

Mississippi Secretary of State
125 South Congress St., P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Department of Marine Resources		CONTACT PERSON Joe Jewell	TELEPHONE NUMBER 228-523-4072	
ADDRESS 1141 Bayview Ave.		CITY Biloxi	STATE MS	ZIP 39530
EMAIL Joe.jewell@dmr.ms.gov	SUBMIT DATE 7/20/2015	Name or number of rule(s): Title 22, Part 13 – Rules and Regulations for Aquaculture in the Marine Environment in the State of Mississippi		

Short explanation of rule/amendment/pepeal and reason(s) for proposing rule/amendment/pepeal: Amends rules on equipment, reporting, and environmental criteria to recognize new and emerging technologies and industries. Imports Title 22, Part 1, Chapter 19 into new Chapter 9 with changes to reflect recent statutory amendments. Reorganized to improve readability and structure.

Specific legal authority authorizing the promulgation of rule: § 49-15-15 and § 79-22-15.

List all rules repealed, amended, or suspended by the proposed rule: Almost all of Part 13 is amended or reorganized.

ORAL PROCEEDING:

- An oral proceeding is scheduled for this rule on Date: August 10, 2016 Time: 6:00 PM Place: 1141 Bayview Ave., Biloxi
- 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/pepeal may be submitted to the filing agency.

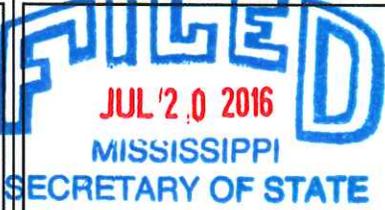
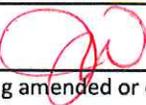
ECONOMIC IMPACT STATEMENT:

- 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: Jamie Miller, Director

Signature of person authorized to file rules: *Jamie Miller* 7/20/2016

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
		
Accepted for filing by	Accepted for filing by <u>#22117</u> 	Accepted for filing by

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



DELBERT HOSEMANN
Secretary of State

CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. This is a Concise Summary of the Economic Impact Statement which must be filed with the Secretary of State's Office.

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EMAIL Joe.jewell@dmr.ms.gov	SUBMIT DATE 7/20/2015	Name or number of rule(s): Title 22, Part 13 – Rules and Regulations for Aquaculture in the Marine Environment in the State of Mississippi		
Specific Legal Authority Authorizing the promulgation of Rule: § 49-15-15 and § 79-22-15		Reference to Rules repealed, amended or suspended by the Proposed Rule: Almost all of Part 13 is amended or reorganized.		

A. Estimated Costs and Benefits

1. Briefly summarize the benefits that may result from this regulation and who will benefit: The goal of the amendments is to clear a path for new and emerging aquaculture techniques to establish businesses in Mississippi. This will be a benefit to the seafood industry and commercial fishing industry, and ultimately, the Mississippi coastal economy.

2. Briefly describe the need for the proposed rule: Existing regulations did not consider new technologies and industries which thrive in other states. These amendments refocus regulatory efforts so that new aquaculture operations can begin.

3. Briefly describe the effect the proposed action will have on the public health, safety, and welfare:
Mississippi will enjoy an economic benefit from the new industries emerging out of these amendments. Safety should not be a concern, as aquaculture seafood remains regulated by state and federal safety standards. New aquaculture operations, especially with shellfish, are very environmentally friendly, and even provide water quality benefits.

4. Estimated Cost of implementing proposed action:
 - a. To the agency
 Nothing Minimal Moderate Substantial Excessive
 - b. To other state or local government entities

Nothing Minimal Moderate Substantial Excessive

5. Estimated Cost and/or economic benefit to all persons directly affected by the proposed rule:
- c. Cost:
 Nothing Minimal Moderate Substantial Excessive
- d. Economic Benefit:
 Nothing Minimal Moderate Substantial Excessive
6. Estimated impact on small businesses:
 Nothing Minimal Moderate Substantial Excessive
- a. Estimate of the number of small businesses subject to the proposed regulation:
7-35
- b. Projected costs for small businesses to comply: < \$1,000 per month
- c. Statement of probable effect on impacted small businesses: The goal of the proposed amendments is to create a new industry for small business. It is expected that the impact will be significantly positive, by removing unnecessary obstacles and streamlining the regulatory oversight.
7. The cost of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):
 substantially less than moderately less than minimally less than
 the same as minimally more than moderately more than
 substantially more than excessively more than
8. The benefit of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):
 substantially less than moderately less than minimally less than
 the same as minimally more than moderately more than
 substantially more than excessively more than

B. Reasonable Alternative Methods

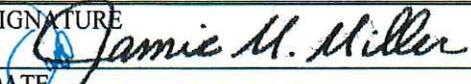
1. Other than adopting this rule, are there less costly or less intrusive methods for achieving the purpose of the proposed rule?
 yes no
2. If yes, please briefly describe available, reasonable alternative(s) and the reasons for rejecting those alternatives in favor of the proposed rule. (Please see §25-43-4.104 for factors you must consider.)

C. Data and Methodology

1. Please briefly describe the data and methodology you used in making the estimates required by this form. Costs were determined through interviews with experts, regulators in other states doing aquaculture, and industry representatives, and through analysis of economic studies. Some costs, such as tags and surveys, were found through online shopping and prior procurement.

D. Public Notice

1. Where, when, and how may someone present their views on the proposed rule and request an oral proceeding on the proposed rule if one is not already scheduled? A public hearing will be scheduled in the near future.

SIGNATURE 	TITLE Executive Director
DATE 7/20/2016	PROPOSED EFFECTIVE DATE OF RULE 9/16/2016