

TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

PART 13 RULES AND REGULATIONS FOR AQUACULTURE IN THE MARINE ENVIRONMENT IN THE STATE OF MISSISSIPPI

Chapter 1: Introduction

This Part establishes the requirements for aquaculture activities in marine waters that require a permit under the provisions of the Coastal Wetlands Protection Act and the Mississippi Aquaculture Act of 1988, and said requirements are to be used in making permit decisions regarding regulated activities in marine waters and provide regulatory guidance for industry and resource agencies.

Source: MISS. CODE ANN. §§ 49-15-15, 49-27-1, 79-22-1

Chapter 2: Definitions

Rule 2.1 Definitions

- A. ISLANDS – All islands in the territorial waters of the State of Mississippi, which includes, but is not limited to, Petit Bois, Hom, East Ship, West Ship, Cat, Round and Deer Islands.
- B. MILE - For the purposes of this Title and Part, a mile shall be interpreted to mean one nautical mile.
- C. NET-PEN –A net-pen shall refer to any aquaculture system that uses nets or cages suspended in the water column to grow fish or invertebrates excluding molluscan shellfish.

Source: MISS. CODE ANN. §49-15-15

Chapter 3: Requirements Applicable to All Aquaculture Operations

Rule 3.1 The following requirements shall apply to all types of aquaculture activities in the marine waters of the State of Mississippi.

- A. Aquaculture operations must not discharge any waste materials into the surrounding waters. For purposes of this section, waste materials include solids, debris, sanitary and kitchen wastes, oil, and grease; but exclude fouling organisms, the excrement of the cultured species, and commercially prepared feeds fed to them.

- B. All aquaculture operations' structures must be properly marked and lighted in accordance with U.S. Coast Guard regulations. In order to minimize the impacts to sea turtles, the structure and any associated vessels moored adjacent to it shall use external lighting systems composed of low pressure sodium vapor lights with a maximum of 55 watts per bulb or any other light source proven and documented not to disturb sea turtles. Coast Guard required navigation lights are exempt from this guideline.
- C. Generally, only non-lethal methods of predator control shall be allowed. However, invertebrates are exempt from this guideline. To ensure that the applicant has taken measures to prevent the deaths or harm of potential predators, a predator control plan that details the type of predator controls being proposed (i.e. mesh size of netting, color of netting, height of netting, etc.) for each aquaculture operation shall be approved by the MDMR prior to the issuance of a permit.
- D. Aquaculture activities in State waters must be performed in a manner that would not cause substantial negative impacts to tidal marsh or coastal or marine habitats such as seagrass beds, naturally occurring oyster and clam beds, or endangered species such as sea turtles and Gulf Sturgeon.
- E. All applicants shall provide the MDMR with a plan for securing or moving, if necessary, the aquaculture facility in the event of a significant storm or hurricane. The permitted facility shall comply with the approved storm plan in the event of a significant storm or hurricane. The aquaculture operation must maintain nets and moorings in a whole and intact condition. No gear may be abandoned. Any net or gear accidentally dropped or lost during storm events that is not recovered immediately shall be tagged with a float, positioned using differential Global Positioning System, and reported to the MDMR within 24 hours. The lost net or gear must be recovered by the aquaculture operation within 30 days of the date lost. The aquaculture operation must notify the MDMR on the date the net or gear is recovered.
- F. All moorings and cages must have attached a corrosion resistant metal or plastic tag. The tag must be legibly and permanently stamped with letters containing the leaseholder's full name. The minimum height of the letters must be at least 3/16 of an inch.

- G. Nets, mooring and rigging lines, and anti-predator equipment must be stretched tight, held taut, and maintained in a manner to diminish the likelihood of entangling finfish, decapod crustaceans, sea birds, marine mammals, and sea turtles.
- H. The aquaculture operation is responsible for collection and proper disposal of all equipment used in the aquaculture operation on submerged lands or when such materials are removed during harvesting or become dislodged during storm events.
- I. All holding, transport, and culture systems of the aquaculture operation must be designed, operated and maintained to prevent the escape of cultured aquatic species into waters of the state.
- J. The use of biocidal chemicals is prohibited unless approved by the MDMR prior to use.
- K. All culture materials, cover nets, bags or other designated markers placed on or in the waters must be clean and free of pollutants including petroleum based products such as creosote, oils and greases, or other pollutants. Compounds used as preservatives must be used in accordance with the product label.
- L. Aquaculture operations on Public Trust Tidelands (state-owned) must obtain an aquaculture lease or other authorization from the Secretary of State's office and remain current with annual fees and conditions of that authorization agreement. This section does not apply to on-bottom molluscan shellfish operations.

Source: MISS. CODE ANN. §§49-15-15, 49-27-1, 79-22-1

Chapter 4: Requirements Specific to Finfish and Crustacean Aquaculture

Rule 4.1 Net-pen or other containment systems for culturing finfish, crustaceans or other non-molluscan marine organisms shall be located in waters of sufficient depth. A minimum clearance of ten (10) feet below the bottom of the net-pen system shall be maintained at all times. The distance shall be measured at mean low water. If monitoring indicates a serious problem with water quality or other environmental conditions at the site (i.e., when certain limits for specific parameters established in the monitoring program or by the Mississippi Department of Environmental Quality are exceeded), the operation must be adjusted to reduce impacts. Adjustments shall include, but are not limited to, modifying the feeding rate or feeding schedule, reducing the amount of fish in the net- pen system, or increasing or decreasing the clearance under the nets to allow for increased water circulation.

Source: MISS. CODE ANN. §§ 49-15-15, 49-27-1

Rule 4.2 Net-pen aquaculture operations shall not be located within two (2) miles of the shoreline.

Source: MISS. CODE ANN. §§ 49-15-15, 49-27-1

Rule 4.3 Variations to the requirements in this Chapter are allowed for cultivation of filter-feeder species without commercial feeds, with approval by the MCMR.

Source: MISS. CODE ANN. §§ 49-15-15, 49-27-1

Rule 4.4 All purchases of live fish, regardless of life stage, must be accompanied by a USDA accredited veterinarian signed "Certificate of Veterinary Inspection" attesting to the good health of the species.

Source: MISS. CODE ANN. §§ 49-15-15, 49-27-1, 79-22-1

Chapter 5: Monitoring Program Requirements

Rule 5.1 The aquaculture operation must maintain records and provide a monthly report of the following:

- A. A daily record of the number of incidental deaths of vertebrate coastal wildlife that occur within the leased area. Additionally, the aquaculture operation must notify the MDMR immediately upon the injury or death of any threatened or endangered species, marine mammal, or raptor within the leased area.
- B. An accounting of the stock added and harvested in a given month
- C. On shore culture operators must maintain records of any transfers of brood stock, seed, gametes, or larvae.
- D. All records must be maintained for a minimum of two years, and must be available to the MDMR for inspection.

Source: MISS. CODE ANN. §§ 49-15-15, 49-27-1, 79-22-1

Rule 5.2 The MDMR will maintain the following records provided by the permittee while the aquaculture operation continues:

- A. Construction and remodeling plans for any permitted aquaculture facility;
- B. Aquaculture operational plans; and

C. Aquaculture permits.

Source: MISS. CODE ANN. §§ 49-15-15, 49-27-1, 79-22-1

Rule 5.3 The MDMR will inspect commercial land-based and float aquaculture systems at least every six months.

Source: MISS. CODE ANN. §§ 49-15-15, 49-27-1, 79-22-1