MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES & PARKS
Bureau of Fisheries and Wildlife
1505 Eastover Drive
Jackson, MS 39211

PUBLIC NOTICE F2-3798

The Mississippi Commission on Wildlife, Fisheries and Parks at a meeting in Jackson, Mississippi on August 18, 2009, under authority of Section 25-43-3, Mississippi Code of 1972, make known it's intent and in 30 days to adopt the following regulations on commercial fishing under authority of Sections 49-1-29; 49-7-8; 49-7-9; 49-7-81; 49-7-90.

Be it ordered that the following rules, regulations and required licenses and permits relative to commercial harvest of paddlefish (spoonbill catfish) and possession of any fish roe be adopted.

Be it ordered that the following rules, regulations and required licenses and permits do not pertain to: persons engaged in sport fishing, persons who possess a resident commercial fishing license can take one Paddlefish per day for personal consumption during the months of May thru August.

I. Definitions

Paddlefish Harvester - Resident person that has a Paddlefish Harvester Permit that permits that person to fish for and take Paddlefish. Paddlefish Harvester is allowed to sell roe only to persons with Paddlefish Buyer/Exporter Permit or Paddlefish Processor permit, and can sell paddlefish flesh after the paddlefish harvest has been documented by Buyer/Exporter Permit or Processor.

Paddlefish Harvester Helper – Resident person who assists all types of Paddlefish Permit holders operations. Helpers cannot sell, resell or ship for sale Paddlefish or Paddlefish parts. Helper must be in the presence of Paddlefish Permit holder when in possession of paddlefish or paddlefish parts.

Paddlefish Buyer/Exporter – Persons who are permitted to buy, process, sell or ship Paddlefish roe. Buyer/Exporter is also permitted to buy paddlefish flesh and/or document the paddlefish harvest of person with a Paddlefish Harvester Permit.

Paddlefish Processor - Persons who are permitted to buy, sells or ship Paddlefish roe with 40% of roe by weight purchased made into a retail product ready for consumption and packaged in a container that contains less than 1kilogram of paddlefish with label listing that the product is paddlefish roe or caviar and that the product is "Product of Mississippi,

USA". Processor is also permitted to buy paddlefish flesh and/or document the paddlefish harvest of person with a Paddlefish Harvester Permit.

Documented Paddlefish – A paddlefish legally harvested by a Paddlefish Harvester that has been tagged, roe removed, and the harvest has been recorded by either a Paddlefish Buyer/Exporter or Paddlefish Processor on a Paddlefish Sale Transaction Form.

II. Licenses, Permits and Tag Fees:

Persons, who take paddlefish or sell, buy, ship, or possess paddlefish roe must have a commercial fishing license and one, or more, of the following permits:

Commercial Fishing License Types	Cost
Resident Paddlefish Harvester Permit	$750
Resident Paddlefish Harvester Helper Permit	$100
Paddlefish tags (for each paddlefish harvested)	$3 for 20 tags
Paddlefish Processor Permit	$1,000
Paddlefish Buyer/Exporter Permit	$3,000

Prices listed do not include processing or agent fees
Permits require appropriate commercial fishing license to purchase

Applications and Permits

1) Application for permits will be accepted from October 1 October 15 for upcoming season. Application must be submitted electronically through a Point of sale (POS) license terminal (anywhere that hunting/fishing licenses are sold).). Applicant must be 16 years of age and a resident to apply for Paddlefish Harvest Permit. A non-refundable application fee of $5, plus a processing fee will be charged. Only applications received on or before October 15, will be eligible. Only one application may be submitted per person. All applicants will be notified by mail whether or not they are approved to purchase permits: Those selected must attend a mandatory meeting to be held at the Mississippi Department of Wildlife, Fisheries and Parks (MDWFP) North Mississippi Fish Hatchery in Enid Mississippi on a date specified in the mailing notification. In addition, Applications for Buyer/Exporters or Processors permits will be accepted in the Fisheries Office in Jackson, Mississippi until March 30.

2) Purchase of paddlefish permits is contingent on the condition that permit applicants have not been convicted, within the last 5 years, of any violations of fish and wildlife laws or regulations.

3) MDWFP reserves the right to limit the number of Resident Paddlefish Harvester permits

to 25.Preference will be given to those in good standing, who had purchased Paddlefish permits the previous year.

4) Resident Paddlefish Harvester permits, Paddlefish Buyer/Exporter permits, Paddlefish Processor Permit and Paddlefish tags will expire August 30 of the year following issuance of the permits. Any unused Paddlefish Tags must be returned at the end of the season.

III. Paddlefish Harvest:

1) It shall be unlawful for any person to fish for and take paddlefish and their parts (eggs and/or flesh) without having a Mississippi Resident Commercial fishing license and a Mississippi Resident Paddlefish Harvester Permit. Persons having a Paddlefish Harvester permit can only sell roe to persons possessing a Mississippi Paddlefish Buyer/Exporter Permit or Paddlefish Processor permit and must document their paddlefish catch with persons holding either a Mississippi Paddlefish Buyer/Exporter Permit or Paddlefish Processor permit.

Exception

Nonresidents fishing in reciprocal waters who are properly licensed by the border state to take paddlefish can take and/or transport paddlefish to their state of residency, but while in Mississippi the paddlefish shall remain whole, there shall be no cuts or mutilation and eggs shall remain entirely within the body cavity of the fish.

IIIa. Minimum length for commercial harvest of paddlefish

1) It shall be unlawful to harvest paddlefish less than 37 inches eye to fork length (front of eye to curvature in fork in tail) with paddlefish laid flat on a flat board.

Exceptions

a) On waters that border an adjacent state, during periods when both states have open seasons for commercial harvest of paddlefish, the minimum length limit will be the lower limit between the two states

IV. Handling of Paddlefish

1. It shall be unlawful to possess a paddlefish without a MDWFP issued serial tag attached to the dorsal fin. The tag will be attached at capture and remain on the fish until flesh is packaged for retail sale or final retail sale is made. This includes the one paddlefish per day allowed to commercial fishermen between the months of May thru August.

2. It shall be unlawful to possess cut or mutilated paddlefish while on the water and until the fish reach a Mississippi Paddlefish Buyer/Exporter or Mississippi Processor.

Mutilation involves cutting, puncturing, tearing or disfiguring of paddlefish in any way. Paddlefish shall remain whole after capture and eggs shall remain entirely within the body cavity of the fish until the fish reach a processing facility of either a Mississippi Paddlefish Buyer/Exporter or Mississippi Paddlefish Processor. This includes all nonresident commercial fishermen in reciprocal waters.

Exceptions:

a) A 12-gauge needle inserted into the side of a paddlefish adjacent to the ovaries may be used to determine the presence of eggs.

b) The snout forward of the eye and the tail past the fork may be removed for transport.

3. Paddlefish, including the removal of roe shall be processed at a facility with a permanent address and comply with Federal and State Health regulations

4. Paddlefish flesh documented by either a holder of a valid Buyer/Exporter Permit or Processor Permit may be retained by a paddlefish permit holder for sale, consumption, donation, or disposal. Disposal is pursuant to regulations of Mississippi Department of Environmental Quality.

5. Personnel of the MDWFP will be allowed to inspect processing facilities and record biological data on harvested paddlefish.

6. It shall be unlawful to store any fish roe in wholesale or bulk containers that are not identified by a label on the container that identifies the roe as to species and if paddlefish roe is being stored the container has written on the label the tag number(s) of the paddlefish from which the roe was taken.

V. Sale of Paddlefish and Paddlefish Parts:

It shall be unlawful for any person to possess, or buy, or sell, or ship across the Mississippi state line whole paddlefish, paddlefish parts or paddlefish eggs or roe without a Sale Transaction Form with the product.

Exceptions:

a) Persons who have purchased paddlefish flesh or processed and packaged paddlefish eggs for consumption.

b) Restaurants, grocery stores, hotels, retail fish markets, and wholesale food suppliers selling paddlefish roe or paddlefish parts fully processed, packaged and ready for retail sale in sealed container.

c) Commercial shipping firms may possess legally taken paddlefish and/or paddlefish eggs or flesh shipped by persons having a Mississippi Paddlefish Buyer/Exporter or Processor Permit.

Documented paddlefish may be sold or possessed for sale or consumption by any person. A copy of the Sale Transaction Form shall accompany the fish(s) and the tag shall remain on the fish until processed and packaged for retail sale. Note that this does

not nullify the need for a commercial fishing license as required to sell non-game gross fish.

VI. Reporting Requirements for Harvest, Sale and Shipping

Sale Transaction Form.

The harvest of any paddlefish must be documented on a Sale Transaction Form, prior to, or at the time, any sale or processing of the fish. The Sale Transaction Form will contain the tag number, paddlefish eye to fork length in inches, presence or absence of eggs, pounds of eggs purchased, processed weight of eggs, number of nets used, hours fished, date of harvest, and capture locations shall be recorded on the provided form and signed by the Harvester and Buyer/Exporter or Processor. Harvester and Buyer shall retain a copy of each Sale Transaction Form and the Harvester shall submit the original to the MDWFP on a monthly basis by the 15th of the month following the month of harvest. The Buyer/Exporter or Processor is required by the end of the day to submit an electronic copy by internet, or legible fax copy to the MDWFP. If no paddlefish were harvested or handled in a month a Sale Transaction Form must still be submitted.

Monthly Processor Form

Processor will submit a form each month stating the pounds of roe processed as a retail product. The Monthly Processor Form will be submitted by the 15th of the month following the month of the report.

Form Retention

Paddlefish Harvester Permit holders and Paddlefish Buyer/Exporter Permit holders will retain a copy of all completed forms for a period of three years and make them available upon request by the MDWFP.

VII. Paddlefish Harvest Season, Open Areas and Quotas:

1) Mississippi River Zone: Paddlefish Harvest on border waters with Arkansas along the Mississippi River.
   Description of open waters for Mississippi River Zone:
   Mississippi River from the Tennessee- Mississippi state line south to a point due west of the Corregidor Light near Mile marker 507, including all waters within the mainline levees of the Mississippi River in Desoto, Tunica, Coahoma, Bolivar and Washington Counties.

   The Paddlefish Season for the Mississippi River Zone will be from December 1 – March 31

2) Mississippi Delta Zone: Paddlefish Harvest in the following areas:

In all waters of Tunica County and Quitman County.
In Tallahatchie Co., all waters north of Highway 32.

The Paddlefish Season for the Mississippi Delta Zone will be from January 1 – February 28

3) Sunflower River Zone: Paddlefish Harvest on section of Sunflower River

In all waters of Sharkey County north of MS Hwy 16 and the Sunflower River along the Washington-Humphreys County Line. Harvesters are allowed to access the zone via boat Brumfield Landing Public Boat Ramp

The Paddlefish Season for the Sunflower River Zone is Open from January 1 – February 28

4) All other waters of the state are closed to commercial paddlefish harvest.

VIII. Penalty for Violations

1) Violation of any of the Mississippi state laws or state regulations pertaining to paddlefish will be considered a Class I offense as specified in Section 49-7-90 of the Mississippi State Code of 1972 as amended.

2) Failure to submit or falsify required paddlefish information to the MDWFP on the specified forms by the specified time or date will result in the revocation of Paddlefish Harvester, Paddlefish Buyer/Exporter and Paddlefish Processor Permits.

This adopted public notice will become effective September 22, 2009. Witness my hand and seal this the 18th day of August, 2009.

MISSISSIPPI COMMISSION ON WILDLIFE, FISHERIES & PARKS

BY: _____
Bryan Jones, Chairman

MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES & PARKS

BY: _____
Sam Polles, Ph.D., Executive Director

I certify this to be a
true and correct copy.

_____
Executive Director

SALLY L. SUTHERLAND NOTARY PUBLIC Expires May 31, 2011 RANKIN COUNTY, MS

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Notary