

TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

PART 8 RULES AND REGULATIONS FOR OFFICIAL STANDARDS OF MEASURE AND DEFINITIONS FOR MARINE FISHERIES IN THE STATE OF MISSISSIPPI

Chapter 01 Introduction

Purpose

100 The measures and definitions described in this Part shall be utilized by the Mississippi Commission on Marine Resources (MCMR), their inspectors, enforcement officers, employees, and all other persons connected therewith. These measures and definitions shall apply generally to all Parts, rules and regulations of the MCMR. However, the specific measures or definitions found in any particular Part shall be controlling in the event of the absence or material conflict of the same specific measure or definition in this Part.

Chapter 02 Justification and Authority

100 The MCMR is authorized to set standards of measure; as provided for in § 49-15-15 of the Mississippi Code Ann. of 1972, as amended; and such standards of measure are necessary to properly carry out the duties and regulations of the MCMR.

101 The MCMR is authorized by § 49-15-15 of the Mississippi Code Ann. of 1972, as amended, to enact all regulations necessary for the protection, conservation or propagation of all seafood in the waters under the territorial jurisdiction of the State of Mississippi.

Chapter 03 Measures

100 Barrel Shrimp: Two hundred ten (210) pounds of raw whole shrimp shall be one (1) barrel. One hundred thirty-two (132) pounds of raw headless shrimp shall be one (1) barrel.

101 Barrel Oysters: 5.96 cubic feet (10,306.2 cubic inches) of whole oysters in Mississippi shall be one (1) barrel.

102 Sack Oysters: 1.98 cubic feet (3435.4 cubic inches) of whole oysters in Mississippi shall be one (1) sack and the standard measure for said sack shall consist of a tub or other round vessel of the following dimensions. It shall measure 18 inches in diameter inside at the top, and 14 inches in diameter inside at the bottom, and 17 inches from bottom to top, the unit of such tub or sack measure to be in the shape of a frustum of a cone, the volume of which is determined by the formula: $V = 1/3 Bh(r_t^2 + r_b^2 + r_t r_b)$ where $V =$ Volume, $B = 3.14$, $h =$ height, $r_t =$ top radius, $r_b =$ bottom radius. One (1) of these measures filled level to the top shall make one (1) sack.

Chapter 04 Definitions

- 100 **ADULTERATED** - Shellfish shall be deemed to be adulterated if any foreign substance has been added to the shellfish, or has been mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.
- 101 **APPROVED AREA** - Waters where the growing and harvesting of shellfish for direct marketing is allowed by the authority of the MCMR or as hereby authorized the Mississippi Department of Marine Resources (MDMR) its Executive Director, Deputy Director, Director of Marine Fisheries or Shellfish Program Coordinator; where pathogenic micro-organisms, poisonous and deleterious substances are not present in the area in dangerous concentrations and; where bacteriological quality of the water of every sampling station does not exceed a fecal coliform median or geometric mean MPN of 14 per 100 ml, and not more than 10 percent of the samples exceed an MPN of 43 for a 5-tube decimal dilution test or an MPN of 49 per 100 ml. for a 3-tube decimal dilution test. An approved area may be temporarily closed when a public health emergency resulting from, for example, a hurricane, flooding, chemical spill, hazardous waste or raw sewage discharge, sinking or grounding of vessels carrying hazardous cargoes, evidence of the existence of marine biotoxins, or any other public health emergency as declared by the MCMR or as hereby authorized the MDMR, its Executive Director, Deputy Director, Director of Marine Fisheries or Biological Program Coordinator thereof.
- 102 **APPROVED DEGRADABLE MATERIAL** - shall be defined as a material which after one (1) year of immersion in water loses at least fifty (50) percent of its tensile strength and for which a field test must be available to analyze the material for authenticity or the net must have a placard issued by the MDMR which will be permanently attached to the net certifying that the net is made of an approved degradable material. Any material previously approved by the MCMR under Part 5 shall be deemed an "approved degradable material" for purposes of this Part, regardless of whether the material meets the fifty (50) percent loss in tensile strength after one (1) year of immersion in water.
- 103 **BAG LIMIT** - shall mean the total number of a particular species, or species in aggregate, that a fisherman can retain for a single day's catch.
- 104 **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.
- 105 **BIB or TONGUE** - shall mean an extension of the middle section of the upper part of the net with a triangular piece of webbing. The bib or tongue requires additional line(s), other than the lines attached to the trawl boards, which run from the bridle or boat to the bib or tongue.

- 106 **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.
- 107 **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 an attached line.
- 108 **CERTIFIED INTERSTATE SHELLFISH SHIPPER** - An individual, firm or corporation who has been issued a numbered permit by the MCMR or as hereby authorized the MDMR, its Executive Director, Deputy Director, Director of Marine Fisheries or Biological Program Coordinator, or a non-resident individual, firm or corporation who has been issued a numbered license or permit by the non-resident's appropriate State Shellfish Control Agency indicating that the individual, firm or corporation operates in compliance with the sanitation and program regulations of the National Shellfish Sanitation Program, and is therefore eligible to participate in the interstate shipment of shellfish.
- 109 **CERTIFIED SHELLFISH PLANT** - A certified shellfish plant is defined as a shellfish plant which complies with the provisions of this Part and which possesses a valid shellfish processing plant permit from the MCMR or as hereby authorized the MDMR, its Executive Director, Deputy Director, Director of Marine Fisheries or Biological Program Coordinator. A certified shellfish plant is recognized as a Certified Interstate Shellfish Shipper. A certified shellfish plant is designated as either a: Shellstock Shipper (SS), Shucker-Packer (SP), Repacker on (RP) or Reshipper (RS).
- 110 **CHIEF INSPECTOR** - shall mean the highest-ranking marine enforcement supervisor of the MDMR.
- 111 **CHUM** - shall mean any biological or chemical product which is intended solely for use as a fish attractant to be sold or dispensed to recreational fishermen within the State of Mississippi.
- 112 **COMMISSION** - shall mean the Mississippi Commission on Marine Resources (MCMR).
- 113 **COMMERCIAL EEL FISHING** - shall be defined as a fishing activity using traps or pots where the sole purpose is to catch American eels (*Anguilla rostrata*). It shall be unlawful for any person, firm, or corporation to retain any fish or shellfish other than adult eels while engaged in commercial eel fishing. An adult eel shall be defined as an eel at least six (6) inches in length.
- 114 **COMMERCIAL FISHERMEN** - Anyone who sells, trades, barter or otherwise exchanges or offers to exchange any part of his catch for monetary or personal gain.
- 115 **CONDITIONALLY APPROVED AREA** - Waters that meet approved area criteria for a

predictable period. The period is conditional upon established performance standards specified in a management plan. A conditionally approved shellfish growing area is a closed area when the area does not meet the approved growing area criteria and is temporarily closed by the MCMR or as hereby authorized the MDMR its Executive Director, Deputy Director, Director of Marine or Biological Program Coordinator.

116 **EXECUTIVE DIRECTOR** - shall mean the Executive Director of MDMR.

117 **FIELD TEST** - Shall mean (1) a test used to determine whether materials used in a gill or trammel net meet the definition of approved degradable material or are manufactured of cotton or linen, or (2) a test accepted by the MDMR as a scientifically valid test of degradability, devised by manufacturers of degradable gill or trammel net materials. Where the MDMR has accepted a manufacturer's test and results thereon with regard to degradable materials, the MDMR must receive from any such manufacturer a certification by the manufacturer that the material constructed by it meets the definition of an approved degradable materials as well as a copy of the manufacturers test. Any gill or trammel net to be used in the marine waters of the State of Mississippi, manufactured from any approved degradable material or cotton or linen shall be certified by the MDMR where:

117.01 The material used in the net has been shown to be constructed of such materials by either form of field test described herein and that the MCMR has previously approved the material; and

117.02 The net and a certificate by the net manufacturer demonstrating that the materials were used in the manufacture or construction of the net were of those approved by the MCMR are presented to the MDMR for inspection.

Upon such proof, the MDMR shall permanently affix an identifying placard or other marker of the net.

118 **FINAL DESTINATION** - shall be defined as a place on the mainland or a barrier island, not including piers or jetties, where the fishermen finally lands his catch and does not further transport the fish by boat.

119 **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.

120 **GIG** – shall be defined as any hand held shaft with one or more points which may or may not be barbed.

- 121 **GILL NET** - shall be defined as any net, of one or more layers, not customarily used for shrimp or menhaden fishing, with a mesh of such size and design as to be used primarily to catch or entangle fish by the gills or other boney projections.
- 122 **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.
- 123 **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.
- 124 **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.
- 125 **KING MACKEREL FISHING** - shall be defined as a fishing activity where the sole purpose is to catch king mackerel (*Scomberomorus cavalla*). It shall be unlawful for any person, firm, or corporation, while engaged in any net fishing activity or "set" to catch in excess of ten percent (10%) by weight of species other than king mackerel while king mackerel fishing.
- 126 **LANDED** – When seafood is first brought to a point of land after being harvested and is no longer transported by boat or vessel.
- 127 **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.
- 128 **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.
- 128 **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.

- 129 **MISBRANDED** - Shucked shellfish shall be deemed to be misbranded if its labeling is false or misleading in any way, or if it does not bear a label containing (1) the name and place of business of the processor or packer (2) an accurate statement of the quantity of the contents in terms of weight, measure, numerical count or size of container, (3) the permit number of the processor or packer (4) net drained weight when packed (5) on packages of sixty-four (64) fluid ounces or more of fresh product, labeled with the date shucked with the wording "DATE SHUCKED" followed by the date expressed as the month, day, and year, or (6) on packages of less than sixty-four (64) fluid ounces of fresh product labeled with the wording "SELL BY" followed by a date expressed as a month, day and year, not to exceed fourteen (14) days from the date shucked. (7) Containers of frozen shucked shellfish shall show the date the product was shucked and the date frozen, labeled as "DATE SHUCKED" and "DATE FROZEN" followed by the date expressed as the month, day, and year. Shucked product previously frozen must be labeled with the wording "PREVIOUSLY FROZEN"
- 130 **MULLET FISHING** - shall be defined as a fishing activity where the sole purpose is to catch mullet (*Mugil* sp.). It shall be unlawful for any person, firm, or corporation, while engaged in any mullet fishing activity or "set" to catch in excess of ten percent (10%) by weight of species other than mullet.
- 131 **PLACARD** - Marking or identification permanently attached to nets or fishing devices that verifies that they meet specified requirements such as an approved degradable material.
- 132 **PROHIBITED AREA** - Waters that are prohibited for the harvest of shellfish for any purpose except depletion. A prohibited shellfish growing area is a closed area for the harvesting of shellfish at all times.
- 133 **PURSE SEINE** - shall be defined as any net or device commonly known as a purse seine and/or ring net that can be pursed or closed by means of a drawstring or other device that can be drawn to close the bottom of the net, or the top of the net, or both. Such nets are constructed of mesh of such size and design as not to be used primarily to entangle commercial size fish by the gills or other boney projections.
- 134 **PUSH TRAWL** - shall mean a trawl that is spread by poles suspended in a "V" configuration from the bow of the trawler.
- 135 **RECREATIONAL FISHERMAN** - shall be defined as those individuals taking and/or catching seafood for recreational or personal consumption, and who does not sell, trade, barter or otherwise exchange or offer to exchange any part of his catch for monetary or personal gain.

- 136 **REPACKER –RP**—A person other than the original certified shucker-packer who repacks shucked shellfish into other containers. A repacker may also repack and ship shellstock. A repacker shall not shuck shellfish.
- 137 **RESHIPPER -RS**- A person who purchases shucked shellfish or shellstock from other certified shippers and sells the product without repacking or relabeling to other certified shippers, wholesalers, or retailers.
- 138 **RESTRICTED AREA** - Closed area waters from which shellfish may be harvested only if permitted and subjected to a suitable and effective purification process as determined and permitted by the MCMR.
- 139 **ROE MULLET SEASON** - shall be defined as occurring on and between October 15 through December 15 of each year.
- 140 **SALTBOX** - shall mean any container or similar device in which the salinity is greater than one hundred (100) parts per thousand and is used to aid in separating the shrimp from the bycatch.
- 141 **SANITARY SURVEY** – The evaluation of all actual and potential pollution sources and environmental factors having a bearing on shellfish growing area water quality.
- 142 **SEAFOOD PRIVILEGE TAX LICENSE DECAL** - A decal issued to a commercial harvester at the time the fisherman purchases a license for the vessel to harvest seafood.
- 143 **SEINE** - shall be defined as any net used to enclose or entrap fish either in a bag or where its ends are pulled together on a vessel or a shore and constructed with a mesh of such size and design as not to be used primarily to ensnare or entangle commercial size fish by the gills or other boney projections.
- 144 **SHELLFISH** - All edible species of oysters, clams, mussels, or scallops; either shucked or in the shell; fresh or frozen; whole or in part.
- 145 **SHELLSTOCK** - Shellfish in the shell.
- 146 **SHELL STOCK SHIPPER –SS** – A person who grows, harvests, buys, or repacks and sells shellstock. They are not authorized to shuck shellfish or to repack shucked shellfish. A shellstock shipper may also ship shucked shellfish.

- 147 **SHUCKER-PACKER –SP** – A person who shucks and packs shellfish. A shucker-packer may act as a shellstock shipper or reshipper or may repack shellfish originating from other certified dealers.
- 148 **SIAMESE TRAWL** - shall mean a trawl that has two tongues one on the headrope and one on the footrope at or near the center of the net which requires additional line(s), other than the lines attached to the trawl boards, which run from the bridle, outrigger or boat to the tongues.
- 149 **SKIMMER TRAWL** - shall mean a trawl that extends from the outrigger of a vessel with a cable and a lead weight holding the trawl mouth open.
- 150 **TRAMMEL NET** - shall be defined as any device composed of layers of netting material attached to one or more float lines or one or more weighted bottom lines, with the layers of netting being constructed of fine mesh and of larger mesh so that a fish attempting to pass through the device pushes the smaller mesh through the larger mesh creating a pocket or compartment in which the fish is entrapped, entangled, or restricted.
- 151 **UNCLASSIFIED AREA** - Waters that are presently unclassified and from which the harvest of shellfish is prohibited pending classification of the area as prohibited, restricted, conditionally approved, or approved based on a sanitary survey of the area and granting of permission to harvest shellfish in accordance with the respective classification by the MCMR or as hereby authorized the MDMR, its Executive Director, Deputy Director, Director of Marine Fisheries or Biological Program Coordinator.
- 152 **WING NET** - (Butterfly trawl) shall mean a trawl with a rigid frame holding open the trawl mouth rather than using trawl doors.

Chapter 05 Seafood Privilege Tax

- 100 The seafood privilege tax license decal must be displayed on each vessel engaged in commercial fishing activities but will not be valid without the proper commercial harvesters license. The decal must be displayed next to the state registration number or federal documentation number.

Chapter 06 Penalties

- 100 Any unlawful act under this Part committed by any person, firm, or corporation shall be deemed a violation of the provisions of this Part and shall constitute a misdemeanor and upon conviction, said person shall be punished in accordance with Miss. Code Ann. §

49-15-63, as amended, unless a penalty is specifically provided elsewhere in the Mississippi Code Ann. of 1972, as amended.

Chapter 07 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 08 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 08 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 8.004 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.

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PART 8 RULES AND REGULATIONS FOR OFFICIAL STANDARDS OF MEASURE
AND DEFINITIONS FOR MARINE FISHERIES IN THE STATE OF MISSISSIPPI,**

shall take effect and be in force from and after the _____ day of _____, 2006

Adopted this the _____ day of _____, 2006

MISSISSIPPI COMMISSION ON MARINE RESOURCES

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

MISSISSIPPI DEPARTMENT OF MARINE RESOURCES

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