

The Mississippi Department of Marine Resources (MDMR) does hereby give public notice that on December 14, 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 09 Statistical Reporting and Confidentiality of Statistical Data for Marine Fisheries. Said Notice of Intent was filed with the Mississippi Secretary of State's office on December 20, 2021. A complete copy of Title 22 Part 09 and the proposed changes are available at www.dmr.ms.gov. Public comments on the proposed regulation changes will be accepted through Monday, January 17, 2022. All comments should be mailed to the MDMR, Attn: Trevor Moncrief, 1141 Bayview Avenue, Biloxi, MS 39530 or emailed to: Trevor Moncrief at publiccomments@dmr.ms.gov and delivered by 5:00 PM on January 17, 2022.

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal:

TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES PART 9
STATISTICAL REPORTING AND CONFIDENTIALITY OF STATISTICAL DATA FOR
MARINE FISHERIES, updating reporting requirements, clarification of language regarding
reporting requirements, and reformatting language per S.O.S. guidelines. Specific legal authority
authorizing the promulgation of rule: Mississippi Code Ann. § 49-15-15, APA, § 25-43-1.101 *et
seq.*

For a complete description of the proposed changes, please visit www.dmr.ms.gov

Mississippi Secretary of State

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi Department of Marine Resources		CONTACT PERSON T.J. Moran	TELEPHONE NUMBER (228) 523-4184	
ADDRESS 1141 Bayview Ave.		CITY Biloxi	STATE MS	ZIP 39530
EMAIL Tj.moran@dmr.ms.gov	SUBMIT DATE: 12/20/2021	Name or number of rule(s): Title 22 Part 9		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES PART 9 Confidentiality of Statistical Data, addition of language pertaining to reporting deadlines, requirements and reformatting remaining language per S.O.S. guidelines.

Specific legal authority authorizing the promulgation of rule: Mississippi Code Ann. § 49-15-15, APA, § 25-43-1.101 *et seq.*

List all rules repealed, amended, or suspended by the proposed rule: Title 22, Part 9: (see above summary description; complete description attached).

ORAL PROCEEDING:

- An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____
- Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

- Economic impact statement not required for this rule. Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
<input type="checkbox"/> Original filing <input type="checkbox"/> Renewal of effectiveness To be in effect in _____ days Effective date: <input type="checkbox"/> Immediately upon filing <input type="checkbox"/> Other (specify): _____	Action proposed: <input type="checkbox"/> New rule(s) <input checked="" type="checkbox"/> Amendment to existing rule(s) <input type="checkbox"/> Repeal of existing rule(s) <input type="checkbox"/> Adoption by reference Proposed final effective date: <input type="checkbox"/> 30 days after filing <input checked="" type="checkbox"/> Other (specify): <u>5/1/2022</u>	Date Proposed Rule Filed: Action taken: <input type="checkbox"/> Adopted with no changes in text <input type="checkbox"/> Adopted with changes <input type="checkbox"/> Adopted by reference <input type="checkbox"/> Withdrawn <input type="checkbox"/> Repeal adopted as proposed Effective date: <input type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____

Printed name and Title of person authorized to file rules: Joe Spraggins Executive Director

Signature of person authorized to file rules: *Joe Spraggins* 12-20-21

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
Accepted for filing by _____	 Accepted for filing by <i>26038 Pom</i>	Accepted for filing by _____

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

PART 9 STATISTICAL REPORTING AND CONFIDENTIALITY OF STATISTICAL DATA FOR MARINE FISHERIES

CHAPTER 01 INTRODUCTION

Rule 1.1 This Part provides regulations for the recording, reporting, and confidentiality of Mississippi seafood landings.

MISS. CODE ANN. §§49-13-3, 49-15-1 et seq. and 79-23-1.

CHAPTER 02 JUSTIFICATION AND AUTHORITY

Rule 2.1 It is necessary to obtain information on seafood landed or processed in the State of Mississippi to properly manage the marine fisheries resource.

MISS. CODE ANN. §§49-13-3, 49-15-1 et seq. and 79-23-1.

Rule 2.2 Information gathered may often be of a confidential nature, the unauthorized disclosure of which could be prejudicial or harmful.

MISS. CODE ANN. §§49-13-3, 49-15-1 et seq. and 79-23-1.

Rule 2.3 Proprietary information required to be submitted to the Mississippi Department of Marine Resources (MDMR) is exempt from disclosure.

MISS. CODE ANN. §§49-13-3, 49-15-1 et seq. and 79-23-1.

CHAPTER 03 CONFIDENTIALITY

Rule 3.1 All data collected or otherwise obtained by statistical personnel in the course of their duties and other landings data collected by information confidentiality officers of the MDMR are confidential, and unless specific authorization is given, are not to be divulged, except in aggregate form, to any person except employees of the MDMR designated as information confidentiality officers, the National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA/NMFS), or agencies of other states that have executed a memorandum of understanding for the sharing of statistical information with the MDMR and the NMFS; whose duties require this information, and have provisions at least as protective for maintaining the confidentiality of such information, except as permitted by law or court order.

MISS. CODE ANN. §§49-15-1 et seq., NAO 216-100, 5 U.S.C. 552, 50 CFR 229.10, 16 U.S.C. 1361 et seq., 16 U.S.C. 1801 et seq.

Rule 3.2 Information confidentiality officers for the MDMR must be designated as such in writing by the Executive Director. Aggregate form, with respect to data, shall mean data or information submitted by three (3) or more persons that have been summed or assembled in such a manner so as not to reveal, directly or indirectly, the identity or business of any such person.

MISS. CODE ANN. §§49-15-1 et seq., NAO 216-100, 5 U.S.C. 552, 50 CFR 229.10, 16 U.S.C. 1361 et seq., 16 U.S.C. 1801 et seq.

Rule 3.3 The MDMR will not voluntarily release confidential information to other state or federal agencies, except as provided for above, and to the fullest extent possible, will oppose other agency and congressional subpoenas to obtain confidential information. The MDMR will not disclose confidential statistics under court order without specific approval by the State Attorney General's Office.

MISS. CODE ANN. §§49-15-1 et seq., NAO 216-100, 5 U.S.C. 552, 50 CFR 229.10, 16 U.S.C. 1361 et seq., 16 U.S.C. 1801 et seq.

CHAPTER 04 ENFORCEMENT PERSONNEL AUTHORIZED TO INSPECT SALES RECEIPTS

Rule 4.1 MDMR enforcement personnel are authorized to inspect any and all seafood purchase and/or sales receipts from firms or individuals, whether or not licensed by the MDMR to ensure reporting requirements listed in this Part.

MISS. CODE ANN. §§49-15-1 et seq., NAO 216-100, 5 U.S.C. 552, 50 CFR 229.10, 16 U.S.C. 1361 et seq., 16 U.S.C. 1801 et seq.

CHAPTER 05 FRESH PRODUCT PERMIT/SECONDARY FRESH PRODUCT PERMIT

Rule 5.1 A licensed commercial fisherman may only sell to a seafood dealer or processor.

MISS. CODE ANN. §§49-15-1 et seq., NAO 216-100, 5 U.S.C. 552, 50 CFR 229.10, 16 U.S.C. 1361 et seq., 16 U.S.C. 1801 et seq.

Rule 5.2 A validly licensed commercial fisherman may sell only their catch to a consumer if they have in their possession a fresh product permit obtained from the MDMR.

MISS. CODE ANN. §§49-15-1 et seq., NAO 216-100, 5 U.S.C. 552, 50 CFR 229.10, 16 U.S.C. 1361 et seq., 16 U.S.C. 1801 et seq.

Rule 5.3 A secondary fresh product permit may be obtained from the MDMR for a commercial fisherman's spouse or family member that will allow them to sell their catch to consumers while the commercial fisherman continues to fish. There will be no fee for this permit.

MISS. CODE ANN. §§49-15-1 et seq., NAO 216-100, 5 U.S.C. 552, 50 CFR 229.10, 16 U.S.C. 1361 et seq., 16 U.S.C. 1801 et seq.

CHAPTER 06 SEAFOOD REPORTING REQUIREMENTS

Rule 6.1 Each seafood dealer or processor is required to accurately complete Mississippi trip tickets using the electronic reporting system provided by the MDMR. Commercial fishermen, who sell their catch to individuals other than a Mississippi dealer or processor or transport their catch out-of-state, are required to accurately complete Mississippi trip tickets provided by the MDMR and be in possession of a fresh product permit.

Rule 6.2 A completed Mississippi trip ticket is only required for the initial point of sale of the seafood product. All completed trip tickets must be submitted to the MDMR on or before the tenth of each month for actual transactions from every commercial fisherman during the preceding month. A trip ticket summary form that states the total trips taken (including zero trips) in a given month must be submitted by the 10th of each month by the seafood dealer, processor or commercial fisherman. The fisherman is required to provide to the dealer complete and accurate information necessary for the completion of the fisherman portion of the trip ticket.

Rule 6.3 All applicable fields on a trip ticket must be filled out completely. The seafood dealer, processor, or fisherman is required to verify the accuracy of the tickets before electronic submission or by signing each paper ticket.

Rule 6.4 Menhaden processors must provide information on catch in accordance with the requirements of the National Marine Fisheries Service.

MISS. CODE ANN. §§49-15-1 et seq., NAO 216-100, 5 U.S.C. 552, 50 CFR 229.10, 16 U.S.C. 1361 et seq., 16 U.S.C. 1801 et seq.,

CHAPTER 07 BAIT OPERATOR LANDINGS REPORTING REQUIREMENTS

Rule 7.1 Daily records on catches and sales of live bait shrimp and must be kept and be readily available at the camp location.

MISS. CODE ANN. §§49-15-1 et seq., NAO 216-100, 5 U.S.C. 552, 50 CFR 229.10, 16 U.S.C. 1361 et seq., 16 U.S.C. 1801 et seq.

Rule 7.2 Monthly records on catches of live bait shrimp and sales of bait (shrimp, croakers, chum, squid, crabs, bull minnows) and other bait products must be reported on forms furnished by the MDMR and submitted to the MDMR on a monthly basis.

MISS. CODE ANN. §§49-15-1 et seq., NAO 216-100, 5 U.S.C. 552, 50 CFR 229.10, 16 U.S.C. 1361 et seq., 16 U.S.C. 1801 et seq.

Rule 7.3 Live Bait Dealer Reports must be postmarked no later than the tenth day of the month following the monthly reporting period.

MISS. CODE ANN. §§49-15-1 et seq., NAO 216-100, 5 U.S.C. 552, 50 CFR 229.10, 16 U.S.C. 1361 et seq., 16 U.S.C. 1801 et seq.

CHAPTER 08 RECREATIONAL FISHING LANDINGS REPORTING REQUIREMENTS

Rule 8.1 Persons engaged in recreational fishing in waters under the jurisdiction of the MDMR or landing fish in Mississippi are required to furnish information, including a harvest report, pertaining to such fishing upon request from MDMR.

MISS. CODE ANN. §§49-15-1 et seq., NAO 216-100, 5 U.S.C. 552, 50 CFR 229.10, 16 U.S.C. 1361 et seq., 16 U.S.C. 1801 et seq.

Rule 8.2 In addition to the reporting required pursuant to this paragraph, the following reporting is also required.

A. TailsnScales Reporting for Red Snapper Recreational Harvest

The Captain of the vessel is responsible for ensuring that someone onboard the vessel has obtained the appropriate trip authorization number from the Tails n' Scales reporting system prior to fishing activity. The person onboard the vessel obtaining the appropriate trip authorization number is hereby required to complete an accurate vessel harvest report through the Tails n' Scales reporting system within 24 hours of trip creation.

B. TailsnScales Reporting for Additional Species Recreational Harvest upon Request.

When requested by the MDMR, the Captain of the vessel is responsible for ensuring that someone onboard the vessel has obtained the appropriate trip authorization number from the Tails n' Scales reporting system prior to fishing activity for additional species. The person onboard the vessel obtaining the appropriate trip authorization number are required to complete an accurate vessel harvest report for any additional species through the Tails n' Scales system within 24 hours of trip creation.

MISS. CODE ANN. §§49-15-1 et seq., NAO 216-100, 5 U.S.C. 552, 50 CFR 229.10, 16 U.S.C. 1361 et seq., 16 U.S.C. 1801 et seq.

Rule 8.3 **Charter and Head Boat Reporting.** Charter Boat and Head Boat captains operating in Mississippi waters may complete questionnaires furnished by the MDMR. Completed questionnaires must be furnished to the MDMR upon request. In addition to the reporting required pursuant to this paragraph, the following reporting is also required.

A. TailsnScales Reporting for Charter and Head Boat Red Snapper Harvest. Charter boat and head boat captains operating in waters under the jurisdiction of the MDMR or landing Red Snapper in Mississippi are required to obtain the appropriate trip authorization number from the Tails n' Scales reporting system prior to fishing activity. Charter boat and head boat captains operating in waters under the jurisdiction of the

MDMR or landing Red Snapper in Mississippi are required to complete an accurate vessel harvest report through the Tails n' Scales reporting system within 24 hours of trip creation.

B. TailsnScales Reporting for Additional Species Charter and Head Boat Harvest.

When requested by the MDMR, charter boat and head boat captains operating in waters under the jurisdiction of the MDMR or landing Red Snapper in Mississippi are required to obtain the appropriate trip authorization number from the Tails n' Scales reporting system prior to fishing activity for additional species. Captains are required to complete an accurate vessel harvest report for any additional species through the Tails n' Scales reporting system within 24 hours of trip creation.

MISS. CODE ANN. §§49-15-1 et seq., NAO 216-100, 5 U.S.C. 552, 50 CFR 229.10, 16 U.S.C. 1361 et seq., 16 U.S.C. 1801 et seq.

CHAPTER 09 UNAUTHORIZED DISCLOSURES

Rule 9.1 The unauthorized disclosure by any individual of any confidential information obtained by the MDMR is a violation of this Part and is punishable upon conviction in accordance with Mississippi. Code Ann. § 49-15-63, as amended.

MISS. CODE ANN. §§49-15-1 et seq., 18 U.S.C. 1905, 5 U.S.C. 552, 16 U.S.C. 1858, and 16 U.S.C. 1375.

CHAPTER 10 PENALTIES

Rule 10.1 Violations under this part will be charged in accordance with the provisions of Miss. Code Ann. §49-15-1 et seq. Each day of a continuing violation constitutes a separate violation. Violations of more than one chapter or subchapter of this part or part thereof shall be considered separate offenses and punished as such.

MISS. CODE ANN. §§49-15-1 et seq.

CHAPTER 11 CHAPTERS DECLARED SEPARABLE

Rule 11.1 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 Title22 Part 09 shall remain in full force and effect.

MISS. CODE ANN. §§49-15-1 et. seq.

TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

**PART 9 RULES AND REGULATIONS FOR STATISTICAL REPORTING AND
CONFIDENTIALITY OF STATISTICAL DATA FOR MARINE FISHERIES
IN THE STATE OF MISSISSIPPI**

~~Chapter 01 Introduction~~ CHAPTER 01 INTRODUCTION

Purpose

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Rule 1.1 This Part provides regulations for the recording, reporting, and confidentiality of Mississippi seafood landings.

MISS. CODE ANN. §§49-13-3, 49-15-1 et seq. and 79-23-1.

**~~Chapter 02 Justification and Authority~~ CHAPTER 02 JUSTIFICATION
AND AUTHORITY**

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Rule 2.1 ~~The Mississippi Commission on Marine Resources (MCMR) has determined, that in order to properly and effectively manage the marine fisheries resources of the State of Mississippi and to monitor and assess the effectiveness of regulations set for the by the MCMR for the protection, conservation, or propagation of all seafood, as defined in Mississippi Code Ann. § 49-13-3, in the waters under the territorial jurisdiction of the State of Mississippi, i~~ It is necessary to obtain information on seafood landed or processed in the State of Mississippi to properly manage the marine fisheries resource.

MISS. CODE ANN. §§49-13-3, 49-15-1 et seq. and 79-23-1.

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Rule 2.2 ~~The MCMR is aware that Information gathered under its authority may often be of a confidential nature, the unauthorized disclosure of which could be prejudicial or harmful.~~

MISS. CODE ANN. §§49-13-3, 49-15-1 et seq. and 79-23-1.

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Rule 2.3 ~~Mississippi Code Ann. § 79-23-1 (1), as amended, exempts from the Public Records Act of 1983~~ Accordingly proprietary information required to be submitted to the Mississippi Department of Marine Resources (MDMR) is exempt from disclosure.

MISS. CODE ANN. §§49-13-3, 49-15-1 et seq. and 79-23-1.

103 The MCMR is authorized to enact all regulations necessary for the protection, conservation, or propagation of all seafood in the waters under the territorial jurisdiction

of the State of Mississippi, as provided for in Mississippi Code Ann. § 49-15-15, as amended.

MISS. CODE ANN. §§49-13-3, 49-15-1 et seq. and 79-23-1.

Chapter 03 Confidentiality CHAPTER 03 CONFIDENTIALITY

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Rule 3.1 All data collected or otherwise obtained by statistical personnel in the course of their duties and other landings data collected by information confidentiality officers of the MDMR are confidential, and unless specific authorization is given, are not to be divulged, except in aggregate form, to any person except employees of the MDMR designated as information confidentiality officers, the National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA/NMFS), or agencies of other states that have executed a memorandum of understanding for the sharing of statistical information with the MDMR and the NMFS; whose duties require this information, and have provisions at least as protective for maintaining the confidentiality of such information, except as permitted by law or court order.

MISS. CODE ANN. §§49-15-1 et seq., NAO 216-100, 5 U.S.C. 552, 50 CFR 229.10, 16 U.S.C. 1361 et seq., 16 U.S.C. 1801 et seq.

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Rule 3.2 Information confidentiality officers for the MDMR ~~shall~~ must be designated as such in writing by the ~~MDMR Director of Marine Fisheries Office~~ Executive Director. Aggregate form, with respect to data, shall mean data or information submitted by three (3) or more persons that have been summed or assembled in such a manner so as not to reveal, directly or indirectly, the identity or business of any such person.

MISS. CODE ANN. §§49-15-1 et seq., NAO 216-100, 5 U.S.C. 552, 50 CFR 229.10, 16 U.S.C. 1361 et seq., 16 U.S.C. 1801 et seq.

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Rule 3.3 The MDMR will not voluntarily release confidential information to other state or federal agencies, except as provided for above, and to the fullest extent possible, will oppose other agency and congressional subpoenas to obtain confidential information. The MDMR will not disclose confidential statistics under court order without specific approval by the State Attorney General's Office.

MISS. CODE ANN. §§49-15-1 et seq., NAO 216-100, 5 U.S.C. 552, 50 CFR 229.10, 16 U.S.C. 1361 et seq., 16 U.S.C. 1801 et seq.

Chapter 04 Enforcement Personnel Authorized to Inspect Sales Receipts CHAPTER 04 ENFORCEMENT PERSONNEL AUTHORIZED TO INSPECT SALES RECIEPTS

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Rule 4.1 MDMR enforcement personnel are authorized to inspect any and all seafood purchase and/or sales receipts from firms or individuals, whether or not licensed by the MDMR to ensure reporting requirements listed in this Part. ~~MDMR enforcement personnel may not reveal confidential information except as it applies in violations of the reporting requirement in this Part.~~

MISS. CODE ANN. §§49-15-1 et seq., NAO 216-100, 5 U.S.C. 552, 50 CFR 229.10, 16 U.S.C. 1361 et seq., 16 U.S.C. 1801 et seq.

Chapter 05 Fresh Product Permit/Secondary Fresh Product Permit CHAPTER 05 FRESH PRODUCT PERMIT/SECONDARY FRESH PRODUCT PERMIT

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Rule 5.1 A licensed commercial fisherman may only sell to a seafood dealer/processor.

MISS. CODE ANN. §§49-15-1 et seq., NAO 216-100, 5 U.S.C. 552, 50 CFR 229.10, 16 U.S.C. 1361 et seq., 16 U.S.C. 1801 et seq.

Rule 5.2 A validly licensed commercial fisherman may sell only their catch to a consumer if they have in their possession a fresh product permit obtained from the MDMR.

MISS. CODE ANN. §§49-15-1 et seq., NAO 216-100, 5 U.S.C. 552, 50 CFR 229.10, 16 U.S.C. 1361 et seq., 16 U.S.C. 1801 et seq.

Rule 5.3 A secondary fresh product permit may be obtained from the MDMR for a commercial fisherman's spouse or family member that will allow them to sell their catch to consumers while the commercial fisherman continues to fish. There will be no fee for this permit.

MISS. CODE ANN. §§49-15-1 et seq., NAO 216-100, 5 U.S.C. 552, 50 CFR 229.10, 16 U.S.C. 1361 et seq., 16 U.S.C. 1801 et seq.

Chapter 06 Seafood Reporting Requirements CHAPTER 06 SEAFOOD REPORTING REQUIREMENTS

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Rule 6.1 Each seafood dealer/~~or~~ processor is ~~hereby~~ required to accurately complete Mississippi trip tickets using the electronic reporting system provided by the MDMR. Commercial fishermen, who sell their catch to individuals other than a Mississippi dealer/~~or~~ processor or transport their catch out-of-state, are ~~hereby~~ required to accurately complete Mississippi trip tickets provided by the MDMR and be in possession of a fresh product permit.

MISS. CODE ANN. §§49-15-1 et seq., NAO 216-100, 5 U.S.C. 552, 50 CFR 229.10, 16 U.S.C. 1361 et seq., 16 U.S.C. 1801 et seq.

Rule 6.2 A completed Mississippi trip ticket is only required for the initial point of sale of the seafood product. All completed trip tickets ~~shall~~ must be ~~returned~~ submitted to the MDMR ~~or~~

electronically submitted on or before the tenth (10th) of each month for actual transactions from every commercial fisherman during the preceding month. A trip ticket summary form that states the total trips taken (including zero trips) in a given month shall must be submitted by the 10th of each month by the seafood dealer[/], processor or commercial fisherman. The fisherman is required to provide to the dealer complete and accurate information necessary for the completion of the fisherman portion of the trip ticket.

MISS. CODE ANN. §§49-15-1 et seq., NAO 216-100, 5 U.S.C. 552, 50 CFR 229.10, 16 U.S.C. 1361 et seq., 16 U.S.C. 1801 et seq.

Rule 6.3 This may include, but is not limited to, commercial fisherman's name, valid license number, date and area of harvest, trip and fishing time, proper vessel identification, gear, quantity, and size of gear used, and applicable mesh size (if any) of gear used, seafood dealer's name, date of purchase, dealer license number, port and county product was landed, species being purchased, weight or any other applicable standard, condition of product, count or market grade of purchased seafood product, and price paid per unit (pound or number) per species. All applicable fields on a trip ticket must be filled out completely. The seafood dealer[/], processor or fisherman is required to verify the accuracy of the tickets before electronic submission or by signing each paper ticket.

MISS. CODE ANN. §§49-15-1 et seq., NAO 216-100, 5 U.S.C. 552, 50 CFR 229.10, 16 U.S.C. 1361 et seq., 16 U.S.C. 1801 et seq.

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Rule 6.4 Menhaden seafood dealers/processors shall must provide information on catch in accordance with the requirements of the National Marine Fisheries Service.

MISS. CODE ANN. §§49-15-1 et seq., NAO 216-100, 5 U.S.C. 552, 50 CFR 229.10, 16 U.S.C. 1361 et seq., 16 U.S.C. 1801 et seq.

Chapter 07 Pet Food Landings Reporting Requirements

100 — Tonnage of fish landed, area fished, depth fished, and the number of hours fished in each area, will be reported to the MDMR for each vessel landing these fish in the State of Mississippi. Weigh-outs, actual weight of catch, will be obtained from the firm where the catch was landed.

Chapter 08 Menhaden Landings Reporting Requirements

100 — The captains of each vessel fishing for menhaden (*Brevoortia* sp.) in Mississippi waters is required to maintain a logbook and complete all logbook entries for each set made during each day's operation. Reports may be collected bi-weekly by personnel of the MDMR. Logbooks may be furnished by the MDMR. The captain of each vessel must follow the printed instructions contained in each logbook. An annual report by month on processed products (meal, oil, and solubles) will be required of each firm.

~~Chapter 09 Bait Operator Landings Reporting Requirements~~ CHAPTER 07 BAIT OPERATOR LANDINGS REPORTING REQUIREMENTS

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Rule 7.1 Daily records on catches and sales of live bait shrimp and sales of bait (shrimp, chum, squid, crabs, bull minnows) and other bait products shall must be kept and be readily avialbe at the camp location. reported on forms furnished by the MDMR, and shall be submitted to the MDMR on a monthly basis. Live Bait Dealer Reports shall be postmarked no later than the fifteenth day of the month following the monthly reporting period.

MISS. CODE ANN. §§49-15-1 et seq., NAO 216-100, 5 U.S.C. 552, 50 CFR 229.10, 16 U.S.C. 1361 et seq., 16 U.S.C. 1801 et seq.

Rule 7.2 Monthly records on catches of live bait shrimp and sales of bait (shrimp, croakers, chum, squid, crabs, bull minnows) and other bait products must be reported on forms furnished by the MDMR and submitted to the MDMR on a monthly basis.

MISS. CODE ANN. §§49-15-1 et seq., NAO 216-100, 5 U.S.C. 552, 50 CFR 229.10, 16 U.S.C. 1361 et seq., 16 U.S.C. 1801 et seq.

Rule 7.3 Live Bait Dealer Reports must be postmarked no later than the tenth (10th) day of the month following the monthly reporting period.

MISS. CODE ANN. §§49-15-1 et seq., NAO 216-100, 5 U.S.C. 552, 50 CFR 229.10, 16 U.S.C. 1361 et seq., 16 U.S.C. 1801 et seq.

~~Chapter 10 Oyster Landings Reporting Requirements~~

400 — ~~Oysters must be inspected by the MDMR for size and quantity. If the inspection is satisfactory, oyster tags will be issued to be filled out and placed on the containers by the oystermen as specified in Mississippi Code Ann. § 49-15-42, as amended. If the oysters are sold, the purchaser's name must be included on the tags. All oysters processed in the State of Mississippi, regardless of their origin, shall be reported by each processor to the MDMR information confidentiality officers on demand.~~

~~Chapter 11 Recreational Fishing Landings Reporting Requirements~~ CHAPTER 08 RECREATIONAL FISHING LANDINGS REPORTING REQUIREMENTS

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Rule 8.1 Persons engaged in recreational fishing in waters under the jurisdiction of the MDMR or landing fish in Mississippi shall be are required to furnish information, including a harvest report, pertaining to such fishing upon request from the MDMR. each time a MDMR Confidentiality Officer request such information.

MISS. CODE ANN. §§49-15-1 et seq., NAO 216-100, 5 U.S.C. 552, 50 CFR 229.10, 16 U.S.C. 1361 et seq., 16 U.S.C. 1801 et seq.

Rule 8.2 In addition to the reporting required pursuant to this paragraph, the following reporting is also required.

~~100.01~~ **A. TailsnScales Reporting for Red Snapper Recreational Harvest.**

~~One person per vessel recreationally harvesting Red Snapper~~ The Captain of the vessel is responsible for ensuring that someone onboard the vessel has obtained the appropriate trip authorization number from the Tails n' Scales reporting system prior to fishing activity. The person onboard the vessel obtaining the appropriate trip authorization number is hereby required to complete a- an accurate vessel harvest report through the Tails n' Scales reporting system within 24 hours of the trip creation. The Captain of the vessel is responsible for ensuring that someone onboard the vessel has obtained the appropriate reporting code from the MDMR.

- a. B. TailsnScales Reporting for Additional Species Recreational Harvest upon Request.** When requested by the MDMR, one person per vessel shall be required to complete a vessel harvest report for any additional species through the TailsnScales system. the Captain of the vessel is responsible for ensuring that someone onboard the vessel has obtained the appropriate reporting code from the MDMR trip authorization number from the Tails n' Scales reporting system prior to fishing activity for additional species. The person onboard the vessel obtaining the appropriate trip authorization number is required to complete an accurate vessel harvest report for any additional species through the Tails n' Scales system within 24 hours of trip creation.

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MISS. CODE ANN. §§49-15-1 et seq., NAO 216-100, 5 U.S.C. 552, 50 CFR 229.10, 16 U.S.C. 1361 et seq., 16 U.S.C. 1801 et seq.

Rule 8.3 Charter and Head Boat Reporting. Charter Boat and Head Boat captains operating in Mississippi waters may complete questionnaires furnished by the MDMR. Completed questionnaires ~~shall~~ must be furnished to an information confidentiality officer upon request. In addition to the reporting required pursuant to this paragraph, the following reporting is also required.

~~101.01~~ **A. TailsnScales Reporting for Charter and Head Boat Red Snapper Harvest.**

Charter boat and head boat captains operating in waters under the jurisdiction of the MDMR or landing Red Snapper in Mississippi are required to obtain the appropriate trip authorization number from the Tails n' Scales reporting system prior to fishing activity. Charter boat and head boat captains operating in waters under the jurisdiction of the MDMR or landing Red Snapper in Mississippi shall ~~are~~ be required to complete an accurate a vessel harvest report through the Tails n' Scales reporting system within 24 hours of trip creation.

~~401.02~~ **B. TailsnScales Reporting for Additional Species Charter and Head Boat Harvest.** When requested by the MDMR, charter boat and head boat captains operating in waters under the jurisdiction of the MDMR or landing Red Snapper in Mississippi are required to obtain the appropriate trip authorization number from the Tails n’ Scales reporting system prior to fishing activity for additional species. Captains shall be are required to complete a an accurate vessel harvest report for any additional species through the TailsnScales reporting system within 24 hours of trip creation.

MISS. CODE ANN. §§49-15-1 et seq., NAO 216-100, 5 U.S.C. 552, 50 CFR 229.10, 16 U.S.C. 1361 et seq., 16 U.S.C. 1801 et seq.

~~Chapter 12 Unauthorized Disclosures~~ **CHAPTER 09 UNATHORIZED DISCLOSURES**

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Rule 9.1 The unauthorized disclosure by any individual of any confidential information obtained by the MDMR is a violation of this Part and is punishable upon conviction in accordance with Mississippi. Code Ann. § 49-15-63, as amended.

MISS. CODE ANN. §§49-15-1 et seq., 18 U.S.C. 1905, 5 U.S.C. 552, 16 U.S.C. 1858, and 16 U.S.C. 1375.

~~Chapter 13 Penalties~~ **CHAPTER 10 PENALTIES**

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Rule 10.1 ~~Any unlawful act~~ Violations 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 and upon conviction, said person shall be punished~~ will be charged in accordance with the provisions of Mississippi Code Ann. §49-15-63-1 et. seq., as amended, unless a penalty is specifically provided elsewhere in the Mississippi Code Ann. of 1972, as amended. Each day of a continuing violation constitutes a separate violation. Violations of more than one chapter or subchapter of this part or part thereof shall be considered separate offenses and punished as such.

MISS. CODE ANN. §§49-15-1 et seq., 18 U.S.C. 1905, 5 U.S.C. 552, 16 U.S.C. 1858, and 16 U.S.C. 1375.

~~Chapter 14 Chapters and Subchapters Declared Separable~~ **CHAPTER 11 CHAPTERS DECLARED SEPARABLE**

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Rule 11.1 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 09 shall remain in full force and effect.

~~101~~ Violations of more than one chapter or subchapter of this Part or part thereof shall be considered separate offenses and punished as such.

MISS. CODE ANN. §§49-15-1 et. seq.

Chapter 15 Administrative Procedures Act

100—Pursuant to the amendments to the Administrative Procedures Act, § 25-43-1.101, *et seq.*, of the Mississippi Code Ann. of 1972, as amended, and the rules and regulations promulgated pursuant thereto by the Secretary of State; the former Ordinance 9.004 has been modified and the MCMR and MDMR have adopted the terminology and numbering system developed by the Secretary of State. Therefore, references to “ordinance” or to “Part” appearing in these regulations or the underlying statutes are used interchangeably and refer to the same instrument.

~~**TITLE 22 MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
PART 9 RULES AND REGULATIONS FOR STATISTICAL REPORTING AND
CONFIDENTIALITY OF STATISTICAL DATA FOR MARINE FISHERIES
IN THE STATE OF MISSISSIPPI, shall be in effect and be in force from and after the
18th day of June 2020.**~~

~~Adopted this the 19th day of May 2020.~~

~~**MISSISSIPPI COMMISSION ON MARINE RESOURCES**~~

~~By: _____/S/ Mark H. Havard_____~~
~~_____ Mark H. Havard III, Chairman~~

~~**MISSISSIPPI DEPARTMENT OF MARINE RESOURCES**~~

~~By: _____/S/ Joe Spraggins_____~~
~~_____ Joe Spraggins, Executive Director~~

~~Source: Miss. Code Ann § 49-13-3, § 49-15-15 and § 79-23-1~~