

COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, November 27, 2018
9:00 a.m.
Bolton Building Auditorium
1141 Bayview Avenue
Biloxi, Mississippi 39530

Commission Members:

Steve Bosarge, Chairman

Ronald Daniels

Richard Gollott

Natalie Guess

Mark Havard

Also Present:

Joe Spraggins, Executive Director DMR

Faye James, Esq., Assistant Attorney General

1 COMMISSIONER BOSARGE: I see we've got new
2 technology up here and it is taking just a minute to get
3 all of this in line. We've got new monitors. I can
4 actually read this without my glasses, so we're doing
5 good.

6 I would like to call the meeting to order. To
7 start it off, we will ask Commissioner Guess to lead us in
8 the Pledge of Allegiance.

9 (Pledge of Allegiance recited.)

10 COMMISSIONER BOSARGE: Now, I would like to ask
11 for a moment of silence. We've got some folks we really
12 need to think about, a couple of our own. Kim Papania was
13 in an automobile accident.

14 She is still in the hospital, I think, Mr. Joe?

15 JOE SPRAGGINS: She's back home now.

16 COMMISSIONER BOSARGE: And, of course, our legal
17 counsel, Sandy Chesnut, her father passed a couple of days
18 ago, I guess, now.

19 Maybe we can remember them in our prayers. I
20 ask for a moment of silence, now.

21 (Moment of silence observed.)

22 COMMISSIONER BOSARGE: I appreciate that.

23 Next up on the agenda is approval of minutes.
24 We actually have two minutes from two separate meetings.
25 Approval of the minutes of the October 16th,

1 2018, meeting.

2 Do we have any changes to the minutes?

3 (No response.)

4 COMMISSIONER BOSARGE: Seeing none, do we have a
5 motion to approve the minutes as written?

6 COMMISSIONER GOLLOTT: Mr. Chairman, I'll make
7 that motion to approve them.

8 COMMISSIONER BOSARGE: We have a motion.

9 Do we have a second for that motion?

10 COMMISSIONER DANIELS: I'll second that.

11 COMMISSIONER BOSARGE: We have a motion and a
12 second.

13 All those in favor aye.

14 (All in favor.)

15 COMMISSIONER BOSARGE: Opposed like sign.

16 (None opposed.)

17 COMMISSIONER BOSARGE: Motion carries.

18 Approval of the special session minutes of the
19 October 24th meeting.

20 Do we have a motion to approve those minutes as
21 written?

22 COMMISSIONER DANIELS: I'll make a motion to
23 approve it.

24 COMMISSIONER BOSARGE: Do we have a second for
25 the motion?

1 COMMISSIONER GOLLOTT: I'll second it, Mr.
2 Chairman.

3 COMMISSIONER BOSARGE: We have a motion and a
4 second.

5 All those in favor aye.

6 (All in favor.)

7 COMMISSIONER BOSARGE: Opposed like sign.

8 (None opposed.)

9 COMMISSIONER BOSARGE: Motion carries.
10 Next up on the agenda is the approval of the
11 agenda.

12 Do we have any changes?

13 JOE SPRAGGINS: Yes, sir. Mr. Chairman, if
14 possible, I would like to ask if y'all would entertain a
15 motion to possibly remove D-2 which is Administrative
16 Penalties for Logan Stokes and, also, a motion to remove
17 K-5, Petition for Reconsideration by Mr. Ryan Bradley.

18 We would like to move those to the next meeting,
19 if that is possible, just table them to that point.

20 COMMISSIONER BOSARGE: Do we have a motion for
21 that?

22 COMMISSIONER GOLLOTT: Mr. Chairman, I'll make
23 the motion that we approve the agenda as modified.

24 COMMISSIONER BOSARGE: We have a motion.

25 Do we have a second for that motion?

1 COMMISSIONER HAVARD: I'll second the motion.

2 COMMISSIONER BOSARGE: We have a motion and a
3 second.

4 All those in favor aye.

5 (All in favor.)

6 COMMISSIONER BOSARGE: Opposed like sign.

7 (None opposed.)

8 COMMISSIONER BOSARGE: Motion carries.

9 Next up will be the Executive Director's report.

10 JOE SPRAGGINS: Mr. Chairman, we have several
11 things today.

12 We hope everybody had a wonderful Thanksgiving
13 and Holidays.

14 Last night, our own Chief Davis of Marine Patrol
15 had the honor of being in the presence of the President of
16 the United States, the Vice President of the United
17 States, the governor and several other big dignitaries in
18 a round table.

19 Chief, it was great to have you to represent the
20 Department of Marine Resources and I would like to give
21 you a round of applause.

22 (Applause.)

23 JOE SPRAGGINS: Also, sir, we have another honor
24 here. We have a young lady that has just been
25 extraordinary in her duties as a Marine Patrol Officer,

1 and we have a couple of things we would like to present to
2 her at this time. We have a proclamation from the
3 governor that we would like to give her, and I think we
4 also have a medal we would like to give her.

5 If we could, I would ask Chief Davis and
6 yourself to come forward with me and if I could get Jada
7 to come up.

8 COMMISSIONER BOSARGE: Would you please give us
9 some details?

10 JOE SPRAGGINS: I will. Y'all remember the
11 Blues over Biloxi, when we had the Blue Angels here.

12 Jada was out on patrol and there were a couple
13 of kayaks out there. It was a mother and father and they
14 had two children, and one of the children was a little
15 baby, about a five-month-old baby, and it was with the
16 father.

17 Jada came there and it was big heavy winds and
18 it was cold, and they saw that the little kayak was taking
19 on water, and she immediately went into action. When she
20 saw that the kayak was taking on water, she came to it and
21 about that time, it capsized, and without consideration of
22 herself, or anything else in the world, she dove in and
23 saved that baby.

24 (Standing ovation.)

25 JOE SPRAGGINS: First, I would like to read this

1 proclamation from the governor, and it says:

2 "To all to whom these Presents shall Come,
3 Greetings:

4 KNOW YE, that the Governor of the State of
5 Mississippi, in the name and by the authority
6 of the people of said state as vested in
7 him by the constitution and laws of the
8 State of Mississippi, reposing special
9 recognition for distinguished accomplishments,
10 does hereby commend and recognize:

11 Officer Jada Whittington
12 on the occasion of her extraordinary acts
13 of courageousness and bravery on July 22nd,
14 2018, during the 'Blues Over Biloxi Airshow'
15 event. Officer Whittington of the
16 Mississippi Department of Marine Resources
17 observed a male adult and small infant in
18 a kayak taking on water amidst rough seas
19 and high winds in the gulf. Almost instantly,
20 the kayak capsized, and Marine Patrol Officer
21 Whittington, without hesitation, or concern
22 for her own safety, dove into the water and
23 retrieved the infant. Officer Whittington
24 also aided the father after rescuing the
25 infant. Her lifesaving heroism averted a

1 tragedy.”

2 This is given on this day, on the 1st day
3 of November, by the Honorable Phil Bryant,
4 Governor, State of Mississippi.

5 Chief, I think you’ve got something for her.

6 KEITH DAVIS: Yes, sir, we do.

7 I’m going to let the Assistant Chief award this
8 medal. This is a lifesaving medal that is not given
9 lightly, and Jada’s peers voted to make sure that she was
10 able to wear this medal.

11 KYLE WILKERSON: It’s an honor.

12 JADA WHITTINGTON: Thank you so much.

13 KYLE WILKERSON: From all the guys and from your
14 Chiefs, it is an honor to work with you and to have
15 officers like you. You are an asset.

16 JADA WHITTINGTON: Thank you.

17 JOE SPRAGGINS: If Jada’s family would like to
18 come up and have pictures made, too, they are more than
19 welcome to do so.

20 Ladies and gentlemen, this is what it is all
21 about, to have an officer of this type to tell you just
22 what we have in this agency and to have the quality of
23 people that we do and the job that they do every day.

24 God Bless each and every one of them.

25 Thank you, Jada.

1 JADA WHITTINGTON: Thank you so much.

2 JOE SPRAGGINS: Do you have anything you would
3 like to say?

4 JADA WHITTINGTON: Just that doing these kinds
5 of actions out in the field, that's what we live for and
6 that's what makes this job so special.

7 Thank you to everybody and I just really
8 appreciate it so much.

9 JOE SPRAGGINS: That concludes my report.

10 COMMISSIONER BOSARGE: Yes, sir. Mr. Joe, that
11 is something. I guess that was motherly instinct maybe
12 kicking in.

13 Next up on the agenda is Commissioners Report.
14 I think we've got a haul seine informational
15 update by Commissioner Ronnie Daniels.

16 COMMISSIONER DANIELS: Thank you, Steve.

17 We've got some information here. Before we get
18 started with this, I would like to say we are not trying
19 to do away with nets and we are not specifically attacking
20 commercial fishermen. This is a specific issue dealing
21 with a specific gear type that we have here now.

22 There are going to be a couple of things come up
23 here, some of which are to protect everybody on both sides
24 of it.

25 we have had this battle about this haul seine

1 net. We have heard that they are modified. They have had
2 different things done with them.

3 We have a State statute already in place that, I
4 believe, speaks to the issue that we are dealing with
5 right now.

6 This is the State statute that we are talking
7 about. I think everybody up here is probably familiar
8 with what it says. It deals with gill nets, trammel nets
9 and entanglement nets and like contrivances (indicating
10 slide).

11 This past month I asked a group of scientists,
12 as well as someone from enforcement, to get together and
13 take a look at this issue and give me a professional
14 opinion on whether or not this particular gear type that
15 is in question fits this State statute.

16 Can we go ahead and just kind of roll through
17 these?

18 That's what I have just talked about. There are
19 a few photos here, just a couple.

20 Go ahead to the next one.

21 These fish coming in, in this net, are clearly
22 caught by their gills. This net is being pulled in, in a
23 straight line.

24 Go to the next one.

25 This is a fish that was caught at Cat Island,

1 during the trout season last year, and has obviously been
2 caught by the gills in a net.

3 Again, that picture there is showing this
4 particular gear type coming in, in a straight line.

5 The definition of a haul seine net says that it
6 is an entrapment net and that it encircles fish.

7 we have been told multiple times that, in the
8 field, it has been seen that they are not being fished
9 that way.

10 We are not trying to clearly define here today.
11 We are trying to decide if that particular gear type in
12 the way that it is being fished fits this definition right
13 here.

14 COMMISSIONER GOLLOTT: Excuse me.

15 Can I ask you something, Ronnie?

16 COMMISSIONER DANIELS: Yes, sir.

17 COMMISSIONER GOLLOTT: I looked at that film and
18 I didn't see any of the fishermen.

19 Can you identify these fishermen that are using
20 this net?

21 You said this was done on Cat Island last
22 season?

23 COMMISSIONER DANIELS: No, sir. I did not say
24 it was done on Cat Island last season.

25 The video that you are talking about, we will

1 get to in a minute, and that is a video that was posted on
2 Facebook over the past month. I don't remember the exact
3 date.

4 COMMISSIONER GOLLOTT: Okay.

5 COMMISSIONER DANIELS: The next thing I would
6 like to bring up, if I could, is Mr. Young's letter. Mr.
7 Young has tugged at my heart strings throughout this whole
8 process. I believe Mr. Young tries to do things the right
9 way, but he has also been identified as a very
10 knowledgeable person with these nets, knowing probably as
11 much, or more, than anybody else on the Mississippi Gulf
12 Coast.

13 In this letter, Mr. Young himself states that
14 what we are currently dealing with is a gill net.

15 Do we need to show this?

16 COMMISSIONER BOSARGE: Well, I think you need to
17 take the letter in context.

18 I agree with you. Mr. Young is highly
19 respected, at least from my perspective. He has been in
20 the industry a long time, but, at the same time, if you
21 look at -- let's go back.

22 This has been a horrific issue to him, in that
23 it all comes back to Cat Island, fishing around Cat Island
24 and trying to close the area around Cat Island to haul
25 seines, and we presented data showing they don't have any

1 places left to fish, and Cat Island is one of the few they
2 do have.

3 when you look at Mr. Young's letter, the whole
4 gist of the letter is he is at his wit's end. He has
5 basically told you what you want to hear.

6 I'm not saying that some of it doesn't have
7 truth to it, but the whole gist of the letter is I'm tired
8 of being harassed, I'm tired of fighting this fight, I'm
9 at my wit's end, just buy me out and get this over with.

10 COMMISSIONER DANIELS: Steve, I think you make a
11 couple of great points there and some of those, I had
12 planned on addressing here.

13 This whole issue is not directly started, or
14 created, by the fishermen. I think the Department has a
15 little bit of responsibility in this, in the vagueness of
16 how things have been defined.

17 One of the things that I'm going to ask for here
18 today is that we have a task force to identify and define
19 these gear types, and that is not to protect us. That is
20 to protect the fishermen.

21 COMMISSIONER BOSARGE: I gave that a lot of
22 thought when I saw it and, at first I said, what would
23 they do. I mean, there is really no gear left for them.
24 That's the whole thing that kind of started this whole
25 issue that there is basically somewhat of a loophole in

1 the law that says a haul seine; doesn't say what it's got
2 to be constructed out of.

3 Instead of it being constructed out of nylon and
4 taking three people and three hours to make a set, it
5 could be constructed out of monofilament. It is lighter
6 where you could make that same set in half the time and
7 not kill yourself.

8 It went from that, in my opinion, to being
9 abused to, well, we've got monofilament. Let's just make
10 the size bigger, until it has turned into what it is now.

11 We are where we are. In my opinion, if we want
12 to fix the issue -- Mr. Eicke, I'm looking at him. We
13 have all suggested it -- define the haul seine, define
14 what it is made out of, how it is constructed, how it is
15 used. Then, enforcement can do their job, without having
16 to worry about whether or not it is a legal piece of
17 equipment and, as has been suggested before, pull all the
18 tags in. We no longer have any tagged nets.

19 If you do this, you just put them out of
20 business, but that's okay. We are where we are, but, in
21 my opinion, that will fix it.

22 COMMISSIONER DANIELS: One thing I would like to
23 say to part of that is I think you and I agree on the same
24 things here.

25 COMMISSIONER BOSARGE: Let me say one thing, in

1 that I didn't finish my thought.

2 As far as a Gear Task Force, my first opinion
3 and my first thoughts were, what are they going to do, but
4 still in all you are right in that if we don't have the
5 conversations, we will never get anywhere.

6 COMMISSIONER DANIELS: That's right.

7 COMMISSIONER BOSARGE: I think that, yes, that
8 is probably a good idea to put together some people and
9 see if we can somehow, or another, manage to give them a
10 piece of gear they can use. They've got nothing, now. I
11 mean, they've got nothing.

12 They've got a cast net and hook-and-line. You
13 can't make a living off of hook-and-line. It's not
14 possible.

15 A cast net. Anybody ever thrown a twelve-foot
16 cast net all day long?

17 I know there is one gentleman back there in the
18 back, he does it. You have got to be a pretty good man.

19 COMMISSIONER DANIELS: Back to the point. We
20 have got to let everybody know where they stand.
21 Vagueness has gotten us to where we are. Clarity, I
22 think, can fix a lot of the problems.

23 These same types of issues have been dealt with
24 in other states. I received an email from Jeff Gearhart
25 who works, I believe, with NOAA.

1 We can put that up, if y'all want to, but my
2 take away from that email was that these similar issues
3 have been dealt with in North Carolina, and it required a
4 rule change to fix it.

5 COMMISSIONER BOSARGE: North Carolina and
6 Virginia.

7 COMMISSIONER DANIELS: As well as other places,
8 you're right.

9 I think we can all agree that something has got
10 to be done here. I would like to lessen the impact as
11 much as we can.

12 I know there are some good people that have
13 gotten caught up in the crossfire, with everything that
14 has happened.

15 Back to the particular gear type that we are
16 talking about right now and the way that it has been run
17 across in the field, I've got a couple of people here that
18 I think can speak to that and this particular point and
19 give us a little bit more clarity on that. One being Paul
20 Mickle.

21 If Paul would like to touch on this?

22 COMMISSIONER BOSARGE: Instead of dragging all
23 this out, we can't come to some conclusions now?

24 COMMISSIONER DANIELS: That's what I'm trying to
25 get at, but I would like to make sure that all the

1 Commissioners have all the information, before any type of
2 motion is made, or any type of vote is taken.

3 COMMISSIONER HAVARD: Mr. Chairman, we have been
4 dragging this out for several years and nobody seemed to
5 care about time frame. Now that we've got the facts
6 together, I think we owe it to the public to identify
7 those.

8 COMMISSIONER BOSARGE: I don't have a problem.
9 Now, I will ask one thing. I think we are going
10 to show a video. That video was downloaded with no audio.

11 If you are going to show it, you are going to
12 show it the way you presented it to me with no audio.
13 That's the way it was presented to me. If you put it on
14 that agenda item, unless it has been changed, now, you
15 won't get audio out of it.

16 KEITH DAVIS: There is no audio.

17 COMMISSIONER BOSARGE: I didn't think there was.

18 COMMISSIONER DANIELS: I think that's fine.

19 Paul, can you touch on this for us just a little
20 bit?

21 PAUL MICKLE: Commissioner, if you clarify
22 exactly what questions, or information, I can provide, I
23 will be happy to do so, but the topic, the specific
24 question?

25 COMMISSIONER DANIELS: The current gear type

1 that is in question and the construction that I have
2 presented that was presented with enforcement being there
3 and the encounters that they have had in the field with
4 this specific gear type, does that fit the State statute
5 that we have there, as an entanglement net?

6 PAUL MICKLE: If you are referring to State
7 statute, I don't have it in front of me, the statute
8 itself.

9 COMMISSIONER DANIELS: Can we pull it back up?

10 BRIAN SHERWOOD: Yes.

11 Right there. Gil net, trammel net, entanglement
12 net, or like contrivance.

13 PAUL MICKLE: From the definition of a haul
14 seine that I have found which I want to clarify our
15 statute and our titles and parts does not have formally, I
16 then refer to a Federal document put out by the United
17 States Department of Commerce and NOAA. It came out in
18 2001, defining gear types.

19 Just give me one second. This is considered
20 peer review literature, as it goes through a strong
21 internal review through the federal system.

22 It defines a haul seine as an active fishing
23 system that traps by encircling them with a long fence-
24 like wall of webbing. It is made of strong netting hung
25 from the float line at the surface and held near the

1 bottom by a lead line. They are fished either along the
2 shoreline where they are deployed in a semicircle to trap
3 fish -- that's the important words, to trap fish --
4 between shore and the net. More typically fish are
5 encircled away from shore, worked into the smaller pocket
6 of the net and lifted in the boat for culling.

7 This gear is limited to State waters. They do
8 not allow it in Federal waters.

9 Then, it goes into potential affects on seagrass
10 which I will present in the seagrass section.

11 In no way does this definition say entanglement,
12 or actually having to physically remove the animal from
13 the net.

14 When you picture a seine coming up, it is
15 landing the fish in a way where the fish actually do not
16 have to physically be removed from the gear itself. They
17 are just falling out.

18 That's my interpretation.

19 COMMISSIONER BOSARGE: In your interpretation,
20 to me, the most important thing you said was encircling
21 the fish.

22 Correct?

23 PAUL MICKLE: By this definition, this Federal
24 definition.

25 COMMISSIONER BOSARGE: That is part of the

1 definition of a haul seine is to encircle the fish.

2 When I look at these videos and I look at these
3 pictures, to encircle the fish, you have to run around
4 them and, for a seine to work, you have to close it up.

5 If you can't close it up and if you are not
6 closing -- if you let go of the other end of it and you
7 are not what we call dragging it down, you are not using a
8 haul seine. You are using a gill net.

9 To me, that's what I don't understand with
10 enforcement. If that guy is hauling that net back
11 straight and he hasn't got hold to the other end of it,
12 he's got a gill net.

13 COMMISSIONER DANIELS: Can we take a look at a
14 little bit of that video that we've got here, video one,
15 or two, either one?

16 I don't think it really matters.

17 BRIAN SHERWOOD: Yes.

18 COMMISSIONER DANIELS: This video, are you sure
19 where this is taking place?

20 COMMISSIONER DANIELS: I asked that question and
21 I have been told that it was in Mississippi waters,
22 besides the fact I would also like, after we take a look
23 at this, to get enforcement to weigh in on the encounters
24 that they have had in the field.

25 COMMISSIONER BOSARGE: That's fine, but just so

1 we are all on the same page. We know that gill nets are
2 still legal in Alabama and gill nets are still legal in
3 Louisiana which are our two bordering states.

4 KEITH DAVIS: Mr. Chairman, if I can add to this
5 conversation?

6 COMMISSIONER BOSARGE: Go ahead, Chief.

7 KEITH DAVIS: Law enforcement can say with good
8 certainty that the video that you are about to see is in
9 Mississippi waters.

10 COMMISSIONER BOSARGE: You can tell me one
11 hundred percent sure without a shadow of a doubt that that
12 is in Mississippi waters?

13 KEITH DAVIS: Yes, sir.

14 COMMISSIONER BOSARGE: You can prove that in a
15 court of law?

16 KEITH DAVIS: Yes, sir, we feel confident that
17 we can. We have not presented it --

18 COMMISSIONER BOSARGE: (Interposing) Explain to
19 me, Chief. I just can't see how you could watch a video
20 and tell me where that is.

21 KEITH DAVIS: well, again --

22 COMMISSIONER BOSARGE: (Interposing) I don't
23 mean to put you on the spot, but I mean we are here now.

24 KEITH DAVIS: We can refer to law enforcement
25 strategies, without getting too far into that. We don't

1 want to give up any law enforcement secrets that we use,
2 but we can tell you that this video that you are about to
3 watch, if it's the video that I'm thinking of, was in
4 Mississippi waters.

5 COMMISSIONER GOLLOTT: But, Chief, we have had
6 people that watched the video and said that they didn't
7 recognize anyone in the film.

8 KEITH DAVIS: All I can tell you is what law
9 enforcement believes and we believe that this video is in
10 Mississippi waters.

11 COMMISSIONER GOLLOTT: You can recognize some of
12 the people in there, Chief, as being some of your people?

13 KEITH DAVIS: Yes, sir.

14 COMMISSIONER GOLLOTT: You recognize some of
15 these officers as being in these films?

16 KEITH DAVIS: Yes, sir.

17 what I would like to caution the Commission on
18 is you are viewing copies of the video, and we have ways
19 of obtaining the video after it was posted to Facebook.

20 COMMISSIONER GOLLOTT: All right.

21 COMMISSIONER BOSARGE: The next question I have
22 would be this net, without a shadow of a doubt, you are
23 positively sure that this is a tagged net for one thing
24 and that this net has not been modified since it was
25 tagged?

1 KEITH DAVIS: In my discussions with Fisheries,
2 we cannot tell you that it is a DMR tag. We can tell you
3 that Marine Patrol believes that it is. Fisheries
4 believes that it is not.

5 with that information in discussions with
6 Fisheries, it has been determined that if, in fact, it is
7 a DMR tagged net, it had been modified, after Fisheries
8 looked at it.

9 COMMISSIONER DANIELS: If I may, Chief, is this
10 consistent with other tagged nets that y'all have
11 encountered in the water?

12 KEITH DAVIS: Yes, it is.

13 COMMISSIONER DANIELS: It's not just this one
14 particular net. This is a good example of what is going
15 on in multiple different places out there, and they are
16 seeing the same type of net, the same type of fishing on
17 more than one occasion.

18 That is what we are trying to speak to.

19 COMMISSIONER BOSARGE: I agree. The whole thing
20 is that it is a tagged net and, in my opinion, there is
21 reasonable doubt as to where that net was used on that
22 particular haul and there is reasonable doubt as to
23 whether that net has been modified since it was tagged.

24 Go ahead with your video.

25 COMMISSIONER DANIELS: Okay. I don't think

1 there is a whole lot that needs to be said here. I think
2 you can pretty plainly see for yourself the method of
3 catch with this particular net and the majority of the
4 fish that are coming in, in the net.

5 COMMISSIONER BOSARGE: That's mullet fishing.

6 COMMISSIONER DANIELS: Yes, sir.

7 COMMISSIONER GOLLOTT: That looks like a gill
8 net to me.

9 COMMISSIONER BOSARGE: It is. That's what I'm
10 saying and, to me, it would be easy enough to arrest
11 somebody for that because that's a gill net and it is
12 being pulled straight. You don't see them. They don't
13 have another hand on the net. They are not pulling it
14 down. It is strictly a gill net.

15 Just for everybody else's benefit out here, that
16 is a haul on mullet. The reason you see that on Facebook
17 is because he is so proud that he caught those fish. That
18 happens, and I could ask some of the fishermen. If you do
19 that twice a season, you have done good because that's
20 when those fish are running.

21 In other words, this is not your normal average
22 haul. If it was, these guys would be living on the beach.

23 COMMISSIONER DANIELS: I can appreciate that,
24 but the fact is no fish are in the bag. They are not
25 entrapped. They were not encircled. It has been stated

1 that this is what enforcement is consistently seeing with
2 what is being called a haul seine net.

3 Yes, there are some gentlemen out here probably
4 in this crowd today that are fishing haul seines the way
5 they should be fished.

6 The problem is that there is also a group that
7 has taken advantage of this loose definition of this haul
8 seine and have morphed it to fit how they want to fish it.

9 COMMISSIONER BOSARGE: And I agree with you.

10 Like I said, to me, the answer to the question
11 and the answer to the problem is to define the haul seine.

12 Haul seine is not a like contrivance. A true
13 haul seine is not a like contrivance. It's a haul seine.
14 Define the haul seine. Define its construction, what it
15 is made out of and how it is built and how it is used.

16 Mr. Joe, are you wanting to say something?

17 JOE JEWELL: Yes, I would.

18 Brian, can you back up the video right to the
19 point where he pulls it up and it appears that there is a
20 tag?

21 BRIAN SHERWOOD: Yes.

22 PAUL MICKLE: The last ten seconds, Brian.

23 JOE JEWELL: If you will notice, while we are
24 getting to the end of it, this net is deployed in a
25 straight line and he is pulling it up. I'm not going to

1 disagree. I think Commissioner Daniels made an important
2 point that it is a gill net.

3 I want to get to the very end because I want to
4 make a couple of comments about some of the things that
5 have been said.

6 You can see these floats. They appear to me to
7 be about ten feet apart. The net is stretching out in a
8 straight line. That is not typically, or traditionally,
9 how a haul seine is deployed, or maneuvered.

10 COMMISSIONER HAVARD: Joe, we have known this
11 for quite some time. The rule has been as long as they
12 have one end of the net attached to the vessel, it was
13 considered a legal net.

14 Is that correct?

15 JOE JEWELL: For haul seines and gill nets.

16 Right there, you see that little red that looks
17 almost like a flag (indicating video).

18 I want to show the Commission what our tags look
19 like.

20 A gill net tag is this band right here. It is
21 inserted through the float line, through the center of the
22 float line at the very end of the net. That's for a gill
23 net (indicating).

24 In our regulations, the Department of Marine
25 Resources is required to tag all gill nets.

1 Now, somewhere around 2015, maybe a little bit
2 earlier -- I know we have some new Commissioners here
3 today -- the Commission addressed the staff and wanted to
4 know how many haul seines were out there.

5 Commissioner Havard, you are correct. This
6 issue has been on the board for quite some time.

7 The Commission asked us. It was an informal
8 bench request -- it wasn't a motion, or passed -- for the
9 department to assess and find out how many of these haul
10 seines were out there because there was a wide range that
11 was being discussed at the Commission meeting.

12 We deployed this tag because the net boat
13 license is a Type 11 license. There is no way we can
14 distinguish any of those licenses. They include shrimp
15 trawls, cast nets, any type of net, gill net, haul seine.
16 That license type, in our data base, is just Type 11.

17 Prior to that request by the Commission, if you
18 said tell me how many haul seines are out there, there is
19 no way we could have addressed that.

20 Here are the consequences that happened. This
21 is the tag for a haul seine, a red band at the end of the
22 net (indicating).

23 If you will notice, to me, that doesn't look
24 like a red band. It could be modified, made to look like
25 a red band, but it doesn't like a band to me (indicating

1 video).

2 If you look here at the very end of the net,
3 that band is not on the end of the net. The very end of
4 the net has been modified to include what I consider a
5 non-functioning bag so that it could meet the criteria of
6 a haul seine. This, to me, is just a glorified gill net
7 with a non-functioning bag so they could skirt around the
8 regulations (indicating video).

9 The band is not on the end of the net. It
10 doesn't meet any of the traditional definitions, or any
11 requirements anywhere you can find, of a haul seine. It
12 is almost insulting to look at that video and see that.

13 Now, if y'all were aware of this happening in
14 the field before, our staff was not. When you asked
15 questions about this, the staff of Marine Fisheries
16 responded with the knowledge that we had about haul seines
17 and what was available to us and what we tagged, and those
18 nets were like what Mr. Young described.

19 Mr. Young described to you the type of material,
20 the bag that he had, the way that he deployed the net, how
21 he deployed it, and that's how we perceived it.

22 We didn't see this two years ago. If the
23 Commission had knowledge of this and visibly saw that, we
24 would have liked to have seen this because we absolutely
25 agree with y'all that this is just a glorified gill net

1 and that action should be taken against this.

2 Now, the larger issue, as Marine Patrol has
3 pointed out to us, is the fishermen will show up in court.

4 All this does is a number count. It doesn't
5 provide certification, a permit, or legal allowance of
6 improperly constructed nets. All this is, is for us to
7 count the nets, how many are out there (indicating red
8 band).

9 Now, what Marine Patrol has pointed out is that
10 the fishermen will show up with that placard and this tag
11 and say, Marine Fisheries authorized me to use this net
12 and said it was okay, and they are having difficulty in
13 court making cases against things like this which they
14 should.

15 I want to make several requests of the
16 Commission. We now understand the issue in a little bit
17 more depth. We don't support this type of modification to
18 the net to skirt around the rules.

19 We are requesting the Commission to make a
20 motion and pass that we withdraw these tags. We
21 voluntarily stopped tagging nets a couple of months ago,
22 but the Commission informally asked us to do that.

23 To retrieve those tags back, we would have to
24 have the Commission's approval to withdraw those because
25 these are causing issues in the field for law enforcement

1 and they are causing issues as far as the resource when
2 they are not tagged and not fishing those nets correctly.

3 We are formally requesting the Commission to
4 make a motion and pass a motion to withdraw these tags.

5 Now, for the larger issue, I know there has been
6 some discussion about how the Commission will address this
7 issue. The Commission should absolutely address this
8 issue.

9 I think there are a few fishermen out there that
10 have legitimate what we consider, in any definition, the
11 NOAA definition, the definition that is available from
12 North Carolina and Virginia, haul seines. They actually
13 meet the requirements of those haul seines.

14 I'm not sure what the Commission is considering,
15 but, if the Commission -- we brought up that statute, and
16 there has been discussion internally about that statute,
17 how we apply that statute.

18 That statute applies specifically to gill nets
19 and trammel nets. It doesn't say "seine".

20 I don't think adopting that as a like
21 contrivance is going to achieve what we would all like to
22 see because what that will do is make seines entanglement
23 devices, and that is not traditionally the way it is
24 defined.

25 what that will do is force them half a mile off

1 Cat Island, but it is not going to prevent this from
2 happening. It's not going to address this issue.

3 We would also like the Commission to consider
4 adopting a definition of a haul seine that has some strict
5 requirements that define it as a traditional gear type
6 that would prevent this type of issue happening.

7 We also would like the Commission to consider
8 adopting definitions for entanglement and entrapment.

9 Those definitions, if adopted, will eliminate issues
10 like this in the field. They will eliminate issues for
11 Marine Patrol and for the resource, as far as resource
12 management. We would like the Commission to seriously
13 consider that.

14 COMMISSIONER DANIELS: Joe, if I may, my
15 intention here today was to ask for multiple things, three
16 different things, and I think most of them will address
17 what you are talking about, what you have asked for.

18 You made a good point there. If I understand
19 you correctly, I think you said the majority of the nets
20 being fished as haul seine nets right now are not what
21 they should be, so our current issue with haul seines is
22 not what a definition of a haul seine is.

23 If we are to make that a like contrivance today
24 and we are able to put a task force in place that can
25 actually give us a definition of a haul seine on multiple

1 different levels, not an over generalization of it, but a
2 specific definition, then, that net would be able to be
3 fished as it should be fished.

4 Correct?

5 JOE JEWELL: I'm not quite sure of what you are
6 saying.

7 COMMISSIONER DANIELS: If we define a net by
8 construction, materials, method of deployment and
9 retrieval, and some type of level of entanglement, if we
10 take multiple angles at defining that net, it will make it
11 clear in black and white whenever enforcement encounters a
12 net in the field. If it does not meet whatever it ends up
13 being, two, three, four, five things there, then, that's
14 not what it is. It's something else.

15 would that not give you a clear definition?

16 JOE JEWELL: I agree that we do need a clear
17 definition. Some of those requirements would provide
18 clarity. I think everybody is onboard that there needs to
19 be a definition.

20 Fisheries and the Commission have an idea of
21 what a haul seine is versus a gill net. We have all seen
22 the definitions from other states and from NOAA, and
23 clearly there are two prevailing items in those
24 definitions that put boundaries around haul seines.

25 One of them is it is an entrapment device. It

1 is not an entanglement device. I think that would be a
2 key inclusion in that definition, and, then, certainly the
3 way the net is deployed and operated.

4 As you can see from this video, that is not the
5 way a haul seine is deployed. That is not the way it is
6 worked out in the field. That is not the way the
7 fishermen use a haul seine. Mr. Martin Young can provide
8 a lot of clarity to that.

9 If you looked at this net, it's a gill net. It
10 looks like a gill net. It is operating like a gill net.
11 It is catching like a gill net. There is nothing about
12 this net that can meet the definition of a haul seine, in
13 anybody's mind.

14 This net has a very small bag at the very end of
15 it, the very end of the net that is nonfunctional.

16 If you can pull that up a little bit more, when
17 he gets the net up on the boat, please?

18 BRIAN SHERWOOD: Yes.

19 JOE JEWELL: That was it. So I would say it's
20 about six to eight feet wide and about ten feet long.

21 Can you imagine any of those fish being in that
22 bag and staying in that bag?

23 That is just not the way a bag is designed on a
24 haul seine.

25 COMMISSIONER BOSARGE: I agree and, if we pull

1 those tags and rescind those tags, then, I don't
2 understand why you would need a law that says it's a like
3 contrivance, other than that would stop a legitimate haul
4 seiner from working within half a mile of Cat Island.

5 JOE JEWELL: What I'm saying is if the
6 Commission wants to vote and adopt this as a like
7 contrivance, that is the Commission's will. Certainly,
8 the department is poised to enforce, or permit, what the
9 Commission is intending to do.

10 I'm just trying to point out that if you do
11 that, I don't think it is going to have as complete -- it
12 is going to be a band-aid fix. It is not going to address
13 all of the issues that are out there.

14 COMMISSIONER DANIELS: I agree with you.

15 JOE JEWELL: What I'm asking the Commission to
16 consider is a legitimate definition of a haul seine and
17 that we also define exactly what you said entrapment, the
18 definitions of that.

19 Entanglement definition, one of the things that
20 our staff member proposed is an entanglement provision, or
21 definition, that if some percent is entangled in the net,
22 then, it is an illegal gear, or not an appropriate gear,
23 or not the correct web size, or whatever the definition
24 ultimately ends with.

25 Say, for instance, if ten percent, or more, of

1 the catch is entangled, then, it would be an illegal net.
2 That's just randomly.

3 I agree with a task force. A task force might
4 meet and make that definition. They may choose five
5 percent, or twenty percent. That would be a good item for
6 the task force to work on, definition of entanglement,
7 entrapment, definition of a haul seine. I think those
8 would be good items for a task force to consider.

9 COMMISSIONER BOSARGE: Joe, excuse me.

10 Just to clarify a few things here, is this a
11 resource issue?

12 JOE JEWELL: We have no available science, or
13 data, to reflect that it is a resource issue.

14 COMMISSIONER BOSARGE: My point is we've got
15 trip tickets, now. These guys have to report everything
16 they catch. We are under a quota on Spotted Seatrout. We
17 are under a quota on Red Fish. We are under a quota on
18 flounder.

19 The point I'm trying to make here is this is not
20 a resource issue. This is a gear issue.

21 If it was an emergency and we were overfishing
22 Spotted Seatrout, I could see, okay, we need to put a stop
23 to this real quick.

24 This is not a resource issue. This is a gear
25 issue and we've got time to work on it. It's not anything

1 that, as far as what it is doing to the resource, is going
2 to make a big difference.

3 JOE JEWELL: I agree with the comment that it is
4 not a resource issue, but I do agree that the Commission
5 has to take some action on this.

6 COMMISSIONER BOSARGE: I agree.

7 JOE JEWELL: The Commission, in my opinion,
8 cannot allow this because this is what is making it wrong
9 for everybody.

10 I think one of the first steps the Commission
11 can take, without a protracted regulatory change which is
12 a minimum of sixty days with no objection, is to withdraw
13 these tags to make it easier for Marine Patrol to make a
14 case against them.

15 Now, that net, I don't believe our Fisheries
16 staff would have ever tagged that net, if it's a tag, and
17 it doesn't look like a tag to me.

18 Let's just say it was. Well, that is still, in
19 my mind, an illegal net because this tag doesn't give
20 permit, or authority, or allows them to fish that net
21 improperly. It's not in the right place, and all it does
22 is provide a count, how many nets are out there.

23 I think one of the most important steps this
24 Commission can take to try to resolve that issue, not a
25 haul seine issue, but that issue is to withdraw these

1 tags.

2 COMMISSIONER DANIELS: If I may, Steve, you said
3 we are under quota on everything. I would like to remind
4 you that just last year these nets went over quota and
5 shut it down early.

6 COMMISSIONER BOSARGE: I know, and I think
7 that's funny.

8 COMMISSIONER DANIELS: I'm glad you think --

9 COMMISSIONER GOLLOTT: (Interposing) Mr.
10 Chairman, can I ask a question here?

11 COMMISSIONER BOSARGE: Yes, sir.

12 COMMISSIONER GOLLOTT: I'm confused. In the
13 beginning, I think Chief Davis said -- maybe he didn't say
14 this -- that they are running into people fishing nets
15 like this and the people are saying they are haul seines,
16 and they are really gill nets.

17 Are they are not writing them tickets?

18 JOE JEWELL: I think they have written them
19 tickets. It is very difficult for them in court to make
20 the case, and there have been cases that have been
21 overruled because the fisherman shows up with that placard
22 and that tag and says this is a legitimate net, Marine
23 Fisheries tagged it, and it is very difficult for the
24 judge to make a determination of who is right. Well,
25 Marine Fisheries says this is a legitimate net, and that

1 is not what we are tagging these for, and, then, Marine
2 Patrol says this is nothing but a glorified gill net.

3 It is very hard for the judge to make a very
4 definitive decision, when he's got those two conflicting
5 points of view, and that is why we are asking y'all to
6 pass a motion to withdraw these tags, the haul seine tags.

7 COMMISSIONER HAVARD: Mr. Joe, this has been
8 going on for years, several years, and it has taken this
9 long for you guys to realize that this is a gill net. The
10 public outcry has been incredible for the past two years I
11 know, saying this is a gill net.

12 You guys never jumped in a boat. Your
13 enforcement guys were given, I guess, a description as
14 long as they've got one piece of the rope in their hand,
15 there ain't nothing they can do.

16 Then, to turn into such a big issue and none of
17 you guys ever jumped on a boat and went and saw what
18 enforcement was talking about, what the public outcry was.

19 When there is a serious issue out there, or the
20 possibility of it turning into a serious issue, we have to
21 get out on the water and see really what is going on.

22 JOE JEWELL: I don't necessarily disagree with
23 that. I will give you an example.

24 we had several recreational fishermen call and
25 complain about a year ago, and you may have been aware of

1 that. We received a lot of comments that there was a net.
2 They were calling it a gill net -- I understand, now, it
3 was probably one of these nets -- that was stretched
4 across, I think they said it was a bayou, or a channel,
5 and it was illegal. Now, this was in east Jackson County.

6 The first thing that I did was call Marine
7 Patrol and report this incident. Well, it takes thirty,
8 or forty, minutes probably, depending on traffic from
9 Ingalls, to get out in the field, and, then, have a boat
10 to launch. Marine Patrol, by the time they got there,
11 these fishermen were gone.

12 For us, in order to do that, the likelihood of
13 us rolling up on one of these operations is very narrow.

14 COMMISSIONER HAVARD: They are fishing them on a
15 regular basis. You were aware where they were fishing
16 them, what time they were fishing them. If you guys would
17 have had a desire to get out there and actually get some
18 hands-on and actually see it, there was plenty of
19 opportunity.

20 JOE JEWELL: Well, I don't know how we would
21 know when they were fishing, the time they were fishing
22 and where they were fishing. There is no way that we
23 would know that. I disagree with that comment.

24 The only way that we knew it was happening is
25 when we got a phone call. Someone reported it to us.

1 Every time that happened, I took action on that call.
2 I did not delay, I did not prevent, or I did not inhibit
3 that process. I responded to every phone call that I got.
4 That is the only way I would know about that.

5 Marine Fisheries staff has no idea where these
6 fishermen are, what time they fish, or where they fish,
7 until they submit the trip ticket, and, then, that is just
8 general information at that point.

9 I think Marine Patrol made a suggestion that I
10 think would be a very good suggestion to address your
11 issues and that is to have these fishermen hail-in and
12 hail-out. Then, you would know all of that. You
13 absolutely would know all of that.

14 Marine Fisheries and Marine Patrol could be out
15 in the field and monitor that because they would have to
16 say I'm leaving the dock at 8:00 o'clock and I'm fishing
17 in east Jackson County.

18 Then, if you got any phone calls with concerns
19 about the deployment of a net, or the type of net, you
20 could respond to that relatively quickly, but, right now,
21 we have no idea.

22 COMMISSIONER GOLLOTT: What is the bottom line?
23 what is the answer to this?

24 COMMISSIONER DANIELS: The bottom line, the
25 first issue we have, right now, is what is currently being

1 fished as a haul seine.

2 JOE JEWELL: I don't believe that is a haul
3 seine.

4 COMMISSIONER DANIELS: I'm not saying that that
5 is what you define as a haul seine. I'm saying this is
6 what we are being told is currently being fished as a haul
7 seine.

8 JOE JEWELL: And the Commission needs to address
9 that quickly.

10 COMMISSIONER DANIELS: As the haul seine stands
11 in Mississippi, right now, I would like to make a motion
12 to reclassify that as an entrapment net to fit State
13 statute, whatever the numbers are on it, but that is the
14 first part of this fix, in my opinion.

15 COMMISSIONER BOSARGE: Hold on just a minute.
16 We are at Commissioners report, and I think this is
17 informational. If I remember reading the agenda right,
18 this is strictly an informational agenda item.

19 JOE SPRAGGINS: Commissioner, I think anything
20 can be an action item which is voted on by the Commission.

21 COMMISSIONER BOSARGE: I just -- I don't know.
22 We keep changing the rules kind of as we go here.

23 Myself and Commissioner Gollott have been on
24 this longer than anybody -- longer than you, Mr. Joe --
25 and it was always my understanding that it had to be an

1 action item.

2 COMMISSIONER DANIELS: This was covered in the
3 meeting that we had in the Director's office, and Sandy
4 assured us about that.

5 COMMISSIONER BOSARGE: I see here "Haul Seine
6 Informational Update".

7 COMMISSIONER HAVARD: Commissioner Daniels, will
8 you go ahead with the full motion?

9 COMMISSIONER GOLLOTT: I understood that the
10 season was closed now for commercial fishing anyhow.

11 COMMISSIONER BOSARGE: It is, and I guess the
12 part that really kind of rubs me raw is this is all about
13 closing haul seines to Cat Island.

14 COMMISSIONER DANIELS: No, it isn't.

15 COMMISSIONER BOSARGE: Yes, it is. Don't say it
16 is not. It is and you know it is because, if you do this
17 and you make it a like contrivance, then, the law reads
18 that you cannot use like contrivances within a half mile
19 of the shore of Cat Island.

20 Now, if you really wanted to fix this problem,
21 all we've got to do is do away with the tags, and, then,
22 define a haul seine, and that fixes it.

23 Instead, we want to take one piece of ground
24 they've got left to work away from them.

25 COMMISSIONER DANIELS: If I may, your attempt to

1 know what my thought process is, is inaccurate. I do not
2 want to take everything away from these commercial
3 fishermen.

4 I do want to stop this illegal net, and, then, I
5 want clear definitions on the gear types that we have so
6 these guys don't get put in this situation again, due to
7 lack of clarify through our department.

8 we should not be sitting here today. Things
9 should have been more clearly defined, and we have the
10 opportunity to do that now.

11 COMMISSIONER BOSARGE: I agree and that's why
12 when I said I laughed about the quota being filled, the
13 whole fifty thousand pounds.

14 COMMISSIONER DANIELS: And that is another issue
15 that we can address, as well.

16 COMMISSIONER BOSARGE: Oh, we are going to
17 address it. Believe me. We've got quite a few things we
18 are going to address, now.

19 COMMISSIONER DANIELS: If I may, I would like to
20 make a motion to reclassify the haul seine net as a like
21 contrivance, under State Statute 49-15-78.

22 COMMISSIONER HAVARD: At this time, I will
23 second your motion, Commissioner Daniels.

24 COMMISSIONER BOSARGE: I will accept your motion
25 and I will accept your second.

1 COMMISSIONER DANIELS: Thank you.

2 COMMISSIONER BOSARGE: We've got some public
3 comment, folks that want to speak.

4 Logan Stokes.

5 LOGAN STOKES: How are y'all doing this morning?

6 COMMISSIONER BOSARGE: State your name, please,
7 for the record.

8 LOGAN STOKES: Logan Stokes.

9 we walk a fine line with these nets we have. We
10 have already been put out of business one time.

11 I've got over fifty thousand dollars invested in
12 all of my equipment. We haven't had these nets but two
13 years maybe, a little bit over that, and now we are having
14 them taken away again.

15 I don't think that's right. It's just
16 unconstitutional really. Thank you.

17 COMMISSIONER BOSARGE: Thank you.

18 Up next is Mr. Tommy O'Brien.

19 TOMMY O'BRIEN: My name is Tommy O'Brien. I've
20 been a commercial net fisherman for thirty-eight years.

21 COMMISSIONER BOSARGE: And a retired fireman.
22 Correct?

23 TOMMY O'BRIEN: Yes, a retired fireman.

24 The deal is I alone have made five of these
25 nets. I brought them to this building and had them tagged

1 at this building, and they are all legal nets and we have
2 been using them legal the whole time.

3 My son built a brand new boat to do the same
4 thing, fishing Cat Island. We have to have shallow draft
5 boats to do that with new motors and all. We don't buy
6 junk.

7 Here, you are trying to take these nets and, I
8 mean, who is going to pay for these nets?

9 You are talking about it's not a big deal. It
10 is a big deal. You are messing with my wife, my children,
11 my grandchildren. That's what we do.

12 You want the tag back.

13 Who is going to pay us for those nets?

14 The CCA, is that important?

15 Y'all need to open your checkbooks up, if it is
16 that important to you. That's all I've got to say.

17 COMMISSIONER BOSARGE: Thank you, Mr. O'Brien.
18 Mr. Martin Young.

19 MARTIN YOUNG: Good morning, Commissioners.

20 I want to ask y'all one question.

21 Whose fault is it that this has happened?

22 Is it our fault, or the people who tagged these
23 nets?

24 Could y'all answer?

25 (No response.)

1 MARTIN YOUNG: I rest my case. Y'all can't
2 answer it because it came from this building, just like
3 Mr. O'Brien just said. We tried to do what is right.

4 You fill a net full of fish like that picture
5 there, it's what was tagged and given to us to use.

6 Here's a sample of webbing that was available to
7 y'all from Memphis Net and Twine, September 2018. Here's
8 their book, fifty-six years (indicating).

9 Look at the material that they use for gill net,
10 and, then, go to the material that they use for seines and
11 tell me who should have known what to do, when it wasn't a
12 problem from '97 until 2015. At least for eighteen years,
13 there was no problem, and I fished all those years, and,
14 now, I'm paying for what happened over here. I'm losing
15 my livelihood again.

16 COMMISSIONER BOSARGE: Thank you, Martin.

17 Mr. Frank Parker.

18 FRANK PARKER: Good morning, Commissioners.

19 COMMISSIONER BOSARGE: State your name for the
20 record.

21 FRANK PARKER: My name is Frank Parker. I'm a
22 full-time commercial fisherman here in Biloxi. I'm the
23 President of Mississippi Commercial Fisheries United.

24 Two things about this little video. The first
25 thing, being a commercial fisherman, I fish multiple

1 states, multiple species.

2 with that being said, a lot of this equipment
3 costs money and, as a fisherman who is on a limited
4 budget, it is about the bottom dollar, so we do pull a lot
5 of nets.

6 when we buy our equipment, we want to try to
7 make it conform for every state we have to cut down on the
8 cost of different things.

9 This video, the name up there, I'm pretty sure
10 that that guy is licensed to gill net fish in Louisiana.
11 For him to use a Mississippi net in Louisiana, that's not
12 against the law. You have got to take that into
13 consideration.

14 The second thing is, with this video, it brought
15 me back in the nineties, when we had propaganda like this
16 from large deep-pocketed CCA members that systematically
17 went after commercial fishermen with information like
18 this. It is misinformation to educate the uninformed.
19 That's how they got the original net ban in Mississippi.
20 That's how they got the net ban in Florida.

21 Looking at this panel, I really feel there is
22 one informed person on this panel. When I say that, it's
23 Commissioner Bosarge. He is probably the only one who has
24 actually put his hands on a gill net.

25 Now, when you go to a doctor and say, well, I

1 saw this video on TV and I'm going to tell you how to
2 diagnose me and how to fix me.

3 Before you do anything, you really need to get
4 the facts and it needs to be the truth. It doesn't need
5 to be propaganda because the propaganda is what hurts us
6 all around because we don't have the money and the deep
7 pockets. Thank you.

8 COMMISSIONER BOSARGE: Thank you, Mr. Parker.
9 Ryan Bradley.

10 RYAN BRADLEY: My name is Ryan Bradley. I'm
11 Executive Director of the Mississippi Commercial Fisheries
12 United.

13 The bottom line is, regardless of who is to
14 blame, these fishermen had these nets tagged in this
15 building. They were inspected in this building.

16 They built businesses around these tagged nets.
17 They made substantial investments in boats and nets and
18 motors, and they were counting on this to feed their
19 families for their livelihoods.

20 There are a couple of claims that I have heard
21 today that I just don't agree with. The claims that these
22 nets were somehow modified, after they were tagged. I
23 have seen no evidence of that presented today.

24 Taking action on this item, I would like to ask
25 the staff attorney what authority does the Commission have

1 to take action on these items, when they are not listed on
2 the agenda as action items?

3 If we look to the agenda, we have several items
4 listed for action.

5 what is the good in listing these items as
6 action items, if we are not going to abide by this?

7 To make some kind of substantive action today
8 that is going to take these folks' nets away is completely
9 unfair. They need to know that this is on the table.
10 They need to be able to be here and to comment on these
11 actions.

12 Classifying these nets as a like contrivance, as
13 the motion that is on the board right now, I have an issue
14 with that. It is not real clear to me what exactly you
15 are trying to do here.

16 Are you trying to amend State statute?

17 I'm not certain we can achieve that through the
18 Commission.

19 Trying to define these nets as entanglement
20 nets, to be honest with you, a shrimp trawl can entangle.

21 Is this the road we are going on?

22 We want to have shrimp trawls classified as
23 entanglement nets?

24 I promise you there will be a uproar about that.
25 This is not a resource issue. It is clear that

1 it is not a resource issue.

2 Please tell me what the resource issue is here?

3 This is a hate issue. This is what it is. Nets
4 is a dirty word to a lot to people who are misinformed.

5 These nets are actually some of the most
6 selective gear that we have to use, much more selective
7 than a cast net.

8 I think we need to table this. Let's talk about
9 it some more.

10 We support your task force. Let's put it
11 together. Let's define the gear. Let's talk about
12 compensating these fishermen for revoking this gear. They
13 deserve that. That is the least we can do for these
14 fishermen. They don't deserve to have their livelihoods
15 uprooted from them on the whim here today.

16 I will leave that there, and I would just like
17 to state the only threat to my two children being able to
18 catch fish in the future is the lack of having a quota in
19 the recreational sector and unlimited catches. That is
20 something that we need to address.

21 Every minute that we waste going after these
22 poor commercial fishermen is a waste of time. That's all
23 I have to say. Thank you.

24 COMMISSIONER BOSARGE: I agree. Thank you.

25 FAYE JAMES: Chairman Bosarge.

1 COMMISSIONER BOSARGE: Yes, ma'am.

2 COURT REPORTER: I can't hear you.

3 COMMISSIONER BOSARGE: Turn your mike on,
4 please.

5 FAYE JAMES: In response to Mr. Bradley's
6 question, my understanding is that with a proper motion,
7 second and majority vote that a directive can be made, in
8 much the same way that the agenda could be amended to make
9 this an action item at the beginning of the meeting. I
10 don't think that that is an issue.

11 I hope that clarifies it.

12 COMMISSIONER BOSARGE: Yes, ma'am, somewhat.

13 COMMISSIONER GOLLOTT: One more question.

14 COMMISSIONER BOSARGE: Yes, sir.

15 COMMISSIONER GOLLOTT: Isn't the commercial
16 fishing closed right now?

17 when will it open?

18 I think it's in February, isn't it?

19 COMMISSIONER BOSARGE: It's according to where
20 and when. If you look at closures, it is pretty much all
21 closed for commercial fishing.

22 JOE JEWELL: The three quota species that are
23 available are Red Drum, Spotted Seatrout and flounder.
24 Only flounder is open currently. Spotted Seatrout is
25 scheduled to reopen in February and Red Drum January 1.

1 COMMISSIONER DANIELS: Richard, that brings up a
2 good point. A lot of what these gentlemen are fishing for
3 is closed right now, and that is a very good reason for
4 addressing this today. That gives us some time to put
5 definitions in place and to have this clarified so these
6 guys can get back to work after the first of the year.

7 Hopefully, we can get enough of this done in
8 that time frame where it doesn't hinder a whole lot.

9 COMMISSIONER GOLLOTT: I agree with you a
10 hundred percent. I think, since we've got some time,
11 let's go ahead and set up a committee to work on this.

12 It sounds to me like a lawyer needs to read the
13 definition between a haul seine and a gill net because
14 it's a legal definition, and we need some people working
15 on this and come back with the best recommendations that
16 we can possibly get to straighten it out.

17 COMMISSIONER BOSARGE: I just don't see where --
18 making it a like contrivance, I don't understand how that
19 helps anything.

20 COMMISSIONER GOLLOTT: I don't think legally you
21 can make it a like contrivance.

22 Don't you think it would be better to table this
23 and set up a committee to work on it and come back at the
24 next meeting and give us some suggestions?

25 COMMISSIONER DANIELS: Asking for a gear type

1 task force is another part of what I planned on asking for
2 here today, but I think we are getting ahead of ourselves.

3 Right now we need to address these illegal nets
4 that we have in the waters currently.

5 COMMISSIONER GOLLOTT: But there is no sense in
6 addressing it until it becomes an issue and it's not an
7 issue.

8 COMMISSIONER DANIELS: It has been an issue.
9 That's the whole reason we are here.

10 COMMISSIONER GOLLOTT: But you've still got time
11 to let somebody work on it and come back to us.

12 JOE JEWELL: Commissioner Daniels and
13 Commissioner Havard, I certainly respect y'all and respect
14 y'all's opinion, and I'm not trying to circumvent, or
15 delay, this anymore. Absolutely not, but I want to make
16 sure that your intent is to prevent that type of fishing.

17 I think that's what y'all are trying to say,
18 y'all's intent is to try and prevent that particular type
19 activity around Cat Island.

20 Passing a like contrivance motion, I can't
21 answer whether that it legal, or not, and amending State
22 statute.

23 COMMISSIONER DANIELS: I can. I asked Sandy
24 about this extensively.

25 JOE JEWELL: I was going to say an attorney

1 would have to answer that, but what I do want to state and
2 I think I haven't been clear enough, and I want to
3 respectfully say that making it a like contrivance, what
4 that would do is essentially put nets half a mile off
5 shore. It will not prevent this.

6 what I'm trying to say is that y'all can do
7 that. That's fine, but it won't stop this. It will just
8 make them not be able to fish half a mile off Cat Island
9 with that type of contrivance.

10 COMMISSIONER DANIELS: Not just Cat Island.

11 JOE JEWELL: That's right, half a mile off of
12 our shorelines, but they still will fish the net.

13 COMMISSIONER DANIELS: This is a State statute
14 that we already have in place. This is one step towards
15 stopping what is currently going on.

16 COMMISSIONER BOSARGE: You do understand what he
17 said, it is not going to stop it.

18 COMMISSIONER DANIELS: It's one step towards it.

19 COMMISSIONER HAVARD: It is going to take many
20 different steps to make this issue go away, or prevent
21 this issue from happening again, but this is the first
22 positive step.

23 KEITH DAVIS: If I could, can I also ask a
24 question, Joe?

25 JOE JEWELL: Yes.

1 KEITH DAVIS: If you are going to make that
2 motion, could you also include, as Joe has suggested, to
3 recall those tags?

4 COMMISSIONER DANIELS: That would be another
5 part of what I planned on asking for here today, but we
6 cannot combine those two. That would be separate motions.

7 JOE JEWELL: I agree, and I want to address Mr.
8 Young's comments because I think he has been very honest
9 and very sincere.

10 we don't tag nets like that, but we have tagged
11 haul seines that meet what we traditionally understand as
12 a haul seine.

13 By withdrawing those tags on the haul seines, it
14 is not making those nets illegal. All these things were
15 for is to count how many were out there. It is not taking
16 away that ability. It's not for not allowing people to
17 use traditional haul seines.

18 To the best of my knowledge, Mr. Young is one of
19 the most compliant fishermen that we have out there and
20 his net was legitimately tagged because it is a legitimate
21 fishing device that meets, I think, everybody's
22 understanding of the haul seine.

23 withdrawing these tags is just simply saying we
24 won't know how many actual nets are out there, but it will
25 aid law enforcement's ability to address these types of

1 issues.

2 COMMISSIONER DANIELS: Yes.

3 COMMISSIONER BOSARGE: We have a motion and we
4 have a second on the motion.

5 Any further discussion?

6 (No response.)

7 COMMISSIONER BOSARGE: All those in favor aye.
8 (Commissioner Daniels, Commissioner Havard in
9 favor.)

10 COMMISSIONER BOSARGE: Opposed like sign.

11 (Commissioner Bosarge, Commissioner Gollott
12 opposed.)

13 COMMISSIONER GOLLOTT: Mr. Chairman, would you
14 have a head count on it.

15 COMMISSIONER BOSARGE: Yes, sir. I don't think
16 Commissioner Guess has cast her vote yet.

17 COMMISSIONER GUESS: I feel like we do need to
18 have more conversation about this. I see both sides
19 absolutely, but to say right off the bat about having a
20 more detailed conversation just to make it a like
21 contrivance, I'm not sure that I'm onboard with that.

22 COMMISSIONER BOSARGE: That has been my point.
23 If we really want to fix this which I think everybody here
24 does, if we can take Cat Island out of it. Let's don't
25 worry about what happens at Cat Island right now. Let's

1 fix the --

2 COMMISSIONER GUESS: I don't think anyone has
3 said anything up here yet about Cat Island, except for
4 you. I don't think that was Commissioner Daniels purpose,
5 but I do understand what Joe is saying that if we remove
6 the tags, that doesn't mean it is illegal, but, at least,
7 the law enforcement can enforce the modified haul seine
8 net.

9 Right?

10 COMMISSIONER BOSARGE: Correct.

11 COMMISSIONER GUESS: Because that is not a legal
12 net.

13 Correct?

14 JOE JEWELL: Correct. I don't think anybody
15 would define what we saw in the video as a legal haul
16 seine.

17 COMMISSIONER GUESS: If we remove the tags, or
18 call back the tags, they can still use the net, but it
19 allows law enforcement, if they are illegally using a haul
20 seine net, to do their job, and, then, they don't have
21 somebody in court saying, this is tagged so it's
22 legitimate.

23 COMMISSIONER BOSARGE: That's correct. That's
24 what I said, if you do away with the tags, that fixes most
25 of the problem. Now, they have got to use it in the

1 manner it was described to be used in and, if it is not
2 used in that manner, it is an illegal net.

3 COMMISSIONER GUESS: Then, we can come up with a
4 clear definition of what a haul seine net is, and, then,
5 tag those appropriately.

6 JOE JEWELL: That's correct. I think the point
7 of what Commissioner Daniels and Commissioner Havard are
8 saying is that by withdrawing these tags, that is going to
9 address most of the issues, but it isn't going to address
10 all of them. We absolutely need a definition of a haul
11 seine and several other things need to be addressed.

12 Is that correct?

13 COMMISSIONER BOSARGE: But that's the two things
14 that fix it.

15 Let's straighten our vote out here.

16 COMMISSIONER DANIELS: If I may, it is multi-
17 faceted. This is the first step. The second step is
18 defining.

19 COMMISSIONER BOSARGE: I'm with you and we are
20 going to get there, but, in my opinion, this is an effort
21 in fruition. By making it a like contrivance, once we get
22 the definition and the tags taken away, what good did it
23 do you to make it a like contrivance. We fixed it.

24 Do you see what I'm saying?

25 It just doesn't make any sense.

1 COMMISSIONER DANIELS: Without the like
2 contrivance, it does not stop nets. This is until we can
3 fix it.

4 COMMISSIONER BOSARGE: Here again, is it a
5 resource issue?

6 No, it's not.

7 COMMISSIONER DANIELS: I think we made that
8 clear with last year's speckled trout season.

9 COMMISSIONER GOLLOTT: The thing about it is --

10 COMMISSIONER BOSARGE: (Interposing) Let me say
11 one thing. You said it a minute ago. We talked about
12 fifty thousand pounds. The average landings -- here we go
13 fighting, pitting recreational against commercial. The
14 average landings for recreational is one point one million
15 over the last five years.

16 Is that correct?

17 Is that a correct statement?

18 COMMISSIONER DANIELS: Steve, I didn't want to
19 turn this into commercial versus recreational.

20 COMMISSIONER BOSARGE: Let's get this out in the
21 open. Here we are with a fifty thousand pound quota.
22 This quota went into effect in 1996. The recreational
23 landings in 1996 was four hundred and forty thousand
24 pounds.

25 The original motion to put in place for that

1 quota was twenty-five thousand pounds. Mr. Horne actually
2 got it raised to forty thousand pounds. At that time, the
3 recreational catch was four hundred and forty thousand
4 pounds.

5 We went from forty thousand pounds. We actually
6 got it up to fifty thousand pounds, and what has happened
7 to the recreational side.

8 In other words, we capped the landings on the
9 commercial side. That's why I think it is so funny when
10 you say, well, they went over the limit. They reached
11 their quota.

12 They sure did, the whole fifty thousand pounds.

13 It's like how many more nails do we want to
14 drive in this coffin?

15 We drove them in there with fifty thousand
16 pounds. We capped what they could make at fifty thousand
17 pounds. Now, we stopped them from fishing around a pier,
18 mouth of a bayou, half a mile around the islands, on and
19 on and on and on. Let's just see how many more nails we
20 can drive in this coffin.

21 I'm trying to fix this problem, and I think we
22 have the fix. I just don't understand the like
23 contrivance. That takes them away from Cat Island.

24 COMMISSIONER DANIELS: Well, let's not lose
25 sight of what we have here today and that is illegal nets.

1 COMMISSIONER GUESS: May I say something?

2 COMMISSIONER BOSARGE: Yes, ma'am. Commissioner
3 Guess, please.

4 COMMISSIONER GUESS: I will say I'm the newest,
5 so bear with me because this is our only time to have open
6 conversation.

7 I am onboard with what you are saying a hundred
8 percent, but what I'm thinking is that if we can set a
9 time line on the definition of a haul seine net. Let's
10 give ourselves through the end of December to create a
11 strong definition of what a haul seine net is, pull the
12 tags on the current ones so the ones that are using them
13 legally can still use them, but the ones who have modified
14 them, or using them illegally, enforcement has the ability
15 to enforce that illegal net, and it will stand in court
16 because they won't have tags any longer saying that they
17 could.

18 At least, that gives us the option to create a
19 strong definition by the end of December. Let's set a
20 strong deadline and have the task force in place, and make
21 that the first priority in defining what a haul seine is,
22 and, then, we can get the right tags in place.

23 COMMISSIONER DANIELS: What you are proposing is
24 right in line with what I intended to ask for.

25 The concern I have with that is getting a task

1 force in place in thirty days and a definition, getting
2 the task force in place and the definition of this net in
3 thirty days.

4 COMMISSIONER GOLLOTT: Mr. Chairman, I think
5 Natalie was right. I think we need to go ahead and
6 finishing voting on this like contrivance, and, then, let
7 Natalie, or someone else, or Ron, come up with a proposal
8 to get all this stuff in, in December.

9 COMMISSIONER GUESS: The haul seine nets that we
10 have tagged, it sounds like to me most of them have been
11 modified after they have been tagged; not most of them,
12 but some of them.

13 It seems like the one that is on the video, we
14 would not have tagged that as a haul seine net. They
15 modified it to add a bag on the end to make that a haul
16 seine.

17 COMMISSIONER GOLLOTT: Natalie, once we get this
18 voted on, you can come back and make the motion to do just
19 that.

20 COMMISSIONER GUESS: well, I'm not comfortable
21 on the like contrivance.

22 COMMISSIONER BOSARGE: So the vote is three
23 against and two for.

24 we have Commissioner Daniels and Commissioner
25 Havard for the motion and the other three against the

1 motion.

2 I fought long and hard to keep that
3 environmental seat back on this Commission because I
4 wanted somebody that had new eyes, looked at the facts and
5 thought about them, and I think that's what you did just
6 then, and it makes sense.

7 Continue on with your presentation, Commissioner
8 Daniels.

9 COMMISSIONER DANIELS: The second part would be,
10 as recommended by the staff, to make a motion to recall
11 the tags and put a temporary ban on finfish net fishing
12 within half a mile of all shorelines until further notice,
13 with the exception of nets described in Statute 49-15-95,
14 cast and brill nets, so the Fish Gear Task Force can be
15 established and convened to address the fishery-related
16 issues.

17 COMMISSIONER GOLLOTT: I'll second that motion.

18 COMMISSIONER BOSARGE: That's a lot of wording
19 there.

20 COMMISSIONER GOLLOTT: Really, the bottom line
21 is you are just setting up a committee to try to iron
22 everything out before the next meeting.

23 COMMISSIONER BOSARGE: I think a simpler motion
24 would have been just to pull the tags from the nets and
25 have them returned within thirty days.

1 I don't understand the need for a closure half a
2 mile off the beach. I don't understand all of this.

3 COMMISSIONER GOLLOTT: It's closed anyhow.

4 COMMISSIONER BOSARGE: For the most part most of
5 it is closed, but these guys are still fishing a little on
6 Sheepshead, Drum. There are a few things they can still
7 work on.

8 Once again, is this a resource issue, or a gear
9 issue?

10 It's gear issue. If it's a gear issue, we are
11 not doing any harm to the resource. That is not
12 happening.

13 why the need to close it a half mile off the
14 shore?

15 I don't understand.

16 COMMISSIONER DANIELS: This particular motion
17 was recommended by the staff to address this issue because
18 we have illegal nets in our waters being used today. That
19 is the point of this whole argument. It's not
20 recreational. It's not Cat Island. It's not speckled
21 trout. It's illegal nets, period.

22 COMMISSIONER GOLLOTT: You are saying they are
23 using the illegal nets, now, and they are not being
24 caught?

25 COMMISSIONER DANIELS: They can't enforce it

1 because they are tagged.

2 COMMISSIONER GOLLOTT: If you pull the tags
3 right now, that's all you need to do, just pull the tags.

4 COMMISSIONER DANIELS: Joe, would either of
5 y'all like to comment on this recommended motion?

6 JOE JEWELL: We certainly are in favor of
7 withdrawing the tags. I made that clear in my earlier
8 statements.

9 Now, the staff did have discussions, in
10 consultation with our Executive Director, about a
11 potential closure, but that closure was when we were
12 considering the like contrivance. That is no longer on
13 the table, and the recommendation we made only applied to
14 that. It does not apply to the tags.

15 I want to make that clear. When we made that
16 recommendation, it had to deal solely with the potential
17 of like contrivance.

18 Is that clear?

19 I don't know if I'm being real clear today.

20 I don't think we would make that motion, if we
21 knew that like contrivances was not on the table.

22 COMMISSIONER DANIELS: My next question would be
23 to enforcement.

24 By pulling these tags and just pulling these
25 tags, do you have the ability to enforce, without a

1 definition on these nets, if they are in our waters?

2 KEITH DAVIS: No. I think that it has been
3 asserted today that the department has allowed these nets.
4 Until that body makes a complete clear decision
5 to enforcement, I think we are where we are.

6 COMMISSIONER DANIELS: Just so I'm clear, you
7 don't think that y'all can enforce this with just pulling
8 the tags?

9 KEITH DAVIS: No, sir. As I sit here, I'm not
10 sure exactly what you want right now.

11 COMMISSIONER BOSARGE: Chief Davis.

12 KEITH DAVIS: Yes, sir.

13 COMMISSIONER BOSARGE: If you go up to a guy and
14 he's got a net strung out in a straight line and he's got
15 fish gilled in it and there is no tag in it and it's a
16 monofilament constructed net, you are telling me you can't
17 write him a ticket for a gill net?

18 KEITH DAVIS: Commissioner Bosarge, when are you
19 saying you are going to pull the tags back?

20 Are you saying y'all are going to make that an
21 immediate decision?

22 Are the tags due back to the agency today?
23 what are we saying?

24 You said you were going to pull them back.

25 COMMISSIONER BOSARGE: That these tags are no

1 long valid. You've got thirty days to turn them in. As
2 of whenever they can do it, they are no longer valid.

3 Therefore, if you come across this guy with his
4 net, now you go to court, I'm sorry, judge, but that's not
5 a tagged net anymore.

6 You can't make that stick?

7 KEITH DAVIS: Are you going to make that
8 effective today, Commissioner Bosarge?

9 COMMISSIONER BOSARGE: I will have to talk to
10 the staff on that.

11 JOE JEWELL: I think your idea of making it
12 effective as quickly as possible in a motion, would
13 certainly provide some relief to this process.

14 Giving them thirty days to turn them in, I think
15 our attorney suggested that, as far as the time frame.

16 COMMISSIONER GOLLOTT: How many nets are we
17 talking about?

18 I understood we were only talking about five, or
19 six, nets fishing in Mississippi. Surely you could get in
20 touch with those people in the next day, or two, and pull
21 those tags.

22 JOE JEWELL: We can. We can make them clear of
23 the Commission's intention, by withdrawing those tags.
24 Absolutely, but once the Commission makes that vote and
25 makes it official and makes it effective, if they don't

1 return those tags and remove those tags, it is my
2 understanding that Marine Patrol, when they come up on
3 them out in the field with a net like that -- I don't
4 think they are going to find one of these and, if they
5 did, it is illegal anyway, but once the Commission makes
6 that motion, they can confiscate this tag because it is no
7 longer a valid means of identification.

8 COMMISSIONER DANIELS: Can we change the tag
9 return to seven days?

10 COMMISSIONER GOLLOTT: Yes, you can make that
11 motion.

12 COMMISSIONER BOSARGE: I think that legal
13 suggested thirty days to give due time.

14 KEITH DAVIS: Mr. Chairman, I would like to ask
15 you a question.

16 COMMISSIONER BOSARGE: Yes, sir.

17 KEITH DAVIS: If we all agree that this is a
18 controversy and it is causing conflict within the
19 department, why can't you make the vote and make it an
20 immediate action?

21 It was not regulatory, it's a controversy and
22 it's egregious in the fact that individuals have modified
23 and abused what was intended.

24 why can't we just say that it is effective
25 immediately?

1 COMMISSIONER BOSARGE: Well, that was what I was
2 waiting for Commissioner Daniels to --

3 JOE JEWELL: (Interposing) I think I would
4 agree with Chief Davis. I'm sorry. I didn't mean to
5 speak over you, but I think I would agree with Chief
6 Davis. The Commission could rescind these tags
7 immediately and give them seven days to comply.

8 COMMISSIONER BOSARGE: That's what I was going
9 to suggest.

10 COMMISSIONER DANIELS: If that is available,
11 then, yes, that is what I would like to ask for.

12 COMMISSIONER BOSARGE: So you would like to
13 modify your motion?

14 COMMISSIONER DANIELS: Yes.

15 COMMISSIONER BOSARGE: Bear with us just a
16 minute here.

17 COMMISSIONER GOLLOTT: I will modify my second.

18 COMMISSIONER BOSARGE: Can we put that motion up
19 on the board modifying it?

20 BRIAN SHERWOOD: Yes.

21 COMMISSIONER BOSARGE: If I understand
22 Commissioner Daniels correctly, I think you can strike
23 most of that, and the motion would be to have the haul
24 seine tags returned -- how would I say that, Joe?

25 COMMISSIONER DANIELS: You're right, Steve.

1 If we are able to do this immediately, then, we
2 do not have a need for the first half of that.

3 JOE JEWELL: I want to point out that Chief
4 Davis is correct in stating that. We were talking about
5 that.

6 This is not a regulatory action that the
7 Commission took that modified any regulation, or statute.
8 Therefore, you don't need to go through a protracted
9 process to withdraw these tags. This is an informal
10 request by the Commission made to Marine Fisheries staff,
11 and the Commission can withdraw these immediately.

12 The motion would be to withdraw the haul seine
13 tag and placard effective immediately and they have seven
14 days to return these tags.

15 KEITH DAVIS: I would like to add to that, Joe,
16 by saying that if the Commission decides to put that in
17 the motion that they have to be returned to the MDMR, do
18 you necessarily need the placard?

19 All you need to do is give me instructions that
20 this is no longer -- I don't want to say authorized gear,
21 but a gear that has been allowed and, if there is a
22 fisherman out there fishing with the type of what we have
23 seen today, we can take enforcement action on that and
24 that's today. I want to make sure that we are clear on
25 that, that we all understand that. That is today.

1 COMMISSIONER DANIELS: And that would be why I
2 was looking --

3 KEITH DAVIS: (Interposing) The act of
4 returning it to the MDMR in seven days, that doesn't
5 matter. It is just no longer allowed by the MDMR rules.

6 COMMISSIONER BOSARGE: In my opinion, I think we
7 need to put it in the form of a motion and, if nothing
8 else, to let these fishermen know what is going on.

9 KEITH DAVIS: I agree, one hundred percent agree
10 that everybody needs to be on the same page.

11 JOE JEWELL: I forget which Commissioner said
12 that, but we can contact the fishermen.

13 Not all of the ones that are tagged are active.
14 We will certainly target the people who are actively
15 fishing immediately.

16 JOE SPRAGGINS: If we could get this motion, if
17 there was something passed that you could have here, if
18 you would direct us to go to the court system and give
19 them a copy stating that no longer is the tag, or placard,
20 something that would be held up as being a tagged net,
21 then, that would help our law enforcement to where they
22 would not have to fight that battle, and, then, in turn,
23 it doesn't matter when they give them back, at that point.

24 We could try to get them back as quick as
25 possible, but it would just make it to the point where

1 this thing is valid at this moment.

2 COMMISSIONER DANIELS: After MDMR, can we add a
3 phrase there that says "and are immediately invalid"?

4 BRIAN SHERWOOD: Yes.

5 KEITH DAVIS: I agree to that and Director, we
6 could do that through the form of a press release.

7 COMMISSIONER BOSARGE: Yes, I agree.

8 JOE JEWELL: The only thing I would say is I
9 like the motion.

10 I kind of disagree with Chief Davis a little
11 bit. I think it is important that we make the placard
12 invalid, also. It is important because my fear is that if
13 we just get the tag, they will show with that placard and
14 say, look.

15 KEITH DAVIS: I'm saying that it is all invalid.
16 It has been invalid.

17 COMMISSIONER DANIELS: Yes.

18 JOE JEWELL: That's correct. That's what I'm
19 getting at. I think the motion as it is, haul seine
20 placard and tag, is appropriate and that will address this
21 issue immediately.

22 COMMISSIONER DANIELS: As we have it, for
23 immediate notice to be given to commercial fishermen that
24 have received the haul seine placard and tag, that these
25 must be returned to the MDMR and are immediately invalid.

1 COMMISSIONER GUESS: I'll second it.

2 COMMISSIONER BOSARGE: Commissioner Gollott
3 seconded it, I believe.

4 Correct?

5 COMMISSIONER GOLLOTT: Correct.

6 COMMISSIONER BOSARGE: We have a motion and a
7 second.

8 Any further discussion?

9 (No response.)

10 COMMISSIONER BOSARGE: All those in favor aye.

11 (All in favor.)

12 COMMISSIONER BOSARGE: Opposed like sign.

13 (None opposed.)

14 COMMISSIONER BOSARGE: In an effort to ease some
15 tensions because of this -- we've got a bunch of folks
16 with a bunch of gear that is useless -- I don't know who
17 was at fault.

18 There are a bunch of folks here, and there has
19 just been a bunch of misunderstanding going on and there
20 has been a bunch of things that probably shouldn't have
21 happened. A lot of people made decisions based on what
22 they thought was the way things were going to work, and
23 they are not going to work that way now.

24 JOE JEWELL: Can I ask for some clarification,
25 Commissioner Bosarge?

1 COMMISSIONER BOSARGE: Yes, sir.

2 JOE JEWELL: It is my understanding with this
3 motion that it is not making haul seines illegal.

4 COMMISSIONER BOSARGE: That's right.

5 JOE JEWELL: For instance, Mr. Young, he has an
6 official haul seine. It would not make that gear illegal.
7 He could legally fish with that.

8 what this motion does is makes Marine Patrol
9 more effective in addressing the issues that we saw on the
10 video.

11 COMMISSIONER BOSARGE: I agree with you. You
12 are correct, but maybe I'm stepping a little bit ahead
13 because I see, as we take this on and we define a haul
14 seine, then -- maybe I'm stepping ahead of myself, but I
15 don't see a haul seine being made out of monofilament
16 webbing. Now, we've got a bunch of useless equipment
17 because there have been a bunch of people build these nets
18 out of monofilament.

19 In an effort to try to justify some of this and
20 try to, I say, help. I don't like using that word.

21 KEITH DAVIS: Mr. Chairman, can I jump in here?

22 COMMISSIONER BOSARGE: Yes, sir.

23 KEITH DAVIS: I think this would be a good
24 point. We have a video prepared on what enforcement feels
25 is a true haul seine fishing gear, and we can provide that

1 to you, now. That way, all the fishermen who are still
2 here are aware that this is how we feel that the gear
3 should be fished.

4 COMMISSIONER BOSARGE: That's fine. I think we
5 are going in two different directions.

6 where I'm getting at is how we can possibly work
7 some way to buy some of these nets back, compensate them
8 in some way for decisions that they have made based on
9 information that we gave them. That's kind of where I'm
10 going.

11 JOE SPRAGGINS: Commissioner, what I would like
12 to do, if it is all right with you and the rest of the
13 Commission, I would say after we have looked at these
14 nets, or if we have looked at it and defined what is a
15 haul seine and how a haul seine is made and how it can be
16 used, if we look at that and we decide, at that point,
17 that because of what we have allowed to be a haul seine in
18 the past and what we have allowed them to use, that I
19 would like to have permission from the Commission to go to
20 the governor and others and see if I can come up with
21 funding to be able to offset that.

22 Just like we did when we told you, you couldn't
23 use certain types of basket dredges, if we look at being
24 able to do the same thing, if it was something that we
25 allowed in the past, maybe we can help these fishermen and

1 help them with that, if that is a possibility.

2 First, we need to know whether, or not -- what
3 we are going to set as a rule, and that would be the only
4 thing. We are only talking nets, not any other type gear.

5 COMMISSIONER BOSARGE: Yes, sir. I certainly
6 appreciate that, Mr. Joe.

7 If you need that in the form of a motion, I
8 would like to make that motion to give you the authority
9 to go to the governor and ask for funding for that
10 process.

11 JOE SPRAGGINS: Yes, sir.

12 COMMISSIONER BOSARGE: Do I have a second for
13 the motion?

14 COMMISSIONER HAVARD: I'll second it.

15 JOE SPRAGGINS: The reason I looked at this is
16 just like anything else we have done, if we take away an
17 article from the fishermen, in the past we have always
18 looked at a way to find out.

19 I know when we took the dredge out and we made
20 it to where it had to be a bag, that we were able to
21 compensate them for that. I think it would be only right,
22 if we did something in that form.

23 COMMISSIONER BOSARGE: The motion would be to
24 give the Executive Director the authority to seek funding
25 for gear replacement.

1 I think we've got the motion. I don't know if
2 we necessarily need to put it on the board.

3 We have a motion and we have a second for that
4 motion.

5 Any further discussion?

6 (No response.)

7 COMMISSIONER BOSARGE: All those in favor aye.

8 (All in favor.)

9 COMMISSIONER BOSARGE: Opposed like sign.

10 (None opposed.)

11 COMMISSIONER BOSARGE: Motion carries.

12 COMMISSIONER DANIELS: We still need a motion
13 for a task force.

14 JOE JEWELL: Commissioner Daniels, if y'all are
15 formalizing that in a motion, I want to be clear that if
16 there is going to be a buyback provision, or in the future
17 if there is going to be a buyback provision, my
18 recommendation is that it would be just for those
19 fishermen that are currently in the industry and currently
20 have haul seines that have been tagged previously because,
21 if you don't, then, other people will just start making
22 all these nets, and, then, you will suddenly have fifty
23 people in the program.

24 COMMISSIONER BOSARGE: Yes, I agree with you,
25 Joe.

1 JOE SPRAGGINS: We can finalize this. The
2 biggest thing was giving me permission to go forward to
3 see if I can get funding it.

4 COMMISSIONER BOSARGE: Let me modify that motion
5 because I think we need to clarify that, to seek funding
6 for gear compensation for...

7 JOE JEWELL: Existing haul seines that are
8 documented within our system.

9 COMMISSIONER BOSARGE: Existing haul seines
10 documented in the system by Marine Fisheries.

11 JOE JEWELL: Correct.

12 COMMISSIONER BOSARGE: Commissioner Havard, you
13 are still okay with your second?

14 COMMISSIONER HAVARD: Yes.

15 COMMISSIONER BOSARGE: Then, the motion stays
16 the same.

17 Let's take about a five-minute break.

18 MEETING STANDS IN RECESS

19 COMMISSIONER BOSARGE: I call this meeting back
20 to order. I think everybody is back and ready.

21 COMMISSIONER DANIELS: One last thing, and I
22 think this will be the quickest and the easiest of
23 everything we have done.

24 COMMISSIONER BOSARGE: Okay. Continue on,
25 Commissioner Daniels.

1 COMMISSIONER DANIELS: I would like to ask that
2 we form a Gear Type Task Force that is tasked with
3 identifying legal gear types in Mississippi waters, and,
4 then, clearly defining those gear types and issues
5 involved around them, such as entanglement versus
6 entrapment.

7 I would also like to ask that Commissioner
8 Natalie Guess be the commissioner attached to that task
9 force because she would be the most, I guess unbiased
10 would be the word for that, and I think she would do a
11 good job.

12 COMMISSIONER GOLLOTT: Excuse me. Just one
13 thing. I think that the chairman needs to be on it. You
14 really need somebody that understands and knows these nets
15 and everything. I ask Steve to be on the task force,
16 also.

17 COMMISSIONER BOSARGE: I would accept that
18 position.

19 Commissioner Guess?

20 COMMISSIONER GUESS: I will accept that position
21 as well.

22 COMMISSIONER BOSARGE: I don't know if we could
23 have two of us on there.

24 JOE JEWELL: I think you can have two. You
25 can't have more than two because, then, it would be

1 considered a public meeting.

2 The public can attend any of the task force
3 meeting that we have.

4 JOE SPRAGGINS: As long as we don't have more
5 than two commissioners, we are okay.

6 The other thing was if you let us set up this
7 task force and move forward, we could do this without
8 having to wait until another Commission meeting.

9 COMMISSIONER BOSARGE: I'm with you one hundred
10 percent. Yes, sir.

11 COMMISSIONER DANIELS: Another request that I
12 would have is that enforcement has an official presence
13 involved in this as well.

14 COMMISSIONER BOSARGE: Yes. You have got to
15 have everybody at the table.

16 I think maybe to simplify your motion just a
17 little bit would be a motion to convene a -- you call it a
18 gear task force?

19 COMMISSIONER DANIELS: Gear Type Task Force.

20 COMMISSIONER BOSARGE: Gear Type Task Force with
21 myself as a member, Commissioner Guess as a member, and,
22 then, the staff would populate the rest of the task force.

23 JOE SPRAGGINS: If we could, it would be staff
24 plus outside members.

25 COMMISSIONER DANIELS: Yes. We have a few

1 scientists from outside the department who have offered
2 their services to be part of this.

3 JOE SPRAGGINS: We kind of have a list already.
4 We have been looking at this, so we could get that to you
5 real quick.

6 JOE JEWELL: I think if you just give the
7 Executive Director the discretion to appoint the committee
8 members.

9 Like Director Spraggins said, I have already
10 made some recommendations. It will include the Gulf Coast
11 Research Laboratory, USM, a nonprofit, a NGO, commercial
12 fishermen representatives, recreational fishermen
13 representatives.

14 We made a substantial list of potential
15 membership. If you will just give the Executive Director
16 the discretion to populate those positions, I think we can
17 establish this task force pretty quickly and proceed with
18 some of the things that the Commission has mentioned here
19 today, which is definition of a haul seine.

20 COMMISSIONER BOSARGE: So the motion would be
21 modified to give the Executive Director the authority to
22 form the task force?

23 JOE JEWELL: Membership of the task force.

24 COMMISSIONER GOLLOTT: Would it be out of line
25 to ask if any of the Commissioners wanted to attend it and

1 not have any input, just wanted to sit there and listen?

2 would that be all right?

3 JOE JEWELL: Absolutely, you could. It would be
4 a public meeting. Anybody could attend, but the voting
5 members of the task force would be Commissioner Guess and
6 Commissioner Bosarge.

7 JOE SPRAGGINS: I would have to ask legal real
8 quick.

9 Faye, is it legal for any of the other
10 Commissioners just to sit in the audience and not be a
11 part of the task force and that not make a quorum?

12 JOE JEWELL: Let me provide a little
13 clarification, before counselor James addresses that.

14 we have had task forces and all of our current
15 task forces have Commission membership. Other
16 Commissioners have shown up to those task force meetings.
17 we have had public meetings, public hearings where more
18 than two commission members have shown up.

19 I think the key part of this is that it is a
20 public meeting. If we make it a restricted meeting with
21 restricted access, then, clearly only two members could
22 attend.

23 Now, that's my opinion. I will let counsel
24 weigh in.

25 COMMISSIONER DANIELS: If I may, the meeting

1 that we had discussing quorums and all that, it was in the
2 documentation that we are allowed to attend public
3 gatherings. We just can't talk about department business
4 between each other.

5 COMMISSIONER BOSARGE: Correct.

6 COMMISSIONER DANIELS: That was in the meeting
7 that we had.

8 JOE SPRAGGINS: The only thing I'm concerned
9 about is because this is department business. If a person
10 sits in that audience and just say that you, Commissioner
11 Daniels, wanted to come, if you said anything, then, it
12 would turn around and be a quorum. That's what I'm
13 concerned about.

14 COMMISSIONER GUESS: I think what he is saying
15 is if it is a public meeting and as long as the public is
16 made aware the meeting within four hours.

17 COMMISSIONER BOSARGE: I think we can attend.
18 Are you okay with your motion?

19 COMMISSIONER DANIELS: Yes. I would like to
20 make a motion to give the Executive Director the authority
21 to form a Gear Type Task Force with Chairman Bosarge and
22 Commissioner Guess, staff, including enforcement.

23 COMMISSIONER HAVARD: I'll second your motion.

24 COMMISSIONER BOSARGE: We have a motion and we
25 have a second for that motion.

1 Any further discussion.

2 (No response.)

3 COMMISSIONER BOSARGE: All those in favor aye.

4 (All in favor.)

5 COMMISSIONER BOSARGE: Opposed like sign.

6 (None opposed.)

7 COMMISSIONER BOSARGE: Motion carries.

8 Does that end your session, Commissioner
9 Daniels?

10 COMMISSIONER DANIELS: Yes, sir. Thank you for
11 your time.

12 COMMISSIONER BOSARGE: Do any of the other
13 Commissioners have anything they want to report, or say?

14 (No response.)

15 COMMISSIONER BOSARGE: Hearing none, we will
16 move on to Office of Marine Patrol, Chief Davis.

17 KEITH DAVIS: After all of that, do y'all really
18 want to hear from Marine Patrol?

19 The report is pretty straight forward. There
20 are a couple of cases that I would like to point out that
21 you may have questions about. I don't know.

22 We did make a possession of legal oysters on the
23 interstate last month. The individual had a box of
24 oysters inside the cab of his truck.

25 If you look on page two under "Fishing

1 violations", you will see where officers made a case of
2 failure to register with Tails n' Scales. I did verify
3 that this did occur before the season closed, and the
4 individual had not registered and he did not possess a
5 fishing license.

6 COMMISSIONER BOSARGE: That was one of my
7 questions I was going to ask you. I see where there are
8 actually two "No Tails n' Scales".

9 KEITH DAVIS: Yes, sir. There were two cases
10 made before the season closed, right at the end of the
11 season.

12 Any other questions on the report?

13 COMMISSIONER BOSARGE: I also saw where we had
14 one boat shrimping with no lights, navigation lights, and
15 one too close to the shore.

16 KEITH DAVIS: Yes, sir. That was in Pass
17 Christian. We received a report from the Harbor Master
18 that the vessel was operating not far from shore without
19 running lights.

20 when we arrived on the scene, we determined that
21 the vessel was actively engaged in shrimping, so they
22 received citations for both of those infractions.

23 COMMISSIONER GOLLOTT: Chief, you actually
24 caught somebody with oysters in the cab of their truck?

25 KEITH DAVIS: Yes, sir.

1 COMMISSIONER GOLLOTT: What was wrong?

2 KEITH DAVIS: I'm sorry.

3 what was wrong?

4 COMMISSIONER GOLLOTT: Yes. You apparently got
5 somebody for having oysters.

6 were they tagged, or what?

7 KEITH DAVIS: No, sir, they were not tagged.
8 They were not properly refrigerated. It was a box of
9 oysters inside the cab of the truck.

10 This was during one of our operations that we
11 are required to do, in conjunction with our JEA agreement.

12 I'm not sure what you are saying, Commissioner
13 Gollott.

14 what was wrong?

15 COMMISSIONER GOLLOTT: Yes. You have like four
16 hours to get oysters in refrigeration after they are
17 caught.

18 KEITH DAVIS: I understand that.

19 COMMISSIONER GOLLOTT: Why did you mess with him
20 with oysters in the cab of the truck?

21 what was wrong?

22 what was the violation?

23 KEITH DAVIS: Commissioner Gollott, that is a
24 pending case. He had oysters in the cab of his truck. He
25 obviously didn't have them properly refrigerated, and I

1 would prefer not to get into a pending case here in an
2 open meeting.

3 COMMISSIONER GOLLOTT: Sure, Chief. I don't
4 want to jam you. That's fine. Thank you.

5 COMMISSIONER BOSARGE: I did have one question,
6 and I think I asked Mr. Joe about it, and I don't know if
7 we ever actually talked about it again.

8 How does it work for you guys within the
9 National Seashore?

10 We gave away the State's rights out to one mile
11 to the National Seashore around these barrier islands.

12 Do you guys still have authority to enforce
13 fishery laws within the one mile of the barrier islands?

14 How does that work?

15 Explain that to me?

16 KEITH DAVIS: Yes, sir. There are some issues
17 with that with our JEA agreement. There is some conflict,
18 but we have been able to work through that with NOAA.

19 When you say gave up our rights, that only
20 pertains to reef fish.

21 Are you talking about a specific species?

22 COMMISSIONER BOSARGE: No. In other words,
23 there is no commercial activity allowed within one mile of
24 Petit Bois, Horn Island and Ship Island.

25 KEITH DAVIS: Yes, sir.

1 COMMISSIONER BOSARGE: For instance, a shrimper
2 is shrimping and he is inside of one mile of that island,
3 who does that enforcement?

4 KEITH DAVIS: We do under JEA.

5 COMMISSIONER BOSARGE: Under JEA?

6 KEITH DAVIS: Yes, sir.

7 COMMISSIONER BOSARGE: I guess where I'm going
8 with this, if we are talking about closing loopholes in
9 laws, then, this would concern Commissioner Daniels,
10 charter boats. That's a commercial activity.

11 In other words, if you look at charter boats,
12 they always have kind of gone on one side of the fence, or
13 the other, with being commercial.

14 They are not commercial fishing by any means,
15 but they are a commercial business, and it is the same way
16 with, for instance, the guys that go out to Ship Island,
17 Mr. Skrmetta. He has to get a special permit to do that
18 because that is a commercial business operating within a
19 park system.

20 COMMISSIONER DANIELS: If I may?

21 COMMISSIONER BOSARGE: Go ahead, Commissioner
22 Daniels.

23 COMMISSIONER DANIELS: We do, as well. There is
24 a permit that charter boats have to buy to operate within
25 that one mile boundary around the National Seashore

1 islands.

2 COMMISSIONER BOSARGE: I knew there was
3 something because there is no commercial activity allowed
4 within there.

5 They allow you to purchase a permit?

6 COMMISSIONER DANIELS: Yes, sir.

7 COMMISSIONER BOSARGE: That was my where I was
8 going because I wanted to know the answer to that.

9 KEITH DAVIS: Yes, sir.

10 COMMISSIONER BOSARGE: You do the enforcement?

11 KEITH DAVIS: Yes, sir.

12 COMMISSIONER BOSARGE: I guess it has to fall
13 under your people being deputized?

14 KEITH DAVIS: Deputized by NOAA, yes, sir.

15 COMMISSIONER BOSARGE: Thank you, sir.

16 JOE SPRAGGINS: I think you've got a new boat
17 you want to show off, don't you?

18 KEITH DAVIS: Yes, sir. I forgot about that.

19 We did receive funding through JEA to purchase a
20 new vessel this year, and Director Spraggins asked us to
21 show it to you.

22 That is in its raw form and it has just been
23 delivered the other day. It doesn't even have the engines
24 on it yet. It's a thirty-four foot Cobia, and we look
25 forward to getting that in the water (indicating

1 photograph).

2 We purchased this vessel specifically for the
3 purpose of enforcement of Red Snapper. NOAA was happy to
4 provide that funding for us to give us better access to
5 the fish havens and quicker access to the fish havens to
6 get out there quicker and easier. We look forward to
7 getting that in the water for next fishing season.

8 COMMISSIONER BOSARGE: What kind of horse power
9 do you have?

10 KEITH DAVIS: We are going to put triple three
11 hundreds on that one. We don't know which brand yet. We
12 are having some issues with Mercury, but more than likely
13 it is going to be Suzuki.

14 COMMISSIONER DANIELS: I like my Suzuki.

15 COMMISSIONER GOLLOTT: Congratulations, Chief.
16 That is a beautiful boat. I like to see enforcement with
17 the best equipment.

18 Is that the only boat you have received out of
19 this funding?

20 KEITH DAVIS: No, sir. We are actively in the
21 process of purchasing two more vessels. I think that
22 procurement is getting ready to go out for that RFP here
23 in the next couple of days. We are going to receive two
24 other vessels.

25 In addition to that, we are purchasing three Bay

1 boats. One of those is already here. It's a twenty-five
2 six Blackjack that we are very excited about. I didn't
3 bring a picture of it, but we are enhancing, at the
4 Director's agreement, our fleet.

5 our fleet, when I got here, was aging pretty
6 bad, and we are looking to update those.

7 COMMISSIONER GOLLOTT: Chief, what does a boat
8 like that run, just roughly?

9 JOE SPRAGGINS: This vessel cost us a little
10 over a hundred and twenty thousand.

11 KEITH DAVIS: A hundred and twenty-four thousand
12 dollars, but let me say that we can't go buy that boat for
13 a hundred and twenty-four thousand.

14 JOE SPRAGGINS: That does not include the
15 engines.

16 KEITH DAVIS: Yes, but we test drove one of
17 these vessels, before we made the purchase over in Orange
18 Beach, Alabama.

19 Commissioner Gollott, if you and I went out and
20 bought it, it would cost us well over two hundred thousand
21 dollars.

22 COMMISSIONER DANIELS: Very good negotiator.

23 KEITH DAVIS: Yes, sir.

24 we should be able to get out there fast.

25 JOE SPRAGGINS: Commissioner Gollott, we have

1 purchased several more boats through the JEA Program in
2 the past.

3 Is that not correct, Chief?

4 KEITH DAVIS: Yes, sir. We have three Nautic
5 star smaller vessels that we purchased with JEA, also.

6 COMMISSIONER BOSARGE: You are retiring some of
7 the older vessels?

8 KEITH DAVIS: Yes, sir. With the agreement from
9 the Executive Director, we hope to retire some of the
10 older vessels.

11 JOE SPRAGGINS: Most of the time we don't
12 actually retire them. We let another law enforcement
13 agency have them on the Coast, some of the cities, or
14 whatever.

15 We have done it in the past with Lauderdale,
16 County, in Vicksburg.

17 KEITH DAVIS: I'm sure with this discussion, I
18 will get a lot of calls today from police departments and
19 sheriff's departments across the state.

20 JOE SPRAGGINS: The biggest thing is we don't
21 want y'all to get blind sided by somebody saying, I see
22 that you got a new boat. We felt the Commission should
23 have this ahead of time.

24 COMMISSIONER GOLLOTT: Director, I don't think
25 anybody would ever come up and say, I see you have a new

1 boat.

2 COMMISSIONER BOSARGE: Thank you, sir.

3 Up next will be Office of Coastal Resources
4 Management, Mr. Jan Boyd.

5 JAN BOYD: Good morning Mr. Chairman,
6 Commissioners, Director Spraggins.

7 We have two action items and the Cat Island
8 Seagrass information update.

9 Willa Brantley will be our first presenter.

10 WILLA BRANTLEY: Good morning. As Jan said, my
11 name is Willa Brantley. I will be presenting our first
12 item.

13 It is a Request for Permit by the Mississippi
14 Department of Environmental Quality.

15 It is located just south of the mouth of the
16 Wolf River in St. Louis Bay, in Harrison County,
17 Mississippi.

18 It is located in the General Use District.

19 The project purpose and need is for early
20 restoration of NRDA Early Restoration Plan. It is to
21 reduce erosion by installation of a breakwater and it is
22 also to support secondary productivity. That breakwater
23 will also serve as a high profile reef, and they will also
24 install a subtidal reef.

25 The subtidal reef will be approximately thirty

1 acres, and the breakwater/high profile reef creation will
2 be sixteen hundred linear feet in total.

3 This is a diagram of the project. You can see
4 this is the Federal navigation channel that comes out of
5 the wolf River, and the breakwater will be just south.

6 These two small areas are marsh islands. There
7 used to be a larger area there. They have degraded over
8 the years, due to erosion.

9 This white outlined area is the subtidal reef
10 creation.

11 The applicant has also requested a change to the
12 Coastal Wetlands Use Plan. They want to change from the
13 General Use District to a Special S-6 classification.

14 The change was justified under Chapter VIII,
15 Section 2, Part I.E.2.b.ii.

16 There is a significant public benefit in the
17 activity.

18 Impacts to public access and adverse
19 environmental impacts have been minimized.

20 The general public, as well as governmental
21 entities, were notified of the project.

22 we held a public hearing on November 15th, 2018.

23 They have also requested a variance to Chapter
24 VIII, Section 2, Part III.0.1. of the Coastal Program
25 which states that permanent filling of Coastal Wetlands

1 because of potential adverse and cumulative environmental
2 impacts is discouraged.

3 The variance request was justified under Chapter
4 VIII, Section 2, Part I.E.2.c.i.

5 The applicant has stated that the impacts on
6 Coastal wetlands would be no worse than if the guidelines
7 were followed.

8 Notification of the project appeared in The Sun
9 Herald on October 7th, 14th and the 21st, 2018.

10 we did not receive any public comments in
11 response to that notification.

12 DEQ has made no comments to date.

13 Archives and History has stated that they have
14 no objections.

15 Secretary of State's office stated that the
16 project will require a rent-exempt Tideland's lease.

17 The Department of Wildlife, Fisheries and Parks
18 has also made no comments to date.

19 As I mentioned, a public hearing was held on
20 November 15th. No public comments were received at that
21 hearing.

22 Based upon our departmental review and
23 evaluation which was based on the decisions factors in
24 Chapter VIII, Section 1, Part I.E.2. of the Coastal
25 Program, it has been determined that the project will have

1 a significant public benefit. Therefore, we recommend
2 that the Commission approve the variance request and the
3 Use Plan change and issue the requested permit with the
4 following conditions:

5 That the project area should be rechecked for
6 the presence of SAV, during the growing season that occurs
7 prior to implementation of the project.

8 The survey report should be submitted to DMR
9 Wetlands Permitting staff at least thirty days prior to
10 commencement of the project.

11 If SAV is found in the project area, a final
12 review and approval by DMR staff should be required prior
13 to project commencement.

14 If you have any questions, I can answer those,
15 or the consultants that are working with DEQ are also
16 here.

17 COMMISSIONER BOSARGE: This is a BP project, BP
18 money?

19 WILLA BRANTLEY: Yes, under NRDA.

20 COMMISSIONER BOSARGE: How much money is this
21 project?

22 WILLA BRANTLEY: I actually don't know the total
23 cost.

24 PAUL MICKLE: Chairman, I can provide a quick
25 answer. If more detail is required, then, you can call

1 the consultants.

2 This is in the Phase Four batch. NRDA has
3 certain phases that are coming out, and this is actually
4 Phase Four where certain areas in our State waters have
5 been identified for project locations, and the budget is
6 broken up over all those areas that have been selected.

7 Next month we will most likely see another one.
8 These are all Phase Four NRDA.

9 Again, the budget is spread out between these.
10 As the projects go forward and material types and things
11 that are selected and moved through the procurement
12 process, those do take the budget.

13 It is hard to actually specify what exactly the
14 budget for this exact project would be, unless I'm
15 incorrect, or need clarification.

16 The Phase Four budget is thirty million overall.

17 COMMISSIONER BOSARGE: I'm just trying to kind
18 of wrap my mind around it.

19 How many projects will that be, basically?

20 PAUL MICKLE: We originally started with, I
21 think, eight or nine. We are down to five.

22 WILLA BRANTLEY: And we will be presenting those
23 as the applications come in. They didn't want to give all
24 the applications at once. I think the project near Deer
25 Island will be the next one that you see.

1 COMMISSIONER BOSARGE: Thank you.

2 WILLA BRANTLEY: If you have any questions about
3 the material Paul mentioned, that there are different
4 materials they are looking at, those are all provided for
5 you in your writeup.

6 COMMISSIONER BOSARGE: I read it, and I can see
7 where they are trying to figure out which one is going to
8 be best suited for this project.

9 WILLA BRANTLEY: Right.

10 COMMISSIONER BOSARGE: Any more questions?

11 (No response.)

12 COMMISSIONER BOSARGE: Do we have a motion?

13 COMMISSIONER BOSARGE: I'll make the motion to
14 accept the staff's recommendations for this project.

15 COMMISSIONER DANIELS: I'll second it.

16 COMMISSIONER BOSARGE: We have a motion and a
17 second.

18 Any further discussion?

19 (No response.)

20 COMMISSIONER BOSARGE: All those in favor aye.

21 (All in favor.)

22 COMMISSIONER BOSARGE: Opposed like sign.

23 (None opposed.)

24 COMMISSIONER BOSARGE: Motion carries.

25 WILLA BRANTLEY: Thank you.

1 COMMISSIONER BOSARGE: Thank you, willa.

2 WILLA BRANTLEY: Chris Pickering is up next.

3 CHRIS PICKERING: Next up is a Permit
4 Modification request by the City of Biloxi.

5 It is located at the Popp's Ferry Causeway on the
6 Back Bay of Biloxi, in Harrison County.

7 It is in the General Use District.

8 The purpose and need for the project is to allow
9 more boat access to the existing Popp's Ferry Causeway Park
10 and future bait shop and restaurant.

11 They were previously permitted for multiple
12 things which the Commission authorized. It was some
13 concrete walkway, boardwalk, riprap, multiple piers, and a
14 kayak launch and other amenities that were included in the
15 authorization.

16 They are currently proposing to add floating
17 docks that measure seven hundred and thirty-seven linear
18 feet, and those will range from seven to thirteen-and-a-
19 half feet in width. This will allow approximately thirty-
20 five to forty-five boats to dock.

21 There will be some pilings, one wood piling and
22 four PVC pilings that will be navigation markers to these
23 floating docks.

24 Here is the diagram. This is a floating dock
25 here. This white area is kind of hard to see, but that is

1 the existing kayak launch that was authorized before.

2 There was a SAV survey done. That's the green
3 area which they are avoiding.

4 COMMISSIONER BOSARGE: Chris, while you are on
5 that slide, where is the riprap going to go?

6 CHRIS PICKERING: That was already permitted.
7 All of that is done. That was authorized previously.

8 COMMISSIONER BOSARGE: It is already down?

9 CHRIS PICKERING: Yes.

10 COMMISSIONER BOSARGE: Where did it go in that
11 project?

12 CHRIS PICKERING: It's over here on the main
13 channel area (indicating diagram).

14 COMMISSIONER BOSARGE: All right.

15 CHRIS PICKERING: The project did go out on
16 notification in The Sun Herald.

17 We have received no comments.

18 The Secretary of State's office will require an
19 amendment to their existing lease.

20 wildlife and Fisheries recommend best management
21 practices.

22 The modification request to install floating
23 docks and pilings has not changed the findings made on the
24 previous factors, in accordance with Chapter VIII, Section
25 2, Part I.E.2. of the Mississippi Coastal Program.

1 These findings have been provided to the
2 Commissioners. That was in your writeup packets.

3 Based on the results of these findings, it has
4 been determined that the project is consistent with the
5 Mississippi Coastal Program because it will have a
6 significant public benefit.

7 Therefore, staff recommends that the Commission
8 approve the requested permit modification.

9 There was somebody here with the City, but I
10 believe he left, if y'all had any questions about the
11 overall project.

12 COMMISSIONER GOLLOTT: Mr. Chairman, I would
13 like to make a motion that we accept the staff's
14 recommendation on this project.

15 COMMISSIONER BOSARGE: We have a motion.
16 Do we have a second for that motion?

17 COMMISSIONER GUESS: I'll second the motion.

18 COMMISSIONER BOSARGE: Any further discussion?
19 (No response.)

20 COMMISSIONER BOSARGE: All those in favor aye.
21 (All in favor.)

22 COMMISSIONER BOSARGE: Opposed like sign.
23 (None opposed.)

24 COMMISSIONER BOSARGE: Motion carries.

25 CHRIS PICKERING: Thank you.

1 COMMISSIONER BOSARGE: Thank you, Chris.

2 PAUL MICKLE: Good morning Commissioners,
3 Director Spraggins, Ms. Faye James.

4 Today I will be presenting what the
5 Commissioners tasked me with which is providing seagrass
6 information, specifically threats to the seagrass in our
7 state water and more specifically to Cat Island itself.

8 Just to put the motion up that was made at the
9 last meeting:

10 "Direct the staff to come back at the next
11 Commission meeting with a presentation
12 concerning all the different factors that
13 could potentially impact seagrass beds on/
14 near Cat Island."

15 I want to make it clear that as far as
16 seagrasses go scientists in the seagrass world consider us
17 in a tropical region. I don't want to confuse the
18 audience. Outside today it is quite cold, but today it is
19 tropical in here.

20 COMMISSIONER BOSARGE: I hear you, Paul. That
21 was one of the things I was going to ask you about because
22 I see you actually included temperate and tropical in what
23 you are going to present.

24 PAUL MICKLE: Yes.

25 COMMISSIONER BOSARGE: The motion was to look at

1 seagrasses around Cat Island. I see temperate in some of
2 what you presented.

3 I don't understand why we even need to look at
4 that because we don't have those grasses.

5 PAUL MICKLE: That's right, we don't.

6 The scientific literature I'm presenting here
7 today is ancillary material. They just talked about both
8 in these publications.

9 I'm not specifically going to talk about
10 temperate grasses today.

11 COMMISSIONER BOSARGE: I see some of the things
12 you have in your report directly relate to that region.

13 PAUL MICKLE: I'm going to specifically talk to
14 tropical species that have been identified in our State
15 waters.

16 we have three tropical species that exist around
17 Cat Island specifically which I am about to get to:

18 Halodule wrightii which is shoal grass.

19 Thalassia testudinum which is turtle grass.

20 Syringodium filiforme which is manatee grass.

21 Those are the three grasses I'm going to talk
22 about today. Those are identified as tropical.

23 It is a confusing map, but, as far as seagrasses
24 go, Mississippi is tropical, at least for this discussion.

25 I'm going to start with the seagrass information

1 overall, and, then, specifically get to threats and
2 impacts, and, then, I'm going to talk about Cat Island
3 itself, and some regulations which other states have done
4 to protect seagrass.

5 Now, we know that seagrasses are very important.
6 You can see here. This is a very famous publication,
7 peer-reviewed publication Beck, et al, in 2001, showing
8 the seagrasses, along with marshes and oyster reefs.
9 These are three big habitats that we obviously have in our
10 state. They are the most productive.

11 This is an international journal. Again,
12 because these three habits are so high in productivity of
13 juvenile fish, commercially important species and
14 recreationally important species, I just wanted to point
15 out that the literature accepts seagrass very strongly as
16 the most productive habitat type as far as juvenile fish
17 production.

18 You can see we've got seagrass, marsh, oyster
19 reef, mangrove, tidal flat, muddy bottom, sandy bottom,
20 intertidal beach. We do have some mangroves on our
21 barrier islands that are establishing, but, again, all
22 these habitats, minus the mangroves, we have in our State
23 waters, and this is identifying seagrasses as the most
24 productive so obviously it is very important that we
25 protect them.

1 The services they provide we are all interested
2 in because they are good services. They increase our
3 fisheries production.

4 They provide provisions for food webs, provision
5 of oxygen to waters and sediments, carbon sequestration,
6 sediment stabilization, prevention of sediment
7 resuspension, improvement of water transparency, wave
8 attenuation, shoreline protection, habitat protection for
9 microbes, invertebrates and vertebrates, and trapping and
10 cycling of nutrients.

11 Seagrasses are a big thing, as far as production
12 and we should obviously take very seriously the
13 protection.

14 This is just a straight table out of a
15 manuscript by Orth, et al, in 2006, showing again what
16 Chairman Bosarge pointed out.

17 The major threats identified with this journal
18 itself is vessel grounding, thermal pollution,
19 eutrophication, boating, sedimentation, hydrological,
20 sediment resuspension.

21 Those are the major threats that seem to be
22 worldwide affecting seagrasses in a negative way,
23 identified by this journal.

24 The next journal by probably one of the most
25 famous seagrass scientists in the world, Duarte, in 2002,

1 identifies and I am going to talk mostly about direct and
2 indirect impacts, and they are virtually the same as the
3 last publication. This is echoing that these threats are
4 mechanical damage, eutrophication, salinity changes,
5 shoreline development, land reclamation, aquaculture,
6 siltation. Indirect impacts are seawater temperature
7 rise, increased CO2 concentration, sea level rise,
8 increased wave action and food web alterations.

9 These threats involve a lot of different
10 species, all sorts of things, seagrasses that have been
11 identified in this manuscript.

12 I do want to talk about potential impacts within
13 our State waters. Motor scars has been brought up, and
14 motor scars are something to talk about as a potential
15 impact.

16 I'm going to get further into it and talk about
17 what the literature has shown and things like that, but,
18 again, motor scars is really just mechanical damage which
19 is what I'm probably going to call it.

20 Motor scars actually create an edge effect, and
21 there has been a lot of research done on that.

22 When a prop goes into the sediment within a
23 seagrass meadow, or an area where there are seagrasses,
24 you are removing the root structure, along with the stuff
25 that we see, the grass itself, and that creates a long-

1 term recovery scenario and it actually also potentially
2 changes the fish community on that edge.

3 when you are creating that edge effect, you are
4 actually increasing presence of certain other things and
5 decreasing presence of certain other things that live on
6 the bottom.

7 By altering that community, if you have a lot of
8 motor scars, you can potentially have a much larger
9 negative impact on seagrasses.

10 I will present later at the end that Florida and
11 Texas have seen very large impacts from motor scars, or
12 mechanical damage, and they have taken some policies for
13 that.

14 Let's talk about Mississippi specifically. We
15 do have literature from Mississippi. We have some really
16 wonderful seagrass scientists at GCRL that have done a lot
17 of great work that I'm going to talk about a little bit
18 today.

19 We do have seagrasses present on the barrier
20 islands and Cat Island itself, as well.

21 Interestingly, the barrier islands east of us in
22 our State waters, or surrounded by State waters, the
23 seagrasses are predominantly on the northern side that
24 most of us in this room have seen, or know about. We
25 don't really have a lot of seagrasses on the south side of

1 the barrier islands.

2 Cat Island is ours. It's the State of
3 Mississippi's for the most part. We have seagrasses on
4 three of the four sides. It is a different shape than the
5 other islands, and it makes it very unique.

6 Actually what is more interesting is the other
7 barrier islands have seen decreases, since the nineteen
8 forties, of seagrass presence, by monitoring being done.
9 We have lost seagrasses over those years, between the
10 forties and 2007 when this paper came out.

11 Cat Island actually increased, and you can see
12 this increasing trend here (indicating slide).

13 COMMISSIONER BOSARGE: I don't mean to interrupt
14 you.

15 PAUL MICKLE: That's fine.

16 COMMISSIONER BOSARGE: I tried to do as much
17 homework as I could on this in my limited time.

18 If you look at what happened at Cat Island, that
19 is right prior to Katrina, that 2003 to 2006. Katrina was
20 in 2005.

21 If you read the literature, basically the same
22 thing happened to Horn Island after Camille. There was
23 just an amazing amount of grass that grew after Camille
24 inside of Horn Island.

25 I know you read the literature, and you've got

1 so many different scientists taking measurements in
2 different ways and most of it from flyovers.

3 PAUL MICKLE: That's right.

4 COMMISSIONER BOSARGE: You have to look at the
5 flyovers and you have to wonder was it a good clear day
6 for clear water.

7 PAUL MICKLE: I understand your concern with the
8 methodologies of getting these numbers.

9 COMMISSIONER BOSARGE: What I'm concerned about
10 is we had a hell of an increase in the amount of grass --

11 PAUL MICKLE: (Interposing) On Cat Island.

12 COMMISSIONER BOSARGE: Yes, on Cat Island, and
13 you have to wonder what that was attributed to.

14 was it because it was a good clear day and they
15 got a good picture, or was it because of Katrina, when it
16 came through?

17 It appears to me, in all the literature I read,
18 that basically there are environmental factors and human
19 factors that affect it.

20 PAUL MICKLE: You are keying off a really good
21 point that I'm going to try to make at the end. I
22 appreciate it. It gives me more and more platform to
23 stand on.

24 My understanding is that seagrasses on Cat
25 Island especially, they have really never established a

1 monitoring program in our state. This was done with
2 external funds to look at seagrasses and, again, it was a
3 science experience of monitoring and it ended.

4 We just get snapshots of what happened on Cat
5 Island. There is no data, prior to 2003.

6 COMMISSIONER BOSARGE: I disagree. There was
7 data after 2010 in that same paper that you got this from.

8 PAUL MICKLE: That was another paper, yes, 2010
9 paper. The data runs from 2003 to 2007 for Cat Island.

10 COMMISSIONER BOSARGE: And there was a study, if
11 I'm not mistaken. I will have to pull it back up, but, on
12 that same graph, it showed Cat Island in 2010, also.

13 I was wondering where that data was and what did
14 it show?

15 PAUL MICKLE: That's another paper. I think
16 some of the authors on this paper are on that paper.
17 Those are two different studies.

18 COMMISSIONER BOSARGE: So what did it show in
19 2010?

20 Do you know?

21 PAUL MICKLE: A further expansion, I think.

22 COMMISSIONER BOSARGE: Okay.

23 PAUL MICKLE: Again, the point is that we lost
24 seagrasses on the barrier islands over time, but Cat
25 Island is very unique. It is the most western island.

1 The substrate is somewhat different than the other islands
2 and, again, the shape is very different. We have a lot of
3 seagrass around Cat Island which is a great thing. We
4 should do our best to understand it.

5 I wish this had come out a little clearer. We
6 do have motor scars that are present on Cat Island. They
7 are a very, very, very, very low presence. You can count
8 them on one hand, on the imagery data that we have looked
9 at. Again, it is very rare.

10 The impacts are most likely minimal, point zero,
11 zero, zero. We can't measure it because it is so low, if
12 you initiate a study, in my opinion, but, again, it is
13 very difficult to measure that impact because the presence
14 is so low. The impacts are most likely minimal to none.

15 I think back in the day it was a little more
16 prevalent for inexperienced boat operators to run into
17 seagrass.

18 I was out with a friend not too long ago in a
19 new boat. Of course, it wasn't mine, but it was a new
20 boat with all the bells and whistles and, when we got in
21 less than three feet of water, a bell went off and told
22 us.

23 The fact that Cat Island doesn't ascend very
24 fast to shallow water, you get a pretty good warning when
25 you get into seagrass, I would imagine.

1 what we see in other states here is a very
2 different scenario. In high traffic areas such as outside
3 of channels and marinas -- this is a seagrass meadow that
4 is much, much smaller than we have around Cat Island. It
5 is a high traffic area. There are motor scars
6 crisscrossing all of this. The edge effect that I
7 discussed earlier of changing the fish community because
8 of the edge effect is consistent throughout the entire
9 seagrass meadow, now, and this is justification for
10 massive decrease in production.

11 Because of that, in Florida, they have taken
12 legal steps in giving marine patrol the ability to cite
13 folks that they observe impacting seagrasses as reckless/
14 careless operation of a vessel, protection of state lands,
15 and the areas of critical concern. It gives them that
16 ability to cite this activity of impacting seagrasses.

17 Some of these aren't state laws, but some
18 Florida counties have restricted access to outboards in
19 less than eighteen inches of water.

20 This is extreme. I would not recommend this at
21 all around Cat Island because it is not a high traffic
22 area.

23 When your seagrasses are degraded because of the
24 motor scars to this level, this was done down in south
25 Florida where it was at the mouth of a marina, and they

1 were just trying to save what little they had left.

2 Texas has done pretty much very similar legal
3 avenues to be able to give marine patrol the ability to
4 cite folks they see impacting seagrasses.

5 I want to just quickly go back, before we get to
6 the end.

7 A lot of commercial activity with certain gears
8 may have the potential to remove the tops of seagrasses,
9 but it regenerates very fast. It is a natural process for
10 the most part.

11 There are a lot of fish species and there are
12 turtles and all sorts of things that just graze on
13 seagrasses and they take them it down, but they are not
14 taking the root structure.

15 When you take the root structures from physical
16 damage like this, it can take up to ten years for it to
17 regenerate, and it creates that edge effect.

18 I have it here in the literature. We can
19 discuss it, if you want to, but, as far as commercial
20 activities that I have researched ad nauseam for the last
21 month, there is no definitive sign that any commercial
22 activity throughout a year-long period is impacting
23 seagrasses because, again, the act of that is not removing
24 the root structure and regeneration occurs quite fast.

25 The majority of what is around Cat Island is

1 shoal grass and it regenerates quite quickly.

2 The ten years that I talked about is the Turtle
3 grass. That actually takes a lot longer to regenerate.

4 Again, these are seasonal. They get grazed off
5 every year. In the wintertime, you go out there and there
6 is very little, but the root structure remains. The seed
7 banks remain underneath what you see, and it comes back
8 every year.

9 The important part is to make sure we manage
10 these in a way where we are not removing the root
11 structure and we have regeneration and expansion because,
12 obviously, this is our most productive habitat in our
13 State waters.

14 You can argue with that, and I'm going to fire
15 back with it's a scientific study that this is our most
16 productive habitat and we should protect it.

17 COMMISSIONER BOSARGE: The photo that you had of
18 Cat Island and the scars, how old is that photo?

19 PAUL MICKLE: It was in 2015.

20 COMMISSIONER BOSARGE: We are talking about
21 grasses and what we need to do. Most all of the
22 literature that we have is ten years old.

23 Go ahead.

24 PAUL MICKLE: Cat Island and other seagrass
25 areas in State waters are minimally monitored and some

1 areas are unknown. We can't even calculate how much
2 seagrass we have. We don't have that vehicle right now.
3 We don't really even know.

4 The National Seashore does monitoring of
5 seagrasses, but, again, it does not include Cat Island.

6 Cat Island is ours. It's in our State waters.
7 It is very important that we understand that.

8 With the Bonnet Carre and the issues we have had
9 with other species, with crabs and oysters, I think it is
10 very important that we establish a monitoring program
11 around Cat Island to understand those questions you
12 brought up at the beginning of this presentation of
13 understanding and updating the data, have a long-running
14 data set to understand what we lose and what we gain with
15 certain events, whether it be just overall wet years when
16 the Bonnet Carre doesn't open, or when it is overall wet
17 years up in the middle of our country when they open the
18 Bonnet Carre and let it pour out.

19 I believe there can be a justification for no
20 net loss of seagrasses which is Federal statute.

21 I agree we have a lot of justification for
22 requesting disaster funds because of the productivity we
23 see in seagrasses and the possible loss we see with Bonnet
24 Carre openings.

25 I have done more research in Australia. It was

1 a different impact that was losing seagrasses in
2 Australia, but they did the proper monitoring, long-
3 running monitoring prior and post events in Australia, and
4 they got disaster funds that way.

5 COMMISSIONER BOSARGE: If you look at it, there
6 are basically two things right now that are affecting
7 those grasses, environmental factors, and, then, human
8 interaction. There is not much we can do about the
9 environmental factors, but the human interactions we can.

10 If we are going to look at doing any monitoring,
11 in my opinion, that's where we need to put our effort.

12 PAUL MICKLE: We need long-running monitoring
13 because there is a lot of ecological noise in identifying
14 an impact.

15 COMMISSIONER BOSARGE: For me because I'm a
16 fisherman, you go down to Chandelier and there are grass
17 beds and, if you look at it now, it's just pig trails
18 (indicating).

19 I don't want to see that happen to Cat Island,
20 if we can help it.

21 PAUL MICKLE: I think monitoring provides that
22 understanding of motor scar presence, as well.

23 Monitoring has a lot of different benefits, but,
24 again, we need derma monitoring for oysters, we need a
25 fisheries monitoring for populations.

1 I certainly don't want to lead us down an
2 expensive road, but, if the Commission is in favor of
3 this, I think it would of interest to prioritize a
4 seagrass monitoring program to be funded internally and
5 externally, that I will chase funds for externally, of
6 course, to have a long-running seagrass monitoring program
7 just like Florida and Texas to help us establish how we
8 are doing with seagrasses.

9 If we are impacting them, find out what is that
10 factor that is impacting them, whatever it may be, to
11 understand and give us clarity when we start making
12 recommendations to this Commission and the Commission
13 making decisions.

14 I think this is my last slide. This just shows
15 seagrasses. Mangrove, salt marsh and coral reef are the
16 least studied.

17 There is still a lot of literature out there.
18 Don't get me wrong, but, again, it is definitely failing
19 as far as information that is out there.

20 Then, this is just an actual image. It is
21 really clear, if it was a little brighter, but it shows
22 seagrasses all through here, all through here and it
23 extends way above the picture here. If anybody fishes Cat
24 Island, we all know this.

25 I think water clarity is a major driver on the

1 expansions to the north. when we have somewhat clearer
2 water in the summer growing times, I think the seabanks
3 are out there and you see it come up quickly. I think
4 that's why we saw some of those booms in the data between
5 2003 and 2007. I think we had some drier years there and
6 some water quality, and that seabank is there, but, again,
7 it wasn't related with dryness. The seabank is there and
8 it just popped up very quickly.

9 Seagrass restoration is something I cannot
10 recommend for our state because it is so risky and so
11 expensive, and no one has been able to pull it off, in the
12 Gulf of Mexico, actually restoring grasses when there is
13 no seabank there.

14 COMMISSIONER BOSARGE: I don't think we need to
15 go restoring grass.

16 PAUL MICKLE: It is very high risk.

17 COMMISSIONER BOSARGE: We need to protect what
18 we have and monitor what we have.

19 PAUL MICKLE: It is cheaper to do so, yes, sir.
20 That is pretty much what I have. I have a ton
21 of literature, if you want to go into any issue.

22 COMMISSIONER BOSARGE: I have seen it.

23 Any questions for Dr. Mickle?

24 COMMISSIONER GOLLOTT: Paul, what would you
25 suggest, if we are interested in taking care and doing

1 something to keep these things from being destroyed?

2 what would you suggest?

3 PAUL MICKLE: A monitoring program to establish
4 a data set. We have to find out what is there, first.

5 I don't have figures yet. I would have to sit
6 down with scientists at GCRL to see what it would take to
7 run them. The methodologies really drive the price
8 because a lot of it can be done satellite, with very
9 little ground work.

10 You do a power analysis to understand
11 uncertainty on a spatial scale, and, then, you go out
12 there and determine how many samples you need to get for
13 that area. Once you establish that, you can build a
14 budget.

15 I may be wrong. I hope I'm not, but I really
16 don't think this is going to cost very much.

17 Our derma monitoring is a very similar program
18 with oysters, oyster disease. It is going out and getting
19 samples and running the samples. I assume it probably
20 would be less than that, but, again, I have not sat down
21 and gotten into the nuts and bolts of a monitoring
22 program.

23 I don't like to get out of my lane too far,
24 without y'all's authorization to do so. I'm so busy on
25 other things that I don't want to go down a road that

1 y'all don't want to do.

2 If you think this is an important thing, I
3 think, just from a disaster funds standpoint, seagrass is
4 all sectors, and we could use that right now, help in all
5 the sectors.

6 This is that one punch, and it has been done in
7 Australia. I'm not going down some road that has never
8 been gone down before.

9 I called NOAA yesterday afternoon in the Coastal
10 office, and they got scared when I started asking these
11 questions. They knew I was on to something.

12 COMMISSIONER BOSARGE: Commissioner Guess.

13 COMMISSIONER GUESS: Yes.

14 Do you need a motion that we would like you to
15 research disaster funds that might be available for this?

16 PAUL MICKLE: I think a motion to establish a
17 monitoring program.

18 I would like to start it now. I think it is
19 inexpensive enough to try to start now with internal funds
20 and supplement with external funds.

21 Once these scientists come onboard a monitoring
22 program -- they are professors at universities -- they are
23 going to be chasing funding for us because that's how they
24 work. I used to be one. That is exactly what they are
25 going to be like.

1 Now, I'm going to work with them. I'm going to
2 go around trying to get them money and build upon itself,
3 but it's the beginning of something.

4 Identifying impacts, step one is what is out
5 there. We don't know. Spatially, we don't really know,
6 not right now at this point in time.

7 Second is establishing a monitoring program to
8 find out if we are losing, why are we losing. If we are
9 gaining, why are we gaining. Then, that leads us down
10 these other paths.

11 The Director knows I'm one of the most efficient
12 scientists with our research monies, and I'm definitely
13 not going to run off and spend money on an expensive
14 program. He won't let me do it, even if I wanted to, but
15 I don't want to.

16 It will be a bare bones monitoring program that
17 will provide the information that I identify as important
18 in this presentation.

19 COMMISSIONER GUESS: I make a motion that you
20 start a monitoring program.

21 COMMISSIONER BOSARGE: We have a motion, and I
22 would like to add a little bit to that.

23 Right now we are strictly talking about grasses
24 at Cat Island, but I would assume that you are referring
25 to grasses on all the barrier islands.

1 Correct?

2 PAUL MICKLE: I think that could be an option
3 within the budget, but, again, the seagrasses around the
4 barrier islands is not in our jurisdiction. It is
5 monitored by the Federal government. Now, how great a job
6 they do, I don't really know. I haven't really looked to
7 see how great a job they do.

8 Ken Heck is a Seagrass Biologist out of Dauphin
9 Island. He does a lot of that work for the U.S. Park
10 Service, and he is an amazing scientist. I'm sure it is
11 very good.

12 We have seagrasses that aren't just around the
13 barrier islands. We have some in Grand Bay. We have some
14 other areas. When the fishermen come up and tell me where
15 the seagrass is, I go out and find it. It is amazing.

16 Again, we don't have it documented. We really
17 don't know how much and where. I would recommend it as a
18 statewide program.

19 If y'all want to just do Cat Island, tell me
20 what to do and I will go do it.

21 That's a good point to make. Thank you.

22 COMMISSIONER GUESS: I think it should be a
23 monitoring program statewide.

24 COMMISSIONER GOLLOTT: I'm sorry. We couldn't
25 hear you down here, Natalie.

1 COMMISSIONER GUESS: I said I make a motion to
2 create a monitoring program statewide, not just
3 referencing Cat Island.

4 COMMISSIONER GOLLOTT: Could you come back and
5 give us a price on it, Paul?

6 PAUL MICKLE: Absolutely. I was intending to do
7 so. We may want to just do Cat Island.

8 JOE SPRAGGINS: May I ask a question?

9 COMMISSIONER BOSARGE: Yes, sir.

10 JOE SPRAGGINS: If you could, just let us do Cat
11 Island first and see what we do with funds we have, and,
12 then, have it to where you can move forward statewide.
13 That could be something we could work with.

14 I don't know how much money we are talking
15 about.

16 Do you know how much?

17 PAUL MICKLE: If I would say if it gets more
18 than the derma monitoring we are doing right now, I would
19 stop expanding spatially. We can start at Cat Island.

20 COMMISSIONER BOSARGE: Can we modify that motion
21 just to have Paul bring back a proposal?

22 PAUL MICKLE: I can just throw up a very simple
23 table, Cat Island price tag, barrier islands price tag,
24 and, then, whole state waters.

25 COMMISSIONER GUESS: So basically the motion

1 would be to propose a monitoring program budget, start
2 with Cat Island, and, then, expanding from there.

3 COMMISSIONER BOSARGE: Sounds good to me.

4 PAUL MICKLE: Yes. I'm interested in the Bonnet
5 Carre spillway and documenting that. That was the intent
6 of my suggestion.

7 COMMISSIONER GOLLOTT: Did you modify your
8 motion, Natalie?

9 COMMISSIONER BOSARGE: Yes, she did.

10 COMMISSIONER GOLLOTT: I'll second the motion.

11 COMMISSIONER BOSARGE: We have a motion and a
12 second.

13 Any further discussion?

14 (No response.)

15 COMMISSIONER BOSARGE: All those in favor aye.

16 (All in favor.)

17 COMMISSIONER BOSARGE: Opposed like sign.

18 (None opposed.)

19 COMMISSIONER BOSARGE: Motion carries.

20 PAUL MICKLE: Thank you.

21 COMMISSIONER BOSARGE: Next is Office of Finance
22 and Administration, Ms. Shavay Gaines.

23 SHAVAY GAINES: Good morning Commissioners,
24 Director Spraggins, Ms. Faye James.

25 My name is Shavay Gaines. I'm the Finance

1 Director and I will be presenting the financials for
2 October 31st.

3 For the month ending October 31st, 2018, our
4 State Revenue was three point nine million. Our total
5 Agency Revenue was five point three million.

6 Our State Net Income was one point seven
7 million, and our total Agency Net Income was a negative
8 one point one million.

9 We were waiting on Tidelands funds, and that was
10 to be transferred on November the 9th which we did get for
11 ten million dollars. That will effectively make our net
12 income eight point eight million.

13 After four months of fiscal year 2019, we have
14 approximately eighty-seven point nine percent of our
15 Operating Budget remaining, and about eighty-two point
16 five percent of our Tidelands Trust Fund remaining.

17 On another note, I spoke with our auditor
18 yesterday, and he said that our current audit is in the
19 final draft and we should have a copy no later than next
20 week for the General and I to review, and they will issue
21 the final draft once we go through it.

22 Are there any questions?

23 COMMISSIONER BOSARGE: No, ma'am. Thank you.

24 SHAVAY GAINES: Thank you.

25 COMMISSIONER BOSARGE: Next will be Public

1 Affairs, Ms. Charmaine Schmermund.

2 CHARMAINE SCHMERMUND: Good afternoon
3 Commissioners, Director Spraggins, Ms. James.

4 The Mississippi Department of Marine Resources
5 was mentioned twenty-two times in local, state and
6 national media, since the October CMR meeting.

7 Popular news items included the ten million
8 dollar Tidelands check presented by Secretary Hosemann,
9 Governor Bryant unveiling the new beach water outfall
10 designs and the approval of RESTORE funding for the
11 Seafood Marketing Program.

12 So far in fiscal year 19, Marine Patrol has
13 taught six boat-and-water safety classes and certified one
14 hundred and six students.

15 Marine Patrol also participated in Night Out
16 Against Crime events in Diamondhead and Long Beach, the
17 Hope Outdoors event on the Biloxi Fishing Bridge, Kids
18 Safety Fair at Big Play Entertainment Center, Injury
19 Prevention Fair at Garden Part Medical Center and Touch-a-
20 Truck event for CASA in Hancock County.

21 Also, Marine Patrol and Marine Fisheries both
22 took part in Biloxi High School's Career Day.

23 The Office of Coast Restoration and Resiliency
24 took part in the Piney Woods Heritage Festival at the
25 Crosby Arboretum and Shaw Homestead Festival in

1 Poplarville.

2 The agency was also represented by Coastal
3 Restoration and Resiliency at the following meetings:
4 American Shore and Beach Preservation Association meeting
5 in Galveston, the Gulf of Mexico Offshore Sand Management
6 Working Group Meeting in New Orleans, and the Gulf of
7 Mexico Alliance Coordinator meeting in Pensacola.

8 We had five members of our Fisheries staff
9 participate in the Deer Island Clean-up on October 20th.

10 The Seafood Technology Bureau, along with agency
11 volunteers, manned an agency booth at the Jackson County
12 Fair October 21st through the 28th.

13 On November 13th, MDMR participated in MDEQ's
14 Restoration Summit in Biloxi.

15 Carly Somerset in the Office of Marine Fisheries
16 gave a Red Snapper presentation, Tammy Reese and Kevin
17 Landry gave a presentation on oyster aquaculture to sixty
18 to eighty Gulfport High School students, Jason Rider gave
19 a presentation about off-bottom aquaculture, and our
20 agency provided an outreach booth for summit attendees.

21 Fisheries staff participated in the following:
22 annual meeting of the Gulf States Marine Fisheries
23 Commission on South Padre Island in Texas, the Gulf of
24 Mexico Fisheries Management Council meeting in Mobile, and
25 the Gulf States Gulf Fisheries Information Network

1 Committee in New Orleans.

2 In November, the Seafood Technology Bureau
3 taught both the Basic Seafood HACCP course and Sanitation
4 Control Procedures Course with students representing our
5 seafood industry and partners.

6 On November 7th, the Shellfish Bureau held oyster
7 harvester training sessions as required by the Interstate
8 Shellfish Sanitation Conference. The seminar covered
9 basic oyster handling, hygiene and regulations involving
10 oyster harvesting practices.

11 COMMISSIONER BOSARGE: That's a bunch.

12 CHARMAINE SCHMERMUND: It is a bunch.

13 COMMISSIONER BOSARGE: Thank you, Charmaine.

14 Up next is Office of Marine Fisheries, Mr. Joe
15 Jewell.

16 JOE JEWELL: Thank you Chairman, and welcome
17 Commissioners and counselor James. We appreciate y'all
18 being in attendance.

19 I want to give a quick update for the shrimp
20 season, and, then, we are going to move right into the
21 agenda.

22 So far on average just for the month of October
23 we harvested a little over nine hundred and five thousand
24 pounds.

25 For the month of October, the preliminary data

1 suggests we are at nine hundred and ten thousand pounds.
2 For the month, we are a little bit ahead of where we were
3 last year.

4 Then, the year average so far is about eight
5 point four million pounds, and we are about a million
6 pounds under that, at seven point four million pounds.

7 with that being said, if there are no questions,
8 we are going to right into the agenda. I got that look.
9 Everybody is ready for lunch.

10 First up is going to be a real quick
11 presentation by Ms. Kristina Broussard, finalizing the
12 Oyster Task Force.

13 KRISTINA BROUSSARD: Good afternoon.

14 I'm going to talk about the Mississippi Oyster
15 Task Force, adding the final member. We have chosen
16 Jeremy Forte Seafood in lieu of Mike Cure, and that will
17 be Jeremy Forte who would be the second dealer for our task
18 force.

19 That requires a final motion for the approval of
20 the voting members and to proceed with the establishment
21 of the Mississippi Oyster Task Force.

22 COMMISSIONER BOSARGE: I'll make that motion for
23 approval of the final voting members and to proceed with
24 the establishment of the Mississippi Oyster Task Force.

25 COMMISSIONER DANIELS: I'll second that.

1 COMMISSIONER BOSARGE: We have a motion and a
2 second.

3 Any further discussion?

4 (No response.)

5 COMMISSIONER BOSARGE: All those in favor aye.

6 (All in favor.)

7 COMMISSIONER BOSARGE: Opposed like sign.

8 (None opposed.)

9 COMMISSIONER BOSARGE: Motion carries.

10 KRISTINA BROUSSARD: Thank you.

11 COMMISSIONER BOSARGE: Thank you.

12 JOE JEWELL: Our next agenda item is a 2018-2019
13 Mississippi Oyster Season Update, and that will be
14 presented by Mr. Erik Broussard.

15 ERIK BROUSSARD: Good afternoon Commissioners,
16 Director Spraggins, Ms. James.

17 I have prepared an oyster season update.
18 Unfortunately there is not a lot to update.

19 Just to recap, the Commission approved a seven-
20 day season starting on November 10th. Unfortunately, due
21 to rainfall and the river stage exceeding management plan
22 criteria, we are not able to get the season open.

23 It is legal's opinion that we can still open the
24 season, even though the parameters were set to start a
25 week before Thanksgiving, if we get a good water sample

1 and the river is crested.

2 That has happened. The river has crested, and
3 we have sampling crews out today so the season could
4 potentially open as soon as Thursday.

5 I had this prepared. Just in case we were able
6 to open the season, what you have is the potential sacks
7 based on a thirty percent quota by area, and, then, your
8 actual sacks which is zero across the board, since it has
9 not opened.

10 This is just to give you an idea of where the
11 river stage was, when the season would have occurred,
12 November 9th through the 20th, kind of that seven-day period
13 when the season would have been open.

14 The management plan criteria for the inside
15 areas is ten feet, and you can see it exceeded the day
16 before the season.

17 For some of the outside reefs, it is twelve-and-
18 a-half feet. As you can see, we exceeded that threshold
19 as well, starting on about Wednesday, November 14th.

20 Originally, the Commission set out to have a
21 week season before Thanksgiving. Now that we have passed
22 that, like I said, we can still proceed with a season. If
23 that is how the Commission wants to proceed, no action
24 will be required.

25 If the Commission wants to change the

1 parameters, now would be the time.

2 I know there was discussion about having a
3 season in December, depending on where the relay status
4 was. I think we will find out some answers on the relay
5 December 6th which will be next week.

6 The relay has been driven by the Commission. We
7 need a few more things from the Commission to move
8 forward. Once we get those answers, and that would be
9 dates for a relay, or the Commission could give the
10 Executive Director the authority to choose those dates,
11 but we need to lock in some dates, in anticipation.

12 That way, we don't have a relay coinciding with
13 the season opening, if we were to get it open.

14 COMMISSIONER BOSARGE: I agree. If we are going
15 to have a relay and it is going to take place at the same
16 time, I would rather see the relay take place and the
17 season not take place. Now, that's just me, but the main
18 thing is to get those guys some work.

19 I'm open for suggestions from any direction
20 here.

21 JOE SPRAGGINS: If I could comment real quick on
22 one thing, the relay, what we will have is December the 6th
23 it will come back from Jackson to say whether or not it
24 has been approved to have the barge. That is all we are
25 waiting on, the barge.

1 we did go out and ask for processors. Only one
2 came back to say that they were interested in doing it.
3 That's okay. We can do it with one. We are trying to
4 finalize that as we speak.

5 we could move forward, with your permission that
6 we could move forward with a relay as soon as possible
7 after December the 6th.

8 The idea was to try to do this prior to
9 Christmas to have that relay done.

10 There are a couple of issues in the relay. One
11 is we need to set a sack limit. I think we didn't set
12 that either. We need to set a sack limit, especially if
13 we are going to talk about tongers. We don't want to take
14 a chance of putting them jeopardy of causing them to try
15 to put too many sacks on a boat at one time.

16 I think what we had talked about before was a
17 possibly of maybe fifteen sacks per boat and no limit of
18 how many sacks you could bring a day, but you could not
19 put more than fifteen sacks on a boat at a time I think is
20 what we had talked about.

21 These are things I'm bringing up. Y'all are
22 more than welcome to discuss how you want to do it, but,
23 if we could, if you want to continue with the season, as
24 far as the oyster season opening up with the eight
25 thousand sacks, we could basically have it to the point

1 that we could open it.

2 If it happens that we can open it on Thursday,
3 then, we are going to have a week, or more, before the
4 relay, and they could work that week, and, then, have the
5 relay, also.

6 whatever works for y'all I'm open for.

7 COMMISSIONER BOSARGE: I would like to hear from
8 some of the other Commissioners.

9 COMMISSIONER GOLLOTT: Mr. Chairman, I'm torn
10 between these. I understand that we are trying to
11 generate money and we are trying to do the relay, and I
12 agree with you a hundred percent.

13 Maybe we ought to just give the Director the
14 authority to change things as he sees fit for the relaying
15 and the harvesting, and keep in mind we are trying to do
16 the best we can for these fishermen.

17 COMMISSIONER BOSARGE: I tend to kind of agree
18 with that. Even though the river is coming down, we don't
19 know what might happen three days from now.

20 ERIK BROUSSARD: That's true.

21 COMMISSIONER BOSARGE: If the Director is okay
22 with having that authority.

23 JOE JEWELL: I would recommend saying that the
24 staff works closely with the Director making these
25 decisions and, in doing so, allow the staff a little bit

1 of flexibility to make decisions on some of these minor
2 details that need addressing quickly before the program
3 implements.

4 COMMISSIONER BOSARGE: There are so many things
5 that are taking place here and we only meet once a month.

6 Commissioner Gollott, would you like to put that
7 in the form of a motion?

8 COMMISSIONER GOLLOTT: Yes, sir. I would like
9 to make a motion that we give the Director the authority
10 to handle the oyster season and change things to the
11 benefit of the fishermen.

12 JOE JEWELL: Could we get a little
13 clarification?

14 You said the oyster season.

15 Does that also include the relay?

16 COMMISSIONER GOLLOTT: That includes both of
17 them.

18 JOE JEWELL: Thank you.

19 KEITH DAVIS: And he will set the sack limit as
20 well, Commissioner Gollott?

21 COMMISSIONER GOLLOTT: Yes.

22 COMMISSIONER BOSARGE: Do we do that in a
23 separate motion?

24 ERIK BROUSSARD: The Executive Director would
25 have the authority, along with the relay, to set it.

1 COMMISSIONER GOLLOTT: I don't see any benefit
2 in putting it in two different motions.

3 JOE JEWELL: I think if you give the Executive
4 Director the authority to manage the oyster season and the
5 relay program, he would have the authority to do that, and
6 it would give the staff the flexibility to not only
7 establish those, but within the current confinement of the
8 grants and the contracts. We can't exceed some of the
9 limits in the contracts.

10 COMMISSIONER GOLLOTT: The Director is to work
11 with the staff.

12 COMMISSIONER BOSARGE: Because that's a safety
13 issue.

14 JOE SPRAGGINS: We did set something, I think,
15 in the relay that there would be X amount of days of
16 tonging only to start with.

17 Is that right?

18 ERIK BROUSSARD: Yes. That was three days for
19 tonging.

20 JOE SPRAGGINS: And, then, what is left, we
21 could work with.

22 ERIK BROUSSARD: The dredgers would finish off
23 the quota.

24 COMMISSIONER GOLLOTT: We are giving the
25 Director the authority. He can change that.

1 ERIK BROUSSARD: That was just the motion that
2 he is referring to.

3 COMMISSIONER BOSARGE: We have a motion.
4 Commissioner Gollott, would you read that
5 motion?

6 COMMISSIONER GOLLOTT: I did.

7 COMMISSIONER BOSARGE: You did?

8 COMMISSIONER GOLLOTT: I did. It looks good to
9 me.

10 COMMISSIONER BOSARGE: We have a motion.
11 Do we have a second for that motion?

12 COMMISSIONER HAVARD: I'll second the motion.

13 COMMISSIONER BOSARGE: Any further discussion?
14 (No response.)

15 COMMISSIONER BOSARGE: All those in favor aye.
16 (All in favor.)

17 COMMISSIONER BOSARGE: Opposed like sign.
18 (None opposed.)

19 COMMISSIONER BOSARGE: Motion carries.

20 ERIK BROUSSARD: Thank you, Commissioners.

21 COMMISSIONER BOSARGE: Thank you, Erik.

22 JOE JEWELL: Thank you, Commissioners

23 Next up on our agenda is the 2018 Mississippi
24 Spotted Seatrout Stock Assessment Annual Update given by
25 Mr. Matt Hill.

1 MATT HILL: Good morning Commissioners, Director
2 Spraggins, Ms. James.

3 I will try to be as efficient as possible. I
4 know Commissioner Bosarge isn't as interested in this as
5 everybody else. I'm sure he may have a few questions for
6 me.

7 I will start out by saying I do look forward to
8 Chief Davis' challenge, whenever his vessel is ready. He
9 can pick the time.

10 I also want to state, Commissioner Guess, this
11 is mandated from the CMR. We do a benchmark assessment,
12 and we are required to do annual updates. This is our
13 second annual update that we have done.

14 We did the benchmark assessment in 2016, and we
15 have done 2017 and 2018 updates which I will present, and
16 all of these are available on our website for review.

17 I do want to start out by saying this update was
18 completed in September of 2018, by the Mississippi Stock
19 Assessment Panel.

20 The panel is comprised of staff from MDMR and
21 the Gulf Coast Research Laboratory.

22 A complete internal MDMR review was conducted in
23 August of 2018, and final analysis and edits were
24 completed in September of 2018 in conjunction with Dr.
25 Robert Leaf from the Gulf Coast Research Laboratory.

1 This is a brief management history in
2 Mississippi, and the main thing I would like to point out
3 is the current fifteen-inch recreational size limit has
4 been in effect for approximately twenty months. I do want
5 everybody to keep that in mind. We need a little bit more
6 time for it to work. Currently right now we are working
7 with about a twenty-month period for this size limit.

8 COMMISSIONER GOLLOTT: Are you seeing any
9 increase in your stock assessment, I mean potential?

10 ERIK BROUSSARD: We are going to start talking
11 about our percent SPR, how it has changed over time, in
12 the next few slides. I think it is a little bit easier to
13 visually look at it than for me to tell you.

14 A little bit about the model aspects.

15 I do want to point out the Stock Assessment
16 Panel has taken an adaptive approach and with new data
17 incorporated as it becomes available allowing for refined
18 estimates over time.

19 We will talk about that, as we see how the
20 percent SPR has changed over time as we go back through
21 the benchmark assessment and the updates.

22 It is constantly updated, as the parameters are
23 more precisely defined and additional data is added on an
24 annual basis through updates.

25 After an internal data review, two strong year

1 classes were identified, in 2015 and 2016. These year
2 classes are both currently recruiting into the fishery,
3 and this is important once we begin to talk about the
4 five-year average that we begin to see in the percent SPR
5 a little later on.

6 Model conclusions for informing management
7 decisions.

8 Models are presently accepted on a peer-reviewed
9 level and models are identified as the best available
10 science.

11 This update was completed using the Age
12 Structured Assessment Program, or the ASAP model, from the
13 NOAA Fisheries Toolbox.

14 The benchmark assessment and subsequent updates
15 have been thoroughly reviewed by numerous experts in the
16 field of Fisheries.

17 The benchmark assessment and updates were
18 evaluated using ASAP, as I said earlier, which is widely
19 used for finfish stock assessments worldwide.

20 However, we are going to swap to the Stock
21 Synthesis 3 Model next year, and we will explain that a
22 little bit more in just a moment.

23 In getting to some of Commissioner Gollott's
24 questions, and we wanted to show this because we have had
25 some questions from the benchmark assessment and through

1 the updates on how the points have changed in the SPR.
2 Some of them are significant changes. However, the trends
3 from the years are staying the same which we will show in
4 the next slide.

5 we do see from the early nineties through 2009,
6 the regulations provided a relatively stable fishery, and
7 you can tell that from this graph, if you look at any of
8 the three lines.

9 However, we do begin to see a decline in the
10 fishery beginning in 2010, and we can also definitely see
11 that we've got some outliers in this particular graph.

12 This breaks it down to where it is a little bit
13 easier to see. This is a specific example of the adaptive
14 approach the Stock Assessment Panel is using, showing the
15 newly available data incorporated and the estimates are
16 refined.

17 when I talk about this, I'm going to talk
18 specifically about the slope, and I don't want to get too
19 technical with it, but negative is bad when we are talking
20 about fisheries trends and the slope of the line.

21 You can see in the assessment year beginning in
22 2016 the slope was approximately negative point two eight,
23 or negative twenty-eight one hundreds.

24 In the updated 2017, we improved.

25 Zero is neutral. Please keep that in mind.

1 Once we get in the positive, that is starting to show
2 an increase in the biomass and possibly an increase in the
3 yield that is available for harvest.

4 The slope in 2017 improved to negative point one
5 seven and, in this current update, the slope is now
6 negative zero point three.

7 The slope of zero indicates neither a growth, or
8 decline, in the fishery. We would consider the fishery
9 neutral at that point.

10 We are approaching this value with the
11 expectation of beginning to see positive growth as the
12 regulatory modification continues to take hold.

13 COMMISSIONER BOSARGE: Matt, you spoke of
14 outliers.

15 MATT HILL: I'm going to specifically address
16 the outliers once we get to the conclusions. We have
17 removed the outliers from the 2016 and 2017 year classes
18 and what that means to the percent SPR.

19 Shown in our previous updates, these are forward
20 projections for the stock. What you just saw we were
21 looking back. Now we are forward projecting over the next
22 five years.

23 These are made by applying a range of fishing
24 mortalities to corresponding SPR values and projecting
25 into the future. I will also be going over these in more

1 detail later in the presentation.

2 It is a little difficult to see. We did
3 highlight the percent SPR scenario twenty, as that is the
4 target that the Commission has chosen as the rebuilding
5 target for the Spotted Seatrout stock.

6 On the left is the biomass of the mature female
7 portion of the population. On the right we see the
8 Spotted Seatrout biomass available for harvest.

9 It's a little clearer on the next slide. What
10 is important is the target is twenty. However, we do see
11 that the stock is minimally sustainable at a percent SPR
12 of sixteen. Anything below that, we begin to start seeing
13 a decline in both the biomass of the female population and
14 the biomass available for harvest.

15 I will talk a little bit about the Gulf and
16 Atlantic.

17 The Gulf and South Atlantic Management Summary.
18 All Gulf states, Georgia and North and South
19 Carolina have seen dramatic decreases in the catch per
20 unit effort over the last five years.

21 Seven of these eight states have either raised
22 the minimum size, or lowered their bag limits, since 2008.

23 All these states, except Louisiana, are at a
24 fourteen-inch minimum size, or greater.

25 Here is where we are going to get to what I

1 think Commissioner Bosarge is trying to ask us to make the
2 point with.

3 we had the tables earlier, and here are the
4 graphs. As you can see, the twenty percent SPR, or the
5 current target, is in red. That, by far, shows the most
6 growth in your biomass throughout the period of time from
7 2018 to 2022. Remember these are just projections.

8 The eighteen is the small dotted line. It's a
9 little bit less.

10 The larger dotted line is the sixteen percent
11 which is the mean value from the 2017 update. Also, is a
12 threshold percent SPR recommendation, from our 2018
13 Spotted Seatrout update.

14 when you drop below the sixteen, the next one we
15 ran was fourteen, and this is when you begin to see a
16 decrease in the trend in biomass.

17 This is showing the projection of fishing yield,
18 or harvest, and, again, it follows the same pattern as
19 what we did with the actual biomass. Twenty percent
20 shows, obviously, the highest growth rate in your fishing
21 yield. The eighteen percent is a little lower. The
22 sixteen percent holds its own. Fourteen percent which is
23 your lower value begins to show a decline in your fishing
24 yield, or harvest, over time.

25 In summary -- I do want to say this carefully --

1 the mean percent SPR in the last five years of the
2 assessment is seventeen point nine percent, with a
3 terminal year estimate of fourteen point four percent.

4 Please remember that we said anything below
5 sixteen percent begins to show a decline in the biomass
6 and the projected fishing yield over time.

7 The five-year average is seventeen point nine
8 percent. We recommend the Commission consider the five-
9 year average with caution, due to the fact that we
10 considered the outliers of 2015 and 2016 which were
11 approximately a percent SPR of twenty-one and a percent
12 SPR of twenty-five. The five-year average would then drop
13 to fourteen point five percent which is below the sixteen
14 percent threshold which we described with the growth.

15 Based on the findings of the 2018 assessment,
16 the staff recommends maintaining the current SPR target of
17 twenty percent.

18 If we use the sixteen percent SPR, we can
19 determine that the stock is not undergoing overfishing.
20 However, it is only experiencing slight increases in
21 biomass and fishing yield.

22 If you remove the outliers, then, we would
23 consider the stock overfished at that point.

24 I have some more to say, but you have a
25 question.

1 COMMISSIONER BOSARGE: That's the point I was
2 trying to make because you always take out the outliers.

3 I'm concerned. If you take out the outliers, we
4 are not rebuilding. We are still in a downward trend.

5 MATT HILL: I would consider that the trend is
6 downward, but it is not as downward as it was when we
7 began this process. We are righting the ship. We just
8 haven't completely righted it yet.

9 COMMISSIONER BOSARGE: That's right.
10 where is effort going?

11 MATT HILL: Effort continues to go up, and the
12 projections are made on where the effort currently is.
13 That is all we have to go by.

14 COMMISSIONER GOLLOTT: Are you ready to go to
15 twelve inches?

16 MATT HILL: No, sir.

17 COMMISSIONER BOSARGE: I read the stock
18 assessment. Of course, I don't have that doctoral degree,
19 or the education, to actually interpret everything it is
20 saying, but I've got a lot of commonsense.

21 I have to worry about where we are and what we
22 are doing.

23 I have highlighted a couple of things in here,
24 and there is a lot I would like to talk about, but I think
25 we have done enough talking for the day.

1 I would like to suggest that we put a tack on
2 the recreational side. In other words, to me, that is the
3 only way you can really actually manage a fishery.

4 We are managing on the commercial side under
5 quotas. Quotas that haven't been changed in God knows
6 when.

7 We still have a recreational fishery, and even
8 in the stock assessment and I will read you the quote:

9 "Throughout the time series used in the
10 assessment, the commercial harvest has been
11 relatively low and constant.

12 "Management actions and assessment and
13 monitoring data collection efforts should
14 be primarily focused on the recreational
15 sector of the fishery."

16 That's the driver. I think we are probably
17 going in an okay direction. We are really not sure if we
18 are there, if we are rebuilding the stock, or if we are
19 holding our own, or if we are going down.

20 At some point, effort is still increasing.

21 MATT HILL: That's correct, and the statement
22 you just made, our staff believes that we are in an okay
23 position. We would like to see the biomass increase at a
24 faster rate than it is increasing.

25 However, we have stopped it from decreasing at

1 the rate that it was decreasing.

2 COMMISSIONER BOSARGE: One of my other concerns
3 will be for this upcoming year, a Bonnet Carre Spillway
4 opening.

5 MATT HILL: That's correct.

6 COMMISSIONER BOSARGE: Pushing a bunch of fish
7 at Cat Island.

8 MATT HILL: That's correct.

9 COMMISSIONER BOSARGE: What is that going to do
10 to your model?

11 MATT HILL: We will definitely have to take that
12 into account. The independent monitoring data should show
13 an increase, as it did the last time the Bonnet Carre
14 opened.

15 COMMISSIONER BOSARGE: That's what I'm saying.
16 You are going to see a false positive.

17 MATT HILL: That is absolutely a possibility.

18 However, the next point I would like to make is
19 we will be implementing the Stock Synthesis 3 Model in the
20 upcoming 2019, and it will be a benchmark assessment. It
21 will not be an update, so that is going to take everything
22 into consideration and it will provide us with the
23 following:

24 It is one of the most complete Spotted Seatrout
25 assessment models using the most sophisticated age

1 structure assessments available and is the most commonly
2 used in assessments. It will also allow for the inclusion
3 of additional data to refine the estimates derived from
4 the model.

5 We are also going to allow for a continuity run
6 between the ASAP and SS3 models to compare the findings
7 between the two.

8 I spoke with Dr. Leaf briefly before the
9 meeting, and we both are under the impression that we will
10 run it in the benchmark model and we will continue to run
11 it. Once we evaluate it, we will rely on our external
12 review which provides guidance for necessity of the model
13 approaches for consistency.

14 What we are hoping to do is we have the ASAP
15 model. We have the data we have now. We have this more
16 sophisticated model that can handle this stock much more
17 efficiently we believe, and we want to see what the
18 differences are, and come back with another benchmark
19 assessment with that particular model.

20 COMMISSIONER BOSARGE: I'm familiar with the
21 Stock Synthesis model. I don't know why we didn't go with
22 that the first time, but we are where we are.

23 Are you going to use this Stock Synthesis model
24 to recalculate 2018?

25 MATT HILL: If we need to, we will run a

1 comparison on them and I will confer with Dr. Leaf, and he
2 said that we can absolutely do that.

3 COMMISSIONER GOLLOTT: Matt, just thinking about
4 this thing and trying to use some kind of commonsense on
5 it, wouldn't it be better to close down speckled trout
6 fishing a month, or two months, out of the year?

7 what would that do for you?

8 would it give you a jump in the SPR?

9 MATT HILL: It would depend on which two months
10 that we did it, but our concern, when we looked at that,
11 is when you do that, it is very difficult and we see that
12 in the Red Snapper fishery. It is quite evident.

13 It is very difficult to predict angler activity.
14 If we shut it down in those two months, are we really
15 driving the effort down, or are they going to spread their
16 effort out between the other ten months.

17 That is something that is extremely difficult to
18 predict.

19 would it drive some of the harvest down?

20 It probably would.

21 would it drive enough down to make a significant
22 difference?

23 That is a very difficult question to answer.

24 COMMISSIONER BOSARGE: That's why when you look
25 at the Federal government, they set tacks, total allowable

1 catch. Then, it doesn't matter about the effort anymore.
2 Once you reach that point, that's it.

3 That's where we need to go with this management
4 plan.

5 JOE JEWELL: I want to address a couple of the
6 comments.

7 Commissioner Gollott, I want to state for the
8 record that the staff is satisfied with the modeling
9 results, the data inputs and data outputs.

10 while it isn't a total increase at a sustainable
11 level right now, it is slowly increasing. The population
12 is stable for now.

13 I do understand Commission Bosarge has some
14 concerns about fishing pressure and the total impacts that
15 it has because there is no cap on that, and that could
16 potentially have some dramatic impacts on the model
17 results no matter what model we use, when pressure
18 continues to increase.

19 If the Commission wants to consider a tack, they
20 have that authority. That clearly is defined in statute.
21 In Title 22, Part 5, that gives the Commission authority
22 to establish total allowable catch.

23 The Commission can do that. They can choose to
24 do that. It will have to be a vote by the Commission to
25 do that, and the staff can enact any of those without

1 permission by the Commission.

2 COMMISSIONER GOLLOTT: How would you control the
3 catch?

4 If you set up half a million, or a million,
5 pound limit, or whatever you are going to set, how would
6 you shut it down?

7 How would you know when to shut it down?

8 MATT HILL: It would be very difficult.

9 COMMISSIONER GOLLOTT: You would have to come up
10 with a Trip Ticket Program, or something like that.

11 MATT HILL: It would be a very difficult and
12 expensive proposition. It's a little different than just
13 monitoring and trying to come up with a harvest to input
14 in the model. That is a different program, than to come
15 up with a realtime data collection to where you can
16 monitor a tack, or a quota, or whatever we want to call
17 it, because that two months down the road does us no good
18 and it would be a very difficult proposition and very
19 expensive.

20 COMMISSIONER HAVARD: Matt, I would like to see
21 the staff come back with some recommendations just so we
22 can process raising our SPR faster than we are, if there
23 are any additional things we can do to make this SPR spike
24 a little faster. I would like to see the staff come back
25 with some recommendations.

1 MATT HILL: I don't want to panic the
2 Commission, but I also don't want them to have false hope,
3 when we see that seventeen point nine.

4 The target is twenty percent. However, I do
5 believe that is a little bit of false hope right there
6 with that number with the Bonnet Carre opening. It opened
7 before this. These are these fish. We do see spikes in
8 our sampling and that does make a difference in our model
9 inputs.

10 If you look at it with some commonsense and you
11 take out what you believe, they may not be statistically
12 outliers, but they are commonsense outliers.

13 We do believe that the SPR is below fifteen.
14 However, that is a vast improvement from the benchmark
15 assessment. I believe we were at seven point two.

16 It is increasing. It is holding its own.

17 Whether it is increasing at a rate that we will reach
18 the twenty percent target and we get focused on reaching
19 the twenty percent target. We need to sustain the twenty
20 percent, once we get there. It's not one year of reaching
21 it, or two years of reaching it. We want that long term.
22 We want a consistent fishery above the percent SPR of
23 twenty, if that is the target that the Commission
24 continues to want to pursue.

25 COMMISSIONER DANIELS: Matt, have y'all

1 considered what implementing an upper end slot limit on
2 speckled trout would do?

3 would that help?

4 MATT HILL: Dr. Mickle and Dr. Leaf and I,
5 before we implemented this fifteen-inch size limit
6 recently, we ran several different scenarios with slot
7 limits and different bag limits. I think we ended up
8 running fourteen different scenarios. Honestly, I can't
9 remember everything we ran.

10 Dr. Leaf was sick of me calling him, but we ran
11 as many things as we could think of, and the biggest bang
12 for the buck, obviously, was raising it to the fifteen
13 inches.

14 Any other change to the recreational size limit,
15 bag limit, seasonal closure, setting slot limit, it was a
16 very extreme change.

17 When I say extreme, if I'm remembering
18 correctly, I believe we would have had to lower the bag
19 limit to five, or below, to make any type of difference,
20 and that just was not feasible at that time.

21 However, increasing the size limit by those two
22 inches put us going in the right direction, beginning to
23 right the ship. I understand we would like to see the
24 ship righted a little quicker, but it is starting to turn
25 over for us.

1 Once we get there, can we sustain it?

2 I don't know. We cannot control the effort.
3 Once we can control the effort, or at least be able to
4 predict the effort, I think we can have a little better
5 hold on it.

6 JOE JEWELL: Can I make a Statement here real
7 quick?

8 COMMISSIONER BOSARGE: Yes.

9 JOE JEWELL: In the original stock assessment
10 that was presented to the Commission in 2016, all those
11 scenarios were covered.

12 I know that we have a lot of new Commissioners
13 here today, but we held public hearings and got input from
14 the general public about seasonal closures, area closures,
15 two- or three-month closure during spawning season. We
16 considered all of that.

17 I would respectfully ask that Commissioner
18 Havard make his request in the form of a motion so that we
19 are all on the same page.

20 we will come back to the Commission and we will
21 present a lot of the scenarios that were initially
22 supported by the original 2016 stock assessment.

23 MATT HILL: I know Commissioner Bosarge probably
24 has the most knowledge with the new model that we are
25 going to use.

1 I would ask for a little leeway. We can come
2 back with some recommendations, in showing what the old
3 benchmark assessment scenarios were.

4 However, I believe if we can get the new Stock
5 Synthesis model out and run all these scenarios again, at
6 least we will have a comparison and we can see where we
7 may have gone wrong because we probably did.

8 COMMISSIONER BOSARGE: You know as well as I do,
9 when you are running a model, it's the assumptions you
10 make.

11 MATT HILL: That's correct.

12 COMMISSIONER BOSARGE: It's the questions that
13 you can't answer that you have to guess. You have to
14 assume what it will be. Those assumptions that skew the
15 model so to speak.

16 That Stock Synthesis model, you don't have many
17 assumptions.

18 MATT HILL: That's correct.

19 COMMISSIONER BOSARGE: To me, it's a better
20 model in that.

21 MATT HILL: We all do agree it is a better
22 model. However, with any model, there will always be
23 assumptions.

24 COMMISSIONER BOSARGE: Oh, yes.

25 MATT HILL: It is just the least amount of

1 assumptions that we can make and base it on that factual
2 data that we have, and we are in much better shape.

3 COMMISSIONER BOSARGE: Yes.

4 JOE JEWELL: Even with the current model that we
5 used, the more data that you put into the model the more
6 accurate it becomes.

7 I do agree that the modeling was unstable in the
8 beginning because you had to make a lot of assumptions,
9 but the more we do this and the more actual data that is
10 input into the model the more accurate it gets.

11 COMMISSIONER BOSARGE: I have had that explained
12 to me several times. It is hard for me to grasp when in
13 2016 you presented a graph of SPR, and, then, in 2018, you
14 will present that same graph that we had in 2016 and it is
15 different.

16 MATT HILL: Yes. We showed the overlay on how
17 it does change, and, then, hopefully over time --

18 COMMISSIONER BOSARGE: (Interposing) I wish I
19 could do that with my bank account, but it doesn't work
20 that way. Whatever is in there is in there. Just because
21 I change it later on, that number doesn't change. That's
22 the commonsense part that is hard for me to comprehend.

23 would you like to put that suggestion in the
24 form of a motion?

25 COMMISSIONER HAVARD: I can.

1 COMMISSIONER BOSARGE: Please do.

2 COMMISSIONER HAVARD: I would like to make a
3 motion that the staff come back with some recommendations
4 to increase the SPR at a faster rate than it currently is
5 increasing.

6 COMMISSIONER BOSARGE: Before we go any further
7 on your motion, we do have one public comment that I'm
8 about to forget about.

9 Are you pretty well done with your presentation?

10 MATT HILL: Yes, sir.

11 COMMISSIONER BOSARGE: Thank you, Matt.

12 MATT HILL: Thank y'all.

13 COMMISSIONER BOSARGE: We have one public
14 comment, Mr. Ryan Bradley.

15 RYAN BRADLEY: Commissioners, Director
16 Spraggins, counselor James, I'm Ryan Bradley, the
17 Executive Director of Mississippi Commercial Fisheries
18 United.

19 The commercial quota was referenced several
20 times in our previous discussions today and, as it was
21 noted, it is currently set at fifty thousand pounds.

22 I have the most recent NOAA MRIP data. For
23 Commissioners that may not be familiar with that, that's
24 the Marine Recreational Information Program data where
25 they estimate the recreational landings.

1 I do want to note this data was recalibrated
2 and, in the stock assessment model that you looked at,
3 they didn't use the newly recalibrated data.

4 what we have in 2016, the landings in the
5 recreational sector for Spotted Seatrout, five million two
6 hundred forty-six thousand one hundred and thirty pounds.

7 If you say it's not accurate and you want to cut
8 it in half, it is still nowhere proportionate to the fifty
9 thousand pounds the commercial sector is allocated.

10 In 2017, after the Commission made the change to
11 fifteen inches, we saw that decrease to two point five
12 million pounds. You did do a good job there. You deserve
13 a pat on the back for that and so do the scientists for
14 making those recommendations.

15 whether overfishing is occurring or not, I want
16 to remind the Commissioners, especially the new ones, that
17 you are bound by State Statute 49-15-2, the standards for
18 fishery conservation and management, and it says:

19 "Any fishery management plan and any
20 regulation to implement that plan are
21 promulgated under the State Seafood Laws
22 shall be consistent with the following
23 standards for conservation and management."

24 I will skip down to Section B which says:
25 "If it becomes necessary to allocate, or

1 assign those fishing privileges among
2 various fishermen, that allocation shall
3 be fair and equitable to those fishermen,
4 reasonably calculated to promote
5 conservation and carried out in a manner
6 that no particular individual, corporation,
7 or entity, acquires an excessive share of
8 the privileges.”

9 we would argue that right now the State is in
10 violation of State statute, by allowing a fifty thousand
11 pound quota, when we have millions of pounds being landed
12 in the recreational sector.

13 we have got to work through putting that tack in
14 the recreational sector and making these fisheries fair
15 and equitable for all user groups. The time is now to
16 make that decision. We don't have to wait another month,
17 another two months, another year.

18 Set that tack. Set it at something. Let's cap
19 it for the sake of our children to be able to catch fish
20 in the future.

21 we have got to take these hard difficult
22 actions, and this is where it starts right here.

23 COMMISSIONER BOSARGE: You quoted those numbers,
24 and I'm with you, but those still aren't numbers that they
25 are actually going to use yet. They are working on it.

1 In other words, they have changed it. They have
2 recalculated the way they do all their reporting.

3 The way it works is the phone calls. Nobody has
4 a land line anymore. Everybody has a cell phone.

5 There are a lot of different ways they calculate
6 it, and you quoted some numbers that even the Feds aren't
7 using.

8 I've got to kind of go with the old numbers in
9 the stock assessment.

10 Do you understand where I'm coming from?

11 I'm with you. It has got to be somewhere
12 between the old MRIP numbers and the new MRIP numbers.

13 RYAN BRADLEY: Even if you cut them in half, it
14 is still an issue. It is still a problem.

15 To clarify, even with the increase in these
16 harvest numbers, it really just increases the total
17 biomass as well.

18 It has been said this harvest is more than the
19 total biomass. Well, it increases the total biomass as
20 well.

21 COMMISSIONER BOSARGE: It does, and it changes
22 the model. That's why it is hard for me to keep up with
23 it.

24 RYAN BRADLEY: We would love to see some action
25 sooner than later. We believe a tack would be a real

1 substantive action to conserve the fishery for the future.

2 COMMISSIONER BOSARGE: I agree.

3 RYAN BRADLEY: Any other questions?

4 COMMISSIONER BOSARGE: No, sir.

5 RYAN BRADLEY: Thank you.

6 COMMISSIONER BOSARGE: Thank you.

7 We have a motion on the floor.

8 COMMISSIONER GUESS: I'll second the motion.

9 COMMISSIONER BOSARGE: We have a second for the
10 motion.

11 Any further discussion?

12 (No response.)

13 COMMISSIONER BOSARGE: All those in favor aye.

14 (All in favor.)

15 COMMISSIONER BOSARGE: Opposed like sign.

16 (None opposed.)

17 COMMISSIONER BOSARGE: Motion carries.

18 Now, Mr. Joe, continue.

19 JOE JEWELL: Our next item is the 2018
20 Mississippi Red Snapper Exempted Fishing Permit Year One
21 Report. Ms. Carly Somerset is going to give that report.

22 CARLY SOMERSET: Good afternoon Commissioners,
23 Director Spraggins, Counsel James.

24 I will make this as quick as possible. I know
25 everyone is ready to get to lunch.

1 As Joe said, I will be giving the update on this
2 year's Red Snapper season.

3 This year each of the Gulf states applied for
4 two-year Exempted Fishing Permit, our EFP, for the 2018
5 and 2019 Red Snapper fishing seasons to manage Red Snapper
6 from state waters out to two hundred nautical miles.

7 Each state monitored their own landings with
8 state-specific programs.

9 We used Tails n' Scales, and the other states
10 have similar programs such as Snapper Check for Alabama,
11 and Texas and Louisiana use their own surveys, and Florida
12 has the Gulf Marine Fish Survey.

13 We submitted our EFP application earlier this
14 year. NOAA approved each state's EFP and allowed the
15 catch limit, or ACL, of one hundred thirty-seven thousand
16 nine hundred and forty-nine pounds for Mississippi's
17 recreational sector.

18 Managed under the EFP were the private
19 recreational anglers and the state charter vessels.

20 When the ACL was split proportionately between
21 those two, the ACL for the private recreational anglers
22 was one hundred thirty-five thousand one hundred and
23 forty-nine pounds, and the ACL for the state charter
24 vessels was two thousand eight hundred pounds. Both were
25 managed to an annual catch target of ten percent below the

1 ACL.

2 The 2018 EFP Season, it was the longest season,
3 but I should clarify that is state and they will be able
4 to fish past nine miles out to two hundred nautical miles
5 in Mississippi. It was a total of seventy-six days.

6 The private recreational season had a few
7 openings and closings. It started on May 25th and ran
8 through July 9th. At which point, we had a two-week
9 closure to better estimate landings and adjust the season
10 accordingly based on what had already been caught to that
11 point.

12 The season reopened on July 23rd and remained
13 open through August 17th.

14 It was open over Labor Day weekend, but due to
15 inclement weather and very few, roughly sixty pounds
16 caught, it was reopened September 14th through the 16th.

17 The State for-hire season opened May 25th and
18 close June 10th, for a total of seventeen days.

19 The Federal for-hire vessels had a total of
20 fifty-one days. Both their season length and quota were
21 managed by NOAA, as they have been in past years, although
22 we did keep track of their harvest totals through Tails n'
23 Scales.

24 Many of you have seen this slide a few times,
25 but just to recap, Tails n' Scales was a voluntary program

1 in 2014. The program began mandatory reporting in 2015.
2 This is our fourth year recording Mississippi Red Snapper
3 harvest.

4 Also, the program was officially certified in
5 June of this year by NOAA Fisheries MRIP Program which was
6 very exciting.

7 COMMISSIONER BOSARGE: Carly, I have one
8 question.

9 CARLY SOMERSET: Sure.

10 COMMISSIONER BOSARGE: In 2014, what was our
11 total landings?

12 Do you remember?

13 CARLY SOMERSET: 2014 was voluntary.

14 COMMISSIONER BOSARGE: Joe, do you remember?
15 I think it was thirty-five thousand.

16 JOE JEWELL: It was in the seventies. Somewhere
17 around seventy-three, or seventy-four.

18 COMMISSIONER BOSARGE: The first year?

19 JOE JEWELL: 2014.

20 COMMISSIONER BOSARGE: Each year we have seen a
21 trend upward.

22 Is that correct?

23 JOE JEWELL: Yes. The hundred and thirty-seven
24 thousand pounds that was approved by the EFP for the
25 private recreational is an average over the last two

1 years.

2 COMMISSIONER BOSARGE: I'm just trying to get it
3 in my mind. Thank you.

4 CARLY SOMERSET: 2014 was voluntary. Since
5 2015, it has been mandatory and that obviously did cause a
6 shift in the landings because everyone had to report.

7 As always, anglers targeting Red Snapper must
8 acquire a trip authorization number prior to fishing for
9 them. DMR is responsible for ensuring every angler can
10 acquire a trip number twenty-four hours a day seven days a
11 week.

12 As far as validations, the protocol has been
13 updated to include a couple of new methods that have
14 increased the effectiveness and efficiency of our
15 validation procedures.

16 Finfish Bureau staff still complete dockside
17 validations and collect biological data such as weight and
18 length of each fish, along with asking for the information
19 that is self-reported by the anglers, such as number of
20 people fishing on the trip and hours fished.

21 The cards that Marine Patrol was using last year
22 when doing enforcement stops has now changed to an app
23 that was created internally by our IT Department and it
24 has worked very well. It allows Marine Patrol and us as
25 Fisheries managers to see of the validation information in

1 realtime.

2 This year we implemented reminders by text and
3 email to complete expired trips, as well as other
4 important notifications such as season openings and
5 closings which is broadcast to all anglers.

6 As in previous years, anglers are not allowed to
7 make new trips until prior trips have been reported.

8 We added some administrative functionality which
9 allowed us, as administrators, to shut down the app after
10 the season closed which means no new trips were allowed to
11 be made.

12 Just some information on the biological data.

13 Finfish staff collected over four hundred
14 otoliths similar to last year. This includes from both
15 components, the charter and the private anglers, and some
16 of these came from our observer program.

17 Two hundred and fifty-two of those have been
18 finalized, as far as the ages, and we undergoing
19 processing for all the others.

20 Again, age data is vital to management of a
21 fishery. Without that, you don't have any length-at-age
22 data which is a direct input into assessments. It is very
23 important.

24 It also allows us to get an age distribution of
25 the catch which I can show you here. This is also similar

1 to last year's final report and, again, these are from
2 observer trips and recreational.

3 COMMISSIONER BOSARGE: A three-year old fish is
4 a sixteen-inch fish, basically?

5 CARLY SOMERSET: It is a range, but
6 approximately.

7 COMMISSIONER BOSARGE: Joe, do you see anything
8 in here that alarms you any at all?

9 In other words, when I look at this, I worry
10 about are we taking out a year class of fish because these
11 are long, long lived fish and because a lot of our fishing
12 is close to shore.

13 You see where the pressure is. It's in that
14 three-year-old, four-year-old, five-year-old fish.

15 If we don't let enough of those escape, is that
16 any concern of yours?

17 JOE JEWELL: Honestly, right now we don't have a
18 large concern for that in Mississippi.

19 As you know, the Gulf wide quota is set by the
20 Gulf Council, and they consider a whole host of things
21 when they make that determination of what the overall
22 quota is, and they have their separate stock assessment
23 and input from their scientists from the Science Center.

24 They feel and in Mississippi we feel pretty
25 confident those are accurate representations of the

1 populations as they exist in those conditions.

2 Now, Mississippi, we based our landings request
3 not only on historic values, but we also considered and we
4 do consider our reefs and the artificial reefs. It is
5 primarily a artificial reef fishery.

6 we feel like a hundred and thirty-seven, a
7 hundred and forty, thousand pounds can be supported. We
8 have enough recruitment from younger populations to
9 sustain that.

10 It is when we start getting past that. If we
11 open it for longer periods of time, or there is an
12 increase in quota, then, we are going to have concerns
13 about it because we certainly want to keep that a stable
14 fishery. If we detect that, we will certainly make the
15 Commission aware of that.

16 COMMISSIONER BOSARGE: That was my only concern.
17 When I look at this chart, I look at where the bulk of
18 those fish are coming from, and I have to be concerned.

19 Go ahead, Carly.

20 CARLY SOMERSET: This is a similar distribution
21 as last year, as far as the majority of the fish. Last
22 year there were more two year olds, two to six year olds.

23 This is actually on our fish havens, and that
24 also includes oil and gas platforms.

25 Getting to the results, this is an overall

1 summary of our EFP season this year, and I want to remind
2 everyone that this total percent of ACL is a reflection of
3 proportion of total harvest.

4 The private recreational component caught an
5 estimated one hundred twenty-eight thousand six hundred
6 and seventy-eight pounds, of its one hundred thirty-five
7 thousand one hundred and forty-nine pound ACL. That is
8 ninety-five point two percent.

9 The state for hire caught an estimated three
10 thousand two hundred and thirty-five pounds of its ACL
11 which was a total of a hundred and fifteen percent.

12 The total ACL overall is one hundred thirty-
13 seven thousand nine hundred and forty-nine pounds. With
14 that, the estimated harvest was below, one hundred thirty-
15 one thousand nine hundred and fourteen pounds. That's the
16 ninety-five point six percent.

17 These are the finalized estimates. This is a
18 comparison of the 2017 and the 2018.

19 I want to point out that the 2017 total harvest,
20 this includes private recreational, State charter for-hire
21 and the Federal for-hire.

22 2018, this year, because the EFP managed the
23 State charter vessels and the private recreational, this
24 does not include the Federal for-hire, although we did
25 track their landings and we know how much they caught with

1 the Tails n' Scales Program.

2 They are very similar, much like when we
3 compared 2016 and 2017, as far as the average weights and
4 lengths and the trips, although there was a slight
5 decrease in anglers per vessel and fish per angler this
6 season.

7 This is an overall on Tails n' Scales and its
8 value, Mississippi's reporting system.

9 It does represent the most accurate measure of
10 Red Snapper harvest and angler effort in the Gulf of
11 Mexico.

12 It is very important for assessment inputs
13 because we do have information that could be put towards
14 that, as far as catch-per-unit effort, landings, angler
15 universe changes because we track it over time every year,
16 and all the biological data that is collected dockside.

17 This provides an accurate very robust estimation
18 and projection of harvest in realtime.

19 It can be used as a float plan for safety
20 because we know how many people are out on the water and
21 when they are supposed to return.

22 It provides an accurate and precise estimate of
23 Red Snapper harvest each year.

24 we will end with our compliance rates. Much
25 like last year, it is steadily increasing. You can see

1 the for-hire and the private recreational have increased
2 slightly from 2017, but they were already very high. I
3 think this points to the overall success of this program
4 through the last four years. Of course, it was a
5 cooperative effort within the entire agency.

6 The compliance rates allow for accuracy and
7 robust estimates, as far as harvest in the Gulf of Mexico.

8 COMMISSIONER BOSARGE: Just to give you an
9 example, I was in Beaumont renewing our endorsements on
10 shrimp, and I picked up one of their little flyers. It
11 talks about their snapper, and it basically tells what the
12 bag limit is and it says, if you want to report your
13 catch, you can by calling this number. I thought that was
14 real good.

15 I appreciate what you do. Thank you.

16 CARLY SOMERSET: Thank you.

17 COMMISSIONER BOSARGE: Do we have any more
18 questions?

19 JOE SPRAGGINS: Just one thing, sir.

20 Paul, did we come up with a number for the 2020
21 allocation?

22 Did that come out?

23 PAUL MICKLE: Yes. Thank you, Director.

24 At Gulf Council, this is a federally-managed
25 species. It is managed under a tack with the Federal

1 government.

2 Throughout the years there have been a lot of
3 snapper battles at Gulf Council, and we are now at
4 Amendment 50 in its final stages of breaking up allocation
5 on state management plans.

6 Very simply, each of the five states gets a
7 certain percentage of the Gulf wide quota.

8 We have currently two preferred options within
9 Amendment 50. One is three point five five percent which
10 is exactly what we have been fishing at in the EFP which
11 is a hundred and seventy-four thousand pounds.

12 The percentage will stay the same, but, as the
13 stock assessments come in, the poundage will most likely
14 go up because we are in a rebuilding plan with Red
15 Snapper.

16 Right now the preferred option is three point
17 five five percent.

18 We have another option that is actually higher
19 than that, three point six seven percent I think.

20 If those go through Gulf Council and go into
21 final and the secretary signs it, then, state management
22 of Red Snapper will occur for all five states in the Gulf,
23 and y'all have a new task. Y'all will be managing Red
24 Snapper.

25 We will get that certain percentage of what is

1 agreed on. It may change at the end. We don't know yet.
2 We are in the final stages. It has been a really unified
3 effort.

4 I want to brag about our State. We have
5 assisted other states. We have had some battles on the
6 council floor, but it has moved forward.

7 The Director and I went to Mobile, we met and we
8 discussed a lot of different things with all the Gulf
9 states, and we have been moving forward.

10 I want to say that it has been a long battle,
11 but we are in the last stage and, hopefully, we can get
12 through and stabilize the fishery.

13 Just one last thing to say. Red Snapper right
14 now is a Gulf wide assessment done by NOAA, Southeastern
15 Science Center.

16 If we go to a State management plan, if
17 Amendment 50 is successful, we will be given an
18 allocation. The Gulf wide stock assessments will still
19 occur, but we will most likely have to understand, if we
20 are to fish them sustainably, we have to identify that
21 through a stock assessment off our State of Mississippi.

22 Right now we have NFWF funds which began three
23 years ago. We have the data. It has been coming in. We
24 have three full years of data to do a stock assessment.

25 That is a lot of forward thinking on my

1 predecessor, as well as the senior staff at DMR before I
2 came here, to initiate that.

3 We have the ability to do a State stock
4 assessment on Red Snapper, with the quantitative data that
5 we have now. We haven't done that, but, again, we have
6 the data. That's the hard part. Y'all all know that.
7 That's the expensive part.

8 Everything is in line for the State of
9 Mississippi to have a very successful Red Snapper fishery
10 for a long time.

11 COMMISSIONER BOSARGE: If you would, repeat that
12 one more time, what you said.

13 You said we manage under a what?

14 PAUL MICKLE: Gulf wide quota.

15 COMMISSIONER BOSARGE: A tack. That's the best
16 way. That's what I keep saying.

17 Thank you, Paul.

18 PAUL MICKLE: Yes, sir.

19 JOE SPRAGGINS: One other thing, too. NOAA said
20 the other day that they are going to go ahead and tag some
21 fish again this year, and they are going to turn them into
22 all the waters.

23 One tag is worth two hundred and fifty dollars.
24 The other tag is worth five hundred dollars. They have
25 two tags on the fish.

1 If you catch a fish and you take a picture of
2 it, and, then, release the fish, NOAA will pay you for
3 those fish. That is also something for our fishermen to
4 look at.

5 COMMISSIONER BOSARGE: Make sure you do a press
6 release on that.

7 COMMISSIONER GOLLOTT: One more question,
8 please, going back to the speckled trout.

9 The last thing I heard was it was expensive to
10 do an assessment on these speckled trout.

11 Have y'all made any plans on a Tails n' Scales?

12 Have you moved forward on that?

13 Have we looked at it anymore?

14 JOE JEWELL: We have. We are internally
15 addressing that issue that the Commission raised, and we
16 are close to what we think will be a relatively
17 appropriate program.

18 Keep in mind that the financial barrier is not
19 the only obstacle that we are facing. There have been
20 several issues that we have presented to the Commission in
21 the past.

22 For instance, the next major barrier is the fact
23 that when you talk about the Tails n' Scales app, it is
24 for a very small universe of fishermen. All these
25 fishermen have to have a boat to access the resource, so

1 we are able to monitor them from a law enforcement
2 perspective, compliance perspective.

3 Now, when you talk about a recreational program
4 for spotted Seatrout, this is an inshore species, not an
5 offshore species, and the universe could be potentially as
6 large as eighty-two to eighty-four thousand, depending on
7 how many recreational saltwater fishing licenses are sold.

8 That universe is quite large and on any given
9 day anybody can be fishing at any time locally.

10 we are all fishermen and enjoy fishing for
11 Spotted Seatrout. You can go down to a pier, or a dock,
12 and cast a line and immediately have access to the
13 resource.

14 Having a program financially in place is one
15 barrier, but having a program that addresses all of these
16 issues so that it is accurate data, or reasonably accurate
17 data, that we present to the Commission, we feel like all
18 the data that we have that we have presented to the
19 Commission is a reasonable assessment of the resource.

20 The issue that we have is if we establish a
21 program and we are unable to address the compliance issue,
22 this is an example. If we have two hundred fishermen out
23 fishing and only twenty, or thirty, of them report, that
24 is not an accurate representation of the fisheries, and
25 that is what we would be left with, with reporting to the

1 Commission, and we don't feel comfortable with that.

2 We are still in discussions internally how we
3 can address that. Once we breach some of those barriers,
4 as the Commission has requested, we will come back and
5 present that to the Commission.

6 COMMISSIONER GOLLOTT: Just so y'all will know,
7 we haven't put that on the back burner.

8 JOE JEWELL: We haven't either. We know that
9 y'all are going to request it sooner, or later, and we are
10 doing our best.

11 COMMISSIONER GOLLOTT: Just because it's
12 difficult doesn't mean you can't do it.

13 JOE JEWELL: That's right.
14 That completes Marine Fisheries.

15 COMMISSIONER BOSARGE: Other Business.
16 Mr. Joe wanted to make one announcement.

17 JOE SPRAGGINS: I just wanted to let everybody
18 know that we have a legislative briefing here on the 5th of
19 December at 8:00 a.m. If you can make it and would like
20 to attend, we would appreciate it. We will have
21 breakfast.

22 COMMISSIONER BOSARGE: At what time, Joe?

23 JOE SPRAGGINS: Eight a.m.

24 COMMISSIONER BOSARGE: On the 5th?

25 JOE SPRAGGINS: Yes, sir. We will have

1 breakfast served and hopefully we are going to have quite
2 a few legislators.

3 COMMISSIONER BOSARGE: The last thing is a
4 public comment by Mr. Bud Miller. We saved the best for
5 last.

6 BUD MILLER: Good afternoon and thank you for
7 the opportunity to speak to you.

8 My name is Bud Miller. I'm from Fish and Game
9 Scales.

10 we have a scale system for recreational anglers
11 to weigh their fish. I brought it to you before. I
12 brought it to you two months ago.

13 we are still doing it. We are trying to get the
14 process going, and we are trying to see if we can get some
15 to build because building these scale systems takes
16 approximately eight to ten weeks because we have to build
17 the computer systems.

18 It gathers the harvest information as soon as
19 the angler comes in from fishing.

20 It is flexible. We can use it for snapper. We
21 can use it for Spotted Seatrout. We can use it for
22 Sheepshead. We can use it for Triggerfish which is
23 another big fish in Florida. You can use it for
24 Amberjacks. It is rated up to two hundred and fifty
25 pounds.

1 MDMR receives an email instantly. As soon as
2 that angler finishes his completion, they will receive an
3 email with pictures for every fish species that he has
4 weighed.

5 You will see a picture of the screen shot where
6 we changed it. It doesn't take us long to change it. We
7 don't have to be onsite to change it. We can change it
8 elsewhere.

9 It's a big task, but it's a big task because we
10 are -- I don't want to say we are overfishing. I don't
11 think we are, but I think fishermen in certain states are
12 definitely getting penalized because we do have tacks, but
13 nobody weighs a fish except for commercial fishermen.

14 If recreational anglers step up to the plate and
15 start weighing their fish, I think we are going to get
16 better data. You are going to have greater information,
17 and we will end the overfishing that is happening.

18 Thank you.

19 COMMISSIONER BOSARGE: I agree. Thank you, sir.

20 KEITH DAVIS: Mr. Chairman.

21 COMMISSIONER BOSARGE: Yes.

22 KEITH DAVIS: I don't want to delay adjourning,
23 but I do want to make sure that I'm clear on the intent of
24 the Commission.

25 Going back to the tagged nets, I suggested, but

1 I don't remember anyone confirming that after a press
2 release from the agency today rescinding the tagged nets,
3 it is the intent of the Commission that they are invalid
4 for court purposes?

5 COMMISSIONER BOSARGE: That was my understanding
6 as long as that is legal, and I'm going to have to leave
7 that to somebody else.

8 COMMISSIONER DANIELS: That was the final
9 statement in the motion, that they are immediately
10 invalid, the tags and the placards, again, as long as
11 legal says we are okay with that.

12 JOE SPRAGGINS: I'm confused a little bit.

13 The tag itself it not valid anymore. The tag,
14 or the placard, is not something that the court can hold
15 and say that we have tagged the net, but these fishermen
16 can still fish their nets.

17 Is that correct?

18 JOE JEWELL: That's correct. The placard and
19 the tag that was issued had no legal authority to grant
20 legitimacy to the net at all. It was an accounting
21 system.

22 while Ms. Faye is here, I will let her weigh in
23 for the other portion of it.

24 what I advised the Commission is that because
25 this was a voluntary request by the Commission, it did not

1 incur a regulatory change, that the Commission could act
2 on this immediately because it wasn't a regulatory change.

3 I will let Ms. Faye have the final say on the
4 legality of the issue.

5 COMMISSIONER HAVARD: Joe, how is enforcement
6 supposed to identify gill net versus haul seine?

7 JOE JEWELL: I think it would be very similar to
8 the way they did it before we started issuing these tags
9 in 2015-2016, somewhere around there. They are going to
10 do it the same way they did it before.

11 The actual haul seine, a legitimate haul seine
12 has not been made illegal. It is not an illegal gear
13 type.

14 what would now be illegal is the type of fishing
15 gear that we saw in the video.

16 Until we have a definition of a haul seine, what
17 we would act on and I'm assuming that Chief Davis would
18 act on is what we all traditionally see as a haul seine.

19 COMMISSIONER BOSARGE: Chief Davis, out of
20 commonsense and common courtesy, I think I would give them
21 a couple days for that word to get around, or, at least,
22 if you come upon one, you say, I'm just letting y'all know
23 this is no longer valid, instead of catching somebody off
24 guard and they don't even know this has happened.

25 KEITH DAVIS: We are not going to do that, but I

1 do want to leave this room with a clear understanding that
2 if someone is fishing in the manner which was shown on
3 that video today with a monofilament net that, according
4 to this Commission, is not valid. That is the way we are
5 going to proceed. We are not going to charge anyone
6 today, but what is reasonable and what the court will
7 decide is reasonable is the direction that we are going to
8 go with.

9 Next Wednesday, if you are fishing in this
10 manner, we are not going to cite you. We are going to
11 take you to jail. That's the message that I want to make
12 sure the Commission is understanding. That is the stance
13 of Marine Patrol.

14 COMMISSIONER GOLLOTT: You can't tell them to
15 pick up their nets and go home?

16 KEITH DAVIS: No, sir, we cannot.

17 COMMISSIONER GOLLOTT: You can't stop them from
18 fishing?

19 It's my understanding you can stop them from
20 fishing at that point. You can say, this is no longer
21 legal.

22 JOE JEWELL: It is still an illegal fishing
23 gear. It is not a legal fishing gear, so Marine Patrol
24 does have the authority to act at their discretion.

25 When you get a speeding ticket, it is at the

1 officer's discretion. They can arrest you and bring you
2 to jail for that. It's their discretion. As a courtesy,
3 they give you a ticket.

4 I think those actions by those fishermen are so
5 egregious that I think I would agree with that.

6 COMMISSIONER HAVARD: Joe, are you going to get
7 with enforcement and clarify exactly what is considered a
8 legal haul seine?

9 JOE JEWELL: We have had meetings, and I think
10 the Chief and I are on the same page, as far as
11 understanding what a legal haul seine is.

12 KEITH DAVIS: We have a definition, and that was
13 gill net fishing.

14 The issue we have is we have a court that has
15 said because the manner in which Fisheries has done this,
16 I am not going to rule against the fishermen because there
17 is so much contradiction to what your impression is and
18 what your Fisheries management people's position is.

19 FAYE JAMES: Chairman, Bosarge, may I clarify
20 one thing?

21 COMMISSIONER BOSARGE: Yes.

22 FAYE JAMES: If the Commission adopts a
23 definition for a haul seine, if the placard and the tags
24 are not addressed in the regulations --

25 COURT REPORTER: (Interposing) We cannot hear

1 you.

2 JOE JEWELL: That's correct because we do have
3 in regulation issuance of the tag and the placard for gill
4 nets.

5 Haul seine is a separate issue, and we don't
6 have that authority. It is not in regulation. It was
7 simply a request for the Commission.

8 COMMISSIONER DANIELS: Just to be clear here, if
9 enforcement runs into somebody using the gear type that we
10 talked about that was in that video, you are within every
11 right to enforce on it, ticket them, or whatever that
12 decision may be?

13 KEITH DAVIS: Yes, sir.

14 If it is a monofilament net and because of the
15 egregiousness of what we are discussing today, I
16 personally hold the opinion that they should go to jail.

17 Now, that is the discretion of the officer that
18 catches them.

19 COMMISSIONER DANIELS: That is up to
20 enforcement.

21 COMMISSIONER BOSARGE: Any other questions?

22 (No response.)

23 COMMISSIONER BOSARGE: Do I have a motion to
24 adjourn?

25 COMMISSIONER GOLLOTT: Motion to adjourn, Mr.

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Chairman.

COMMISSIONER BOSARGE: Do we have a second?

COMMISSIONER GUESS: I'll second that motion.

COMMISSIONER BOSARGE: We have a motion and a second.

All those in favor aye.

(All in favor.)

COMMISSIONER BOSARGE: Meeting adjourned.

(Whereupon, at 1:35 o'clock, p.m., the November 27, 2018, meeting of the Commission on Marine Resources was concluded.)

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C E R T I F I C A T E

I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above and foregoing is a true and correct transcript of the November 27, 2018, meeting of the Commission on Marine Resources, as taken by me at the time and place heretofore stated in the aforementioned matter is shorthand, with electronic verification, and later reduced to typewritten form to the best of my skill and ability; and, further, that I am not a relative, employee, or agent, of any of the parties thereto, nor financially interested in the cause.

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