ENHANCE ★ PROTECT ★ CONSERVE

Commission on Marine Resources

November 19, 2019

ENHANCE ★ PROTECT ★ CONSERVE

Employment, Contracts and Procurement Updates

November 19, 2019

D.1.

Employment Updates

- 11.01.19 – Michael Brochard – NERR Resource Specialist II

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
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Contracts and Procurements for November 2019

Currently Advertised Procurements					
Office Requesting	Procurement Method	Estimated Amount	Commodity / Service Description	Board Approval	Funding Source
Marine Fisheries	Request for Applications	$47,279.88	Off-Bottom Aquaculture Contract Worker	OPSCR Staff Approval	100% OBOA

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Title 22 Part 20

Administrative Penalty Procedures

Chapter 21

Paragraphs 104 & 105

- On Oct 28, 2019, The Commission conducted a Work Session to discuss the proposed language that was presented at the September 17, 2019 Commission meeting.

- A motion was made at the Work Session to take the proposed language establishing a penalty matrix for administrative actions out for Notice of Intent.

MISSISSIPPI DEPARTMENT OF MARINE RESOURCE
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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.

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
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Request for Permit Extension by:
V.T. Halter Marine Inc.
File: DMR-050058

- Location: BayouCasotte, 900 Bayou Casotte Parkway in Pascagoula, Jackson County, MS

- Use District: (I) Industrial Development Use District

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Project Description

- The applicant is requesting to extend an existing maintenance dredging permit for two (2) years until February 9, 2022. The previous Permit authorized:
  - Maintenance Dredging
    - Approximately 117,995 cubic yards of material from Bayou Casotte at seven (7) locations

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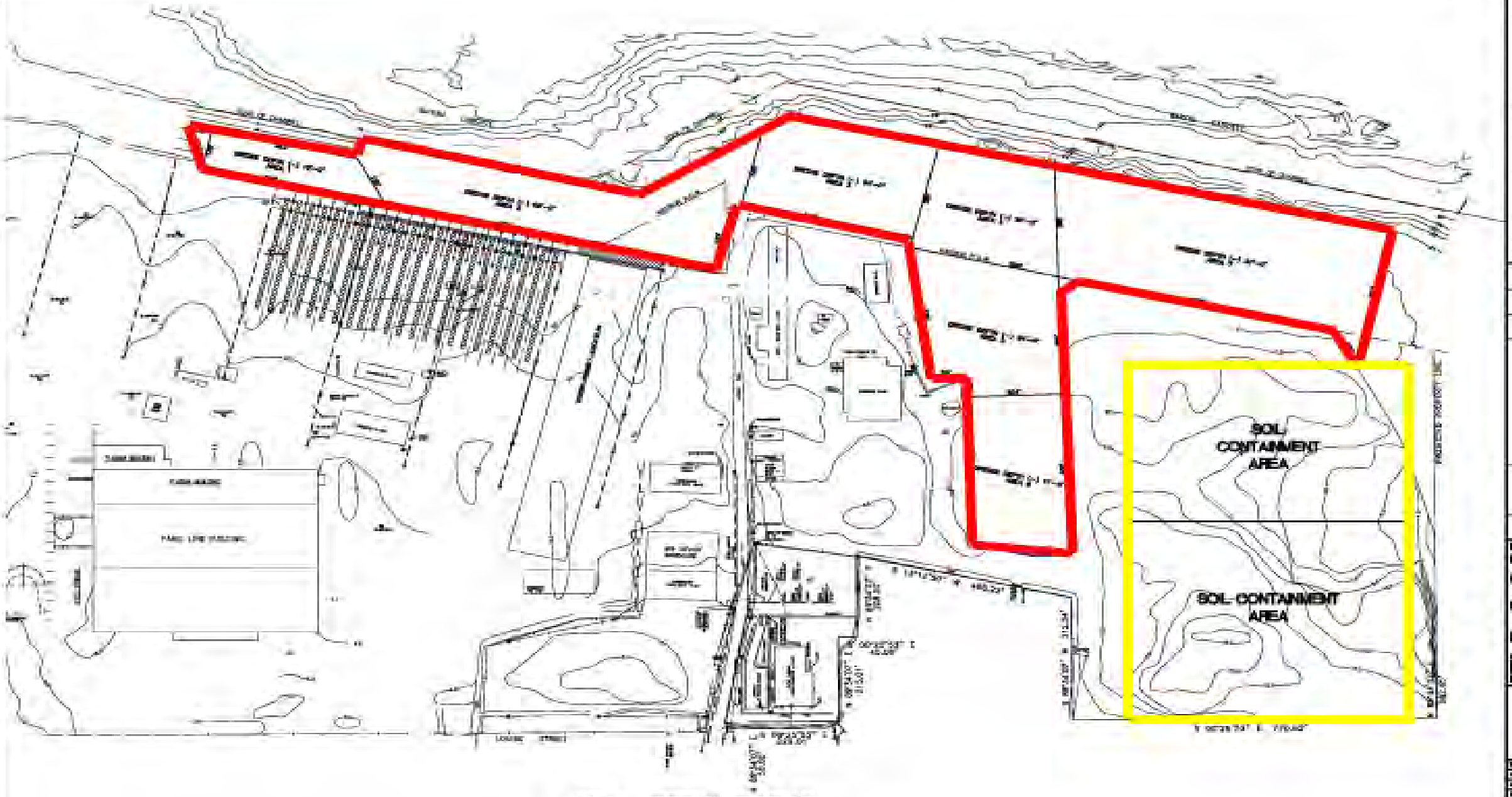
Newman Ave
Bayou Ave
Petit Bois St
Forrest St
Hester St
26th St
Geerkin St
Abbeyville St
Heidenheim St
Rosiers St
Pawnee St
Navaho Ave
Cove St
Ruland St
Sea
Enger St
Martin St
Louise St
Potievin St
Mohawk Ave
Cherokee Dr
Bayou Casotte Pkwy
V.T. Halter Marine, Inc.
E Port Rd
Lee Henning Rd
Ashby Rd
Jenkins Rd
Jeb Stuart Rd
Wheeler Rd
Mosby Rd
Imboden Rd
Baker Rd
W Hardee Rd
Greenwood Island
Industrial Rd
Cleburne Rd
Early Rd
Barron Rd
Hood Rd
Bragg Rd
Ewell Rd
Forrest Rd
Daniel Hill Rd
Longstreet Rd
Mag Rd
Morgan Rd
S Pemberton Rd
Pickett Rd
N Van Dorn
Pillow Rd
Polk Rd
Robert E. Lee Rd
Hampton Rd
Al Guerard Rd
A. P. Hill Rd
Jackson Rd
Anderson Rd
Walker Rd
Stafford Rd
Gregg Rd
S Van Dorn
Barksdale Rd
Wickham Rd
E Hardee Rd
611
Pegram Rd
Bangs
N
4000 ft
Google Earth

V.T. Halter Marine, Inc.
Washington Ave
Bayou Casotte Pkwy
Google Earth
N
1000 ft



OVERALL SITE PLAN

V.T. HALTER MARINE, INC.
Pascagoula Operations
Maintenance Dredging Permit

C1

Project Chronology

- <u>February 9, 2010</u>: CMR approved applicant's request to dredge approximately 117,995 cubic yards of material

- <u>October 3, 2019</u>: Applicant submitted a request for a two (2) 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 two (2) years (February 9, 2022).

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Request for Permit by:
City of Waveland
File: DMR-180143

- Location: Mississippi Sound on Beach Boulevard in Waveland, Hancock County, MS
- Use District: (G) General Use District
- Project Purpose/Need:
  - To provide access to the beach for people in wheelchairs or with other access limitations
- Agent: Compton Engineering, Inc.

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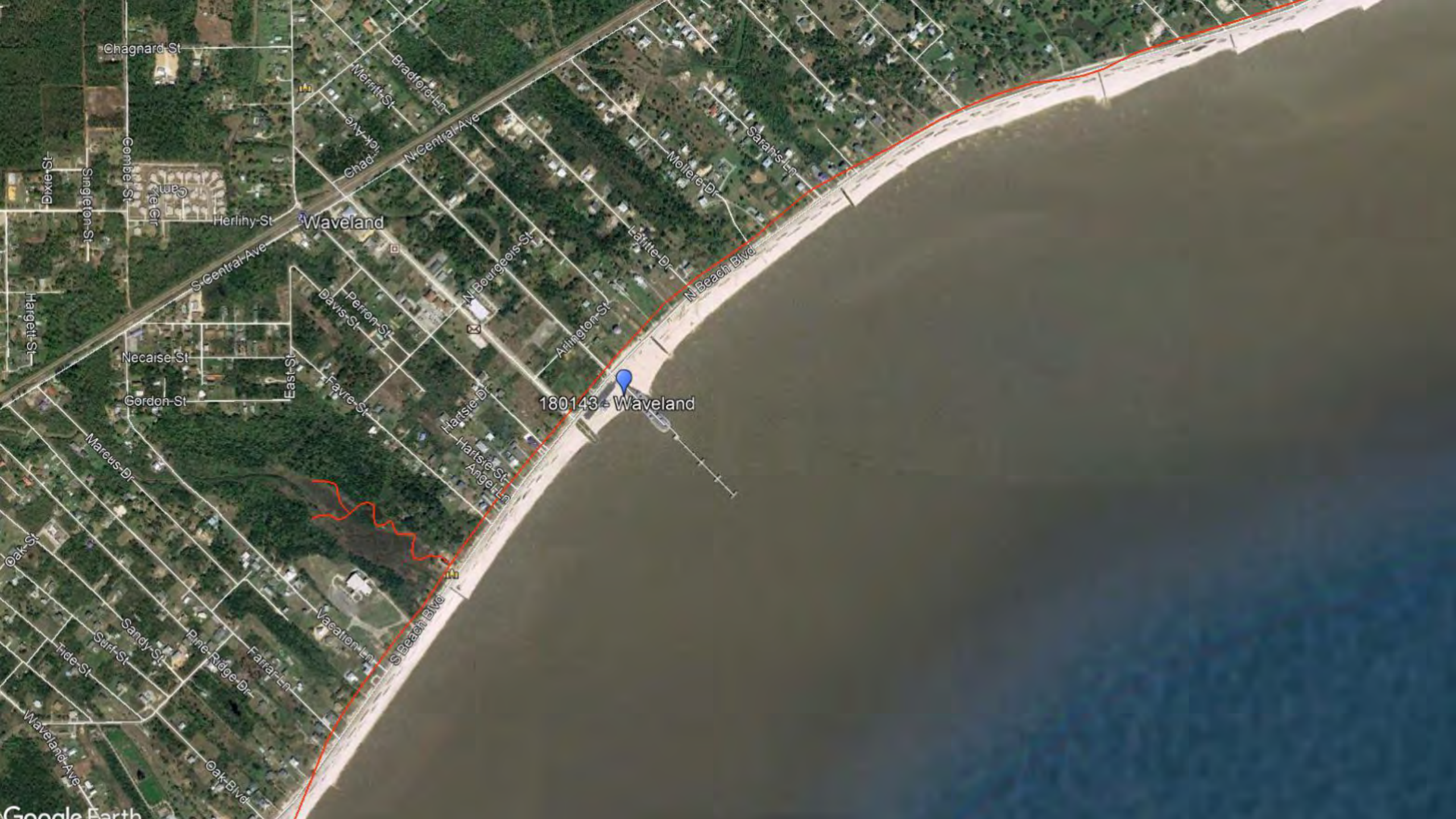
Chagnard St
Merritt St
Bradford Ln
N Central Ave
Chad
Sarah S Ln
Mollere Dr
Latitte Dr
N Beach Blvd
Dixie St
Singleton St
Combe St
Herlihy St
Waveland
S Central Ave
N Bourgeois St
Arlington St
Hargett St
Davis St
Perron St
Necaise St
East St
Favre St
Gordon St
180143 - Waveland
Hartsie Dr
Hartsie St
Marcus Dr
Oak St
Vacation Ln
S Beach Blvd
Sandy St
Surf St
Pine Ridge Dr
Farrar Ln
Tide St
Waveland Ave
Oak Blvd
Google Earth

Project Description

- Fill
  - 0.14 acre of coastal wetlands, of which:
    - 0.02 acre unvegetated waterbottoms
    - 0.12 acre previously filled sand beach

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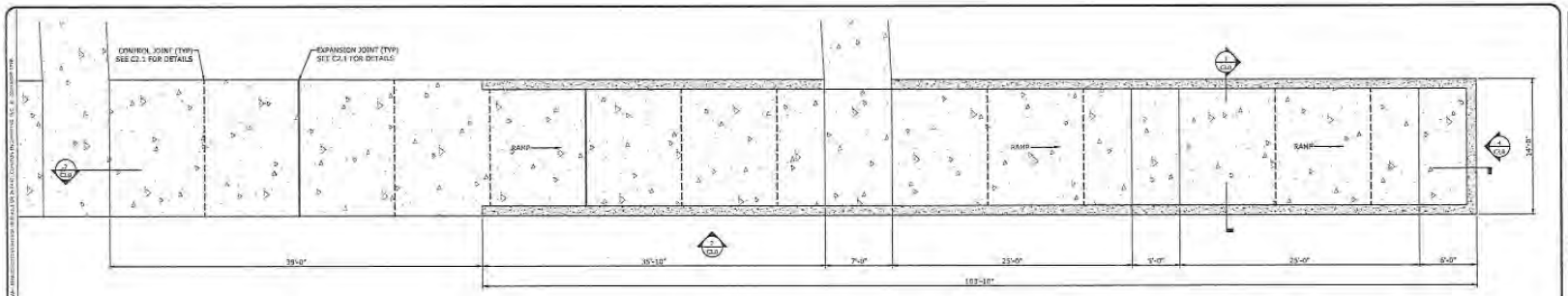
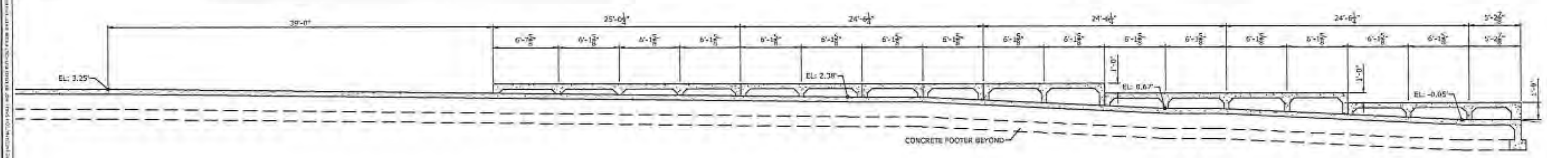
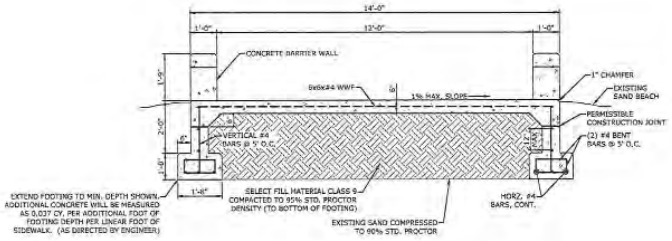
EXISTING RIPRAP
RELOCATED GUARDRAIL
LANDING
RAMP
ASPHALT ROAD
EXISTING COVERED PAGODA
PROPOSED WATER SPIGOT
EXISTING PARKING
PROPOSED ACCESSIBLE CONCRETE RAMP (SEE C3.0 FOR DETAILS)
CONCRETE BARRIER WALL
SCALE: 1" = 10'
1 C2.0 PROPOSED SITE PLAN
SCALE: 1" - 10'
COMPTON ENGINEERING, INC.
ENGINEERING, SURVEYING & ENVIRONMENTAL SERVICES
PASCAGOULA • BILOXI • BAY ST. LOUIS
228-762-3970 228-432-2133 228-467-2770
www.comptonengineering.com
CITY OF WAVELAND
WAVELAND, MISSISSIPPI
ACCESSIBLE BEACH ACCESS PROJECT
PROPOSED SITE PLAN
SCALE: AS NOTED
JOB NO.: 219-033
DATE:
DSGN.: J. BURAS
DWG. BY: T. PARKER
CHK.:
APVD.:
C2.0



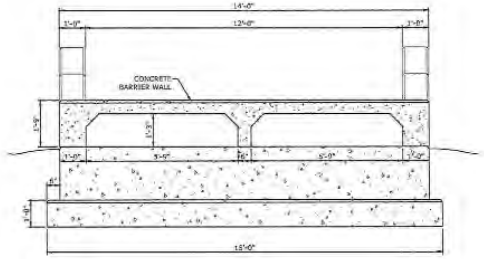
1 C3.0 PROPOSED ACCESS RAMP - PLAN
SCALE: 3/16" = 1'-0"



2 C3.0 PROPOSED ACCESS RAMP -SECTION
SCALE: 3/16" = 1'-0"



3 C3.0 PROPOSED ACCESS RAMP -SECTION
SCALE: 1/2" = 1'-0"



4 C3.0 PROPOSED ACCESS RAMP -ELEVATION
SCALE: 1/2" = 1'-0"

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www.comptonengineering.com

CITY OF WAVELAND
WAVELAND, MISSISSIPPI

ACCESSIBLE BEACH ACCESS PROJECT
ACCESSIBLE RAMP PLAN, SECTIONS & ELEVATION

SCALE: AS NOTED
JOB NO.: 219-033
DATE:
DSGN.: J. BURAS
DWG. BY: T. PARKER
CHK.:
APVD.:

C3.0

S:\Bay St Louis\D-PROJECTS\2019\219-033 - City of Waveland Miscellaneous Services\219.033.002 - Handicap Access to Beach\Dwgs\Current Design\Concept-Design\C3.0-C3.2.dwg, C3.0, 7/30/2019 11:01:26 AM, tommyp

CAUTION

Project Description

continued

- The applicant has requested variances:
  - Chapter VIII, Section 2, Part III.O.1. of the MCP.
    - Permanent filling of Coastal Wetlands because of potential adverse and cumulative environmental impacts is discouraged.
  - Miss. Admin. Code Title 22, Part 23, Chapter 8, Section 114.01
    - Permanent filling of coastal wetlands below the mean high tide line because of potential adverse and cumulative environmental impacts is not authorized
- These variance requests were justified under Ch. VIII, Sect. 2, Part I.E.2.c.iii. and Miss. Admin. Code Title 22, Part 23, Chapter 8, Section 118.04
  - The activity requires a waterfront location, there is a significant public benefit in the activity and a public hearing was held on October 29, 2019

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Public and Agency Notification

- Notification of this project appeared in The Sun Herald on October 6, October 13, and October 20, 2019, and in the Sea Coast Echo on October 5, October 12, and October 19, 2019.
- A public hearing was held on Tuesday, October 29, 2019 at 5:30 p.m. at the Waveland City Hall located at 301 Coleman Avenue, Waveland, Mississippi.
  - One public comment was received concerning the material the walkway and ramp will be made out of.
- MDEQ: Reviewing the Project
- MDAH: No Objection
- MS SOS: There is an existing Tidelands Lease that includes the stated use and purpose of this addition
- MS DWFP: No Comments

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Recommendation

- Based upon departmental review and evaluation based on the decision factors in Ch. 8, Sect. 2, Part I.E.2. of the MCP, it has been determined that the project will have a significant public benefit. Therefore, staff recommends that the CMR approve the variance request and issue the requested permit, contingent on Water Quality Certification from MDEQ.

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Violation/ATF General Permit by:
Keith Ladner
File: DMR-110118

- Location: Jourdan River at 3064 Palmetto Lane, Bay St. Louis, Hancock County, MS

- Use District: (G) General Use District

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Project Description

- Existing Structures
  - Boathouse:
    - Authorized - 24’ x 12.5’
    - Constructed - 24’ x 17’
  - Pier:
    - Authorized - 13’ x 11.5’
    - Constructed - 16’ x 14’

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
ENHANCE ★ PROTECT ★ CONSERVE

Project Description

- **Requested structures:**
  - **Floating pier - 8’ x 5’**
  - **Bulkhead – 45 linear feet of bulkhead reconstructed in the same footprint**

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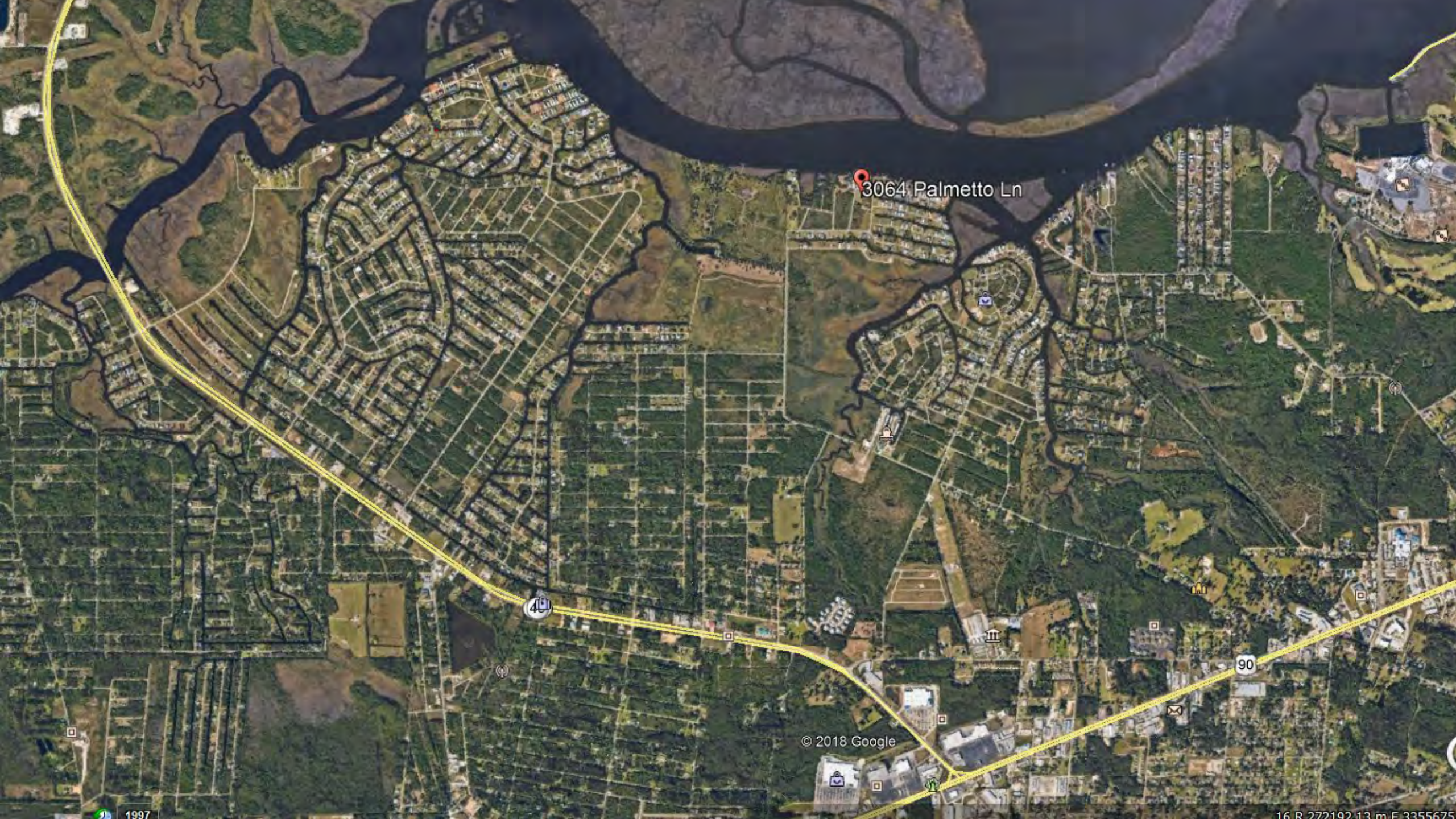
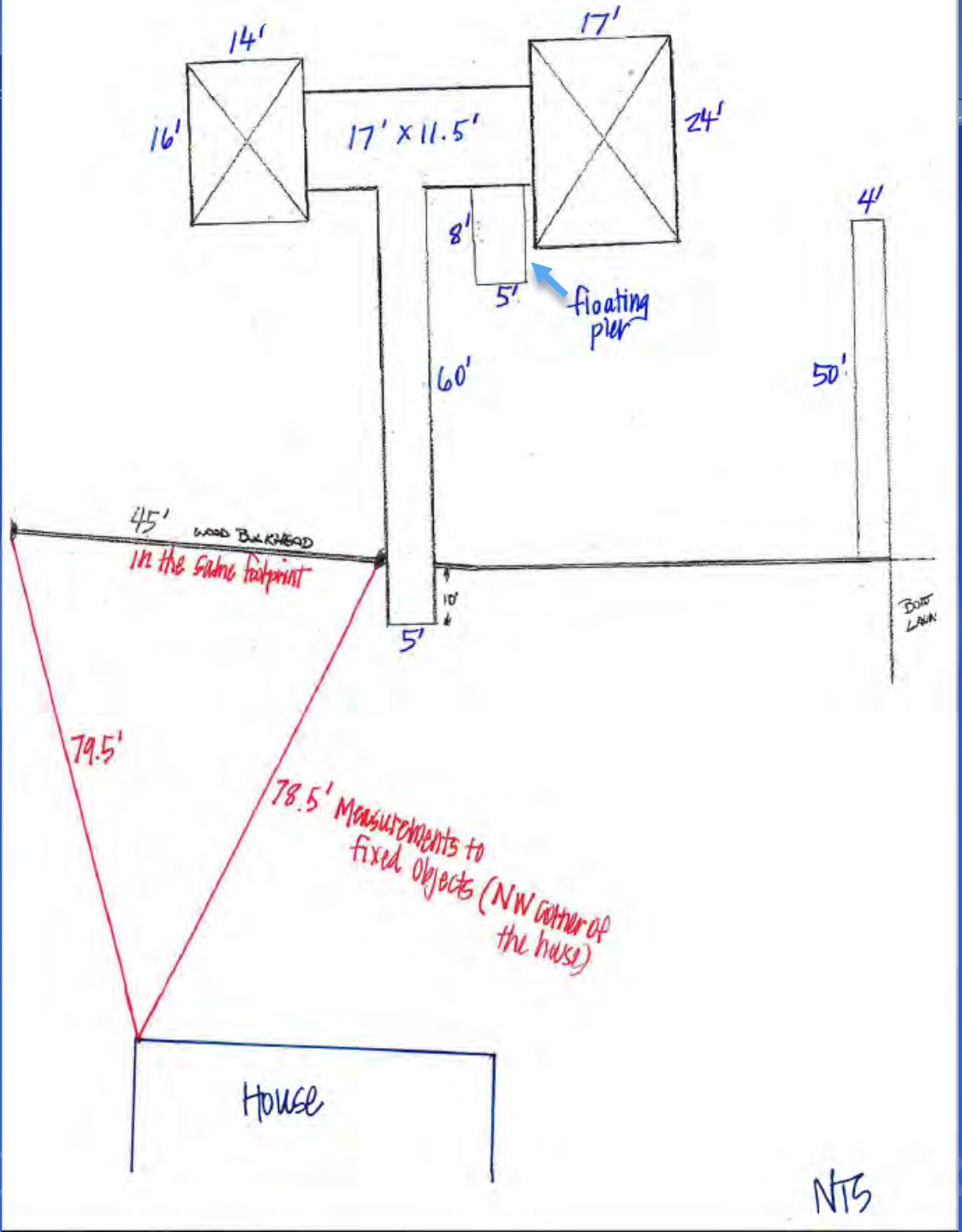

3064 Palmetto Ln
90
© 2018 Google
1997
16 R 272192.13 m E 3355675


14'
16'
17' x 11.5'
17'
24'
8'
5'
floating pier
4'
50'
60'
45'
WOOD BULKHEAD
in the same footprint
10'
5'
BOAT LAUN
79.5'
78.5' Measurements to fixed objects (NW Gutter of the house)
House
NTS

2019. 9. 10 14:05

Project Chronology

- **<u>July 23, 2019</u>: An application to reconstruct a bulkhead was submitted.**
- **<u>August 28, 2019</u>: A site visit was performed that revealed previously permitted structures were constructed out of compliance.**
- **<u>August 29, 2019:</u> The agent was contacted and an After-the-Fact application was requested**
- **<u>September 26, 2019:</u> After-the-fact application was received.**

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Potential Penalty Range

- Violation discovered: August 28, 2019
- Violation duration: 28 days
- Maximum potential fine for residential: $14,000 (minimum $50)
- Recommended Fine:
  - No fine is recommended
- Decision Factors:
  - No previous violations
  - Cooperative
  - Could have been authorized under the General Permit Guidelines

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Recommendation

- Grant after-the-fact authorization because the project would have been authorized by a General Permit if the applicant had submitted an application prior to completing the structures

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Mississippi
Department of Marine Resources

Agency Financial Results

as of October 31, 2019

Commission on Marine Resources
November 19, 2019

Key Metrics:

- State Revenue of $3.7M
- Agency Revenue of $17.6M
- State Net Income of $1.7M
- Agency Net Income of $9.9M

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

	State	Federal : GOMESA PHII: 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	-	2,003,116	2,003,116	-	2,003,116
Sales Revenue	283,826	-	283,826	320	284,146
Indirect Cost Recovery	378,975	-	378,975	-	378,975
Other Revenue	60,455	41,198	101,652	11,866,750	11,968,402
Current Budget Year Revenue:	3,773,255	2,044,313	5,817,568	11,867,070	17,684,638
Expenditures:					
Salaries, Wages, Fringe	1,690,719	885,565	2,576,284	264,373	2,840,658
Travel	18,780	11,312	30,091	13,792	43,884
Contractual Services	158,250	1,896,407	2,054,657	289,910	2,344,568
Commodities	136,481	1,080,237	1,216,719	58,437	1,275,156
Other than Equipment	-	-	-	-	-
Equipment	13,655	14,601	28,255	26,931	55,186
Vehicles	-	-	-	-	-
Wireless Devices	-	-	-	-	-
Subsidies, Loans, and Grants	4,375	764,082	768,457	452,261	1,220,718
Current Budget Year Expenditures:	2,022,260	4,652,204	6,674,464	1,105,705	7,780,169
Current Budget Year Net Income/(Loss):	$ 1,750,995	$ (2,607,891)	$ (856,896)	$ 10,761,365	$ 9,904,469

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Financial Budget Comparison

- After four months of Fiscal Year 2020:

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
2020 Budget Comparison
As of October 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	$ 2,576,284	$ 264,373	$ 2,840,658	$ 7,339,459	$ 923,473	$ 8,262,931	64.9%	71.4%	65.6%
Travel	30,091	13,792	43,884	129,261	11,208	140,468	76.7%	-23.1%	68.8%
Contractual Services	2,054,657	289,910	2,344,568	5,249,559	927,682	6,177,241	60.9%	68.7%	62.0%
Commodities	1,216,719	58,437	1,275,156	4,638,561	383,201	5,021,761	73.8%	84.8%	74.6%
Equipment	28,255	26,931	55,186	556,398	291,411	847,809	94.9%	90.8%	93.5%
Vehicles	-	-	-	45,000	12,387	57,387	100.0%	0.0%	0.0%
Wireless Devices	-	-	-	6,250		6,250	100.0%	0.0%	100.0%
Subsidies, Loans, and Grants	768,457	452,261	1,220,718	30,997,231	6,513,303	37,510,533	97.5%	93.1%	96.7%
Total Expenditures:	$ 6,674,464	$ 1,105,705	$ 7,780,169	$ 48,961,717	$ 9,062,664	$ 58,024,381	86.4%	87.8%	86.6%

- Operating Funds have 86.4% of Budget remaining
- Tidelands Trust Fund has 87.8% of Budget remaining

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Title 22 Part 7: Commercial Tarpon Regulations Final Adoption

Joe Jewell

November 19, 2019

K.1.

Background

- At the September 17, 2019 CMR meeting, the following motion was passed:
  - **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.

- At the October 15, 2019 CMR meeting this item was removed from the agenda.

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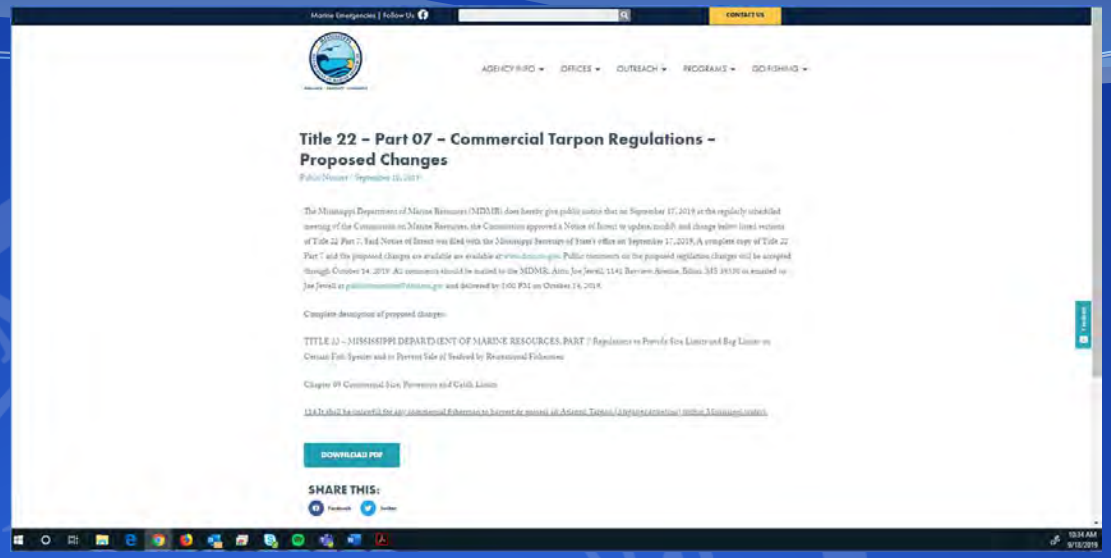
MDMR Web Notice

CMR Passed Notice of Intent on September 17, 2019

Notice of Intent filed with the SOS on September 17, 2019

September 18, 2019
MDMR Web Page Notice

Legal Notice Appeared in the Sun Herald on September 20, 2019.



SOS NOI Notice

Sun Herald Notice

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Public Comments on Title 22 Part 7

- Public comment period: September 18, 2019 through October 14, 2019 – 27 Days.
- No public comments were received.

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
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Title 22 Part 7 Chapter 9

Chapter 9 Commercial Size, Possession and Catch Limits

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 Final Adoption for regulatory changes to Title 22 Part 7 Chapter 9 – unlawful for any commercial fisherman to catch or possess an Atlantic Tarpon (*Megalops atlanticus*) within Mississippi waters.

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Title 22 Part 7: Commercial Shark Fishery Final Adoption

Trevor Moncrief

November 19, 2019

K.2.

Background

- At the October 15, 2019 CMR meeting, the following motion was passed regarding a commercial shark fishery:
  - Motion - To proceed with a Notice of Intent for regulatory changes to Title 22 Part 7 Chapter 9 regarding the development of a commercial shark fishery

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
ENHANCE ★ PROTECT ★ CONSERVE

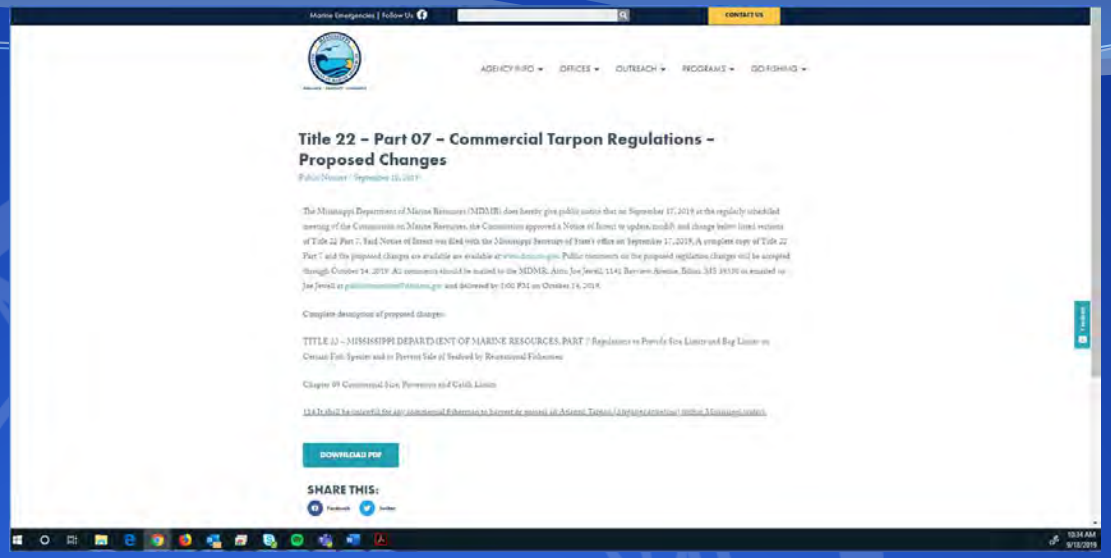
MDMR Web Notice

CMR Passed Notice of Intent on October 15, 2019

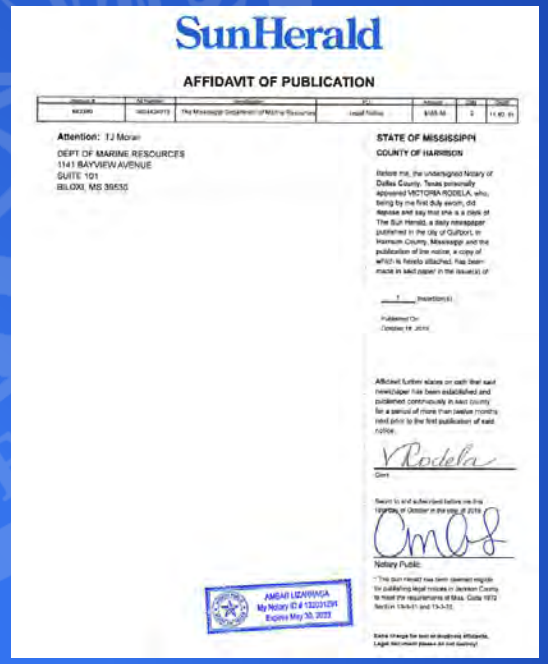
Notice of Intent filed with the SOS on October 15, 2019

October 16, 2019
MDMR Web Page Notice

Legal Notice Appeared in the Sun Herald on October 18, 2019



SOS NOI Notice



Sun Herald Notice

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Public Comments on Title 22 Part 7

- Public comment period: October 15, 2019 through November 8, 2019 – 25 Days
- No public comments were received

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
ENHANCE ★ PROTECT ★ CONSERVE

Title 22 Part 7 Chapter 9

Title 22 Part 7 Chapter 9 Commercial Size, Possession and Catch Limits

100

100.28 Small Coastal Sharks – twenty-five (25) inches total length

100.29 Large Coastal Sharks – thirty-seven (37) inches total length

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
ENHANCE ★ PROTECT ★ CONSERVE

Title 22 Part 7 Chapter 9

Title 22 Part 7 Chapter 9 Commercial Size, Possession and Catch Limits

~~102 The practice of "finning", that is, removing only the fins and returning the remainder of the shark to the sea is unlawful.~~

~~103~~102 It shall be unlawful for any commercial fishermen to possess any Cobia smaller than thirty-three (33) inches fork length or to possess more than a daily bag limit of two (2) Cobia per person.

~~104~~103 It shall be unlawful for any commercial fisherman, person, firm or corporation, to sell, barter or trade any species of reef fish (identified in Chapter 09 Sections 100.08 through 100.25) without possessing the proper federal permits and/or licenses required by the NOAA Gulf of Mexico Reef Fish Fishery Management Plan and complying with any other conditions set forth by federal or state regulations for the management of the identified reef fish.

~~105~~104 It shall be unlawful for any commercial fisherman, person, firm or corporation, to possess or harvest from Mississippi territorial waters, in excess of three thousand pounds (3,000) of King Mackerel, per vessel, per trip, per day.

~~106~~105 It shall be unlawful for person, firm, or corporation to sell or purchase the following species of billfish without the proper federal documentation: Blue Marlin *(Makaira nigricans)*, White Marlin *(Tetrapturus albidus)*, and Sailfish *(Istiophorus platypterus)*.

ENHANCE ★ PROTECT ★ CONSERVE

Title 22 Part 7 Chapter 9

Title 22 Part 7 Chapter 9 Commercial Size, Possession and Catch Limits

113 Beginning January 1, 2020, any individual or vessel commercially harvesting small coastal or large coastal sharks in Mississippi's territorial waters must possess a MDMR shark endorsement (10.00) in addition to a current applicable harvester license. In addition, all individuals applying for a shark endorsement must be a Mississippi resident and present documentation of the successful completion of a MDMR approved shark identification exam and protected species safe handling workshop. The open season in Mississippi territorial waters for the commercial harvest of sharks shall run concurrent with federal shark seasons for the Western Gulf of Mexico Sub-Region.

113.01 The practice of "finning", that is, removing only the fins and returning the remainder of the shark to the sea is unlawful. All sharks commercially harvested in Mississippi state territorial waters must be landed in whole form with fins naturally attached by at least some portion of uncut skin. Sharks may be gutted prior to landing.

113.02 It shall be unlawful for any commercial fisherman to possess a daily bag limit of more than twenty-five (25) small and large coastal sharks in aggregate per vessel per day.

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Required:

A motion to proceed with Final Adoption for regulatory changes to Title 22 Part 7 Chapter 9 regarding the development of a commercial shark fishery.

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Charter For-hire Reporting Program

Matt Hill

November 19, 2019

K.3.

Background

- At the September, 17 2019 CMR Meeting, the following motion was passed regarding the Charter For-hire (CFH) reporting program:
  - Motion: For Fisheries staff to come back to the October CMR meeting with recommendations regarding a Charter For-hire reporting program
- This presentation will outline potential options and considerations for a Charter For-hire reporting program.

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CFH Survey Options

- Recommendation for reporting system to be similar to the Southeast Region Headboat Survey – participating vessels can report electronically
- Reported trip information: trip date, departure time, return time, number of anglers, fish harvested, fish released

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CFH Survey Options

Voluntary reporting

- Participating captains can report requested information by the end of each week
- Trip information may be validated by recreational fisheries surveys already in place (MRIP)
- CFH survey method would be very similar to current MRIP Charter For-hire survey

Mandatory reporting

- Hail in/hail out for each trip
- Captains must report requested trip information by the end of each week
- If trip information is not reported, participant will not be able to access CFH survey system until requested trip information has been reported
- Trip information can be validated through dockside sampling and current MRIP Charter For-hire survey methods

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CFH App Projected Costs

Summarized Projected Annual Budget - CFH Survey	
Personnel	$150,573
Incidental Cost	$5,100
Application Development	$150,000
Maintenance	$30,000
Total	$335,673

- Personnel includes two full time staff along with five partially-funded staff
- Application and maintenance costs derived after consultations with MDMR IT
- All costs, with the exception of development, would be annually recurring

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CFH Survey Considerations

- Logbook option allowing captains to see trip information for all previous trips
- Voluntary reporting will likely provide incomplete trip information which is less reliable
- Current MRIP survey provides trip information on Charter For-hire fishing trips
- Voluntary reporting would be more difficult to validate
- Mandatory reporting allows validation, produces reliable information and creates catch histories for users

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Action: CMR to direct staff on how to proceed

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