TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

PART 6 RULES AND REGULATIONS FOR LIVE-BAIT SHRIMPING IN THE STATE OF MISSISSIPPI

Chapter 01 Introduction

Purpose

100 This part provides for the regulations for live-bait fishing.

Chapter 02 Justification and Authority

100 The Mississippi Commission on Marine Resources (MCMR) views the live bait fishery as a service to the recreational fisherman and tourist industry of Mississippi.

101 The MCMR has determined that regulations are necessary to assure that this service may be performed with minimal impact on shrimp and fish populations.

102 The MCMR has determined that in order to protect the valuable shrimp fishery of the State of Mississippi, no more than that amount of bait shrimp necessary to service the recreational fishermen of Mississippi should be harvested from those waters of the state that are closed to commercial shrimping activities, except for live bait shrimping.

103 The MCMR is authorized by Mississippi Code Ann. § 49-15-64.3 (2) as amended, to adopt rules, regulations, guidelines and other operation criteria in conjunction with licensing live bait dealers and live bait catcher boats as it deems appropriate to insure that only bona fide operations will be licensed.

104 The MCMR has determined that, in order for live bait dealers to operate live bait shrimp transport vehicles and to ensure that only bona fide operations will be licensed, said vehicles should be properly regulated.

105 The MCMR is vested with the jurisdiction and authority over all marine aquatic life in accordance with Mississippi Code Ann. § 49-15-15 as amended.

Chapter 03 Definitions

100 **BAIT SHRIMP** shall mean saltwater shrimp that count one hundred (100) or fewer shrimp per pound, and are intended solely for use as bait to be sold or dispensed alive or dead with heads attached to recreational fishermen, or licensed live bait dealers as permitted within the State of Mississippi.

101 **BULK SALES** shall mean any sale, barter, trade, exchange or otherwise dispensing of dead shrimp consisting of more than five (5) pounds per person per day; or any sale, barter, trade, exchange or otherwise dispensing of live shrimp of more than five hundred (500) live bait shrimp per person per day.

102 **CAST NET** shall mean any cast net or brille net or any circular or conical weighted net designed to be thrown downward by hand and withdrawn by lines attached to its margin.

103 **CHUM** shall mean fish or invertebrates (excluding all species of marine shrimp and crabs) which are intended solely for use as a fish attractant to be sold or dispensed to recreational fishermen within the State of Mississippi.

104 **COMMISSION** shall mean the Mississippi Commission on Marine Resources (MCMR).

105 **EXECUTIVE DIRECTOR** shall mean the Executive Director of Mississippi Department of Marine Resources (MDMR) or his designee.

106 **FOOTROPE** shall mean leadline, footline, groundrope or that lower part of the trawl that the webbing is first attached, that also provides for the weighing down of the trawl by means of lead weights, chain or other means.

107 **HEADROPE** shall mean corkline, headline, floatline or that upper part of the trawl that the webbing is first attached, that also provides flotation by means of corks, floats or other means.

108 **INTEREST IN COMMERCIAL SHRIMP OPERATION** shall mean having any direct or indirect pecuniary or financial interest in any commercial shrimp vessel, shrimp processing facility or sale of shrimp for human consumption.

109 **INTEREST IN LIVE BAIT OPERATIONS** shall mean having any direct or indirect pecuniary or financial interest in any live bait catcher boat, live bait shrimp transport vehicle or live bait camp.

110 **LIVE BAIT DEALER** shall mean "live shrimp dealer" or any person, firm or corporation who engages in the sale, exchange, barter or dispensing of shrimp, in a live condition or dead with heads attached, solely as bait only to recreational fishermen within the State of Mississippi, or other licensed live bait dealers as permitted; and has been duly inspected and permitted as a "licensed live bait dealer" by the MCMR. Said dealer must also actively pursue the business of supplying the needs of sports fishermen in the State of Mississippi with bait, tackle and other recreational fishing needs.

111 **LIVE BAIT CAMP** shall mean any business of a live bait dealer that deals in the selling of live and dead shrimp to recreational fishermen within the State of Mississippi for bait use and has been duly inspected and permitted as a "live bait camp" by the MDMR.

112 **LIVE BAIT CATCHER BOAT** shall mean any watercraft having suitable equipment aboard to properly harvest and retain aboard, in a live condition, shrimp which are intended solely for use as live bait to be sold or dispensed to recreational fishermen within the State of Mississippi and said boat having been duly inspected, permitted and licensed by the MCMR as a "live bait catcher boat" to a particular live bait camp.

113 **LIVE BAIT SHRIMP TRANSPORT VEHICLE** shall mean any motorized vehicle having suitable equipment to properly transport, in a live condition, shrimp which are intended solely for use as live bait to be sold or dispensed to recreational fishermen and said vehicle having been duly inspected and permitted as a "live bait shrimp transport vehicle" by the MDMR.

Chapter 04 Closure Areas

100 It shall be unlawful for any person, firm, or corporation to take, catch, or carry away any saltwater shrimp, for any purpose at any time from any bayou, bay, lake, canal, stream, creek, river or other tributary to the Mississippi Sound or Lake Borgne in the three Coastal Counties. However, live bait shrimping by live bait catcher boats is permitted year-round in Middle Bay; Point Aux Chenes Bay; Jose Bay; Pascagoula Bay; East, West and Middle Pascagoula Rivers south of the CSX Railroad bridges; Biloxi Bay and Bay of St. Louis south of the CSX Railroad bridge and Heron Bay.

101 Nothing in this chapter shall be construed to limit the use at any time of cast nets or brille nets not exceeding twelve (12) feet (maximum radius or length) used for catching saltwater shrimp. Any person shall be allowed to take shrimp in the bays located within and surrounding the cities of Bay St. Louis, Gautier, Ocean Springs, Biloxi and Pascagoula with a cast net or brille net, but shall not take more than fifty (50) pounds (heads-on) of shrimp per person per day for personal consumption. It shall be unlawful for any persons using said nets to remove the heads of the shrimp on site.

Chapter 05 Gear Regulations

100 It shall be unlawful for any person, firm or corporation to engage in live bait shrimping operations or to operate a live bait catcher boat without complying with the following:

100.01 A live bait catcher boat shall be licensed to catch live bait shrimp for only one live bait dealer, unless specifically permitted to do so as provided for in this Part. Once a live bait boat has been inspected and licensed to catch shrimp for a specific licensed live bait dealer that boat and captain must continue to work for that dealer until the following license period. The only exception to this is when a dealer has their license revoked as provided for in Mississippi Code Ann. § 49-15-64.3, as amended, or is otherwise out of business. The captain and live bait catcher boat may transfer to work for another live bait camp with the prior approval of the Executive Director or his designee and if they were not convicted

of any violations that resulted in or contributed to the revocation of the live bait camp license. These are the only circumstances in which a live bait captain and catcher boat will be allowed to change camps during the course of the season and begin to work for another camp.

100.02 It shall be unlawful for any live bait catcher boat to tow a net in excess of twenty-five (25) minutes, including the time it takes to put out or pick up a trawl.

100.03 It shall be unlawful for live bait catcher boats east of Bayou Caddy to pull or have on board a trawl with measurements in excess of sixteen (16) feet along the headrope; or to pull or have on board a trawl with measurements in excess of sixteen (16) feet along the headrope or in excess of twenty-two (22) feet along the footrope for the purpose of catching bait shrimp in Mississippi waters. It shall further be unlawful for live bait catcher boats working in Hancock County south and west of Bayou Caddy to pull or have on board a trawl with measurements in excess of twenty-five (25) feet along the headrope or in excess of thirty-two (32) feet along the footrope for the purpose of catching bait shrimp in Mississippi waters.

100.04 It shall be unlawful for live bait catcher boats to use boards greater than four (4) feet in length.

100.05 Live bait catcher boats must be clearly marked by displaying in an easily visible position, on both port and starboard sides, in block letters at least six (6) inches high by at least one-half (1/2) inch wide and of a contrasting color to that of the vessel, the words: "LIVE BAIT" and the name of the camp similarly displayed.

100.06 It shall be unlawful for any live bait catcher boat to use in excess of one (1) trawl. It shall be further unlawful for any live bait catcher boat to use any test or try trawl.

100.07 Live bait catcher boats shall be equipped with shaded holding tanks with aeration capabilities and a water circulating system aboard. Said holding tanks aboard the live bait catcher boat must be of either circular or raceway type with adequate water flow, provided, however, that rectangular shaped tanks already in use may continue to be used when boards are placed in the corners to prevent live shrimp from congregating. Provisions for aerating said holding tanks shall be provided to insure optimal survival of the bait shrimp. A pump capable of drawing water from near the bottom where the shrimp are caught shall also be on board. A "wet" or recirculating sorting tank shall be required to separate shrimp from incidental catch. Other types of on-board holding tanks or systems may be permitted if it can be shown that they are at least as adequate as those described above. The Executive Director or his designee shall determine the capability of such holding tanks aboard to hold shrimp or fish in a live condition, as well as the capability of any pumps or aeration systems prior to the issuance of a permit for their operation.

100.08 It shall be unlawful for any live bait catcher boat to have in excess of thirty (30) pounds of dead shrimp on board at any time.

100.09 It shall be unlawful for any minnow fishermen or live bait catcher boat to have in possession in excess of five (5) pounds of dead mullet. The commercial minimum length limit for mullet in Title 22 Part 07 Chapter 09 Section 100.05 shall not apply to resident licensed minnow fishermen, licensed live bait catcher boats fishing below the CSX or licensed live bait dealers selling mullet for bait. Minnow fishermen shall only sell mullet to licensed Mississippi live bait dealers or Mississippi recreational fisherman. It shall be unlawful to possess mullet north of the CSX railroad while engaged in minnow fishing.

100.10 The designated captain of the live bait catcher boat may not operate said boat without having in his immediate possession a valid live bait catcher boat license issued by the Executive Director or his designee and his Captains' license issued by the MCMR.

100.11 Trawling hours for live bait catcher boats shall begin no earlier than thirty (30) minutes before official sunrise and end no later than official sunset each day, unless otherwise specified by the MCMR or State Statute.

100.12 Live bait catcher boat operators may retain other fish caught incidental to catching bait shrimp, and such fish may be sold as chum or bait provided they meet all minimum commercial size requirements (except as provided in Sec. 100.09) as established by Mississippi Statute and Parts as well as all other applicable regulations as established by the MCMR and State Statute. If the live bait camp desires to sell crabs caught while engaged in fishing for live bait, the live bait dealer must possess a valid crab license issued by the MCMR and abide by all crabbing regulations as established by the MCMR and State Statute. All other incidental catch not intended for sale as bait or chum must be returned to the water as soon as possible in order to ensure survival.

100.13 It shall be unlawful for a live bait dealer or live bait catcher boat captain or operator to refuse to sell any shrimp legally caught or possessed for bait use.

100.14 It shall be unlawful for any person, firm or corporation to sell, offer for sale, barter, trade, dispense or otherwise dispose of live bait shrimp from a live bait catcher boat, other than for use as bait, to recreational fishermen or to the live bait camp or camps for which it is permitted. It shall further be unlawful for any person, firm or corporation to sell, offer for sale, barter, trade, dispense or otherwise dispose of live bait shrimp from a live bait catcher boat to recreational fishermen in amounts exceeding five hundred (500) live bait shrimp per person per day. Dead bait shrimp may be sold, only with their heads attached, in containers holding no more than sixteen (16) ounces. No bulk sales are permitted other than to another live bait dealer as provided for in this Part.

100.15 It shall be unlawful for any person, firm or corporation to wash, pull, or have any part of a trawl in waters of the State of Mississippi that are closed to live bait shrimping or closed to that particular type or size of trawl.

Chapter 06 License Regulations

100 It shall be unlawful for any person, firm or corporation to operate a live bait camp, engage in live bait shrimping or to conduct live bait shrimp operations without complying with the following:

100.01 Before any person, firm, or corporation receives a live bait dealer's license, written application must first be made to the MCMR. Applications for a live bait dealer's license must include the following:

100.01.01 A sworn statement that dead shrimp will not be sold in containers having a volume in excess of sixteen (16) ounces.

100.01.02 A State of Mississippi sales tax number.

100.01.03 A statement of the operating hours, at least eight (8) hours per twenty-four (24) hour period.

100.01.04 The location of the camp; the camp must be accessible to the general public by public road or navigable waterway located within the three (3) coastal counties.

100.01.05 The registration number and name of the live bait catcher boat.

100.01.06 The name of the live bait catcher boat Captain.

100.01.07 The Mississippi vehicle tag number of the live bait transport vehicle (if applicable).

100.01.08 Lists of what types of licenses or permits are being requested (e.g. "live bait dealer", "live bait catcher boat", "live bait shrimp transport vehicle").

101 Additionally, all live bait dealers shall have privilege tax permits and licenses as required for conducting business in the state, as well as for the county and/or municipality in which the bait camp is located. The Executive Director or his designee will determine if the business serves the public interest and recreational fishing in Mississippi. The Executive Director or his designee will notify respective applicants of an inspection date and the Executive Director or his designee will inspect each camp prior to the issuance of a live bait dealer's license. License renewals will be issued only upon compliance of the live bait dealer with record keeping procedures for the immediately preceding license year as set forth in this Part or other parts or regulations as adopted by the MCMR, together with all applicable laws and regulations of the State of Mississippi. Any live bait dealer who failed to keep or to submit said records in a timely manner as required, must first obtain MCMR approval prior to license renewal.

102 It shall be unlawful for any live bait dealer to fail to submit their monthly Live Bait Dealer Report to the MDMR, as required by rules and regulations of the MCMR. Said reports shall

be postmarked no later than the fifteenth day of the month following the monthly reporting period. Live bait shrimp caught and sold shall be reported in numbers of shrimp, not in number of pounds.

103 Live bait dealer's licenses will be issued only by the Executive Director or his designee, and only at the time of inspection of the live bait camp. Inspections shall be completed within thirty (30) days of receiving a fully completed application.

104 The live bait dealer's license shall identify one individual who shall be responsible for operation of the bait camp and its designated live bait catcher boat and the live bait shrimp transport vehicle in accordance with all applicable laws, regulations and fees. The live bait catcher boat captain's license shall be purchased at the same time the vessel license is purchased. It shall be unlawful to substitute captains or operate a live bait catcher boat without the designated captain aboard prior to receiving written approval from the Executive Director or his designee. Requests to substitute captains must be submitted in writing in advance of such substitutions to the Executive Director for his approval. Each live bait captain is allowed one alternate live bait captain per live bait boat license. If a change of personnel occurs on said license (including the captain or the alternate captain) a new captain's license must be purchased.

105 Any live bait camp may submit a request in writing for not more than two live bait catcher boats to the Executive Director. In the event of mechanical failure or other difficulties, the license of a live bait catcher boat may be temporarily transferred, for a period not to exceed thirty (30) days, to another live bait catcher boat after approval from the Executive Director or his designee. Requests to transfer the license to a new vessel on a permanent basis must be submitted in writing to the Executive Director or his designee for their inspection and approval. This permanent type of transfer may occur only once per license year.

106 No person, firm, or corporation may operate as a live bait dealer without first having a valid place of business in the State of Mississippi which has been inspected by the Executive Director or his designee and only after receiving a license to operate issued by the Executive Director or his designee. Live bait camps shall display in an easily visible position from the nearest public roadway a sign using block letters at least six (6) inches high and at least one-half (1/2) inch wide the words "LIVE BAIT" and the name of the live bait camp. Camps are also required to have a facility adequate for safely serving the public and must meet the requirements necessary to operate a business where the camp is located.

107 Holding tanks for live bait in the live bait camp must be either circular or raceway type with adequate water flow, provided, however, that rectangular shaped tanks already in use may continue to be used when boards are placed in corners to prevent live shrimp from congregating in corners. Provisions for aerating the holding tanks shall be provided to insure optimal survival of the bait shrimp. Other types of holding tanks may be permitted if it can be shown that they are at least as adequate as those described above. The Executive Director or his designee shall determine the capability of such tanks prior to the Executive Director or his designee issuing a permit for their operation.

108 Dead bait shrimp may be sold, only with their heads attached, in containers holding no more than sixteen (16) ounces. No bulk sales are permitted other than to another live bait dealer as provided for in this Part, however, the selling in excess of five hundred (500) live bait shrimp from the live bait camp to an individual may be permitted by the Executive Director after request of the sale by the live bait dealer.

109 Holding tanks must be cleaned of dead shrimp at least every twelve (12) hours.

110 Live bait camps must be open from May 31 through December 1, a minimum of five (5) days per week. There must be someone available to sell or dispense bait to customers on a regular basis during at least eight (8) of the daylight hours. Operating hours for the period from May 31 to December 1 must be designated in writing at the time of license issuance. On any day that a live bait camp's live bait catcher boat operates, the live bait camp must open the following day and remain open as provided in its designated hours of operation, or for a minimum of eight (8) hours. The Executive Director must be notified in writing by each live bait dealer when they are unable to keep their live bait camps open for a period of five (5) or more consecutive days, and also be notified prior to the camp's reopening. Live bait dealers who fail to keep their live bait camps open during their designated times, and do not notify the Executive Director in writing of such closure, will not be permitted to renew their live bait licenses for the following year.

111 Should the designated live bait catcher boat of a particular live bait dealer become inoperable, the live bait dealer, with prior permission of the Executive Director or his designee, may purchase shrimp from another live bait dealer for the period required to make necessary repairs or to acquire another live bait catcher boat for this live bait camp. Said temporary operation shall not exceed thirty (30) days. If after thirty days the live bait dealer is unable to make repairs, the Executive Director or his designee may extend the period of temporary operations. Subject to prior approval live bait dealers unable to secure a live bait catcher boat or experiencing difficulty obtaining live bait shrimp may buy from other licensed live bait camps or commercial shrimpers. Licensed live bait dealers buying live shrimp from other licensed live bait dealers must make application for permission to the Executive Director or his designee in writing. Application must identify licensed live bait dealers they are buying shrimp from and the number of shrimp purchased on the confidential live dealer reports.

112 It shall be unlawful for any live bait dealer, or person, firm, or corporation with an interest in live bait catcher boats or live bait businesses to have any interest in commercial shrimp operations. Licensed live bait dealers and licensed commercial shrimp operations are prohibited from sharing facilities or premises.

113 It shall be unlawful for any live bait dealer to sell, exchange, barter or otherwise dispense of shrimp, fish, crabs or chum to any person, firm or corporation other than to recreational fishermen or other licensed live bait dealers as permitted. Licensed live bait dealers providing prepared shrimp food items to the public must retain invoices documenting the purchase of shrimp products from a properly licensed commercial supplier and sale to the public.

114 MDMR can provide for the transfer of the following live bait licenses/permits; dealer license, boat license and truck permit to a new camp owner during the license year provided that the sale of the camp is finalized and notarized documentation of the sale is provided to the MDMR. The license transfer must be completed by the Executive Director or his designee and the MDMR licensing office. Each license can only be changed once per license year. This transfer may only take place provided that all reporting requirements have been met as set in this Part and there are no previous live bait violations on record. Additionally if a licensed live bait boat or captain wants to change to a commercial shrimper the live bait boat and captain's license must be surrendered to the Executive Director or his designee. Surrendered licenses may not be reacquired.

Chapter 07 Transport Vehicle Regulations

100 It shall be unlawful for any person, firm or corporation to conduct live bait shrimp operations or to operate a live bait shrimp transport vehicle without complying with the following:

100.01 Live bait shrimp transport vehicles must be clearly and permanently marked by displaying in an easily visible position, on both left and right sides of said transport vehicle and or live bait holding tank in block letters at least four (4) inches high and at least three-eighths (3/8) inch wide and of a contrasting color to that of the vehicle, the words: "LIVE BAIT" and the name of the camp similarly displayed.

100.02 Live bait shrimp transport vehicles shall be equipped with shaded holding tanks with aeration capabilities and a water circulating system. Said holding tanks on the live bait shrimp transport vehicle must be of a circular type with adequate water flow, provided, however, that rectangular shaped tanks already in use may continue to be used when boards are placed in the corners to prevent live shrimp from congregating. Provisions for aerating the holding tanks shall be provided to insure optimal survival of the bait shrimp. Other types of holding tanks or systems may be permitted if it can be shown that they are at least as adequate as those described above. The Executive Director or his designee shall determine the capability of such tanks to hold shrimp or fish in a live condition, as well as the capability of any pumps or aeration systems.

100.03 It shall be unlawful for any live bait shrimp transport vehicle to have in excess of forty (40) pounds in total of dead shrimp on board at any time, except, however, when dead shrimp are to be purchased from a licensed seafood dealer for use as bait, such shrimp may be transported frozen or on ice, and must be accompanied by a bill of sale from the seafood dealer that includes the seafood dealers signature and the time and date of the sale. It shall further be unlawful to transport live shrimp while in the process of purchasing, attempting to purchase or transport dead shrimp from a seafood dealer. The additional ten (10) pounds of dead shrimp

allowed within a transport vehicle tank (30 pounds of dead shrimp in the boat tank) is to allow for any mortality which may occur during the transport of the live shrimp to the final destination.

100.04 The driver of the live bait shrimp transport vehicle may not transport live shrimp by said vehicle without having in his immediate possession a valid "live bait shrimp transport vehicle permit" issued by the Executive Director or his designee. Only licensed commercial shrimpers (resident or non-resident) may transport shrimp across state lines for the purpose of selling or delivering live bait to another state (§49-15-64.4 and §49-15-34, as amended).

101 It shall be unlawful for any person, firm or corporation to sell, offer for sale, barter, trade, dispense or otherwise dispose of any shrimp, fish, crabs or chum directly from a live bait shrimp transport vehicle other than to the live bait camp or camps for which it is permitted.

Chapter 08 Aquaculture

100 Live bait shrimp may be raised in aquaculture facilities, however only native (*Penaeid*) marine species of shrimp may be used as bait. Non-native species of shrimp are strictly prohibited from being used as live bait in the marine waters of the State of Mississippi.

Chapter 09 Penalties

100 Failure to comply with any of the requirements listed in Chapter 4, 5, 6 or 7 of this Part for live bait catcher boats, boat operators or captains, live bait dealers, live bait shrimp camps and live bait shrimp transport vehicles, shall result in revocation of the license by the MCMR in accordance with the provisions of § 49-15-64.3 of the Mississippi Code Ann. of 1972, as amended. Upon the revocation of such license, the posting of a cash performance bond of One Thousand Dollars ($1,000.00) will be required before the reissuance of the license previously revoked. Furthermore, subsequent violations of this Part or Mississippi Statutes concerning live bait shall result in the forfeiture of any applicable bonds and fees. Furthermore, any breach of this Part or Mississippi Statutes concerning live bait dealers, live bait catcher boats or live bait shrimp transport vehicles may result in non-renewal of the licenses or permits of the live bait dealer, live bait catcher boat or live bait shrimp transport vehicle by the MCMR.

Chapter 10 Chapters and Subchapters Declared Separable

100 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 06 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 and punished as such.

Chapter 11 Administrative Procedures Act

100 Pursuant to the amendments to the Administrative Procedures Act, Mississippi Code § 25-43-1.101, *et seq*., as amended, and the rules and regulations promulgated pursuant thereto by the Secretary of State; the former Ordinance 6.006 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 6 RULES AND REGULATIONS FOR LIVE-BAIT SHRIMPING
IN THE STATE OF MISSISSIPPI, shall be in effect and be in force from and after the 1st day of July 2012.

Adopted this the 15th day of May 2012.

MISSISSIPPI COMMISSION ON MARINE RESOURCES

By: _____
Vernon Asper, Ph.D., Chairman

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

By: _____
William W. Walker, Ph.D., Executive Director

Source: Miss. Code Ann § 49-15-15 and § 49-15-64.3