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

PUBLIC NOTICE F5-3798

The Mississippi Commission on Wildlife, Fisheries and Parks at a meeting in Jackson, Mississippi August 15, 2012, under authority of Section 25-43-3.106, Mississippi Code of 1972, make known its intent 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Be it ordered that Public Notice F4-3798 is hereby repealed and the following rules, regulations and required licenses and permits relative to commercial harvest of paddlefish (spoonbill catfish) and possession of any paddlefish or bowfin 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

I. Definitions

Paddlefish Harvester – Mississippi Resident that has a Paddlefish Harvester Permit that permits that person to fish for and take Paddlefish during Paddlefish Roe Harvest Season from waters open to paddlefish harvest. Paddlefish Harvester must transport all harvested paddlefish to a person with either a Paddlefish Buyer/Exporter or Paddlefish Processor Permit for documentation of harvest, after which any sale and processing, including removal of roe, may take place.

Paddlefish Harvester Helper – Mississippi resident who assist in all types of Paddlefish Permit holders operations. Helpers cannot sell, resell or ship for sale Paddlefish or Paddlefish parts. All persons with harvested undocumented paddlefish in a boat on the water must have paddlefish permits, either a Paddlefish Harvester Permit or Paddlefish Helper Permit with at least one person in the boat having a Harvester Permit. A Person with a Paddlefish Helper Permit can, for a Paddlefish Harvester, transport by automobile or truck an undocumented paddlefish to a Buyer or Processor when that transport is accompanied by a Paddlefish Transaction Form that is signed by the Harvester and contains number of nets used, date of harvest, capture location and for the paddlefish possessed the tag number and paddlefish eye to fork length in inches. A Helper can also supervise the operation of a processing facility.

Paddlefish Buyer/Exporter – Persons who are permitted to buy, process, sell or ship Paddlefish roe, or bowfin 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, sell or ship Paddlefish roe with 60% 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. Paddlefish Processor is also permitted to buy, sell, or ship bowfin roe.

Documented Paddlefish – A paddlefish legally harvested by a Paddlefish Harvester that has been tagged, and the harvest location, Tag Number, eye fork length, egg-sac weight (if applicable) has been recorded by either a Paddlefish Buyer/Exporter or Paddlefish Processor on a signed Paddlefish Transaction Form. See item VII for further description

Paddlefish Net – Gear legal for the take of paddlefish during the Paddlefish Roe Harvest Season, and described as such;

- Net with mesh of 6 inch or larger, in square measure.
- Net marked by a floating orange colored buoy that has Harvesters MDWFP # on buoy in black letters at least ¼ inch in height. Paddlefish net will have both the buoy and a Commercial Fishing Equipment Tag.

Paddlefish Roe Harvest Season – The months of September to April when paddlefish have roe that can be processed into caviar.

Paddlefish Summer Harvest Season– The months of May through August when paddlefish roe is not generally acceptable for producing caviar.

II. Licenses, Permits and Tag Fees:

Persons who take paddlefish during the Paddlefish Summer Harvest Season must have a commercial fishing license and Paddlefish Summer Tags to possess paddlefish.

During the Paddlefish Roe Harvest Season, persons, who take paddlefish, sell paddlefish , buy paddlefish, ship paddlefish, or possess paddlefish roe, or bowfin roe, must have a commercial fishing license and one, or more, of the following permits:

Paddlefish/Roe Fish Permits and Tags	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

Applications for Permits

1) Application for Paddlefish Harvester Permits will be accepted either from May 15 to May 30, or October 1 to October 15 for upcoming Paddlefish Roe Harvest 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 domiciled in Mississippi to apply for Paddlefish Harvester Permit. A non-refundable application fee of $5, plus a processing fee will be charged. Only applications received during the fore mentioned periods will be eligible. Only one application need be submitted per person. All applicants will be notified by mail whether or not they are approved to purchase permits: Those selected from the May application period must notify the MDWFP in writing, by September 15 that they are still interested in obtaining a Paddlefish Harvester Permit to remain eligible for the permit. 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. Applications for Buyer/Exporters or Processors permits or Helper Permit will be accepted during the application periods mentioned above and after October 15 until March 30 through the Fisheries Office in Jackson, Mississippi.

2) Purchase of paddlefish permits is contingent on the condition that permit applicants have not been convicted, within the last 3 years, of any violations of any state or federal fish and wildlife laws or regulations pertaining to the management of paddlefish nor have a fish/wildlife violation equivalent to a Class 1.

3) MDWFP reserves the right to limit the number of Resident Paddlefish Harvester Permits to 16. When requests exceed available permits selection will be by random drawing where preference will be given to those in good standing, who had purchased Paddlefish permits any previous year. Those who became eligible for Paddlefish Harvester Permits from either the May or October selection pool must purchase the Harvester Permit by November 22. After that date all selections are invalid and any remaining openings can be filled by random selection of applicants who attended the mandatory meeting.

4) Resident Paddlefish Harvester permits will expire April 10 following issuance of the permits. Paddlefish Buyer/Exporter permits, Paddlefish Processor Permit and Paddlefish tags will expire November 15 following issuance of the permits.

III. Paddlefish Harvest:

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 paddlefish allowed to commercial fishermen between the months of May thru August. Except for licensed or permitted nonresidents fishing in reciprocal waters open to paddlefish harvest.

   Items 2, 3, 4, 5, & 6 below are valid during the Paddlefish Roe Harvest Season.

2) It shall be unlawful for any person to fish for, take and/or sell paddlefish and their parts (eggs and/or flesh) during the Paddlefish Roe Harvest Season without having a Mississippi Resident Commercial Fishing License and a Mississippi Resident Paddlefish Harvester Permit.

3) The immediate release of dead paddlefish does not constitute take, unless paddlefish were taken/released from nets that have not been attended at least once within the past 24 hour period.

4) During the Paddlefish Roe Harvest Season it shall be unlawful to possess any paddlefish not taken from paddlefish nets as described in Section I. *Be it further ordered that paddlefish nets must be attended at least once within any 24 hour period.*
Exception: Border waters open to paddlefish harvest, when the border state is also open to paddlefish harvest.

5) During the Paddlefish Roe Harvest Season, Persons having a Paddlefish Harvester Permit must document any paddlefish catch with persons holding either a Mississippi Paddlefish Buyer/Exporter Permit or Paddlefish Processor Permit and can only sell/exchange roe to persons possessing either a Mississippi Paddlefish Buyer/Exporter Permit or Paddlefish Processor Permit.

6) It shall be unlawful to possess cut or mutilated paddlefish or exposed paddlefish roe or bowfin roe, while on the water. Be it further ordered that, after landing, it is unlawful to possess exposed paddlefish or bowfin roe or cut or mutilate until the fish has been documented by Mississippi Paddlefish Buyer/Exporter or Mississippi Processor. Mutilation involves cutting, puncturing, tearing or disfiguring the body portion of fish 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 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 may be removed for transport.

   c) The gill rakers inside the mouth can be cut to bleed the fish.

   d) Upon landing, paddlefish egg sacs from documented paddlefish can be removed by Buyer/Exporter or Processor and placed on ice for transport with the paddlefish to a processing facility. While in transport the egg sacs from each fish are to be kept separate, identified by paddlefish tag number and weighed.

7) It shall be unlawful for any person to take, a paddlefish during the Paddlefish Summer Harvest Season without having a valid Mississippi Resident Commercial Fishing License and MS Summer Paddlefish Harvest Tags, issued by MDWFP, used to tag Paddlefish for possession. The immediate release of dead paddlefish does not constitute take.

8) It shall be unlawful for any person to take paddlefish and not report harvest to MDWFP on forms issued as specified.

IV. Creel and Minimum length for commercial harvest of paddlefish

1) During the Paddlefish Roe Harvest Season 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.

2) During the Paddlefish Summer Harvest Season, the creel limit shall be Five (5) paddlefish per day.

V. Handling of Paddlefish

1) Paddlefish shall be processed at a location that complies with Federal and State Health regulations. Refer to Section III in regards to transport of egg sacs.

2) Processing of paddlefish must be supervised by a person holding a paddlefish permit.

3) Paddlefish flesh documented on a Paddlefish Transaction Form by either a holder of a valid Buyer/Exporter Permit or Processor Permit may be retained by anyone for sale, consumption, donation, or disposal. Disposal is pursuant to regulations of Mississippi Department of Environmental Quality. A copy of the Paddlefish Transaction Form that documents the harvest shall accompany paddlefish.

4) Personnel of the MDWFP will be allowed to inspect processing facilities and transport vehicle/boats, and record biological data on harvested paddlefish.

5) 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 the container is identified by the tag number(s) of the fish from which the roe was taken. There shall be no possession of roe from paddlefish harvested during the Paddlefish Summer Harvest Season.

VI. Sale of Paddlefish and Paddlefish Parts:

1) During the Roe Harvest Season- It shall be unlawful for any person to possess, buy, sell, or ship across the Mississippi state line whole paddlefish, paddlefish parts, paddlefish eggs or bowfin roe without proper permits and a Documented Paddlefish Transaction Form with the product. Persons with Paddlefish Harvester Permit can transport within Mississippi legally harvested and tagged paddlefish to a person with either a Paddlefish Buyer/ Exporter Permit or Paddlefish Processor Permit for documentation of catch.

   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 or authorized agents may possess legally taken paddlefish and/or paddlefish eggs or flesh shipped by persons having a Mississippi Paddlefish Buyer/Exporter or Processor Permit.

d) Permitted harvesters accessing reciprocal border waters from the respective border state may TRANSPORT their catch into/ through Mississippi, but no other rights are granted that are not specified herein.

2) During the Paddlefish Summer Harvest Season- Paddlefish flesh may be sold or possessed for sale or consumption by any person. A copy of the Paddlefish Transaction Form shall accompany the fish(s) and the tag shall remain on the fish until processed and packaged for retail sale. Tag number of paddlefish must be noted on packaging.

Note that this does not nullify the need for a commercial fishing license as required to sell non-game gross fish for item 1 & 2.

VII. Reporting Requirements for Harvest, Sale and Shipping

Paddlefish Transaction Form.

The harvest of any Paddlefish must be documented on a Paddlefish Transaction Form, prior to, or at the time, any sale, and exchange or processing of the fish. A Paddlefish Transaction Form will contain the tag number, paddlefish eye to fork length in inches, number of nets used, date of harvest, capture location, presence or absence of eggs, and during Roe Harvest Season, if egg sacs are removed in the field, the weight of raw egg sacks recorded on the provided form with form signed by the Harvester and Buyer/Exporter or Processor. Upon processing the processed weight of eggs, distribution of roe, and distribution of flesh, shall be recorded. Harvester and Buyer shall retain a copy of each Paddlefish 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 Paddlefish Transaction Form must still be submitted.

The sale of bowfin roe must also be documented on a Paddlefish Transaction Form, on a separate form from any documentation of paddlefish, with "Paddlefish" in the form title crossed out and "Bowfin" written in its place. Total length shall be recorded in place of EF length.

During the Summer Paddlefish Harvest Season the harvest of paddlefish shall be recorded on forms supplied by MDWFP. These forms are to be submitted to MDWFP no later than September 15.

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. 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.

VIII. Paddlefish Roe Harvest Areas and Seasons:

During the Paddlefish Roe Harvest Season it shall be unlawful to take Paddlefish from half hour after sunset to half hour before sunrise and to take paddlefish from any waters except the following zones listed within the specified seasons as stated:

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 November 20 – March 31.

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

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

   The Paddlefish harvest season for the Mississippi Delta Zone will be split between December 1 to December 20 and from February 1 to February 28.

3) Sunflower River Zone: Paddlefish Harvest on the Sunflower River and Steele Bayou.

   In all public waters of Sharkey County and Issaquena County that are within the mainline levee of the Mississippi River and the backwater levee of the Yazoo River, and the following channels - the Sunflower River along the Washington-Humphreys County line south of Jordan Landing Boat Ramp at Murphy, the Holly Bluff Cutoff, the Sunflower Diversion Canal within Warren County, and the Steele Bayou in Warren County.

   The Paddlefish Season for the Sunflower River Zone is open from January 1 to February 28.

4) Yazoo River Zone: Paddlefish Harvest on lower section of Yazoo River and Lake George.

In public waters of the main channel of the Yazoo River from the outlet of Wasp Lake in Humphreys County to northern outlet of Centennial Lake (Warren County/ Madison Parrish), that includes any lakes or stream adjacent (within 200 yards) to the main channel and including the following waters:

- eastern half of Lake George, along with the Lake George Diversion canal;
- the abandoned channel of the Big Sunflower River east of and including the Will Whittington Lower Auxiliary Channel to the Route 433/Satartia Road Bridge;
- The upstream end of the Will Whittington Lower Auxiliary Channel to the first weir
- Parker Bayou/ Black Creek (Holmes County) that lies west of US Highway 49E;
- Tchula Lake from junction of outlet of Bee Lake to Yazoo River;
- Waters of Warren County that are north of Kings Point/Kings Point Ferry Road, East of the eastern most point of the Louisiana border in Paw Paw Island Chute, south of the Yazoo Backwater Levee, and west of Route 3;
- Steele Bayou south of the Steele Bayou Control Structure.

Harvesters are allowed to access the zone via boat from Public Boat Ramp on Yazoo River in Vicksburg.

The Paddlefish Season for the Yazoo River Zone is open from December 1 – January 31.

Be it further ordered that during the paddlefish roe harvest season, for any open Zone the harvest of paddlefish from streams not part of a public waterway or from lakes without public access shall require that the harvester obtain from a riparian landowner written permission to cross their property for access to that body of water.

IX. Paddlefish Summer Harvest Season

During the Paddlefish Summer Harvest Season it shall be unlawful to take paddlefish from any waters not open to commercial fishing as listed in current version of Public Notice 2999 and the following waters:

1) Any waters part of, or tributaries to the Tennessee River, Tombigbee River or the Tennessee-Tombigbee Waterway.

2) Any waters part of, or tributaries in the Pascagoula River watershed.

X. Bowfin Roe Possession

1) Bowfin can be taken by persons with Commercial Fishing Licenses; No other permits are needed.

2) It shall be unlawful to possess exposed bowfin roe, while on the water. Be it further ordered that, after landing, it is unlawful to possess exposed bowfin roe until the fish has been documented by Mississippi Paddlefish Buyer/Exporter or Mississippi Processor. This includes all nonresident commercial fishermen in reciprocal waters.

3) See section VII for reporting requirements.

XI. 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 30, 2012. Witness my hand and seal this the 15th day of August, 2012.

MISSISSIPPI COMMISSION ON WILDLIFE, FISHERIES & PARKS

BY: _____
Jerry Munro, Chairman

MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES & PARKS

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

Annette S. Clark
Notary

(SEAL)

STATE OF MISSISSIPPI
NOTARY PUBLIC
ID # 93475
ANNETTE S. CLARK
Commission Expires
June 29, 2013
RANKIN COUNTY