

The Mississippi Department of Marine Resources (MDMR) does hereby give public notice that on May 17, 2022 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 18 Rules and Regulations for Rules and Regulations for Special Permits in the State of Mississippi. Said Notice of Intent was filed with the Mississippi Secretary of State's office on February 18, 2021. A complete copy of Title 22 Part 18 and the proposed changes are available at www.dmr.ms.gov. Public comments on the proposed regulation changes will be accepted through Friday, June 17, 2022. All comments should be mailed to the MDMR, Attn: Jason Saucier, 1141 Bayview Avenue, Biloxi, MS 39530 or emailed to: Jason Saucier at publiccomments@dmr.ms.gov and delivered by 5:00 PM on June 17, 2022.

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

TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES PART 18 RULES AND REGULATIONS FOR SPECIAL PERMITS IN THE STATE OF MISSISSIPPI, added special transport permit requirements, removed language redundant to state statute, revised application and reporting requirements, and reformatted 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.*

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: <i>5/23/22</i>	Name or number of rule(s): Title 22 Part 18		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES PART 18 RULES AND REGULATIONS FOR SPECIAL PERMITS IN THE STATE OF MISSISSIPPI, added special transport permit requirements, removed language redundant to state statute, revised application and reporting requirements, and reformatted 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 18: (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 checked="" type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____	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: *[Handwritten Signature]*

<p>OFFICIAL FILING STAMP</p> <div style="border: 1px solid black; height: 100px; width: 100%;"></div> <p>Accepted for filing by</p>	<p>DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP</p> <div style="border: 1px solid black; padding: 10px;"> <p style="font-size: 2em; color: blue; font-weight: bold; text-align: center;">FILED</p> <p style="color: red; font-weight: bold; text-align: center;">MAY 23 2022</p> <p style="color: blue; font-weight: bold; text-align: center;">MISSISSIPPI SECRETARY OF STATE</p> </div> <p>Accepted for filing by <i>26338 PBM</i></p>	<p>OFFICIAL FILING STAMP</p> <div style="border: 1px solid black; height: 100px; width: 100%;"></div> <p>Accepted for filing by</p>
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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 18 RULES AND REGULATIONS FOR SPECIAL PERMITS
IN THE STATE OF MISSISSIPPI**

CHAPTER 01 INTRODUCTION

Rule 1.1 This part provides regulations for special permits.

CHAPTER 02 JUSTIFICATION AND AUTHORITY

Rule 2.1 The Mississippi Department of Marine Resources (MDMR) is vested with the jurisdiction and authority over all marine aquatic life and to regulate any matters pertaining to seafood.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-303, 49-15-304, 49-15-307, 57-15-10, and 79-22-15.

Rule 2.2 The MDMR is authorized to prescribe types and forms of scientific permits for public educational or scientific institutions, federal and state agencies and consultants performing marine resources studies.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-303, 49-15-304, 49-15-307, 57-15-10, and 79-22-15.

Rule 2.3 The MDMR is authorized to promulgate rules and regulations governing the taking of oysters and shrimp by nonprofit organizations and shall issue such regulations to all organizations upon request and the issuance of the special permit.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, and 49-15-307.

Rule 2.4 The MDMR is authorized to issue permits to obtain estuarine and marine brood stock.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, 49-15-307, and 79-22-15.

CHAPTER 03 CONDITIONS APPLICABLE TO ALL SPECIAL PERMITS

Rule 3.1 Each application received will be reviewed based on individual project merit. After review by personnel of the MDMR, a recommendation will be made to the Executive Director of the MDMR or his designee as to the validity of the permit request and if it has sufficient merit for issuance.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-64, 49-15-303, 49-15-304, 49-15-307.

Rule 3.2 The Executive Director of the MDMR or his designee reserves the right to cancel for cause at any time an existing Special Permit.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-64, 49-15-303, 49-15-304, 49-15-307.

Rule 3.3 The original permit or a copy of the original permit must be in the possession of one of the permittees when taking or possessing samples under the conditions of the permit. Permits are not transferable but may be issued in more than one person's name.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-64, 49-15-303, 49-15-304, 49-15-307.

Rule 3.4 The MDMR reserves the right at any time to send an observer aboard any vessel to monitor collection or harvesting activities.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-64, 49-15-303, 49-15-304, 49-15-307.

Rule 3.5 The taking of threatened, endangered, or otherwise prohibited species is strictly prohibited, unless proper authority is received from the controlling regulating federal/state agency. A copy of said authority must be submitted to the MDMR along with the initial application of the appropriate permit.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-64, 49-15-303, 49-15-304, 49-15-307.

Rule 3.6 No other commercial or recreational harvesting and/or collecting can take place during the harvesting or collecting activity being conducted under the issuance of any Special Permits, unless otherwise authorized by the Executive Director.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-64, 49-15-303, 49-15-304, 49-15-307.

Rule 3.7 All MDMR Special Permits are valid only in the marine waters and state managed areas under the territorial jurisdiction of the MDMR. These waters include all waters south of Interstate 10 in Hancock, Harrison and Jackson Counties and extend to approximately three miles south of the barrier islands. All state managed areas include those parcels acquired and managed by the MDMR's Coastal Preserves Program. To conduct sampling activities within the one-mile boundary of the Gulf Islands National Seashore permission must also be obtained from the National Park Service located in Ocean Springs, MS at (228) 875-9057.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, 49-15-307.

Rule 3.8 The MDMR Marine Patrol Office (228) 523-4134 must be notified the morning of sampling in advance of the start of any research activity.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, 49-15-307.

Rule 3.9 All Special Permits will expire December 31 of the year of issuance, unless otherwise noted. The Executive Director or his designee may set time limits or restrict the duration of

harvest activities as deemed necessary.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, 49-15-307.

Rule 3.10 The Non-Profit Organization Harvesters Permit must be signed by both the Executive Director of the MDMR and the permittee.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, 49-15-307.

Rule 3.11 Violation of any of these conditions will render the Special Permit null and void and subject the violator to penalty provisions identified in Chapter 9 below.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, 49-15-307.

CHAPTER 04 SCIENTIFIC RESEARCH PERMIT

Rule 4.1 For the purpose of this permit, scientific research is defined as any research, monitoring, restoration, or collection activity having potential direct or indirect impact to state-managed natural resources. When making the initial request in writing for an MDMR Scientific Research Permit the applicant must include the following information on a form provided by the MDMR:

- A. Name, address, email address and daytime phone number of applicant
- B. Names of all person(s) that will be conducting field research activities under the provisions of the specific permit.
- C. Registration and/or documentation number(s) of all vehicles or vessels that will be involved in research activities and name of vessel(s), as applicable.
- D. A general description of all activities which will be conducted, including a schedule of activities, research methods, number and size of all gear to be used, and frequency of activity by gear type, and a target sample/harvest size, as applicable.
- E. A map showing the geographical location of the research activities, with each location identified by coordinates.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, 49-15-307.

Rule 4.2 A complete written report of all collection activities must be submitted on a form provided by the MDMR within-30 days of the expiration date of the permit.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, 49-15-307.

Rule 4.3 None of the samples collected under the authority of an MDMR Scientific Research Permit are to be sold, bartered, traded or consumed. Only applicants who can demonstrate a specific need for retaining samples as an integral part of the project will be authorized to retain samples.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, 49-15-307.

CHAPTER 05 NON-PROFIT ORGANIZATION HARVESTERS PERMIT

Rule 5.1 If the non-profit organization is requesting to harvest shrimp prior to the official opening of the season or if the non-profit organization is requesting to harvest oysters outside the open season or in areas not normally open to harvest, the initial request must be submitted in writing and the applicant must include the following information on a form provided by the MDMR.

- A. Applicant name, date, official name and tax exempt number of non-profit organization, phone number of applicant, email address and address.
- B. Names of all person(s) that will be harvesting or transporting shrimp and/or oysters.
- C. Registration and/or documentation number(s) of all vehicles or vessels involved in harvesting or transporting shrimp and/or oysters and name of vessel(s), as applicable.
- D. A general description of all activities which will be conducted, including a schedule of harvest activities, number and size of all gear to be used, frequency of collection activity by gear type, and a target harvest amount.
- E. A description of the general area where harvest activity will take place.
- F. The point of departure and return must be included in the application.
- G. Name and date of the function shrimp or oyster are harvested for.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, and 49-15-307.

Rule 5.2 Applicants must be tax-exempt organizations under Section 501 (c) of the United States Internal Revenue Code and have on file with the State Tax Commission a tax-exempt letter issued by the United States Internal Revenue Service. Each application received will be reviewed by Office of Marine Fisheries personnel, and a recommendation will be made to the Executive Director of the MDMR or his designee as to the validity of the permit request and if it has sufficient merit for issuance.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, and 49-15-307.

Rule 5.3 The Shrimp Permit will only be issued to non-profit organizations that conduct functions prior to the official opening of shrimp season. The Oyster Permit will only be issued to non-profit organizations demonstrating a need to harvest oysters outside the open season or in areas closed to harvest. All regulations and statutes must be adhered to as defined in the current version of Title 22 Parts 1 and 2 as well as the applicable state statute.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, and 49-15-307.

Rule 5.4 Trawling and oyster harvesting is limited to the hours beginning thirty (30) minutes before legal sunrise and ending thirty (30) minutes after legal sunset on the date that harvest is permitted. In the event of inclement weather an alternate date must be included on the application. Harvest activities must be coordinated with the Office of Marine Fisheries a

minimum of one week prior to any harvesting and all harvest activities as regulated under State Statute or Part apply.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, and 49-15-307.

Rule 5.5 The total catch of shrimp will be limited to that deemed necessary by the MDMR and the applicant, but will not exceed a maximum of 500 pounds. Any by-catch must be returned to the water immediately. The Executive Director will determine the total number of oysters the permittee will be allowed to harvest under the conditions of the permit.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, and 49-15-307.

Rule 5.6 A complete written report of all harvest activities must be submitted on a form provided by the MDMR within 30 days of the expiration date of the permit.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, and 49-15-307.

CHAPTER 06 MARINE BROOD STOCK COLLECTION PERMIT

Rule 6.1 When making the initial request in writing for a Marine Brood Stock Collection Permit the applicant must include the following information on a form provided by the MDMR:

- A. Name, address, email address and daytime phone number of applicant
- B. Names of all person(s) that will be conducting field collections under the provisions of the specific permit.
- C. Registration and/or documentation number(s) of all vehicles or vessels that will be involved in collection activities and name of vessel(s) if applicable.
- D. A general description of all activities which will be conducted, including a schedule of collection activities, collection methods, number and size of all gear to be used, frequency of collection activity by gear type.
- E. A map showing the geographical location of the collection activities.
- F. Target species and proposed number of each species to be harvested.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, 49-15-307, and 79-22-15.

Rule 6.2 A complete written report of all collection activities must be submitted on a form provided by the MDMR Office of Marine Fisheries within 30 days following the expiration date of the permit.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, 49-15-307, and 79-22-15.

Rule 6.3 None of the finfish or shellfish collected under the authority of a Marine Brood Stock

Collection Permit are to be sold, bartered, traded or consumed.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, 49-15-307, and 79-22-15.

CHAPTER 07 EXPERIMENTAL GEAR/UNDERUTILIZED SPECIES PERMIT

Rule 7.1 When making the initial request in writing for an Experimental Gear/Underutilized Species Permit the applicant must include the following information on a form provided by the MDMR:

- A. Name, address, email address and daytime phone number of applicant
- B. Names of all person(s) that will be conducting harvest activities under the provisions of the specific permit.
- C. Registration and/or documentation number(s) of all vehicles or vessels that will be involved in harvest activities and name of vessel(s), as applicable.
- D. A general description of all activities which will be conducted, including a schedule of harvest activities, harvest methods, number and size of all gear to be used, including a diagram of gear to be used, and a target harvest amount, as applicable.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, and 49-15-307.

Rule 7.2 A complete written report of all harvest activities must be submitted on a form provided by the MDMR Office of Marine Fisheries within 30 days following the expiration date of the permit to include but not limited to:

- A. Number of trips
- B. Duration of trips
- C. Number and/or pounds of target species harvested
- D. Disposition of catch
- E. Area of harvest

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, 49-15-307, and 57-15-10.

Rule 7.3 Only the target species harvested under the authority of a Marine Experimental Gear/Underutilized Species Permit are allowed to be sold, bartered, traded or consumed. All other species of marine organisms must be returned immediately to the marine waters under the territorial jurisdiction of the State of Mississippi.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, 49-15-307, and 57-15-10.

Rule 7.4 The Executive Director of the MDMR or his designee will determine the types of commercial licenses that must be obtained for harvesting seafood under the Marine Experimental Gear/Underutilized Species Permit.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, 49-15-307, and 57-15-10.

CHAPTER 08 SPECIAL TRANSPORT PERMIT

Rule 8.1 If any agency, institution, organization, or corporation requests to transport for the purposes of rehabilitation, research or education any live or dead specimen(s) of marine species for which harvest or possession is otherwise prohibited, the initial request must be submitted in writing and the applicant must include the following information on a form provided by the MDMR:

- A. Name, address, email address and daytime phone number of applicant
- B. Names of person(s) that will be conducting transport operations under the provisions of the specific permit.
- C. Registration and/or documentation number(s) of all vehicles or vessels that will be involved in transport activities and name of vessel(s) if applicable.
- D. A general description of all activities which will be conducted, including a schedule of transport activities and transport methods.
- E. Species and proposed number of each species to be transported.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, 49-15-307, and 57-15-10.

Rule 8.2 A complete written report of all transport activities must be submitted on a form provided by the MDMR Office of Marine Fisheries within 30 days following the expiration date of the permit.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, 49-15-307, and 57-15-10.

CHAPTER 09 PENALTIES

Rule 9.1 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 will be considered separate offenses and punished as such.

MISS. CODE ANN. §§49-15-1 et seq.

CHAPTER 10 CHAPTERS AND SUBCHAPTERS DECLARED SEPARABLE

Rule 10.1 Each chapter and subchapter of this Part is hereby declared separable, and if any chapter or subchapter or part thereof is held invalid or unconstitutional, the balance of said Title 22 Part 18 will remain in full force and effect.

MISS. CODE ANN. §§49-15-1 et. seq.

TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

**PART 18 RULES AND REGULATIONS FOR SPECIAL PERMITS
IN THE STATE OF MISSISSIPPI**

CHAPTER 01 INTRODUCTION

Rule 1.1 This part provides regulations for special permits.

CHAPTER 02 JUSTIFICATION AND AUTHORITY

Rule 2.1 ~~The Mississippi Commission on Marine Resources (MCMR)~~ Mississippi Department of Marine Resources (MDMR) is vested with the jurisdiction and authority over all marine aquatic life and to regulate any matters pertaining to seafood, ~~as provided for in § 49-15-15, of the Mississippi Code Ann. of 1972, as amended.~~

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-303, 49-15-304, 49-15-307, 57-15-10, and 79-22-15.

~~101 The MCMR is authorized by § 57-15-10 (1) of the Mississippi Code Ann. of 1972, as amended, to adopt, modify or repeal regulations to manage any matter pertaining to the marine resources of the state, unless the matter is governed by statute.~~

Rule 2.2 The ~~MCMR~~ MDMR is authorized by ~~§ 49-15-15 (e) of the Mississippi Code Ann. of 1972, as amended,~~ to prescribe types and forms of scientific permits for public educational or scientific institutions, federal and state agencies and consultants performing marine resources studies.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-303, 49-15-304, 49-15-307, 57-15-10, and 79-22-15.

Rule 2.3 The ~~MCMR~~ MDMR is authorized by ~~§ 49-15-36 (4) (a and b) of the Mississippi Code Ann. of 1972, as amended~~ to promulgate rules and regulations governing the taking of oysters and shrimp by nonprofit organizations and shall issue such regulations to all organizations upon request and the issuance of the special permit.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, and 49-15-307.

Rule 2.4 The ~~Mississippi Department of Marine Resources (MDMR)~~ is authorized by ~~§ 79-22-15 (4) of the Mississippi Code Ann. of 1972, as amended,~~ to issue permits to obtain estuarine and marine brood stock. ~~The MCMR may promulgate regulations for such permits and may require a permittee to meet any requirements listed in subsection two (2) of the Statute.~~

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, 49-15-307, and 79-22-15.

~~106 It is the public policy of this state to favor the preservation of the natural state of the coastal wetlands and their ecosystems and to prevent the despoliation and destruction of them pursuant to Miss. Code Ann. § 49-27-3.~~

~~107 The MCMR is vested with authority to adopt, modify, or repeal rules or regulations to utilize, manage, conserve, preserve and protect the flora, fauna, tidelands, coastal wetlands, coastal preserves, marine waters and any other matter pertaining to the marine resources under its jurisdiction pursuant to Miss. Code Ann. § 49-15-304.~~

CHAPTER 03 CONDITIONS APPLICABLE TO ALL SPECIAL PERMITS

Rule 3.1 Each application received will be reviewed based on individual project merit. After review by personnel of the MDMR, a recommendation will be made to the Executive Director of the MDMR or his designee as to the validity of the permit request and if it has sufficient merit for issuance.

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Rule 3.6 No other commercial or recreational harvesting and/or collecting can take place during the harvesting or collecting activity being conducted under the issuance of any Special Permits, unless otherwise authorized by the Executive Director.

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Rule 3.7 All MDMR Special Permits are valid only in the marine waters and state managed areas under the territorial jurisdiction of the MDMR. These waters include all waters south of Interstate 10 in Hancock, Harrison and Jackson Counties and extend to approximately three miles south of the barrier islands. All state managed areas include those parcels acquired and managed by the MDMR's Coastal Preserves Program. To conduct sampling activities within the one-mile boundary of the Gulf Islands National Seashore permission must also be obtained from the National Park Service located in Ocean Springs, MS at (228) 875-9057.

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Rule 3.8 The MDMR Marine Patrol Office (228) 523-4134 must be notified ~~24 hours~~ the morning of sampling in advance of the start of any research activity.

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Rule 3.9 All Special Permits will expire December 31 of the year of issuance, unless otherwise noted. The Executive Director or his designee may set time limits or restrict the duration of harvest activities as deemed necessary.

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Rule 3.11 Violation of any of these conditions will render the Special Permit null and void and subject the violator to penalty provisions identified in Chapter 8 9 below.

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- A. Name, address, email address and daytime phone number of applicant
- B. Names of all person(s) that will be conducting field research activities under the provisions of the specific permit.
- C. Registration and/or documentation number(s) of all vehicles or vessels that will be involved in research activities and name of vessel(s) ~~if~~, as applicable.
- D. A general description of all activities which will be conducted, including a schedule of

activities, research methods, number and size of all gear to be used, and frequency of activity by gear type, and a target sample/harvest size, as applicable.

E. A map showing the geographical location of the research activities, with each location identified by coordinates.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, 49-15-307.

Rule 4.2 A complete written report of all collection activities must be submitted ~~to~~ on a form provided by the MDMR within-30 days ~~following~~ of the expiration date of the permit.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, 49-15-307.

Rule 4.3 None of the samples collected under the authority of an MDMR Scientific Research Permit are to be sold, bartered, traded or consumed. Only applicants who can demonstrate a specific need for retaining samples as an integral part of the project will be authorized to retain samples.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, 49-15-307.

CHAPTER 05 NON-PROFIT ORGANIZATION HARVESTERS PERMIT

Rule 5.1 If the non-profit organization is requesting to harvest shrimp prior to the official opening of the season or if the non-profit organization is requesting to harvest oysters outside the open season or in areas not normally open to harvest, the initial request must be submitted in writing and the applicant must include the following information on a form provided by the MDMR.

- A. Applicant name, date, official name and tax exempt number of non-profit organization, phone number of applicant, email address and address.
- B. Names of all person(s) that will be harvesting or transporting shrimp and/or oysters.
- C. Registration and/or documentation number(s) of all vehicles or vessels involved in harvesting or transporting shrimp and/or oysters and name of vessel(s) ~~if~~, as applicable.
- D. A general description of all activities which will be conducted, including a schedule of harvest activities, number and size of all gear to be used, frequency of collection activity by gear type, and a target harvest amount.
- E. A description of the general area where harvest activity will take place.
- F. The point of departure and return must be included in the application.
- G. Name and date of the function shrimp or oyster are harvested for.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, and 49-15-307.

Rule 5.2 Applicants must be tax-exempt organizations under Section 501 (c) of the United States Internal Revenue Code and have on file with the State Tax Commission a tax-exempt letter issued by the United States Internal Revenue Service. Each application received will be reviewed by Office of Marine Fisheries personnel, and a recommendation will be made to

the Executive Director of the MDMR or his designee as to the validity of the permit request and if it has sufficient merit for issuance.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, and 49-15-307.

Rule 5.3 The Shrimp Permit will only be issued to non-profit organizations that conduct functions prior to the official opening of shrimp season. ~~The oyster permit~~ Oyster Permit will only be issued to non-profit organizations demonstrating a need to harvest oysters outside the open season or in areas closed to harvest. All regulations and statutes must be adhered to as defined in the current version of Title 22 Parts ~~2 and 1 and 2 of MCMR~~ as well as the applicable state statute Miss. Code Ann § 49-15-64 and § 49-15-36, as amended.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, and 49-15-307.

Rule 5.4 Trawling and oyster harvesting is permitted only between 6:00 a.m. and 6:00 p.m. limited to the hours beginning thirty (30) minutes before legal sunrise and ending thirty (30) minutes after legal sunset on the date that harvest is permitted. In the event of inclement weather an alternate date must be included on the application. Harvest activities must be coordinated with the Office of Marine Fisheries a minimum of one week prior to any harvesting and all harvest activities as regulated under State Statute or Part apply.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, and 49-15-307.

Rule 5.5 The total catch of shrimp will be limited to that deemed necessary by the MDMR and the applicant, but will not exceed a maximum of 500 pounds. Any by-catch must ~~to be~~ returned to the water immediately. The Executive Director will determine the total number of oysters the permittee will be allowed to harvest under the conditions of the permit.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, and 49-15-307.

~~105 The permit is issued under the authority of Miss. Code Ann. § 49-15-64 and § 49-15-36, as amended.~~

Rule 5.6 A complete written report of all harvest activities must be submitted on a form provided by the MDMR within 30 days of the expiration date of the permit.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, and 49-15-307.

CHAPTER 06 MARINE BROOD STOCK COLLECTION PERMIT

Rule 6.1 When making the initial request in writing for a Marine Brood Stock Collection Permit

the applicant must include the following information on a form provided by the MDMR:

- A. Name, address, email address and daytime phone number of applicant
- B. Names of all person(s) that will be conducting field collections under the provisions of the specific permit.
- C. Registration and/or documentation number(s) of all vehicles or vessels that will be involved in collection activities and name of vessel(s) if applicable.
- D. A general description of all activities which will be conducted, including a schedule of collection activities, collection methods, number and size of all gear to be used, frequency of collection activity by gear type.
- E. A map showing the geographical location of the collection activities.
- F. Target species and proposed number of each species to be harvested.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, 49-15-307, and 79-22-15.

Rule 6.2 A complete written report of all collection activities must be submitted ~~to~~ on a form provided by the MDMR Office of Marine Fisheries within 30 days following the expiration date of the permit.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, 49-15-307, and 79-22-15.

Rule 6.3 None of the finfish or shellfish collected under the authority of a Marine Brood Stock Collection Permit are to be sold, bartered, traded or consumed.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, 49-15-307, and 79-22-15.

~~103 The permit is issued under the authority of Miss. Code Ann. § 79-22-15(4), as amended.~~

CHAPTER 07 EXPERIMENTAL GEAR/UNDERUTILIZED SPECIES PERMIT

Rule 7.1 When making the initial request in writing for an Experimental Gear/Underutilized Species Permit the applicant must include the following information on a form provided by the MDMR:

- A. Name, address, email address and daytime phone number of applicant
- B. Names of all person(s) that will be conducting harvest activities under the provisions of the specific permit.
- C. Registration and/or documentation number(s) of all vehicles or vessels that will be involved in harvest activities and name of vessel(s) ~~if,~~ as applicable.
- D. A general description of all activities which will be conducted, including a schedule of harvest activities, harvest methods, number and size of all gear to be used, including a diagram of gear to be used, and a target harvest amount, as applicable.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, and 49-15-307.

Rule 7.2 A complete written report of all harvest activities must be submitted ~~to~~ on a form provided by the MDMR Office of Marine Fisheries within 30 days following the expiration date of the permit to include but not limited to:

- A. Number of trips
- B. Duration of trips
- C. Number and/or ~~lbs~~ pounds of target species harvested
- D. Disposition of catch
- E. Area of harvest

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, 49-15-307, and 57-15-10.

Rule 7.3 Only the target species harvested under the authority of a Marine Experimental Gear/Underutilized Species Permit are allowed to be sold, bartered, traded or consumed. All other species of marine organisms must be returned immediately to the marine waters under the territorial jurisdiction of the State of Mississippi.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, 49-15-307, and 57-15-10.

Rule 7.4 The Executive Director of the MDMR or his designee will determine the types of commercial licenses that must be obtained for harvesting seafood under the Marine Experimental Gear/Underutilized Species Permit.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, 49-15-307, and 57-15-10.

~~104 The permit is issued under the authority of Miss. Code Ann. § 57-15-10, as amended.~~

CHAPTER 08 SPECIAL TRANSPORT PERMIT

Rule 8.1 If any agency, institution, organization, or corporation requests to transport for the purposes of rehabilitation, research or education any live or dead specimen(s) of marine species for which harvest or possession is otherwise prohibited, the initial request must be submitted in writing and the applicant must include the following information on a form provided by the MDMR:

- A. Name, address, email address and daytime phone number of applicant
- B. Names of person(s) that will be conducting transport operations under the provisions of the specific permit.
- C. Registration and/or documentation number(s) of all vehicles or vessels that will be involved in transport activities and name of vessel(s) if applicable.
- D. A general description of all activities which will be conducted, including a schedule of transport activities and transport methods.
- E. Species and proposed number of each species to be transported.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, 49-15-307, and 57-15-10.

Rule 8.2 A complete written report of all transport activities must be submitted on a form provided by the MDMR Office of Marine Fisheries within 30 days following the expiration date of the permit.

MISS. CODE ANN. §§49-15-11, 49-15-15, 49-15-36, 49-15-64, 49-15-303, 49-15-304, 49-15-307, and 57-15-10.

CHAPTER ~~08~~ 09 PENALTIES

Rule 9.1 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 will be considered separate offenses and punished as such.

MISS. CODE ANN. §§49-15-1 et seq.

CHAPTER ~~09~~ 10 CHAPTERS AND SUBCHAPTERS DECLARED SEPARABLE

Rule 10.1 Each chapter and subchapter of this Part is hereby declared separable, and if any chapter or subchapter or part thereof is held invalid or unconstitutional, the balance of said Title 22 Part 18 will remain in full force and effect.

MISS. CODE ANN. §§49-15-1 et. seq.