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Mississippi Advisory Commission on Marine Resources

August 17, 2021



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Employment, Contracts and Procurement Updates August 17, 2021

Employment Updates

- Michele Marroy – New Hire - Procurement Specialist – 08.23.2021
- Todd Curry – Promoted to Senior Master Sergeant – 08.01.2021
- Shay Smith – Promoted to Master Sergeant – 08.01.2021
- Wyatt Webb – Promoted to Corporal – 08.01.2021
- Donovan Dawsey – Promoted into a Full Time State Position as Patrol Officer I – 08.01.2021 - (Previously Worked on The Port Security Grant in a Time Limited Position)



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Mississippi Advisory Commission on Marine Resources

August 17, 2021



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Actions Update August 17, 2021

Discussed at the July 2021 meeting:

- 1) Motion to recommend to the Executive Director that the new format and changes to Title 22, Part 22 be forwarded to the Secretary of State's Office for final adoption.
- 2) Motion to recommend to the Executive Director that the new format and changes to Title 22, Part 1 be forwarded to the Secretary of State's Office for final adoption.
- 3) Motion to recommend to the Executive Director that the new format and changes to Title 22, Part 10 be sent to the Secretary of State's Office for Notice of Intent.
- 4) Motion to recommend to the Executive Director that the new format and changes to Title 22, Part 11 be sent to the Secretary of State's Office for Notice of Intent.

- 5) Motion to change the date of the October Commission meeting from October 19, 2021 to October 12, 2021.
- 6) Motion to recommend approval of the Hancock County Port and Harbor Commission's request for modification to the Coastal Zone Consistency Determination and to remove the SAV mitigation proposal on the Port Bienville Canal in Pearlington, MS.
- 7) Motion to recommend approval of Jackson County Port Authority's request for modification to:
 - Reduce the acreage of wetlands impacts from 4.89 to 0.9
 - Reduce the mitigation from creation of 3.8 acres of tidal and tidally- influenced marsh to 0.9 acres
 - Remove the purchase of wetland mitigation credits
 - Approve the variance requests contingent on 401 Water Quality Certification from MDEQ
- 8) Motion to recommend that the Executive Director approve the State Saltwater Finfish Records.
- Director approved the motions as recommended.

July 2021 State Saltwater Finfish Records

- a. Conventional Record
 - 1. Keeltail Pomfret (*Taractes rubescens*) - 16 lbs. 8. oz. – Jimmy Boleware
 - 2. Bull Shark (*Carcharhinus leucas*) – 377 lbs. 4 oz. – David Rogers
- b. Fly Record
 - 1. Shark Sucker (*Echeneis naucrates*) - 3 lbs. 4.8 oz. - Doug Borries
 - 2. Little Tunny (*Euthynnus alletteratus*) – 14 lbs. 2.4 oz. - Doug Borries
- c. Youth Record
 - 1. Red Snapper (*Litjanus campechanus*) – 19 lbs. 1 oz. Mason Watts

Pending Items for Discussion (from April 2021 Meeting)

Commission's motion to recommend that the request for after-the-fact authorization for existing boathouse, approval for proposed boathouse, and recommended fine for violation to the contractor, Cleo Benward, be tabled until such time that more information can be obtained from Vivek Barclay, the owner of the property located on Bayou Porteaux, 14113 El Camino Real Road in Ocean Springs, Jackson County, MS.

- A meeting with all parties present will take place prior to a final decision being made.



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Mississippi Advisory Commission on Marine Resources

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Changes to Title 22

Part 12

Vessel Seafood Transport in the State of Mississippi

Office of Marine Patrol
Captain Michael Strickland

Changes to Title 22 part 12

- Removed wording that was already covered in Mississippi Code.
- Referenced the applicable statutory or regulatory authorities
- Updated the chapter structure and format to “Rules” and “Sources” to conform with the format prescribed by the Secretary of States Office

Substantive Changes

- No Substantive Changes were made to any of the chapters.
- The following rules were reworded to state the requirements in a more clear straightforward manner.

Chapter 2

Transport Permit Required

- **Rule 2.1** A transport permit is required for each vessel desiring to land seafood in the state, which is legally taken outside of the Mississippi territorial waters without obtaining a license under Miss. Code Ann. §49-15-1 *et seq.*
- **Rule 2.2** A transport permit fee of one hundred dollars (\$100.00) shall be paid upon issuance of said transport permit.

Chapter 3

Penalties

- Rule 3.1 Any unlawful act under this Part committed by any person, firm, or corporation shall be deemed a violation of the provisions of this Part and shall constitute a misdemeanor. In the case of continuing violations, each day shall constitute a separate offense.
- MISS. CODE ANN. §§49-15-28, 49-15-34, and 49-15-63.

Chapter 4

Chapters and Subchapters Declared Separable

- Rule 4.1 Each chapter and subchapter of this Part is hereby declared separable, and if any chapter or subchapter or part thereof shall be held invalid or unconstitutional, the balance of said Title 22 Part 12 shall remain in full force and effect.
- Rule 4.2 Violations of more than one chapter or subchapter of this Part or part thereof shall be considered separate and punished as such.
- MISS. CODE ANN. §49-15-301.

Notice of Intent

Recommendation to the Executive Director that the new format and changes to Title 22, Part 12 be sent to the Secretary of State's Office for Notice of Intent.



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Mississippi Advisory Commission on Marine Resources

August 17, 2021



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Changes to Title 22

Part 16

*Boat and Water Safety on the Marine
Waters of the State of Mississippi*

Office of Marine Patrol
Captain Michael Strickland

Changes to Part 16

- Removed wording that was already covered in Mississippi Code.
- Referenced the applicable statutory or regulatory authorities
- Updated the chapter structure and format to “Rules” and “Sources” to conform with the format prescribed by the Secretary of States Office

No Substantive Changes – Chapters *INTRODUCTION*

- No Substantive Changes to Chapters 1, 6, 7, 8, 10, and 11

Substantive Changes – Chapter 2

Definitions added:

- A. COVERED RECREATIONAL VESSEL – means a recreational vessel that is less than 26 ft. overall in length and capable of developing 115 pounds or more of static thrust.
- C. ENGINE CUT-OFF SWITCH (ECOS) – An Engine Cut-off Switch is a safety mechanism used to shut off propulsion machinery when the operator is displaced from the helm.
- D. ENGINE CUT-OFF SWITCH LINK (ECOSL) – An ECOSL is the device that connects the operator to the ECOS. The link must be attached to the operator, the operator's clothing, or operator's personal floatation device. It is typically a coiled lanyard, but may also be an electronic fob.

Substantive Changes – Chapter 3

Restrictions

- Rule 3.1 A person may not operate or give permission to operate on the marine waters of the State of Mississippi a personal watercraft or any other covered recreational vessel unless it is equipped with an engine cut-off switch and an engine cut-off switch link attached to the operator while operating on plane or above displacement speed except when:
 - A. The main helm of the covered vessel is installed within an enclosed cabin; or
 - B. The vessel does not have an engine cut off switch and is not required to have one because it is not considered a covered recreational vessel.
- Rule 3.2 A vessel or personal watercraft livery (vendor) owner, or the livery owner's agent or employee shall prominently display these regulations governing personal watercraft:
 - A. Advise renters to read the regulations.
 - B. Within 30 days of the effective date of these regulations, add to the rental contract a statement that the renter or operator has read and understands the personal watercraft regulations. This statement shall be signed by the renter or operator and the livery (vendor) owner, retained in the files of the livery operator for at least 30 days, and be made available to the MDMR upon request.
- MISS. CODE ANN. §§ 59-21-81, 59-21-117, 59-21-119, 59-21-121, 59-21-127, 59-21-151 and 46 U.S.C.A §4312.

Substantive Changes – Chapter 4

Reckless and Negligent operation

- Rule 4.1 A person may not operate a vessel on the marine waters of the State of Mississippi in a reckless or negligent manner. Reckless and negligent operation of a vessel shall include, but is not limited to the following examples:
 - A. Operating at an excessive speed within one hundred (100) feet of another occupied vessel except in a crossing or overtaking situation as described in the Federal Rules of the Road.
 - B. Jumping, or attempting to jump the wake of another vessel, within one hundred (100) feet of the vessel.
 - C. Following within one hundred (100) feet of a water skier.
 - D. Weaving through congested vessel traffic.
 - E. Speeding in restricted or no wake areas.
 - F. Operating a vessel or personal watercraft in a manner that endangers the life, limb, or property of any person, including the operator.
 - G. Bow riding or allowing a person to ride any place on the vessel where there is a potential risk of injury. This includes, but is not limited to, riding on exposed bow decks, riding on swim platforms, riding on gunwhales, or riding any place on the vessel which was not designed as a normal passenger seat.
 - H. Towing a person/persons on water skis, aquaplane or a similar device during the hours between legal sunset and legal sunrise.
 - I. Operating the vessel with operator visibility obscured due to passenger positioning.
- MISS. CODE ANN. §§ 59-21-83, 59-21-87, 59-21-117, 59-21-119, 59-21-121, 59-21-127 and 59-21-151.

Substantive Changes – Chapter 5

Procedures for establishing No Wake Zones

- Rule 5.1 No wake zones will be instituted pursuant to Miss. Code Ann. §59-21-129 and in instances as the need arises and according to this defined procedure. In cases where citizens feel that a no wake zone is needed, they shall petition their County Board of Supervisors for its establishment, providing reasonable justification and evidence for the need. The Board of Supervisors may evaluate the request, and if found to be warranted, deliver it to the MDMR for consideration. The MDMR staff will investigate the request in light of the specific site and other factors which may come into play. If the need for a no wake zone is substantiated by this investigation, the results and staff recommendation will be presented to the MACMR for their evaluation and recommendation to the Executive Director for potential implementation.
- Rule 5.2 This same procedure may be used by any citizen to request the removal or modification of an existing no wake zone.
- MISS. CODE ANN. §§ 59-21-83, 59-21-87, 59-21-117, 59-21-119, 59-21-121, 59-21-127, 59-21-129 and 59-21-151.

Substantive Changes to Chapter 9

Rules of the Road

- Rule 9.1 Nothing in this Chapter will excuse a boat operator from complying with any and all navigation laws and rules of the road as published in the United States Coast Guard Navigation Rules.
- MISS. CODE ANN. §§ 59-21-83, 59-21-87, 59-21-117, 59-21-119, 59-21-121, 59-21-127, 59-21-151, 33 C.F.R. Chapter I Subchapters E Part 83-90, F Part 95-97, G Part 100, S Part 173 and 188-199, 33 C.F.R 83.08, 33 C.F.R 81.1-81.3

Notice of Intent

Recommendation to the Executive Director that the new format and changes to Title 22, Part 16 be sent to the Secretary of State's Office for Notice of Intent.



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Mississippi Advisory Commission on Marine Resources

August 17, 2021



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Title 22 Part 10 Marine Litter Final Adoption

Office of Marine Patrol
Captain Michael Strickland

Notice of Intent

On July 20, 2021, the Commission recommended to the Executive Director that the new format and changes to Title 22, Part 10 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 July 22, 2021.

Publication of Proposed Regulation

- Notice of the proposed regulation was published in the Sun Herald on August 6, 2021.
- Notice of the proposed regulation was also posted on the MDMR website on July 23, 2021.

Sun Herald Publication

MDMR Website Notice

	Beaufort Gazette Bismillah News-Courier Bellingham Herald Bradenton Herald Central City Times Charlotte Observer Columbus Ledger-Enquirer Pacific Edge	The Herald - Rock Hill Herald Sun - Durham Idaho Statesman Island Packet Kansas City Star Lexington Herald-Leader Norfolk Star-Star Omni Herald	of House Herald - Miami Missouri Blue Oregon News & Observer The Oregonian Sacramento Bee Fort Worth Star-Telegram The States - Columbia Sun Herald - Bismillah	Sun News - Myrtle Beach The News Tribune Tacoma The Telegraph - Jackson San Luis Obispo Tribune The City Herald Wichita Eagle
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AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36303	10246	BLX Legal Notice	Title 22 Part 10	\$603.00	3	20.50 in

Attention: Melissa Scallan
 DEPT OF MARINE RESOURCES
 1141 BAYVIEW AVENUE
 SUITE 101
 BILOXI, MS 39530

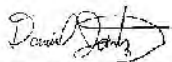
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STATE OF MISSISSIPPI COUNTY OF HARRISON


Before me, the undersigned Notary of Dallas County, Texas personally appeared Daniel Janzen, 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:

No. of Insertions: 1
 Beginning Issue of: 08/06/2021
 Ending Issue of: 08/06/2021

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.

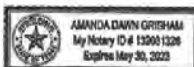


Sworn to and subscribed before me this 12th day of August in the year of 2021

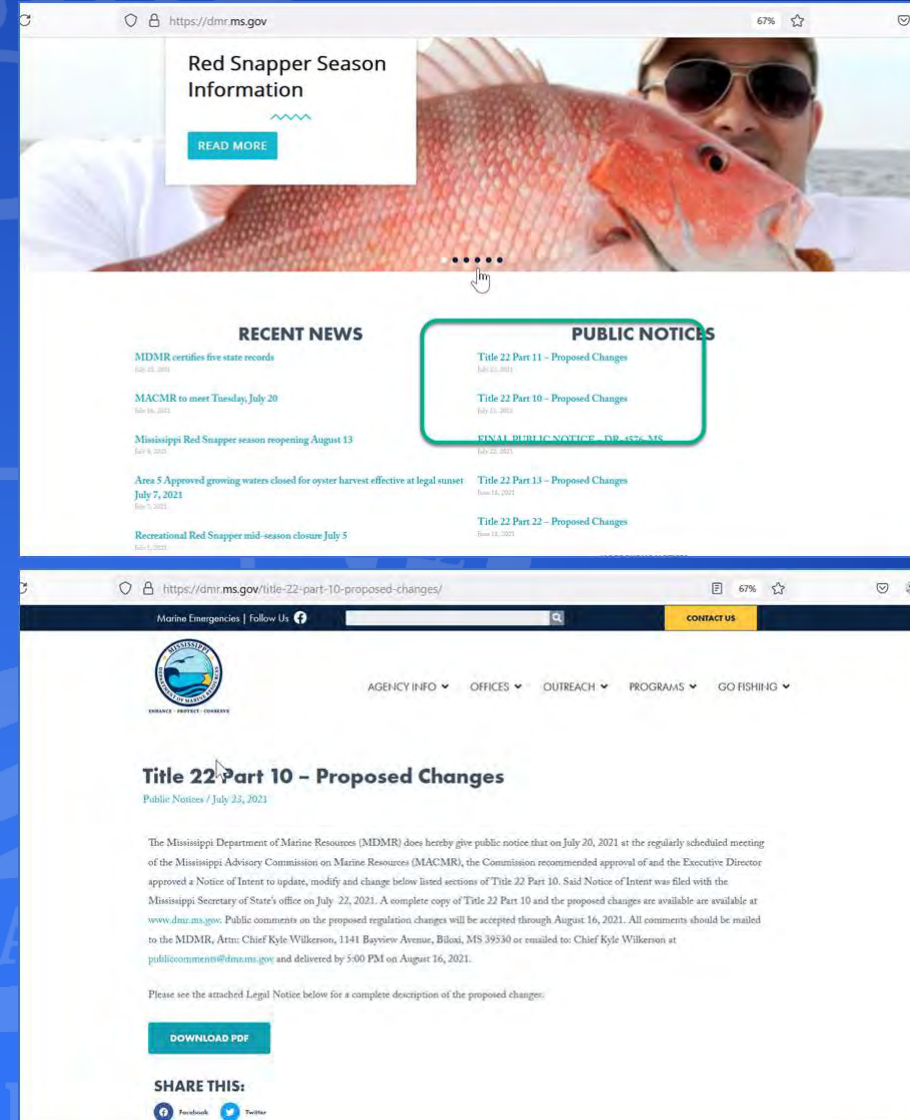


NOTARY PUBLIC

* 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.

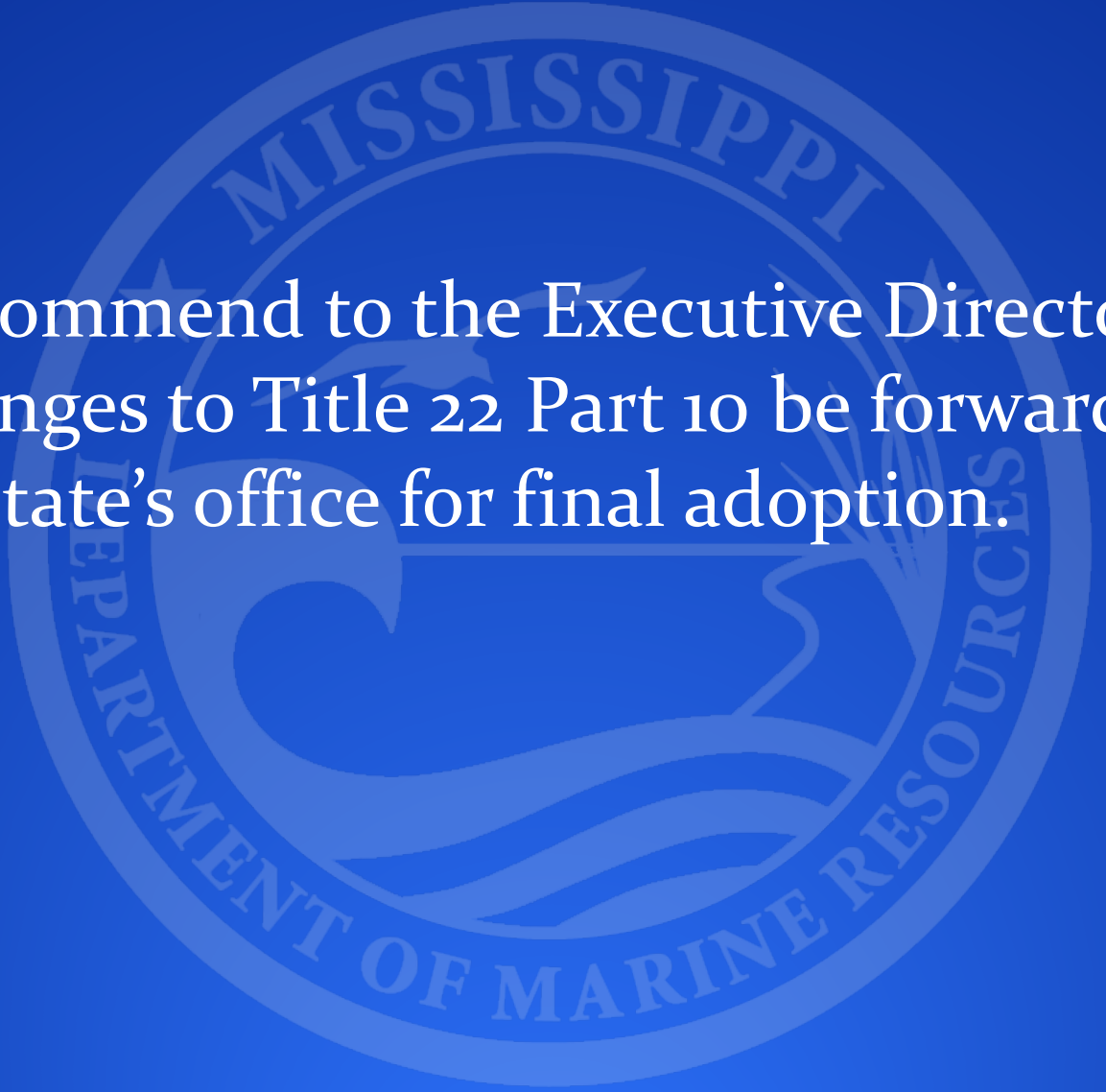


Extra charge for lost or duplicate affidavits.
 Legal document please do not destroy.



Public Comments

- Public comments were due to the MDMR by 5:00 p.m. on August 16, 2021.
- No public comments were received.

- 
- The seal of the Mississippi Department of Marine Resources is a circular emblem. The outer ring contains the text "MISSISSIPPI" at the top and "DEPARTMENT OF MARINE RESOURCES" at the bottom, separated by two stars. The inner circle features a stylized illustration of a sailboat on the water, with a sun or moon rising over a horizon line.
- Motion to recommend to the Executive Director that the proposed changes to Title 22 Part 10 be forwarded to the Secretary of State's office for final adoption.

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Mississippi Advisory Commission on Marine Resources

August 17, 2021



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Title 22 Part 11 Equipment and/or Nets Seized by the MDMR Final Adoption

Office of Marine Patrol
Captain Michael Strickland

Notice of Intent


On July 20, 2021, the Commission recommended to the Executive Director that the new format and changes to Title 22, Part 11 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 July 22, 2021.

Publication of Proposed Regulation

- Notice of the proposed regulation was published in the Sun Herald on August 6, 2021.
- Notice of the proposed regulation was also posted on the MDMR website on July 23, 2021.

Sun Herald Publication



Seaford Sabers
Belleville News-Democrat
Bellingham Herald
Brockton Herald
Central City Times
Charlotte Observer
Columbus Ledger-Enquirer
Pineville News

The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Marion Star
Miami Herald

El Paso Herald - El Paso
Herald-Examiner
Herald-Examiner
Herald-Examiner
Herald-Examiner
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Herald-Examiner
Herald-Examiner
Herald-Examiner

Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Jackson
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
36303	112358	BLX Legal Notice	Title 22 Part 11	\$300.00	3	10.18 in

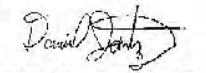
Attention: Melissa Scallan
DEPT OF MARINE RESOURCES
1141 BAYVIEW AVENUE
SUITE 101
BILOXI, MS 39530

**STATE OF MISSISSIPPI
COUNTY OF HARRISON**

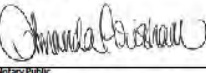
Before me, the undersigned Notary of Dallas County, Texas, personally appeared Daniel Jantzen, who, being by me first duly sworn, did depose and say that she is a clerk of The Sun Herald, a daily newspaper published in the city of Gulfport, in Harrison County, Mississippi and the publication of the notice, a copy of which is hereto attached, has been made in said paper in the issue(s) of:

No. of Insertions: 1
Beginning Issue of: 08/06/2021
Ending Issue of: 08/06/2021

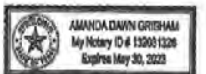
Affidavit further states on oath that said newspaper has been established and published continuously in said county for a period of more than twelve months next prior to the first publication of said notice.



Sworn to and subscribed before me this 14th day of August in the year of 2021



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 B-3-31 and B-3-32.


 AMANDA DAWN GRISHAM
 My Notary ID # 13000 1326
 Expires May 30, 2023

Extra charge for lost or duplicate affidavits.
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MDMR Website Notice

https://dmr.ms.gov
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Red Snapper Season Information

READ MORE



RECENT NEWS

MDMR certifies five state records
July 22, 2021

MACMR to meet Tuesday, July 20
July 19, 2021

Mississippi Red Snapper season reopening August 13
July 9, 2021

Area 5 Approved growing waters closed for oyster harvest effective at legal sunset July 7, 2021
July 7, 2021

Recreational Red Snapper mid-season closure July 5
July 5, 2021

PUBLIC NOTICES

Title 22 Part 11 - Proposed Changes
July 23, 2021


Title 22 Part 10 - Proposed Changes
July 13, 2021

FINAL PUBLIC NOTICE - DR 4576-SIS
July 22, 2021


Title 22 Part 13 - Proposed Changes
June 14, 2021

Title 22 Part 22 - Proposed Changes
June 14, 2021

https://dmr.ms.gov/title-22-part-11-proposed-changes/
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Title 22 Part 11 - Proposed Changes



Public Notices / July 23, 2021

The Mississippi Department of Marine Resources (MDMR) does hereby give public notice that on July 20, 2021 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 11. Said Notice of Intent was filed with the Mississippi Secretary of State's office on July 22, 2021. A complete copy of Title 22 Part 11 and the proposed changes are available at www.dmr.ms.gov. Public comments on the proposed regulation changes will be accepted through August 16, 2021. All comments should be mailed to the MDMR, Attn: Chief Kyle Wilkerson, 1141 Bayview Avenue, Biloxi, MS 39530 or emailed to: publiccomments@dmr.ms.gov and delivered by 5:00 PM on August 16, 2021.

Please see the attached Legal Notice below for a complete description of the proposed changes.

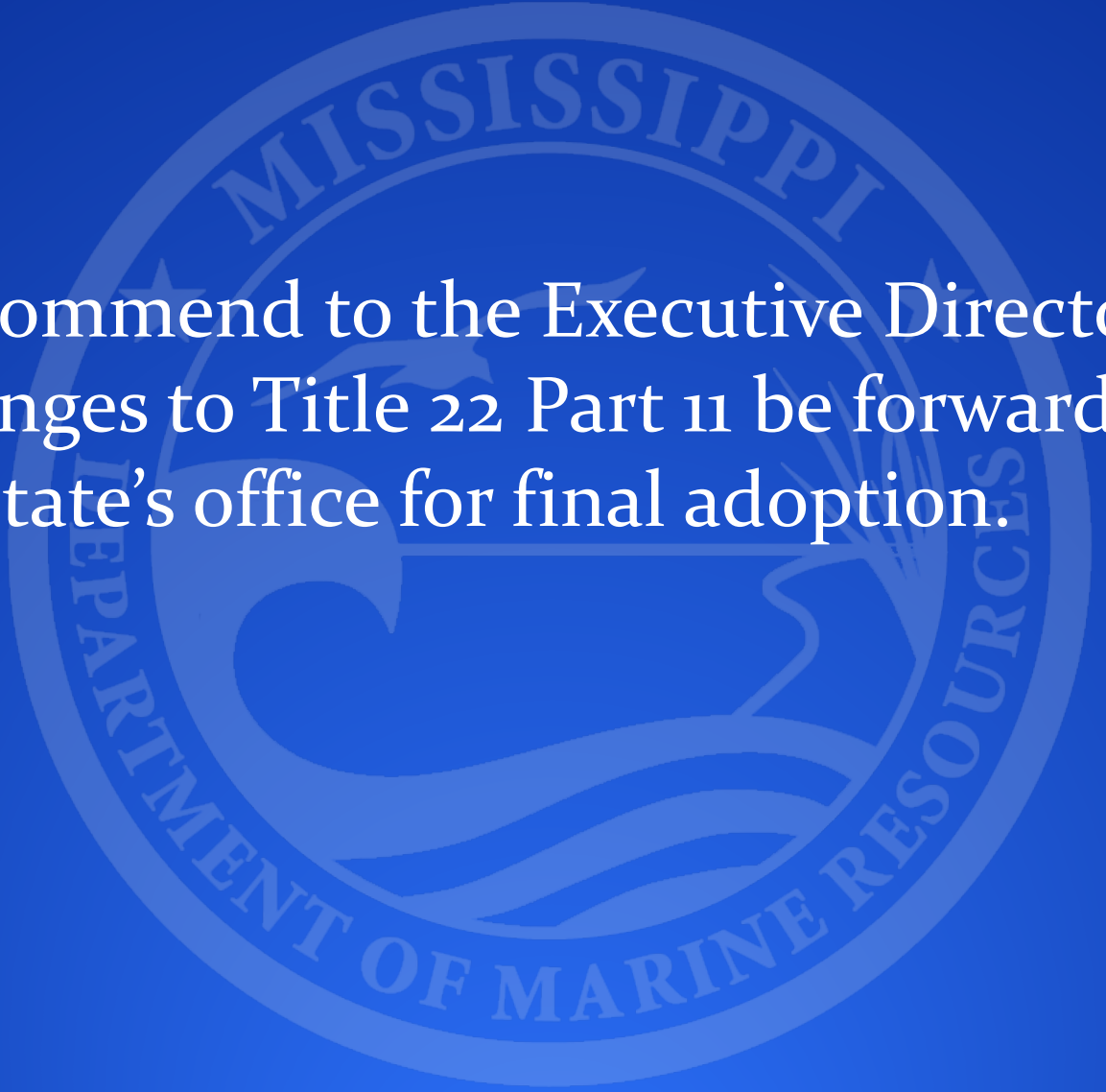
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Public Comments

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- No public comments were received.

- 
- The seal of the Mississippi Department of Marine Resources is a circular emblem. The outer ring contains the text "MISSISSIPPI" at the top and "DEPARTMENT OF MARINE RESOURCES" at the bottom, separated by two stars. The inner circle features a stylized illustration of a bayou or river scene with a large, leafy tree on the left, a small boat in the center, and a lighthouse on the right. The water is represented by wavy lines.
- Motion to recommend to the Executive Director that the proposed changes to Title 22 Part 11 be forwarded to the Secretary of State's office for final adoption.

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Mississippi Advisory Commission on Marine Resources

August 17, 2021



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Mississippi

Department of Marine Resources

Agency Financial Results as of July 31, 2021

Key Metrics:

- State Revenue of \$3M
- Agency Revenue of \$3M
- State Net Income of \$2.8M
- Agency Net Income of \$2.6M

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

Income Statement - Fiscal Year 2021

As of July 31, 2021

	Federal :			
	GOMESA PHII:	Operating		
	NFWF:	Subtotal	Tidelands	Total DMR
	State			
Revenue:				
Transfer in from Other Governments	-	-	-	-
Off-road Fuel Tax	3,050,000	-	3,050,000	-
Federal/NonFederal Grants	-	-	-	-
Sales Revenue	9,118	-	9,118	-
Indirect Cost Recovery	-	-	-	-
Other Revenue	-	-	-	-
Current Budget Year Revenue:	3,059,118	-	3,059,118	-
Expenditures:				
Salaries, Wages, Fringe	232,985	130,001	362,986	40,628
Travel	291	127	418	127
Contractual Services	4,325	18,873	23,198	25,635
Commodities	1,402	1,687	3,089	2,372
Other than Equipment	-	-	-	-
Equipment	-	-	-	-
Vehicles	-	-	-	-
Wireless Devices	-	-	-	-
Subsidies, Loans, and Grants	-	-	-	-
Current Budget Year Expenditures:	239,003	150,688	389,691	68,763
Current Budget Year Net Income/(Loss):	\$ 2,820,115	\$ (150,688)	\$ 2,669,427	\$ (68,763)
				\$ 2,600,664

Financial Budget Comparison

- After twelve months of Fiscal Year 2021:

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

2021 Budget Comparison

As of July 31, 2021

	<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	\$ 362,986	\$ 40,628	\$ 403,615	\$ 11,190,236	\$ 1,054,140	\$ 12,244,376	96.8%	96.1%	96.7%
Travel	418	127	545	156,246	25,000	181,246	99.7%	99.5%	99.7%
Contractual Services	23,198	25,635	48,833	7,432,965	1,651,000	9,083,965	99.7%	98.4%	99.5%
Commodities	3,089	2,372	5,461	3,005,045	360,000	3,365,045	99.9%	99.3%	99.8%
Equipment	-	-	-	431,046	125,000	556,046	100.0%	100.0%	100.0%
Vehicles	-	-	-	70,000	-	70,000	100.0%	0.0%	100.0%
Wireless Devices	-	-	-	6,250	-	6,250	100.0%	0.0%	100.0%
Subsidies, Loans, and Grants	-	-	-	73,475,042	9,011,357	82,486,399	100.0%	100.0%	100.0%
Total Expenditures:	\$ 389,691	\$ 68,763	\$ 458,454	\$ 95,766,830	\$ 12,226,497	\$ 107,993,327	99.6%	99.4%	99.6%

- Operating Funds have 99.6% of Budget remaining
- Tidelands Trust Fund has 99.4% of Budget remaining



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State Saltwater Finfish Records

Josh Waters
August 17, 2021

Saltwater Fishing Record (Conventional)

Vermilion Snapper *Rhomboplites aurorubens*

Old Record: 5 lbs. 1.0 oz.

New Record: 5 lbs. 3.2 oz.

Angler: James Landers



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Saltwater Fishing Record (Youth Conventional)

Ladyfish

Elops saurus

Old Record: 1 lbs. 14.58 oz.

New Record: 2 lbs. 9.6 oz.

Angler: Riley Armes



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