

MISSISSIPPI COMMISSION ON WILDLIFE, FISHERIES, AND PARKS
MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES, AND PARKS

Title 40: Wildlife, Fisheries, and Parks

Part 3: Fisheries

Part 3, Chapter 3: Regulations regarding commercial fishing.

RULE 3.2 REGULATIONS REGARDING THE COMMERCIAL HARVEST OF PADDLEFISH AND PADDLEFISH EGGS.

A. The following rules, regulations and required licenses and permits relative to commercial harvest of the American Paddlefish (spoon bill catfish) and possession of any Paddlefish (*Polyodon spathula*) or Bowfin, (*Amia calva*) eggs are hereby adopted.

B. The following rules, regulations and required licenses and permits do not pertain to persons engaged in sport fishing.

C. Persons permitted in another state to harvest Paddlefish accessing reciprocal border waters from their respective border state may transport their catch into and through Mississippi but no other rights are granted to them that are not specified in this rule. Such persons may fish for and harvest Paddlefish from these reciprocal border water areas when these waters are open to Paddlefish harvest as specified in 40 Mississippi Administrative Code Part 3 Rule 3.4.

D. Bowfin can be taken by persons with a Commercial Fishing License. No other permits are required to harvest Bowfin.

E. Definitions:

1. Paddlefish Harvester – Mississippi resident as set forth in MS Code Section 49-7-9 and incorporating the provisions of 49-7-3(2), who possesses a valid Paddlefish Harvester Permit that allows such person to fish for, attempt to take, possess, and transport Paddlefish to a Paddlefish Processor for documentation of harvest, after which the sale and processing including the removal of eggs may take place.

2. Paddlefish Helper – Mississippi resident as set forth in MS Code Section 49-7-9 and incorporating the provisions of 49-7-3(2), who possesses a valid Paddlefish Helper Permit who assists a person with a Paddlefish Harvester Permit with the fishing for, attempting to take, and taking of Paddlefish. A Paddlefish Harvester Permit can substitute for a Paddlefish Helper permit when assisting another Paddlefish Harvester. A Paddlefish Helper can also transport Paddlefish to a Paddlefish Processor.

3. Paddlefish Processor – Person who possesses a valid Paddlefish Processor Permit which allows them to purchase, attempt to purchase, barter for, process, sell, ship, import, and export Paddlefish, Bowfin, Paddlefish eggs or Bowfin eggs, and Paddlefish or Bowfin flesh.

Paddlefish Processors shall document the Paddlefish harvest of the Paddlefish Harvesters from whom they receive, acquire, and or purchase Paddlefish.

4. Paddlefish Processing Agent – Persons who possess a valid Paddlefish Processing Agent Permit to assist the Paddlefish Processor. The Paddlefish Processing Agent can document the Paddlefish harvest of Paddlefish Harvesters from whom the Paddlefish Processing Agent receives Paddlefish for transport to a processing facility.

5. Documented Paddlefish – A Paddlefish legally harvested by a Paddlefish Harvester that has been tagged, the date of harvest, the harvest location, and tag number, has been recorded by the Paddlefish Harvester on a Paddlefish Transaction Form prior to transporting the fish to a Paddlefish Processor or a Paddlefish Processing Agent. Upon exchanging the fish with either a Paddlefish Processor or a Paddlefish Processing Agent, documentation shall include eye to tail fork length, sex and weight of egg sacs. Copies of the original Paddlefish Transaction Form are acceptable for use.

6. Sell or Exchange or Transaction means the transfer of possession of whole Paddlefish, Paddlefish parts, and Paddlefish eggs.

7. Mutilation means cutting, puncturing, tearing or disfiguring the body portion of a Paddlefish in any way not otherwise permitted.

8. Processing means all actions, excluding blocking, to remove the eggs from the body cavity, blocking, and all actions taken to prepare a Paddlefish egg product or Paddlefish flesh ready for retail sale and/or human consumption.

9. Paddlefish and Bowfin Labeling means that the containers or packages containing all Paddlefish products shall be identified by a lot number that lists the MDWFP Paddlefish tag number of the fish from which the product came from. Products packaged for consumption or sale shall have a label listing the product is “A Product of Mississippi, USA” and the label shall state one of the following as appropriate to the source of the product “Wild Paddlefish Eggs” or “Wild Paddlefish Caviar”; “Wild Bowfin Eggs” or “Wild Bowfin Caviar”; or “Wild Paddlefish Flesh” or Wild Bowfin Flesh”.

10. Paddlefish Net – Gear legal for the harvest of Paddlefish during the Paddlefish Egg Harvest Season described as follows:

- a. The Paddlefish net shall be a multi-filament net, a multi-twist net or a mono-twist net with mesh of six (6) inches or larger in square measure from knot to knot.

Exception: While fishing Arkansas waters of the Mississippi River Harvest Management Unit the paddlefish net shall be a gillnet with a mesh of 3.5 inches or larger in square measure from knot to knot.

- b. The Paddlefish net shall be marked by a floating orange colored buoy on each end that stay floating on the surface of the water when the net is fishing. The orange colored buoys will have the Paddlefish Harvester’s MDWFP number on the buoy in black letters

at least ¼ inch in height. The Paddlefish net shall have attached to it both the orange buoys and a Commercial Fishing Equipment Tag.

11. Paddlefish Egg Harvest Season – September 1st through April 30th of each calendar year when Paddlefish have eggs suitable for producing caviar. Paddlefish Harvest for eggs is only legal on Paddlefish Harvest Management Units as specified in 40 Mississippi Administrative Code Part 3 Rule 3.4.

12. Paddlefish Summer Harvest Season – May 1st through August 31st of each calendar year.

13. Paddlefish Harvest Management Unit Quota is the total number of paddlefish that can be legally harvested from a Paddlefish Harvest Management Unit. Between November 20 and April 10 of each calendar year, when harvest reports, as required by law, indicate that the Harvest Management Unit quota has been reached, MDWFP will, within 24 hours, contact by phone or email all persons having valid Paddlefish permits and also issue a news release closing that Paddlefish Harvest Management Unit to fishing for the remainder of the Paddlefish Egg Harvest Season.

F. Paddlefish Tagging:

1. All harvested Paddlefish must be tagged with a MDWFP issued numbered tag.

2. An MDWFP Paddlefish tag shall be attached to the dorsal fin of each Paddlefish at the time of harvest (removal from a net and retained). This tag must remain on all Paddlefish including blocked Paddlefish until the flesh is placed for retail sale, at which time the packaged flesh must be labeled according to the Paddlefish Labeling definition.

G. Paddlefish Harvest:

1. The immediate release of dead Paddlefish does not constitute take unless Paddlefish were removed and released from nets that have not been checked or run at least once daily during daylight hours.

2. During the Paddlefish Egg Harvest Season, persons having a Paddlefish Harvester Permit shall document all Paddlefish harvested with a Paddlefish Processor or a Paddlefish Processing Agent, and can only sell to or exchange Paddlefish eggs and Bowfin eggs with a Paddlefish Processor or a Paddlefish Processing Agent working for a Paddlefish Processor.

H. Penalty for Violations.

1. Violation of any of the Mississippi state laws or this rule (40 Mississippi Administrative Code Part 3, Rule 3.2) pertaining to Paddlefish will be considered a Class I offense as specified in MISS. CODE ANN. §Section 49-7-90, and punishable as per the provisions of MISS. CODE ANN. §49-7-141.

a. The unlawful possession of any dark colored eggs, similar to that of Paddlefish, including Bowfin eggs, shall be considered to be Paddlefish eggs, until proven by violator as otherwise.

b. Items in J3, K2 and K3 that do not directly apply to Paddlefish are Class III violations.

2. Failure to submit or the falsification of any required Paddlefish information submitted to the MDWFP as specified in 40 Miss. Admin. Code Part 3, Rule 3.5 (Paddlefish Reporting) may result in the revocation of Paddlefish Harvester, Paddlefish Helper, Paddlefish Processor and Paddlefish Processing Agent Permits.

I. Paddlefish Harvest During the Egg Harvest Season -- Unlawful Acts

1. It shall be unlawful for any person without a resident Mississippi Commercial Fishing License and a Paddlefish Harvester Permit to fish for, attempt to take, take, possess, barter for, or sell Paddlefish, or to possess, receive, obtain or acquire Paddlefish eggs or Bowfin eggs, except as provided for in section D.

2. It shall be unlawful for persons with Paddlefish Harvester and Paddlefish Helper Permits to harvest, possess, sell, exchange, transport or ship Paddlefish flesh, Paddlefish parts, Paddlefish eggs or Bowfin eggs to anyone who is not a Paddlefish Processor or Paddlefish Processing Agent, except as provided for in section D.

3. It shall be unlawful for a Paddlefish Helper to fish for, take, attempt to take, or harvest or remove Paddlefish from nets when he/she is not in the immediate presence of a Paddlefish Harvester (See K4).

4. It shall be unlawful to fish for, harvest, or possess Paddlefish or Paddlefish parts from any water and at any time not designated as a Paddlefish Harvest Management Unit specified in 40 Mississippi Administrative Code, Part 3, Rule 3.4.

5. It shall be unlawful to harvest, receive, acquire, or possess any Paddlefish from any gear except for Paddlefish Nets specified in Section E10.

6. It shall be unlawful for anyone to fish for, attempt to take or take Paddlefish from 30 minutes after sunset until thirty minutes before sunrise. However, unless otherwise prohibited in Rule 3.4, Paddlefish nets may remain in the water overnight.

7. It shall be unlawful to fail to check, run or leave a Paddlefish net unattended or fail to remove Paddlefish from Paddlefish Nets at least once daily during daylight hours.

8. It shall be unlawful to harvest, take or possess Paddlefish less than 37 inches eye to fork length (front of eye to curvature in fork of tail) with Paddlefish laid flat on a flat board. The measuring device will be laid on a flat surface and the Paddlefish shall be laid atop the measuring device. Measurements made by stretching a measuring tape along the side of the body, measuring in an arc are not valid measurements of Paddlefish length.

Exception: On the Mississippi River Harvest Management Unit, it shall be unlawful to harvest, take or possess Paddlefish less than 35 inches eye to fork length.

9. It shall be unlawful for anyone to knowingly possess, receive, or acquire Paddlefish taken unlawfully.

10. It shall be unlawful to harvest more Paddlefish than the established Paddlefish Harvest Quota as specified in 40 Mississippi Administrative Code Part 3 Rule 3.4.

11. It shall be unlawful to fish for, attempt to take or take Paddlefish in any Paddlefish Harvest Management Unit that has been closed by MDWFP after the Paddlefish Harvest Quota has been reached.

J. Paddlefish Tagging During the Egg Harvest Season -- Unlawful Acts

1. It shall be unlawful --- once a Paddlefish has been removed from a net and retained --- to possess, obtain or receive a Paddlefish without a MDWFP issued Paddlefish tag attached to the dorsal fin.

Exception: This tagging requirement does not apply to Paddlefish possessed by persons having Arkansas Egg Taker Permit fishing in reciprocal waters open to Paddlefish harvest.

2. It shall be unlawful to remove a MDWFP Paddlefish tag from a Paddlefish until the flesh is packaged for retail sale at which time the flesh shall be plainly marked and labeled as specified in the Paddlefish Labeling definition.

3. It shall be unlawful for Paddlefish Harvesters to possess MDWFP Paddlefish tags they have not purchased.

K. Paddlefish Handling During the Egg Harvest Season -- Unlawful Acts

1. It shall be unlawful to possess, exchange, sell or attempt to sell a Paddlefish that does not remain whole after capture with the eggs remaining entirely within the body cavity of the Paddlefish until the Paddlefish are exchanged with a Paddlefish Processor or a Paddlefish Processing Agent. This regulation also applies to nonresident commercial fishermen in reciprocal waters.

2. It shall be unlawful to possess exposed Bowfin eggs while on the water.

3. It shall be unlawful --- after landing--- to possess exposed Bowfin eggs until the Bowfin has been documented by a Paddlefish Processor or a Paddlefish Processing Agent. This includes all nonresident commercial fishermen in reciprocal waters.

4. It shall be unlawful for all persons to possess harvested undocumented Paddlefish in a boat on the water unless they all have either a Paddlefish Harvester Permit or a Paddlefish Helper Permit with at least one person in the boat having a Paddlefish Harvester Permit.

5. It shall be unlawful to cut or mutilate Paddlefish or expose Paddlefish eggs, while on the water or on land until the Paddlefish has been documented at a Paddlefish Processing facility.

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

6. It shall be unlawful for a person to receive, acquire, or possess Paddlefish eggs that have been removed from Paddlefish, unless as legally permitted herein.

L. Paddlefish Transport, Exchange, Documentation and Sale During the Egg Harvest Season -- Unlawful Acts

1. It is unlawful for anyone to possess, buy, sell, attempt to sell, transport, exchange, barter, and/or ship or transport across the Mississippi state line Paddlefish, Paddlefish parts, Paddlefish eggs, or Bowfin eggs without a Paddlefish Processor Permit and without a documented Paddlefish Transaction Form with the product.

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 eggs 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 Processor Permit.
- d. Persons with a Paddlefish Harvester Permit or a Paddlefish Helper Permit can transport and exchange legally harvested and tagged whole Paddlefish to a person with either a Paddlefish Processor Permit or a Paddlefish Processing Agent Permit for documentation of their catch. The exchange must take place within the State of Mississippi.
- e. Persons permitted in another state to harvest Paddlefish accessing reciprocal border waters from their respective border state may transport their catch into and through Mississippi but no other rights are granted to them that are not specified in this Rule.

2. It is unlawful ---once on shore---, for Paddlefish Harvesters and Paddlefish Helpers to transport or exchange or attempt to exchange Paddlefish with a Paddlefish Processor or Paddlefish Processing Agent, unless the Paddlefish are accompanied by a Paddlefish Transaction Form containing all of the following information: the harvester's printed name, the number of nets used, the date of harvest, the capture locations, the tag numbers for the possessed

Paddlefish, and the signature of the Mississippi Paddlefish Harvester to document the Paddlefish.

3. It is unlawful for Paddlefish Harvesters to fail to document their Paddlefish catch before transporting it on land to a Paddlefish Processor or Paddlefish Processing Agent.

4. It is unlawful ---except for the transport specified in L2-- for Paddlefish Helpers to exchange, sell, resell, or ship for sale Paddlefish or Paddlefish parts.

5. It is unlawful for anyone except Paddlefish Harvesters and Paddlefish Processors to ship and/or transport across the Mississippi state line any Paddlefish flesh which is not ready for human consumption. A documented Paddlefish Transaction Form Paddlefish must accompany the product.

M. Paddlefish Processing, Storage and Disposal During the Egg Harvest Season -- Unlawful Acts

1. It shall be unlawful to process Paddlefish at any location that does not comply with Federal and State Health Regulations.

2. It shall be unlawful for anyone to process Paddlefish unless they have a Paddlefish Processor Permit or a Paddlefish Processing Agent Permit (see E8 for definition of processing).

3. It is unlawful to dispose of Paddlefish or Paddlefish parts in violation of the applicable waste disposal regulations established by the Mississippi Department of Environmental Quality. A copy of the Paddlefish Transaction Form that documents the harvest shall accompany Paddlefish transported for waste disposal.

4. It shall be unlawful to receive, acquire, possess, or store any fish eggs in wholesale or bulk containers that do not contain Paddlefish Labeling.

5. It shall be unlawful to possess processed Paddlefish flesh and processed Paddlefish eggs without a Paddlefish Transaction Form signed by the Paddlefish Harvester and the Paddlefish Processor or Paddlefish Processing Agent which identifies the Paddlefish products to each Paddlefish by Paddlefish Tag Number, and by lot number.

6. It shall be unlawful for any person to possess, buy, sell, exchange or ship across the Mississippi state line whole Paddlefish, Paddlefish parts, and/or Paddlefish eggs without the proper Paddlefish permits and a Documented Paddlefish Transaction Form with the product.

7. It shall be unlawful for any person, business, partnership, firm, or cooperation to make or submit any false record, account, or label for, or any false identification of Paddlefish or Bowfin and their parts which has been or is intended to be imported, exported, transported, sold, purchased, or bartered in intrastate or interstate commerce.

N. Inspections.

1. MDWFP personnel shall be authorized to inspect without warrant, Paddlefish Transaction Forms, other required forms, processing facilities, transport vehicles and boats and may record biological data on harvested Paddlefish.

O. Paddlefish Flesh Sales

1. Paddlefish flesh documented on a Paddlefish Transaction Form by a Paddlefish Processor may be retained by anyone for sale, barter, consumption, donation, or disposal. A copy of the Paddlefish Transaction Form that documents the harvest shall accompany the Paddlefish. The Mississippi Paddlefish Tag must remain on the fish until it is sold to a consumer or until the flesh is packaged for retail sale.

2. It is unlawful to sell Paddlefish flesh without complying with the licensing requirements in MISS. CODE ANN. §49-7-9.

P. Paddlefish Summer Harvest Season.

1. Paddlefish Summer Harvest Season is the months of May through August when Paddlefish eggs are not generally acceptable for producing caviar.

2. It shall be unlawful for any person to receive, acquire, or possess eggs from Paddlefish harvested during the Paddlefish Summer Harvest Season.

3. It shall be unlawful for any person to attempt to take or take a Paddlefish during the Paddlefish Summer Harvest Season without having a valid Mississippi Resident Commercial Fishing License in his/her immediate possession.

4. It shall also be unlawful for any person to harvest, receive, acquire, or possess a Paddlefish during the Summer Harvest Season unless it is tagged with a Mississippi Summer Paddlefish Harvest Tag, issued by MDWFP.

5. Paddlefish tagging requirements apply to Paddlefish taken during the Paddlefish Summer Harvest Season. Summer Paddlefish tags must remain on all Paddlefish including blocked Paddlefish until the flesh is placed for retail sale, at which time the packaged flesh must be labeling according to the Paddlefish Labeling definition.

6. The signature of the Paddlefish Processor is not required on a Paddlefish Transaction Form for Paddlefish taken during the Paddlefish Summer Harvest Season.

7. 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 Rule 3.1 and harvest from the following waters is also unlawful:

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

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

8. The immediate release of dead Paddlefish does not constitute take.

9. It shall be unlawful during the Paddlefish Summer Harvest Season to take or possess more than five (5) Paddlefish per person per day.

History: Revised August 2016.

Source: MISS. CODE ANN. §§49-1-29, 49-4-4, and 49-7-90.