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Commission on Marine Resources

September 17, 2019

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Employment, Contracts and Procurement Updates

September 17, 2019

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Employment Updates

- 08.27.19 – Breanna Kopszywa – Public Affairs Contractor
- 08.27.19 – Madison Parker – Coastal Preserves Contractor
- 08.27.19 – Sierra Ortiz – Coastal Preserves Contractor.

- 5 Marine Patrol Officers

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Contracts and Procurements for September 2019

Service Contracts					
Vendor	Procurement Method	Amount	Term	Funding	Service Description
University of Southern Mississippi	IHL/Exempt	$32,000.00	09.01.2019 – 08.31.2020	100% NOAA	IJ Monitoring
University of Southern Mississippi	IHL/Exempt	$12,500.00	09.01.2019 – 08.31.2020	100% Tidelands	Joint Flounder Project / Stock Assessment
University of Southern Mississippi	IHL/Exempt	$168,165.00	09.01.2019 – 06.30.2020	100% Tidelands	Shellfish Sanitation
Commodity Contracts					
Vendor	Procurement Method	Amount	Term	Funding	Commodity Description
J&W Marine Enterprises, Inc.	Reverse Auction	500,000.00	08.19.2019 – 08.18.2020	100 % GOMESA	Furnish and Deploy Approved Cultch Material

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Commercial Tarpon Recommendations
Title 22 Part 7

September 17, 2019

Background

- At the April 2019 the Commission passed a regulation establishing limits for recreational Atlantic Tarpon fishing.

- This presentation provides a potential regulation for commercial Atlantic Tarpon for CMR's consideration.

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Title 22 Part 7 Chapter 8

Chapter 8 Recreational Bag, Possession and Size Limits

100

100.21 It shall be unlawful for recreational fishermen to possess more than one (1) Atlantic Tarpon *(Megalops atlanticus)* per vessel per day.

102

102.28 Atlantic Tarpon *(Megalops atlanticus)* – seventy-five (75) inches fork length.

105 It shall be unlawful for any fisherman to remove an Atlantic Tarpon (*Megalops atlanticus*) over the length of forty (40) inches from the water unless the intent is to harvest within the limits defined in Sections 100 and 102 of this chapter.

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Title 22 Part 7 Chapter 9

- 114 It shall be unlawful for any commercial fisherman to harvest or possess an Atlantic Tarpon *(Megalops atlanticus)* within Mississippi waters.

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Required:

A motion to proceed with a Notice of Intent for regulatory changes to Title 22 Part 7 Chapter 9 to add Paragraph 114 prohibiting the harvest or possession of an Atlantic Tarpon for commercial purposes.

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Title 22 Part 20

Administrative Penalty Procedures

Chapter 21

Paragraphs 104 & 105

§49-15-63 Criminal Penalties

- **Subsection (a)** spells out the monetary fines for each offense.
- 1st offense - not less than $100, nor more than $500
- 1st offense committed during a closed season - not less than $500, nor more than $1,000
- 2nd offense - not less than $500, nor more than $1,000 (when committed 3 years from the 1st offense
- 3rd or subsequent offenses - not less than $2,000 nor more than $4,000, or imprisonment in the county jail for not more than 30 days (when committed within 3 years from the 1st offense)

- **Subsection (b)** deals with revocation of **licenses for criminal convictions.**
  - Upon conviction of 3rd or subsequent offense, it **shall** be the **duty** of the **court** to **revoke the license** of the convicted party and of the boat or vessel used in the offense, and **no further license shall be issued to such person** and for said boat to engage in catching or taking of **any** seafood from the waters of the State of Mississippi **for 1 year following conviction**.
  - Also provides for forfeiture of equipment or nets used in a 2nd or subsequent offense.

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- **Subsection (c)** provides that any person convicted and sentenced for a 2nd or subsequent offense shall not be considered for a reduction in sentence.

- **Subsection (e)** provides that the **Commission** may (in addition to any other penalties) **suspend** the license of any person and the vessel, convicted of a violation of this chapter:
  - For 1st offense = **suspension** of 5 days.
  - For 2nd offense = **suspension** not to exceed 30 days.

- **Subsection (f)** provides that the **Commission** may **revoke** the license of the convicted party and the vessel used in the offenses, and **may prohibit indefinitely the issuance of a license** to the person and vessel to engage in catching or taking of **any** seafood from the waters of the State of Mississippi for 5 seafood violations within a 5 yr period.

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§49-15-325. Suspension or Revocation of licenses for noncompliance with a summons or citation or for nonpayment of fines, fees or assessments

- **Subsection (2)** provides that the court clerk shall notify the person in noncompliance by mail and if that person does not then comply or pay within 10 days, the court will notify the Commission and the Commission **will** revoke the **license** of that person.

- After receiving notice from the court, the Commission **shall** revoke the applicable license of that person.

- **Subsection (3)** provides that the **license shall remain revoked** until the person can show proof that all obligations of the court have been met.

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Title 22 Part 20 Administrative Penalty Procedures

- This regulation was established to carry out the authorities granted by MCA §49-15-401 thru §49-15-417.
- §49-15-409 grants the Commission jurisdiction over all persons and property necessary to administer and enforce provisions of this article and the Commission's regulations.
- §49-15-413 establishes that the penalties imposed under this article are **civil** penalties of up to $10,000.
- If a violation is brought before the Commission for an administrative/civil penalty, that same violation may not be brought before the court for criminal penalties.

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Chap 21, Paragraph 104 Current Language

- Suspension or revocation of licenses or permits may be commenced in addition to seeking administrative penalties.

****

- The Commission desired to establish a penalty matrix for the suspensions or revocations for administrative actions.

- The proposed penalty matrix only applies to those regulatory program requirements that are issued by the Commission and do not apply to licenses that are issued pursuant to statute.

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Proposed Language

- 104 Suspension or revocation of ~~licenses or~~ regulatory program requirements such as but not limited to, endorsements, tags, permits or similar provisions may be commenced in addition to seeking administrative penalties.

- 105 The Commission may suspend or revoke regulatory program requirements established by the Commission, such as but not limited to, endorsements, tags, permits, or similar provisions for violations related to that particular program in accordance with the following schedule:
- For 1st offenses, a suspension for up to 3 months;
- For 2nd offenses, a suspension for up to 6 months;
- For 3rd offenses, a suspension of up to 1 year;
- For 4th and subsequent offenses, a suspension for up to 2 years or revocation.
- Suspensions shall be scheduled for a time period coinciding with the particular fishing season in which the offense is related.

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- If the violation is deemed to be so egregious as to warrant a suspension outside of the penalty matrix, the Commission, by unanimous vote, may impose a suspension outside of the above matrix by skipping to the next level. (For example, if it's a 1st offense that is deemed to be so egregious as to warrant a suspension outside of the penalty matrix stated above, the Commission, by unanimous vote, may impose a suspension for up to 6 months as allowed under the 2nd offense tier.)

- In the event that a violator does not pay the administrative penalty assessed by the Commission in full within twenty-four (24) months, the Commission may, by majority vote, indefinitely suspend the endorsement, tag, permit or similar regulatory program requirement related to the violation until such time as the penalty is paid in full.

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Required Action

- Motion for staff to take the proposed language establishing a penalty matrix for administrative actions out for Notice of Intent.

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Shrimp Processing in the Gulf States

The Commission passed a motion at the July 16, 2019 meeting, requesting legal staff to report back regarding shrimp processing regulations in the other Gulf States.

	ALABAMA	FLORIDA	LOUISIANA	TEXAS	MISSISSIPPI
HACCP/SANITATION	HEALTH DEPT	AGRICULTURE	HEALTH DEPT	HEALTH DEPT	HEALTH DEPT
LAW ENFORCEMENT	Statutory authority (9-2-86) Check licenses, receipts, invoices, illegal products	Statutory authority (379.3313) Licenses, trip tickets, receipts/invoices, legal species	Inherent Law Enforcement authority based upon licensing to check: Licenses, tags, receipts, invoices, compare invoices with stock in freezer	Inherent Law Enforcement authority based upon licensing to check: Licenses, trip tickets, sales tickets, product	Inherent Law Enforcement authority based upon licensing and acquiescence: Licenses, coolers for different species of seafood/fish, receipts/invoices to match product on hand and submitted reports. •

- Law enforcement have routinely conducted these activities in all Mississippi processing plants except Shrimp

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Request for Permit Extension by: Purcell Co. (Formerly Diamondhead Corporation) File: DMR-100129

- Location: Paradise Bayou, Diamondhead Marina, and accessory canals in Diamondhead, Hancock County, MS

- Use District: (G) General Use and (C) Commercial Fishing and Recreational Marinas District

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Project Description

- The applicant is requesting to extend an existing maintenance dredging permit for one (1) year until September 17, 2020. The previous Permit authorized:
  - Maintenance Dredging
    - Approximately 150,000 cubic yards of material from Paradise Bayou, Diamondhead Marina, and accessory canals on the south side of Diamondhead

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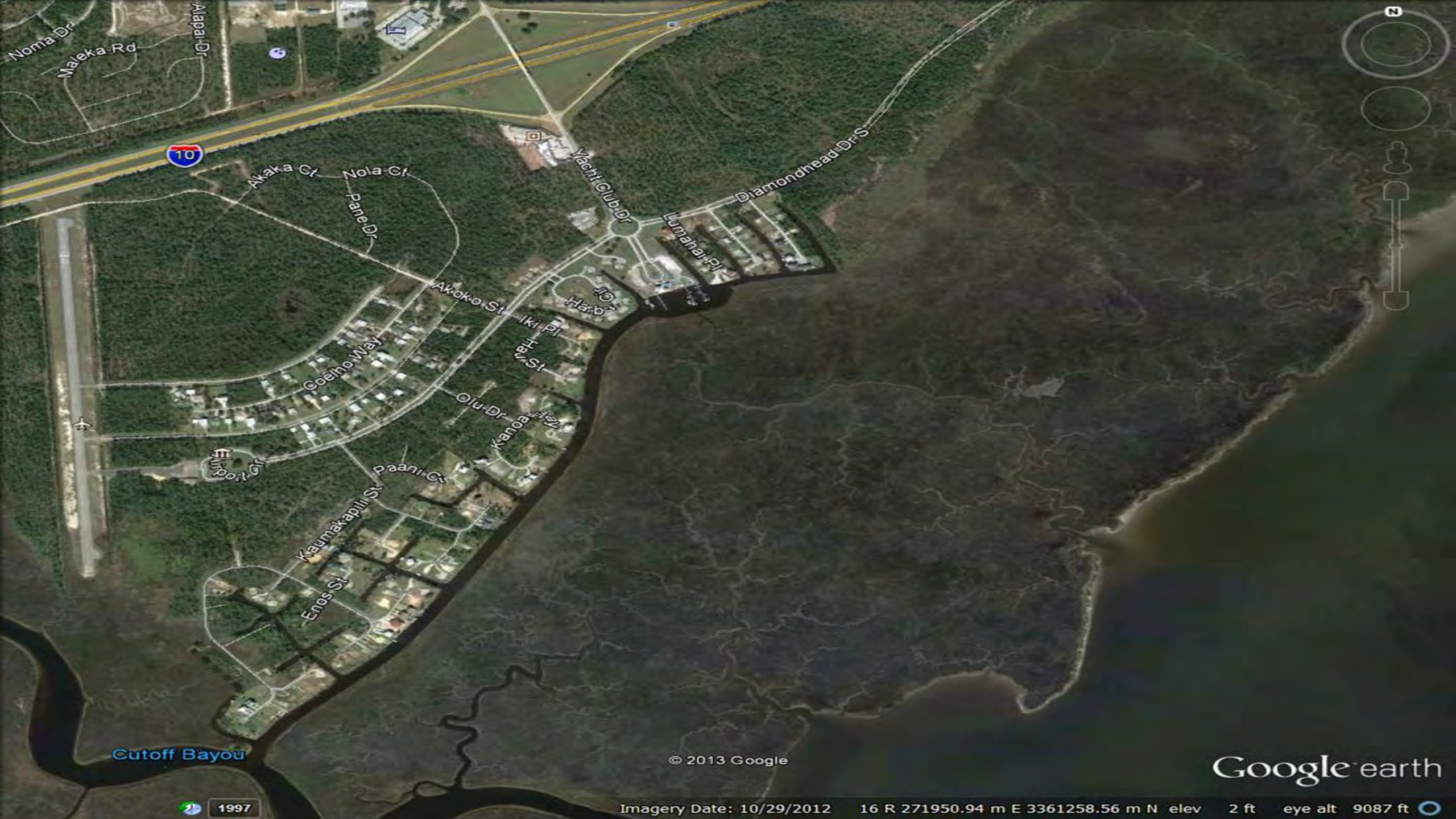
Noma Dr
Maleka Rd
Alapai Dr
10
Akaka Ct
Nola Ct
Pane Dr
Yacht Club Dr
Diamondhead Dr S
Lumahai Pl
Akoko St
Iki Pl
Ha St
Coelho Way
Olu Dr
Kanoa St
Airport Cir
Paani Ct
Kaumakapili St
Enos St
Cutoff Bayou
© 2013 Google
Google earth
1997
Imagery Date: 10/29/2012 16 R 271950.94 m E 3361258.56 m N elev 2 ft eye alt 9087 ft

Project Chronology

- <u>September 17, 2013</u>: CMR approved applicant's request to dredge approximately 150,000 cubic yards of material
- <u>August 15, 2018</u>: Applicant submitted a request for a one (1) year extension to the Permit
- <u>August 21, 2018</u>: CMR approved applicant's request for a one (1) year extension
- <u>August 29, 2019</u>: Applicant submitted a request for a one (1) year extension to the Permit

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Recommendation

- Based upon departmental review and evaluation, staff recommends that the CMR approve the applicant’s request to extend the Permit for an additional year (September 17, 2020).

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Mississippi
Department of Marine Resources

Agency Financial Results

as of August 31, 2019

Commission on Marine Resources
September 17, 2019

Key Metrics:

- State Revenue of $3.1M
- Agency Revenue of $3.3M
- State Net Income of $1.9M
- Agency Net Income of $1.3M

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
Income Statement - Fiscal Year 2020
As of August 31 , 2019

	State	Federal : NFWF:	Operating Subtotal	Tidelands	Total DMR
Revenue:					
Transfer in from Other Governments	-	-	-	-	-
Off-road Fuel Tax	3,050,000	-	3,050,000	-	3,050,000
Federal/NonFederal Grants	-	97,209	97,209	-	97,209
Sales Revenue	96,247	-	96,247	160	96,407
Indirect Cost Recovery	24,111	-	24,111	-	24,111
Other Revenue	17,919	17,485	35,405	51,308	86,712
Current Budget Year Revenue:	3,188,277	114,694	3,302,972	51,468	3,354,439
Expenditures:					
Salaries, Wages, Fringe	729,253	340,570	1,069,823	114,065	1,183,887
Travel	9,169	8,353	17,522	3,392	20,914
Contractual Services	450,124	86,058	536,183	93,841	630,024
Commodities	61,622	29,987	91,609	18,586	110,194
Other than Equipment	-	-	-	-	-
Equipment	2,285	-	2,285	-	2,285
Vehicles	-	-	-	-	-
Wireless Devices	-	-	-	-	-
Subsidies, Loans, and Grants	65	28,221	28,286	76,388	104,674
Current Budget Year Expenditures:	1,252,518	493,189	1,745,707	306,272	2,051,979
Current Budget Year Net Income/(Loss):	$ 1,935,760	$ (378,495)	$ 1,557,265	$ (254,805)	$ 1,302,460

Financial Budget Comparison

- After two months of Fiscal Year 2020:

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
2020 Budget Comparison
As of August 31 , 2019

	Actual Year to Date Expenditures			*Budget Year Totals*			*Percent Remaining*		
	Operating	**Tidelands**	**Total**	**Operating**	**Tidelands**	**Total**	**Operating**	**Tidelands**	**Total**
Expenditures:									
Salaries, Wages, Fringe	$ 1,069,823	$ 114,065	$ 1,183,887	$ 8,845,920	$ 1,073,781	$ 9,919,701	87.9%	89.4%	88.1%
Travel	17,522	3,392	20,914	141,562	18,668	160,230	87.6%	81.8%	86.9%
Contractual Services	536,183	93,841	630,024	5,858,918	1,260,882	7,119,801	90.8%	92.6%	91.2%
Commodities	91,609	18,586	110,194	3,826,398	407,627	4,234,025	97.6%	95.4%	97.4%
Equipment	2,285	-	2,285	657,800	319,212	977,012	99.7%	100.0%	99.8%
Vehicles	-	-	-	45,000	11,431	56,431	100.0%	0.0%	0.0%
Wireless Devices	-	-	-	6,250		6,250	100.0%	0.0%	100.0%
Subsidies, Loans, and Grants	28,286	76,388	104,674	31,438,158	7,064,176	38,502,334	99.9%	98.9%	99.7%
Total Expenditures:	$ 1,745,707	$ 306,272	$ 2,051,979	$ 50,820,007	$ 10,155,776	$ 60,975,783	96.6%	97.0%	96.6%

- Operating Funds have 96.6% of Budget remaining
- Tidelands Trust Fund has 97% of Budget remaining

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Oyster Season Update

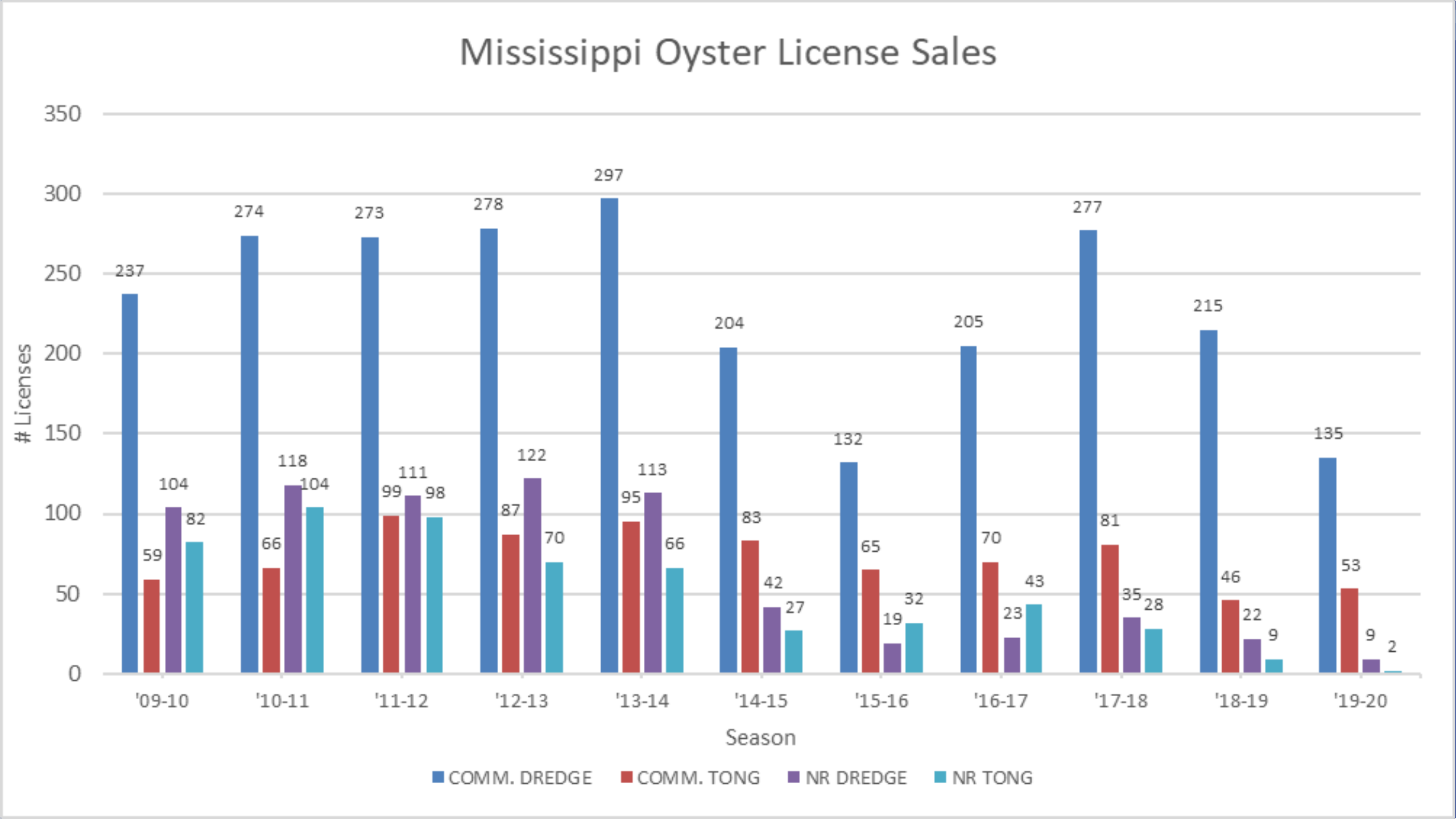
Erik Broussard

September 17, 2019

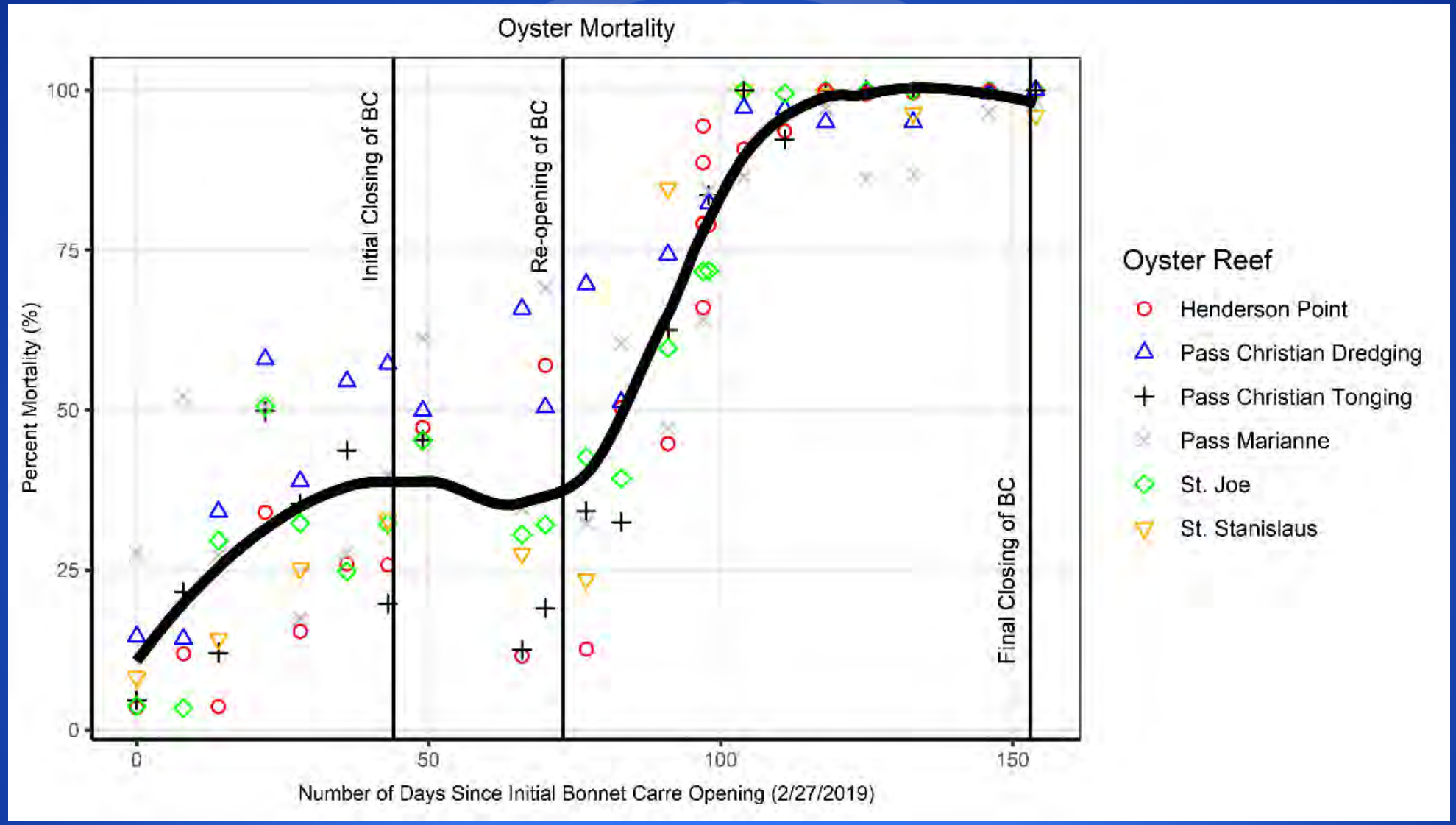
K.1.

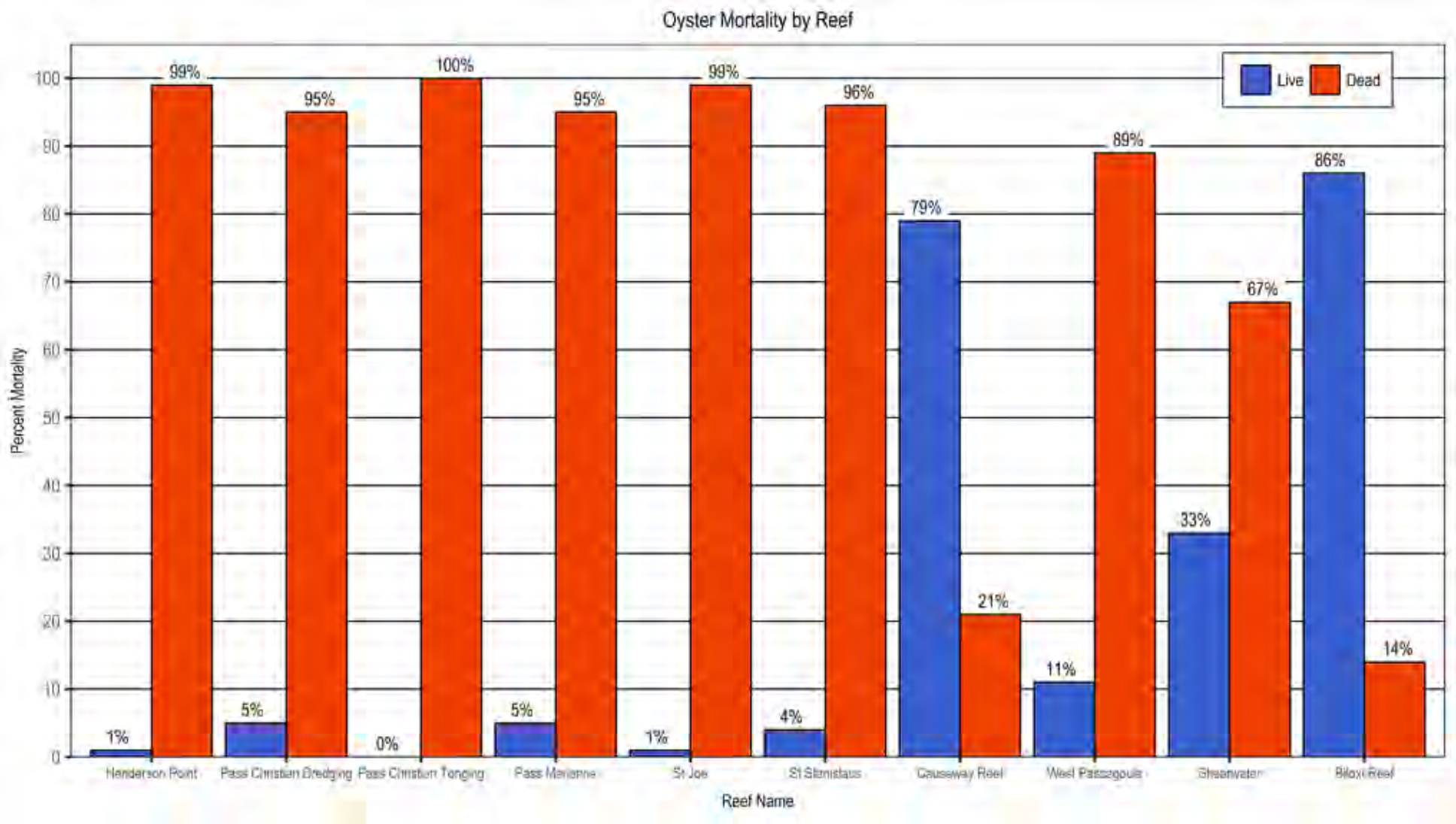
MDMR Cultch Plants 2019 - Pascagoula Bay

MDMR Cultch Plants 2019 - Biloxi Bay
59 acres
21 acres
17 acres
21 acres
Tidelands FY2017
Bonnet Carre Funds 2011
Cultch Type
Limestone #4
Oyster Shell
0
0.25
0.5
1
Miles
N
W
E
S
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community


Mississippi Oyster License Sales
350
300
250
200
150
100
50
0
Licenses
237
59
104
82
274
66
118
104
273
99
111
98
278
87
122
70
297
95
113
66
204
83
42
27
132
65
19
32
205
70
23
43
277
81
35
28
215
46
22
9
135
53
9
2
'09-10
'10-11
'11-12
'12-13
'13-14
'14-15
'15-16
'16-17
'17-18
'18-19
'19-20
Season
COMM. DREDGE
COMM. TONG
NR DREDGE
NR TONG

MDMR Shellfish Field Data





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Recommendation

- No harvest of oysters from the public oyster grounds for the 2019-2020 MS Oyster Season

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Gear Type Task Force Update

Rick Burris

September 17, 2019

K.2.

Overview

- At the July 16, 2019 CMR meeting the following motion was made:
  - *To reconvene the gear type task force to look at Title 22 Part 7 Chapter 13 trotline regulations and other issues.*
- The Gear Type Task Force met on Monday August 26, 2019
  - Trotline regulations
  - Reduction of discard mortality in Red Snapper fishery
  - Use of monofilament nets by research and government agencies

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The following motion was made and adopted unanimously by the task force:

- Amend Title 22 Part 7 to assign tags annually from this point forward for both the commercial and recreational component. Additionally, applicants must complete a survey regarding trotline effort before any tags are issued.

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Title 22 Part 07 Regulations to Provide Size Limits and Bag Limits on Certain Fish Species and to Prevent Sale of Seafood by Recreational Fishermen

Chapter 13 Trotline Regulations

100 Anyone trot line fishing south of Interstate 10 shall be registered with the DMR and be issued a unique number that is to be attached along with the fisherman's name to both ends of the trot line in indelible ink on corrosion resistant ~~metal~~ tags so that it is readable by DMR personnel. If name and number is not attached to both ends and readable by DMR personnel and tending the bottom the line will be deemed illegal and may be confiscated by DMR personnel. Additionally, a Marine Patrol Officer will issue a ticket to anyone operating an illegal trot line.

101 From and after January 1, 2020 both recreational and commercial trotline tags shall be renewed on an annual basis. Trotline tags will be valid from January 1st – December 31st of each year.

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Required:

A motion to proceed with a Notice of Intent for regulatory changes to Title 22 Part 07 Chapter 13 to add Section 101 as recommended by the Gear Type Task Force

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Commercial Shark Season Update

Trevor Moncrief

September 17, 2019

K.3

Background

- Staff was tasked by the Commission to evaluate the viability of a commercial shark fishery in Mississippi state territorial waters.
  - Staff was asked to work with GCRL and the MSU Extension Center to determine the fishery's viability.
- On September 3, 2019, staff convened the Mississippi Shark Working Group consisting of colleagues from MDMR, GCRL, and MS State Extension Center.
- This presentation will relay the findings and viable management options identified by the MS Shark Working Group.

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Findings

- Atlantic Sharpnose and Blacktip sharks are the two species caught in the highest abundance in Mississippi waters
- Neither are considered overfished or subject to overfishing in the Atlantic individual species stock assessments
- Data supports the viability of a commercial fishery focused around these two species

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Considerations

- Market Variability
  - Currently a seasonal fishery
  - Due to lower demand, sharks are often combined with other finfish species and shipped to Mexico (Texas Regulations)
- Commercial Sale
  - State-level fishery would be permitted similarly to all other state fisheries
  - All catch associated with sharks under quota restrictions would need to be reported to HMS

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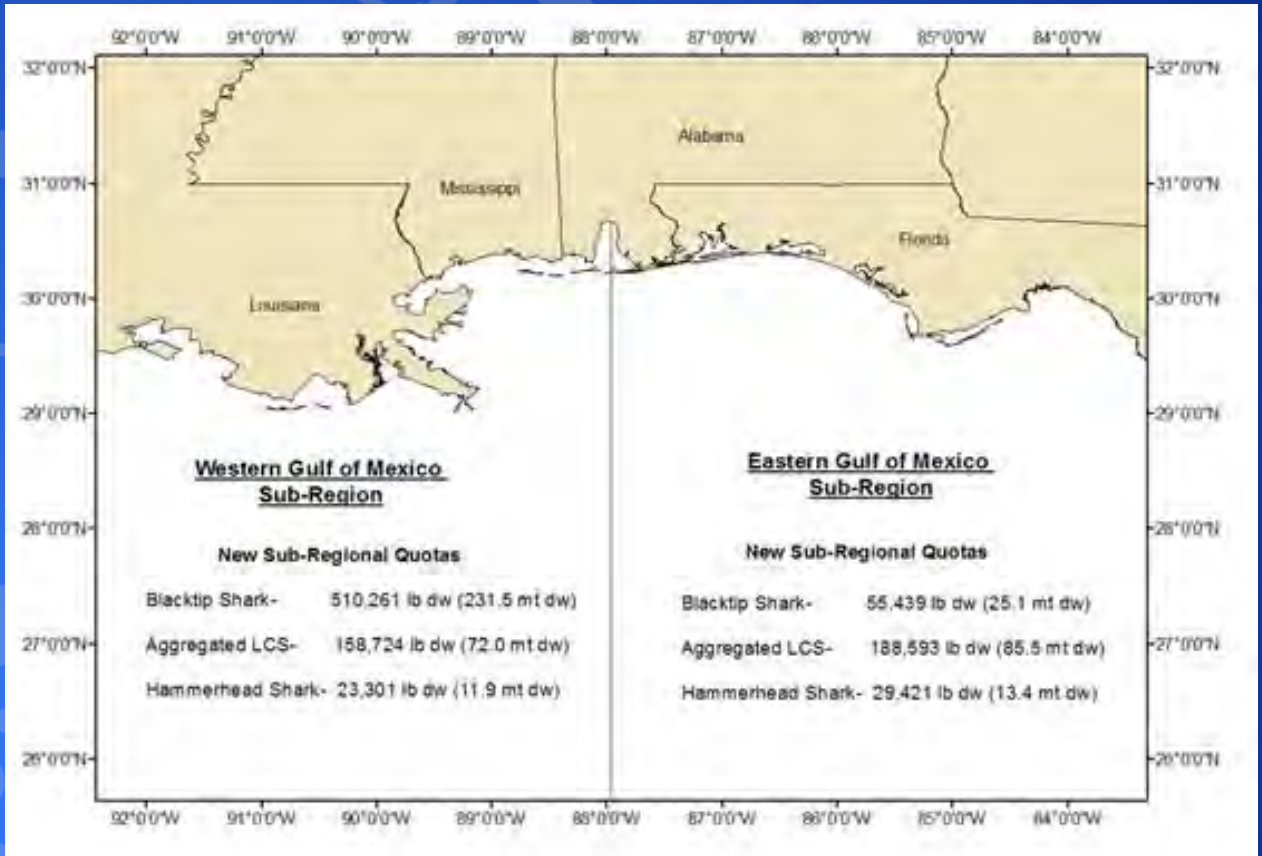
Additional Considerations

- Western GOM Blacktip
  - Considerable quota not being harvested in this region
  - Largely due to the ability of shipping sharks to Mexico
  - Sustainable fishery which is underexploited (SEDAR 29)



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Management Options

- Status Quo
- Open a commercial fishery within the current recreational bag and size limits for large coastal sharks and small coastal sharks
- Open a larger scale fishery similar to Louisiana
  - Anglers/dealers would be required to report species-specific catch
  - 45 large coastal sharks per day
  - State issued endorsement
- Incidental Catch Fishery
  - One per vessel, all legal species
  - Two per vessel, all legal species
  - Three per vessel, all legal species

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Questions?

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Charter For-Hire Survey Update

Carly Somerset
September 17, 2019

K.4.

- Trips and harvested species were reported by participating captains during the beta-testing phase
- Testing of survey began on April 10 – August 18
- Some captains did make suggestions for modifications to survey
  - No catch or catch and release options
  - Incorporation of logbook for captains to keep track of their own trip information

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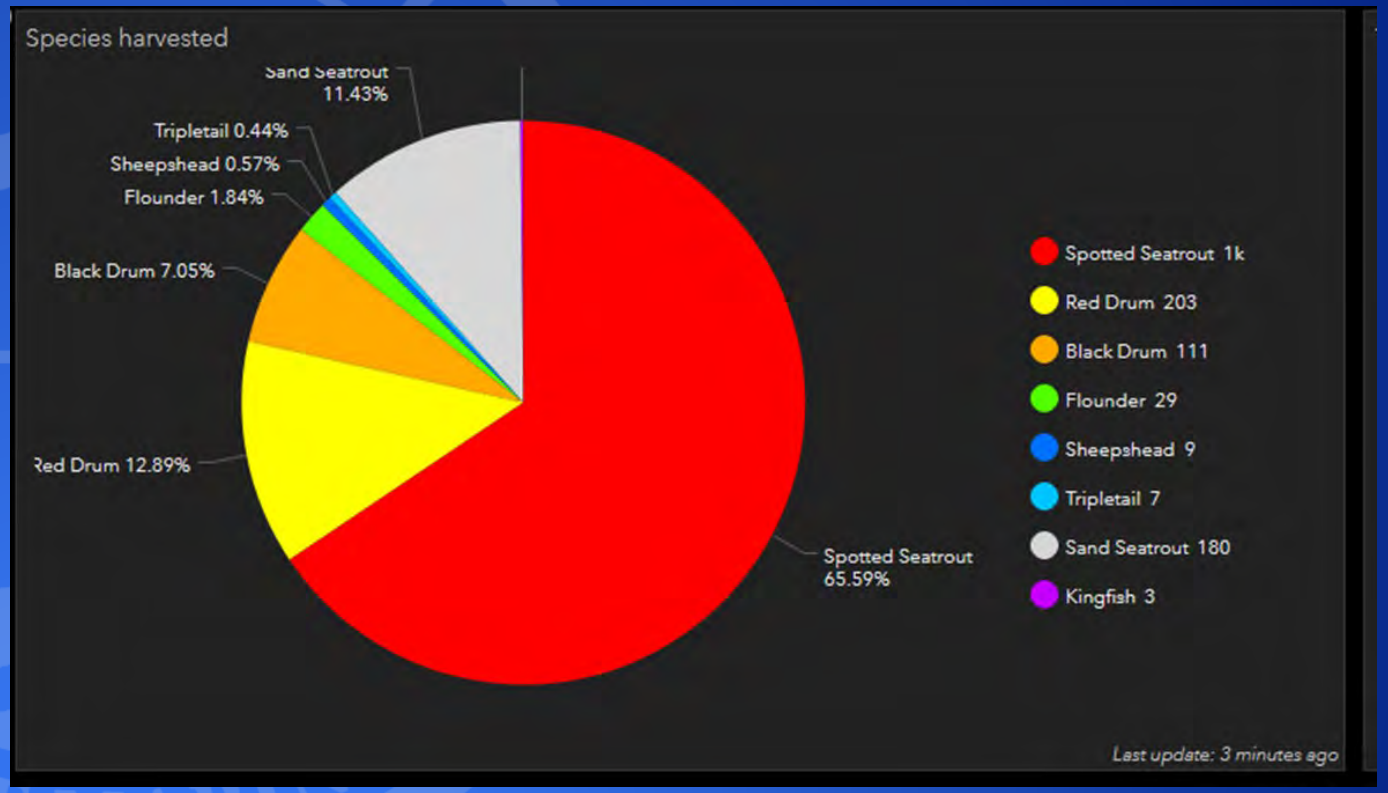
CFH Survey Update

- Charter captains volunteered to test CFH survey
- All three coastal counties were represented by captains testing the survey
- A total of 77 trips were recorded over the testing period
- A majority of the species harvested were spotted seatrout followed by red drum and sand seatrout



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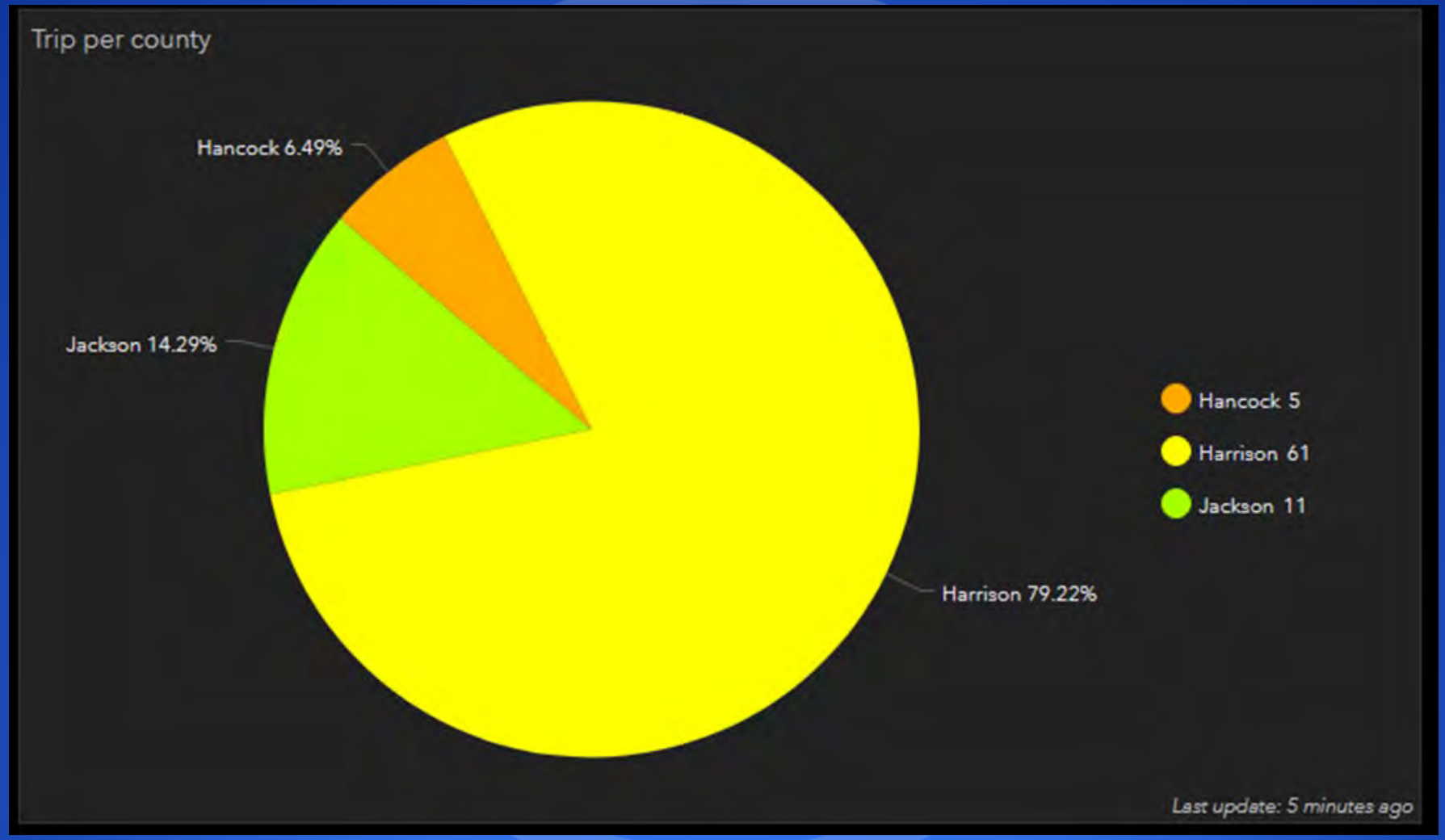

- A majority of the trips left from Harrison county followed by Jackson then Hancock county

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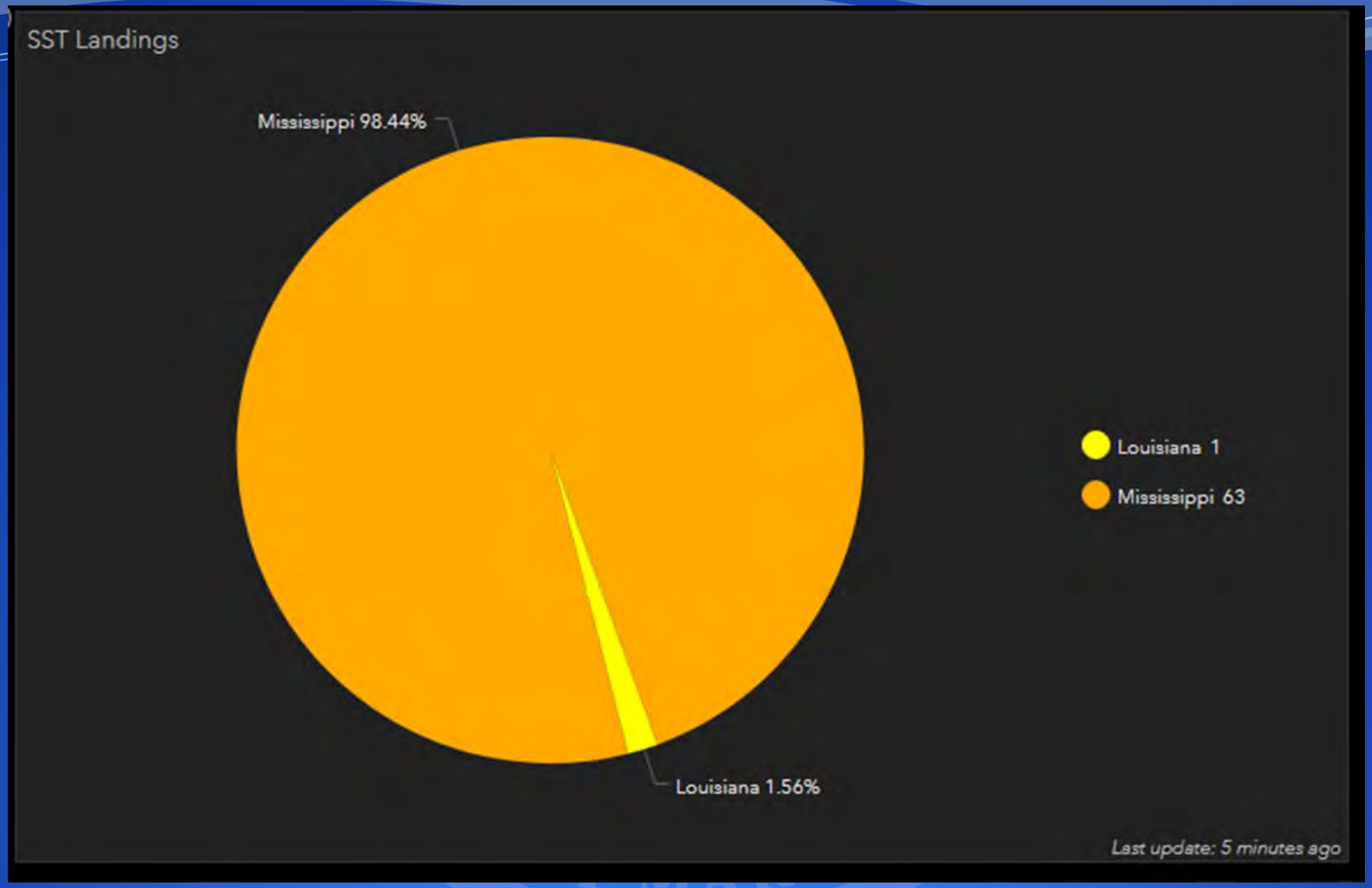

- Approximately 98% of spotted seatrout harvested by captains who reported trips were from Mississippi waters. A little less than 2% were harvested in Louisiana

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QUESTIONS?

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State Saltwater Finfish Records

For more information about Boat & Water Safety classes, contact (228) 523-4128.

Matt Hill

September 17, 2019

K.5.

Conventional Tackle

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Saltwater Fishing Record

Bonnethead

Sphyrna tiburo

Old Record: 13 lbs. 8.64 oz.

New Record: 15 lbs. 2.4 oz.

Angler: Tucker House

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All Tackle Division: Spear

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All Tackle Saltwater Fishing Record

Red Lionfish

Pterois volitans

Old Record: 1 lb 11.41 oz.

New Record: 1 lb. 13.44 oz.

Angler: Sean Cook

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Required:

Motion to Adopt New State Records.

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