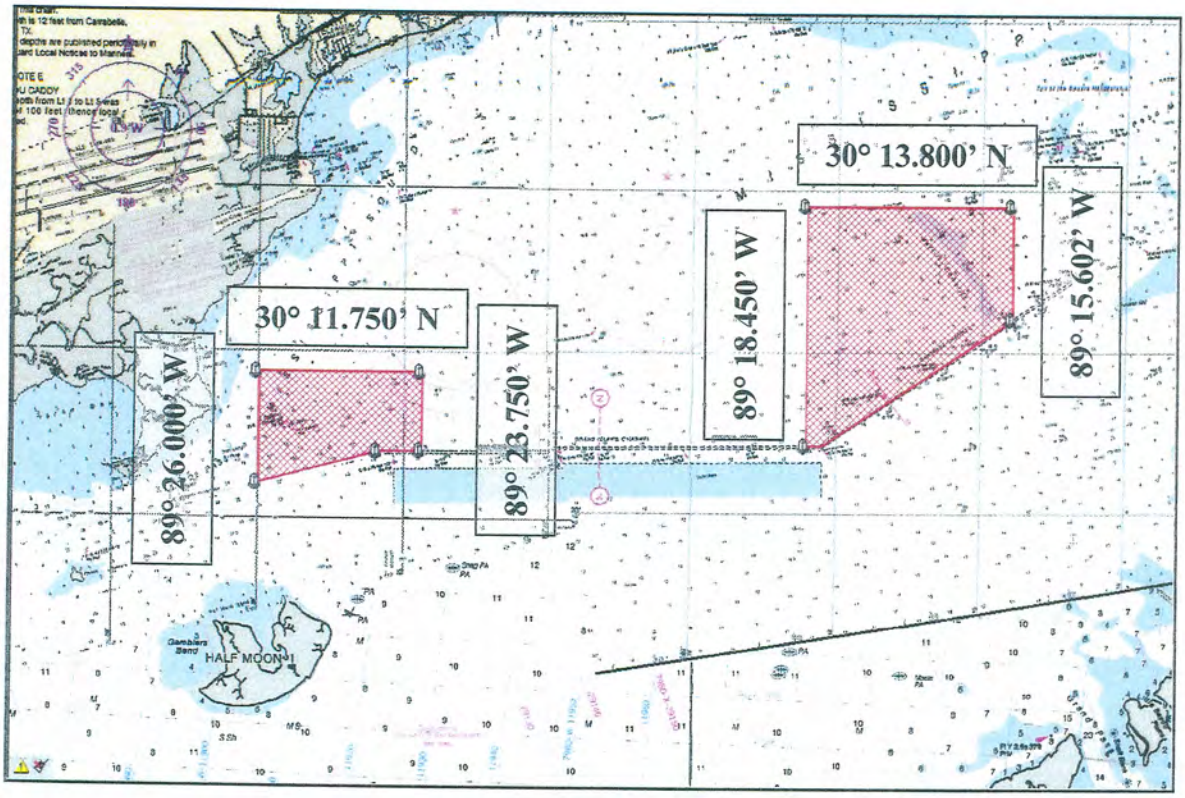
12. All regulations set forth in ordinances or state laws will be in full force and effect and it shall be unlawful to violate said provisions of said orders, ordinances or laws. Violations of said orders, ordinances, or laws shall be punishable in accordance with the provisions of §49-15-63 of the Mississippi Code of 1972, Annotated and/or the provision(s) of any specific section(s) of said code applying to the violation. Copies of Title 22, Part 1 or its successor and this Opening Order will be available at the Department of Marine Resources, 1141 Bayview Avenue, Biloxi, Mississippi 39530, Monday through Friday, 8:00 A.M. to 5:00 P.M. and at the designated check stations, as well as on the Department of Marine Resources website - http://dmr.ms.gov/ and http://dmr.ms.gov/index.php/news-a-events/public-notices.

SIGNED THIS THE 10TH DAY OF NOVEMBER, 2014.

Jamie M. Miller

Jamie M. Miller, Executive Director

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES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