# TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

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

## Chapter 01 Introduction

Purpose

100 This part provides for the regulations for special permits

## Chapter 02 Justification and Authority

100 The Mississippi Commission on Marine Resources (MCMR) 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.

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.

102 The MCMR is authorized by § 49-15-15 (o) 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.

103 The MCMR is authorized by § 49-15-64 of the Mississippi Code Ann. of 1972, as amended, to promulgate rules and regulations governing the taking of shrimp by nonprofit organizations and shall issue such regulations to all organizations upon request and the issuance of the special permit.

104 The MCMR 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 by the nonprofit organization and shall issue such regulations to all organizations upon request and at the issuance of the special permit.

105 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.

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.**

100 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.

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

102 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.

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

104 The taking of threatened or endangered 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.

105 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.

106 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.

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

108 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.

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

110 Violation of any of these conditions shall render the Special Permit null and void and subject the violator to penalty provisions identified in Chapter 8 below.

**Chapter 04 MDMR Scientific Research Permit**

100 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:

- 100.01 Name, address and daytime phone number of applicant
- 100.02 Names of all person(s) that will be conducting field research activities under the provisions of the specific permit.
- 100.03 Registration and/or documentation number(s) of all vehicles or vessels that will be involved in research activities and name of vessel(s) if applicable.
- 100.04 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.
- 100.05 A map showing the geographical location of the research activities, with each location identified by coordinates.

101 A complete written report of all collection activities must be submitted to the MDMR within 30 days following the expiration date of the permit.

102 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.

**Chapter 05 Non-Profit Organization Harvesters Permit.**

100 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.

- 100.01 Applicant name, date, official name and tax exempt number of non-profit

organization, phone number of applicant and address.

100.02 Names of all person(s) that will be harvesting or transporting shrimp and/or oysters.

100.03 Registration and/or documentation number(s) of all vessels involved in harvesting or transporting shrimp and/or oysters and name of vessel(s) if applicable.

100.04 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.

100.05 A description of the general area where harvest activity will take place.

100.06 The point of departure and return must be included in the application.

100.07 Name and date of the function shrimp or oyster are harvested for.

101 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.

102 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 must be adhered to as defined in the current version of Title 22 Parts 2 and 1 of MCMR as well as Miss. Code Ann. § 49-15-64 and § 49-15-36, as amended.

103 Trawling is permitted only between 6:00 a.m. and 6:00 p.m. 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 shall apply.

104 The total catch of shrimp shall be limited to that deemed necessary by the MDMR and the applicant, but shall 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.

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

**Chapter 06 Marine Brood Stock Collection Permit.**

100 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:

100.01 Name, address and daytime phone number of applicant
100.02 Names of all person(s) that will be conducting field collections under the provisions of the specific permit.
100.03 Registration and/or documentation number(s) of all vessels that will be involved in collection activities and name of vessel(s) if applicable.
100.04 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.
100.05 A map showing the geographical location of the collection activities.
100.06 Target species and proposed number of each species to be harvested.

101 A complete written report of all collection activities must be submitted to the MDMR Office of Marine Fisheries within 30 days following the expiration date of the permit.

102 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.

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**

100 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:
100.01 Name, address and daytime phone number of applicant
100.02 Names of all person(s) that will be conducting harvest activities under the provisions of the specific permit.
100.03 Registration and/or documentation number(s) of all vessels that will be involved in harvest activities and name of vessel(s) if applicable.
100.04 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.

101 A complete written report of all harvest activities must be submitted to the MDMR Office of Marine Fisheries within 30 days following the expiration date of the permit to include but not limited to:
101.01 Number of trips
101.02 Duration of trips
101.03 Number and/or lbs of target species harvested
101.04 Disposition of catch
101.05 Area of harvest

102 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.

103 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.

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

**Chapter 08 Penalties**

100 Any person, firm, or corporation violating any of the provisions of this Part shall be guilty of a misdemeanor and upon conviction shall be penalized in accordance with § 49-15-63 or any applicable State Statute of the Mississippi Code Ann. of 1972, as amended. Violations of more than one chapter or chapters of this Part shall be considered separate offenses and punished as such.

**Chapter 09 Chapters and Subchapters Declared Separable**

100 Each chapter and subchapter of Title 22 Part 18 shall be declared separable, and if any chapter or subchapter or part thereof shall be held invalid or unconstitutional, the balance of said Title 22 Part 18 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.

**Chapter 10 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 18.000 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 18 RULES AND REGULATIONS FOR SPECIAL PERMITS IN THE STATE OF MISSISSIPPI,** shall be in effect and be in force from and after the 1st day of November 2015.

Adopted this the 15th day of September 2015.

**MISSISSIPPI COMMISSION ON MARINE RESOURCES**

By: _____
Richard Gollott, Chairman

**MISSISSIPPI DEPARTMENT OF MARINE RESOURCES**

By: Jamie M. Miller
Jamie M. Miller, Executive Director