

COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, December 18, 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

Sandy Chesnut, Esq., Assistant Attorney General

Lucille Morgan, CSR 1251

COURT REPORTER

(228) 396-8788

1 COMMISSIONER BOSARGE: I would like to welcome
2 everybody to our December meeting.

3 To start it all off, we will ask Commissioner
4 Daniels to lead us in the Pledge of Allegiance.

5 (Pledge of Allegiance recited.)

6 COMMISSIONER BOSARGE: Next on the agenda is a
7 moment of silence to reflect on where we are and be
8 thankful we are in this great country we are in. Let's
9 take a moment of silence.

10 JOE SPRAGGINS: Sir, if we could add Ms. Sandra
11 in there.

12 COMMISSIONER BOSARGE: I would appreciate that,
13 Mr. Joe.

14 JOE SPRAGGINS: She has gone through a lot of
15 surgery and please keep her in your prayers.

16 COMMISSIONER BOSARGE: Thank you, sir.

17 (Moment of silence observed.)

18 COMMISSIONER BOSARGE: Thank you much.

19 Next on the agenda is approval of the minutes.
20 I think there are some changes that need to be
21 made to the minutes, Ms. Chesnut.

22 COMMISSIONER GOLLOTT: I would like to make a
23 motion that we add Cat Island netting to the agenda.

24 COMMISSIONER BOSARGE: Can we hold that just for
25 a minute, Commissioner Gollott, until we get to the
26 agenda?

1 COMMISSIONER GOLLOTT: Sure. I'm sorry.

2 COMMISSIONER BOSARGE: Okay. It's no problem.

3 Ms. Chesnut, do you have some changes you need
4 to make to the minutes?

5 SANDY CHESNUT: Yes, sir. I was reviewing the
6 tape and comparing the transcript. There are a couple of
7 changes I would like to note.

8 Page twenty, line eighteen, indicates that
9 Commissioner Daniels asked a question. That was
10 Commissioner Bosarge.

11 On page forty-three, line seven, it says, "lack
12 of clarify", and that is lack of clarity.

13 Then, on page sixty-two, line twenty,
14 Commissioner Guess said, "well, I'm not comfortable on the
15 like contrivance" the way it is transcribed, and the tape
16 revealed that it said, "well, I'm not comfortable. Then,
17 I'll say no on the like contrivance." So that needs to be
18 added.

19 I would just like to say that in reviewing the
20 transcript and the tapes, it is very, very hard to follow
21 because people were talking over each other, and I would
22 just like to remind you that the meetings are being
23 transcribed.

24 Lucille does a great job transcribing these
25 minutes, but she cannot transcribe accurately, when people
26 are talking over each other.

1 I would just like to remind you to be mindful of
2 that and try not to interrupt.

3 COMMISSIONER BOSARGE: All right. I'll see if I
4 can do a better job of maybe keeping it one person
5 speaking at a time.

6 SANDY CHESNUT: Thank you.

7 COMMISSIONER BOSARGE: Do we have a motion to
8 approve the minutes as amended?

9 COMMISSIONER GOLLOTT: I'll make that motion,
10 Mr. Chairman.

11 COMMISSIONER BOSARGE: We have a motion.
12 Do we have a second for that motion?

13 COMMISSIONER DANIELS: I'll second that.

14 COMMISSIONER BOSARGE: We have a motion and a
15 second.

16 All those in favor aye.

17 (All in favor.)

18 COMMISSIONER BOSARGE: Opposed like sign.

19 (None opposed.)

20 COMMISSIONER BOSARGE: Motion carries.

21 Next up on the agenda will be approval of the
22 agenda.

23 Do we have any modifications, or changes, to the
24 agenda?

25 COMMISSIONER GOLLOTT: Yes, sir. I would like
26 to modify the agenda and add Cat Island Net Fishing.

1 COMMISSIONER BOSARGE: Where would you like to
2 put that?

3 COMMISSIONER GOLLOTT: Let's see. Pick out a
4 place, Mr. Chairman, that is convenient.

5 COMMISSIONER BOSARGE: I guess we will put it
6 under Office of Marine Fisheries.

7 COMMISSIONER GOLLOTT: Yes, sir.

8 COMMISSIONER BOSARGE: How about K-3?

9 COMMISSIONER GOLLOTT: Okay.

10 COMMISSIONER BOSARGE: Do we have any other
11 modifications, or additions, to the agenda?

12 (No response.)

13 COMMISSIONER BOSARGE: Seeing none, do we have a
14 motion to approve the agenda as modified?

15 COMMISSIONER HAVARD: Mr. Chairman, I will make
16 a motion that we approve the agenda as modified.

17 COMMISSIONER BOSARGE: Do we have a second for
18 that motion?

19 COMMISSIONER GOLLOTT: I'll second it, Mr.
20 Chairman.

21 COMMISSIONER BOSARGE: We have a motion and a
22 second.

23 All those in favor aye.

24 (All in favor.)

25 COMMISSIONER BOSARGE: Opposed like sign.

26 (None opposed.)

1 COMMISSIONER BOSARGE: Motion carries.

2 Next up will be Executive Director's report, Mr.
3 Joe Spraggins.

4 JOE SPRAGGINS: Yes, sir. A couple of things
5 real quick. We talked --

6 COMMISSIONER BOSARGE: (Interposing) Just one
7 minute, Mr. Joe.

8 I would like to recognize Senator Seymour for
9 taking time out of your day to come in here and listen to
10 all of this here and see if we make any headway.

11 Thank you, sir.

12 SENATOR SEYMOUR: Thank you.

13 COMMISSIONER BOSARGE: Okay.

14 JOE SPRAGGINS: We are calling it the Peer
15 Review Committee, but really it is just an oversight
16 review committee. We have talked about this a little bit
17 in the past, myself and you and others, and I just wanted
18 to bring you up to date.

19 We still want to put together the teams that you
20 have recommended and try to get a way of operating and how
21 they should operate and what we do.

22 Until then, I wanted just to give you an
23 overview, give you an overview of where we stood right now
24 so that the Commission can understand where we are.

25 What we are looking at now, I think you see the
26 names and these are the people that have the contracts and

1 what has been hired over the last year.

2 I can't see that thing. It's hard for me to see
3 it, but anyway what I'm looking at here, I've got another
4 cheat sheet so I can cheat.

5 If you will look at it, the contract workers, it
6 shows who we have hired over the last six months, or a
7 year, and the salaries they are making and the jobs that
8 they are doing so you can look at that, if you have any
9 questions at all about who might be in those positions.

10 If you look at your vendors, you will see the
11 vendors that we have done and the type of option of how we
12 did it, like, a reverse auction, or invitation for bid, or
13 if they were exempt.

14 I think you will see the last two on there were
15 Jerry Forte and Crystal Seas. They were exempt because
16 they were buying live animals, so they didn't have to
17 compete to bid on it. We give them a price that we are
18 going to pay them anyway.

19 A lot of the things are done with reverse
20 auction, and you can see that.

21 That service contract, we've got Mississippi
22 State and J. Borries. That was an invitation for bid with
23 him to do this oyster relay.

24 Then, you get the advertisement, and you can see
25 the things that we did there with different ones, boats we
26 bought and some vegetation stuff and also some beach storm

1 outfalls and that is a Governor's act. He is doing that.
2 I think y'all have been briefed on that.

3 That just gives you an idea of what, in the last
4 six months, we have done.

5 We are in the first six months of the fiscal
6 year 2019. I wanted you to see where we are and what
7 we've done there.

8 If y'all have got any questions of anything, you
9 can look at that.

10 Then, if we move over to the next page -- if I
11 can get this computer to work, I will see where I'm at
12 here, but it looks at the people that have been hired.
13 Those are the ones that have been hired in the agency in
14 2018.

15 You look at it and you say, that's a lot of
16 people. Well, there is a lot of turnover sometimes, and
17 the turnover is because people are going -- some member of
18 their family is being transferred, so they transfer with
19 them, or someone getting a better job and going somewhere
20 else and working and getting a better job.

21 As I have always said, most of the people
22 working at DMR are not working for the money. They are
23 working for the love of the job and to want to do
24 something and maybe further advance themselves.

25 If you have any questions, that's who they are.
26 You can see the people and that way it will give you an

1 idea of what is going on.

2 Once again, this is not to supercede at all
3 anything to do with what we were talking about before. We
4 will continue to do that and work on that group that you
5 were talking about.

6 COMMISSIONER BOSARGE: I appreciate the info.
7 Is that information that we can get off the
8 portal?

9 JOE SPRAGGINS: Yes, sir, it's on the portal.

10 COMMISSIONER BOSARGE: All right. Good.

11 JOE SPRAGGINS: That's on there for you to look
12 at.

13 what we will do is every month we will update
14 that, until we get all of this worked out, and we will
15 just continuously update it. Every month I will give you
16 a report of the contracts that were done that month and
17 any new hires. It will be a lot shorter list.

18 COMMISSIONER BOSARGE: And we had talked about
19 putting a small, I guess, Commission meeting together to
20 go over this.

21 JOE SPRAGGINS: Yes, sir.

22 COMMISSIONER BOSARGE: Do you see maybe being
23 able to do that in January?

24 JOE SPRAGGINS: Yes, sir, we can probably do it
25 in January. I know right now there are a lot of things
26 going on with the holidays.

1 If it is all right with you, we will just look
2 at that in January.

3 COMMISSIONER BOSARGE: Sounds good to me.

4 Thank you, sir.

5 JOE SPRAGGINS: Kim Papania is going to brief on
6 the administrative penalties that we had. We had Logan
7 Stokes who is one of the last ones that we had, as far as
8 the fishing violations that we had with the speckled
9 trout.

10 KIM PAPANIA: Good morning Commissioners,
11 Director, Ms. Chesnut.

12 Today we have Mr. Logan Stokes.

13 COMMISSIONER BOSARGE: Kim, is the mike on?

14 Is that mike on?

15 KIM PAPANIA: I'm not sure. It looks like it
16 is.

17 JOE JEWELL: It's on.

18 COMMISSIONER BOSARGE: Just push the button
19 right down at the bottom.

20 KIM PAPANIA: There we go.

21 Today we have Mr. Logan Stokes, and he is being
22 represented by Mr. Ryan Bradley.

23 Mr. Bradley has requested a private hearing, so
24 I don't know that I need to do this presentation today,
25 but they are here to speak to the Commission.

26 At this time, Mr. Bradley.

1 RYAN BRADLEY: Commission, just to clarify, we
2 requested a hearing. We didn't specify as to private
3 hearing.

4 It does state in the regulation that it is, by
5 default, a closed hearing.

6 If the Commission was willing to consider some
7 leniency for Mr. Stokes, we would definitely consider
8 repealing that request.

9 Mr. Stokes, he claims that during this time
10 these trip tickets were due, he was out fishing offshore
11 working on an offshore boat. He was gone for weeks at a
12 time. His grandparents were responsible for filing these
13 trip tickets.

14 The closest trip ticket box is well over thirty
15 miles away from his grandparents' home.

16 From what he indicated to me, I think one of the
17 ones he was late just by a couple of days getting those
18 in.

19 We would definitely see if the Commission had
20 any interest in reducing that fine for Mr. Stokes.

21 COMMISSIONER BOSARGE: Just so I understand, you
22 have asked for a hearing and/or a reduced fine with the
23 hearing dropped?

24 I'm trying to wrap my head around it.

25 RYAN BRADLEY: Yes, we asked for a hearing.
26 From what we understand, it's a pretty detailed process.

1 Before we move on, maybe Sandy could brief the
2 Commission a little bit on what is all entailed with a
3 hearing. It will cost time and money, and I'm sure nobody
4 wants to have to deal with it, but we would be willing to
5 forego that hearing, if the Commission was willing to show
6 some leniency to Mr. Stokes.

7 I will just say I wanted to mention that there
8 were several recreational fishermen that were cited for
9 actual fishing violations with the Tails n' Scales. They
10 had reported fish and, from our understanding -- it's in
11 the public record in the meetings -- that they had
12 received a warning violation. I think that sets a firm
13 precedent.

14 This wasn't an actual on-the-water fishing
15 violation. This is a clerical error, paperwork error, and
16 we would like the Commission to consider that.

17 I would love to hear what the hearing procedures
18 were because I'm really not clear on it myself.

19 KIM PAPANIA: Can I just remind the
20 Commissioners that when you apply for --

21 COMMISSIONER BOSARGE: (Interposing) Speak into
22 the mike, please.

23 KIM PAPANIA: when you apply for the license to
24 do this, you understand that you are responsible for
25 filing those trip tickets.

26 whether they were late, or not, or where he

1 could take them was thirty miles from here, he was
2 responsible for filing those trip tickets.

3 COMMISSIONER BOSARGE: Is there any statute that
4 says there is a set punishment for not filing those Trip
5 Tickets?

6 KIM PAPANIA: Commissioners, I do believe it's
7 in the Title 20 regulations, and this is the same fines
8 and the same charges that we brought up on the October 16th
9 meeting.

10 We just were not able to bring his to that
11 meeting because he was offshore working, so we weren't
12 able to serve him. It is the exact same as everyone that
13 I presented in October.

14 COMMISSIONER BOSARGE: That has kind of always
15 been my issue with it is that there is not a set
16 procedure. It doesn't say first offenses, second
17 offenses, third offences.

18 SANDY CHESNUT: The administrative penalties is
19 set up so that any violation of regulation can be fined
20 for ten thousand dollars, up to ten thousand dollars.

21 KIM PAPANIA: And it's up to the Commission to
22 do that fine, whatever amount they want to ask for up to
23 ten thousand dollars.

24 JOE SPRAGGINS: Commissioner, if I could, we did
25 meet with Mr. Bradley and Mr. Stokes, and we talked to
26 them, and one of the things I explained to them was that I

1 couldn't do any different than we have done in the past.

2 we had already looked at the other gentlemen,
3 ladies and gentlemen that had violations, and I had
4 brought that to y'all and I had given you that this was
5 the number, and we had asked to reduce it down to another
6 number, and we offered the same thing to them, and that's
7 all I could do.

8 I told him. I said, "I can't treat anybody any
9 different than I treated the others because that would be
10 unfair."

11 That's where we are, sir.

12 COMMISSIONER GOLLOTT: Excuse me, Mr. Chairman.

13 COMMISSIONER BOSARGE: Yes, sir.

14 COMMISSIONER GOLLOTT: Could we get somebody to
15 clarify this for the public?

16 what was the fine?

17 what was it for?

18 There might be some people in the audience that
19 don't know.

20 JOE SPRAGGINS: We have the report, if you would
21 like to see it there.

22 KIM PAPANIA: Go to slide seven.

23 COMMISSIONER DANIELS: If I'm looking at this
24 correctly, his original fine was going to be fifteen
25 hundred and eighty-seven dollars, but we have already
26 reduced that down to six hundred and thirty-five dollars.

1 Correct?

2 KIM PAPANIA: That's correct.

3 If you do what you did at the October 16th
4 meeting, then, his fine would be the six hundred and
5 thirty-five dollars, you would give him forty-five days to
6 pay that, and, then, allow legal to set up a payment plan
7 for six months.

8 COMMISSIONER DANIELS: So we have already
9 knocked over fifty percent off of the original fine.

10 COMMISSIONER GOLLOTT: One more question.

11 Was there a recreational fisherman turned loose
12 with just a slap on the wrist?

13 COMMISSIONER BOSARGE: Commissioner Gollott, I
14 think what he is referring to is if you recall we had, I
15 think it was four recreational fishermen that actually
16 went fishing at two different periods of time when the
17 season was closed, and they went ahead and filled out
18 their Tails n' Scales, they went fishing, and, then,
19 closed their trips.

20 That is what he is referring to, but, once
21 again, in my opinion -- and it's the same thing, and I
22 haven't had time to go back and research any of this, but
23 when we set up any -- when you set up trip tickets -- and
24 I've been involved in trip tickets in a bunch of different
25 states and on the Federal level, and it was always
26 understood that that would never be used as a tool for

1 enforcement.

2 And it's the same thing I say about the Tails n'
3 Scales. That doesn't need to be a tool for enforcement.
4 These guys, yes, they did wrong. They actually broke the
5 law, but actually using that to write them a ticket, I
6 don't think that's -- that's counterproductive, in that it
7 is actually making them not want to do it, not want to
8 fill it out.

9 Anyhow, It has always been understood that that
10 would not be used as an enforcement tool the same way we
11 are kind of doing it now. We are using this as an
12 enforcement tool, a tool enforcement can use to levy
13 fines.

14 RYAN BRADLEY: And there is one other thing I
15 would like to bring to the Commission's attention, and
16 this was never brought up during any of these proceedings
17 and maybe y'all on the Commission had forgotten, or
18 weren't aware of it, but, in 2017, there was a Notice of
19 Intent, a regulation change that was passed, approved for
20 final adoption I want to say in March, or April, of 2017,
21 that changed the regulation where these fishermen had to
22 report. They were responsible for reporting their out-of-
23 state sales.

24 Up until last year, probably in May, or June,
25 this wasn't the law. I don't think these fishermen were
26 fully acquainted with this, that they had to report these

1 fish. This is a fairly new regulation.

2 I had asked before in previous meetings, did
3 these fishermen get mailed notifications, when this
4 regulation changed?

5 I never got a response. I would like to know
6 that.

7 Also, when they renewed their permit, their
8 fresh product permit -- I have asked several of them --
9 they were not notified of the specific regulation change.

10 Now, granted, I know that ignorance of the law
11 is not an excuse which I have always been told in my
12 fishing career, but I think that there are some factors
13 there that aren't being considered.

14 That's why I would be glad to ask for the
15 Commission's leniency.

16 KIM PAPANIA: Again, Commissioners, it is the
17 fishermen's responsibility to keep track of any title
18 changes, or regulations, and we do publish that on our CMR
19 website so that, at any time, they can go and look at
20 that, but, when they apply for a permit, it is their
21 responsibility to know what the regulations and the
22 statutes are.

23 COMMISSIONER BOSARGE: Yes, that's right.

24 I guess what Mr. Stokes is asking for and Mr.
25 Bradley is asking for would be if the Commission feels
26 like they want to reduce the fine.

1 If not, I guess you will proceed on with the
2 hearing.

3 RYAN BRADLEY: Yes. I would just ask the
4 Commission if you are going to make a decision and give us
5 until the end of the day to decide if we are going to
6 accept that, or move forward with the hearing.

7 SANDY CHESNUT: I'm sorry.
8 what are you requesting?

9 RYAN BRADLEY: If the Commission just wants to
10 proceed with the fine as is, let me confer with my client
11 and see if he is willing to accept what the current fine
12 is, or he may want to proceed with the hearing in this
13 matter. That really depends on if the Commission takes
14 any action, or not, here.

15 COMMISSIONER BOSARGE: I guess I'm asking the
16 rest of the Commissioners does anybody have anything they
17 want to say?

18 COMMISSIONER GOLLOTT: The only thing I don't
19 understand is -- and you are the one who brought it up --
20 that if somebody is breaking the law, we wouldn't use a
21 ticket method to make them obey.

22 I mean, your Tails n' Scales is not any good, if
23 you don't have some enforcement behind it.

24 Am I looking at this thing wrong, Steve?

25 COMMISSIONER BOSARGE: Yes and no -- no, you're
26 not looking at it wrong. I guess if we wanted to bring

1 the Tails n' Scales under the Administrative Penalties
2 Act, then, we could do the same thing we are doing here,
3 and we could meet as a group and decide what we want to
4 do.

5 Yes, you're right, but I still don't think that
6 is right. I don't think that -- in my opinion, it should
7 not be used, Tails n' Scales should not be used as an
8 enforcement tool, even though these people did -- they
9 broke the law. In other words, they went fishing during
10 closed season.

11 COMMISSIONER GOLLOTT: And it should apply to
12 everybody equal, commercial and recreational the same.

13 Is there a way the recreational fishermen are
14 getting out of it and the commercial fishermen are getting
15 nailed?

16 COMMISSIONER DANIELS: One thing I'm unclear
17 about, you said, confer with your client.

18 Are you implying that you are legal
19 representation for him?

20 RYAN BRADLEY: No, absolutely not, and I want to
21 clarify that. I'm not an attorney and, in the
22 regulations, it says that one doesn't have to be an
23 attorney to represent somebody in this administrative
24 procedure process.

25 COMMISSIONER BOSARGE: Do we have an consensus
26 that we leave the fine where it is and let it go to a --

1 COMMISSIONER GOLLOTT: (Interposing) I'll make
2 that motion, Mr. Chairman, that we leave the fine where it
3 is and go forward with it.

4 COMMISSIONER BOSARGE: We have a motion.

5 Do we have a second for that motion?

6 COMMISSIONER HAVARD: I'll second the motion.

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

9 All those in favor aye.

10 (All in favor.)

11 COMMISSIONER BOSARGE: Opposed like sign.

12 (None opposed.)

13 COMMISSIONER BOSARGE: Motion carries.

14 SANDY CHESNUT: I do want to clarify. We did --
15 in the past violations, we went with the lower amount,
16 upon payment of six hundred and thirty-five dollars.

17 Is that the fine that you are proposing that you
18 go forward with, or the fifteen eighty-seven?

19 KIM PAPANIA: With the previous ones, you guys
20 took out the have no new fishing violations in any
21 jurisdiction for a period of one year. Basically, what
22 you did with all the other ones was you just made them pay
23 the lower fine, gave them forty-five days, and, then, said
24 that legal could set up a six-month payment plan.
25 Everything else, you took off.

26 COMMISSIONER GOLLOTT: Well, let's do the same

1 for him that we did for everyone else, if that is all
2 right.

3 RYAN BRADLEY: Thank you, Commission.

4 COMMISSIONER BOSARGE: Thank you.

5 JOE SPRAGGINS: Have you got something else on
6 that?

7 COMMISSIONER BOSARGE: No, sir.

8 JOE SPRAGGINS: Let me get back to where I was
9 here.

10 we've got a couple of other things.

11 KIM PAPANIA: Director, I may have one other
12 thing. I just need to see if she is here, or not.

13 Melissa Ryan.

14 (No response.)

15 KIM PAPANIA: That's it for me. Sorry.

16 JOE SPRAGGINS: We had a Petition for
17 Reconsideration by the Mississippi Commercial Fisheries
18 United, Ryan Bradley, and the petition was to reconsider
19 the Title 22, Part 20.

20 If we could bring that up, there is the petition
21 you see for reconsideration.

22 The Commission has had an opportunity to grant,
23 or deny, a Petition for Reconsideration without further
24 argument, but the request is a response from the DMR prior
25 to making a final disposition.

26 They can set the matter for an evidentiary

1 hearing, or they can make such further orders as it deems
2 appropriate under the circumstance.

3 SANDY CHESNUT: Director, I think what we need
4 to do, first, is let Ryan present his petition to the
5 Commission, and, then, the Commission will have these
6 options and, if they want the DMR to make a response, we
7 will be prepared to do that.

8 JOE SPRAGGINS: Okay. Mr. Bradley.

9 RYAN BRADLEY: Ryan Bradley, Director of
10 Mississippi Commercial Fisheries United.

11 First, I want to apologize to Ms. Chesnut
12 because the legal aids that helped draft this document
13 have spelled Ms. Chesnut's name wrong throughout, and I do
14 apologize. We are going to have to fire those folks.

15 A couple of things I would like to get on the
16 record is, first, I would like to say that we think that
17 any action here today short of full repeal of this
18 regulation would be unsatisfactory.

19 We do believe strongly that the current
20 regulation's wording is unconstitutional.

21 COMMISSIONER BOSARGE: Excuse me just a minute,
22 Mr. Bradley.

23 RYAN BRADLEY: Go ahead.

24 COMMISSIONER BOSARGE: Just so everybody is on
25 the same page, which regulation are you referring to?

26 If my memory serves me correctly, it would be

1 the one with the revocation of tags.

2 RYAN BRADLEY: This is Title 22, Part 20. It
3 reads:

4 "Administrative Procedures, Chapter 21,
5 Penalties, Modifications to Section 104 and adds
6 new Section 105."

7 Essentially, it added one word. In Chapter 21,
8 Section 104, it added "endorsements". It reads:

9 "Suspension, or revocation, of licenses,
10 permits, or endorsements" -- that was the word
11 that was added -- "may be commenced, in addition
12 to seeking administrative penalties."

13 Then, it added one section to Section 105:

14 "The Commission may revoke regulatory program
15 requirements such as, but not limited to,
16 endorsements, tags, permits, or similar
17 provisions, for violations related to that
18 particular program."

19 That was the full scope of the regulatory
20 change.

21 COMMISSIONER BOSARGE: All right. Continue on.

22 RYAN BRADLEY: We expressed some concern. I
23 guess each of you had seen our Petition to Reconsider that
24 we had filed.

25 We expressed some concerns that the regulation
26 was so vague that it could warrant some seriously

1 discriminatory enforcement.

2 Just theoretically, if you have one speckled
3 trout, one under-size speckled trout, you could receive a
4 violation and be brought forth on administrative penalties
5 and have your endorsement revoked.

6 The regulation really doesn't set standards of
7 egregiousness, or classes of violations.

8 I know in some states they have certain classes
9 of violations. You commit a certain class violation, you
10 are subject to this and a different class you are subject
11 to this.

12 Due to the vagueness of the regulation, it
13 really puts it open to the discretion of the Commission,
14 the discretion of the Marine Patrol, whether or not they
15 want to bring that to the Commission for administrative
16 penalties.

17 I just want to back up and say we fully support
18 the revocation of people's permits, or endorsements, if
19 they are egregiously violating the law. We fully support
20 that, but we don't want to see people being picked on for
21 whatever reasons.

22 If we look to Nichols versus the City of
23 Gulfport which was adjudicated in the Mississippi Supreme
24 Court, we see that a similar instance resulted in the
25 Court striking down a very similar vague ordinance.

26 The Court stated, in that opinion, that the

1 Ordinance is vague in a sense that no standard of conduct
2 is specified at all.

3 I would also like to add that the way the
4 wording of the regulation is now, if an endorsement, or
5 permit, or tag, or anything, is revoked, that is an
6 indefinite revocation.

7 The wording doesn't say shall be for a year, or
8 three years, or five years.

9 If we look to Mississippi Code 49-15-63 for
10 guidance, the Commission does have the authority to revoke
11 licenses under very specific instances, in accordance with
12 the administrative penalties.

13 For example, if a person has five seafood
14 violations within a five-year period, y'all can revoke
15 their license indefinitely.

16 If they have a first offense, you know, you can
17 revoke it for five days. Second offense, no more than
18 thirty days.

19 There is none of that in this revocation, this
20 regulatory requirement revocation that was changed here.

21 we would ask the Commission to consider repeal
22 of this regulation today. It is already gone into effect.

23 I think the only reasonable option would be to
24 repeal it.

25 we would love to work with the Commission to
26 define what is an egregious act, you know, how long should

1 a revocation be.

2 I just hate to see these guys get picked on for
3 one little thing.

4 COMMISSIONER BOSARGE: I read the same thing
5 into it that you did and, of course, I'm the commercial
6 representative, so I have to kind of represent my crowd,
7 too.

8 I felt like if we had first offense, second
9 offense, third offense, it would be much better.

10 I know I don't have a law degree and I don't
11 think anybody else up here does either, so none of us are
12 qualified to be a judge. We might be a jury.

13 Excuse me. Except Ms. Chesnut. I have made
14 that mistake twice.

15 Ryan, I tend to agree with you. I would love to
16 see if the Commission would feel like we could sit down
17 and talk about this, and come up with some first offense,
18 second offense; in other words, put something in place to
19 where we know what constitutes a revocation of
20 endorsement, permit, whatever.

21 COMMISSIONER DANIELS: Sandy, is that something
22 we could do, a schedule of offenses like other states
23 have, on this?

24 SANDY CHESNUT: You certainly could.

25 The administrative penalties procedure, though,
26 is set up on a very broad basis for a reason.

1 As you notice, the fine is up to ten thousand
2 dollars per violation. It is not set up on first offense,
3 second offense, third offense, and it is set up so that
4 you can penalize for any regulatory violation, any
5 statutory violation.

6 It is not designed the way a statute is
7 designed.

8 The fishermen have knowledge of the regulations.
9 They know the regulations.

10 You are not establishing a new regulation. You
11 are not establishing a new broad regulation like Ryan is
12 saying that was overturned in Nichols. I'm not familiar
13 with Nichols per se because it wasn't cited in his
14 petition, but the cases that he did cite, they were all
15 new regulations.

16 These aren't new. These guys know what is out
17 there.

18 The discretion is built into the administrative
19 penalty procedure because you have a five-panel board that
20 are considering these and due process is throughout the
21 whole process.

22 If you go through the Administrative Penalties
23 Procedure, you get a lot more due process than I have ever
24 seen before.

25 To answer your question, that is something you
26 can surely consider. I would not advise it, but that is

1 something that you do have the option of looking at.

2 COMMISSIONER BOSARGE: I just know, from my
3 experience up here, I don't like being put in that
4 position to where I have to decide something that affects
5 somebody else's life.

6 All through my history, it has always been it
7 didn't matter if you were in a class in school and you got
8 A, B, C on your paper and there was a set of guidelines
9 that that professor, or teacher, had to go by to give you
10 that grade. You had to miss this, that. You had to do
11 this.

12 If you speed down the road, you get your first
13 speeding ticket. You get your second one. It builds.

14 I mean, I honestly don't see where in this
15 particular instance that -- it's like Mr. Bradley said.
16 Somebody could have one fish undersize and just be a
17 person that is not liked, and we could fine them up to ten
18 thousand dollars. I don't think that is fair under the
19 law, even though that person may have broken the law.

20 Is it egregious enough to be a ten thousand
21 dollar fine?

22 I think personally we could, this group get
23 together, set a penalty matrix for these endorsements, and
24 I think we would all feel much more comfortable when
25 somebody did violate it.

26 Can we have a motion for that?

1 COMMISSIONER DANIELS: Steve, could we table
2 this and look into it a little more, since he has stated
3 what he is looking for?

4 COMMISSIONER BOSARGE: I don't see why not.

5 COMMISSIONER DANIELS: Come back next meeting
6 and make a decision?

7 COMMISSIONER BOSARGE: Yes.

8 COMMISSIONER DANIELS: I can see both sides of
9 this, so I would like to learn a little more about it.

10 COMMISSIONER BOSARGE: Do you want to put that
11 in the form of a motion, to table this?

12 COMMISSIONER DANIELS: I would like to make a
13 motion to table this Petition for Reconsideration until
14 the January meeting.

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

17 COMMISSIONER HAVARD: I'll second the motion for
18 Commissioner Daniels.

19 COMMISSIONER BOSARGE: We have a motion and a
20 second.

21 Any further discussion?

22 (No response.)

23 COMMISSIONER BOSARGE: All those in favor aye.
24 (All in favor.)

25 COMMISSIONER BOSARGE: Opposed like sign.
26 (None opposed.)

1 COMMISSIONER BOSARGE: Motion carries.

2 RYAN BRADLEY: Thank you, Commission.

3 COMMISSIONER BOSARGE: Mr. Joe.

4 JOE SPRAGGINS: One other thing we have is we
5 had a request to change the CMR meeting times by the CCA.
6 If you pull that up, you can see what was sent
7 to us.

8 COMMISSIONER BOSARGE: I think we've got some
9 public comment.

10 JOE SPRAGGINS: Yes. We haven't called them
11 yet.

12 Hang on, Mr. Eicke.

13 COMMISSIONER BOSARGE: Hang on, Mr. Eicke, just
14 a minute.

15 JOE SPRAGGINS: This gentleman was first, Mr.
16 Rhodes, I believe. You can do either one.

17 Anyway, just to give you a background of what it
18 was, I met with the CCA the other day and we talked about
19 this, and the question was to change it to 5:00 o'clock.

20 That does not work for the agency because we
21 would have to pay everybody overtime and do some work, and
22 it would really be a hardship for the agency, but they are
23 willing to look at some other things.

24 If that's all right with you, sir, I would like
25 to turn it over and let Mr. Eicke and them talk.

26 COMMISSIONER BOSARGE: Yes, sir.

1 Mr. Eicke, state your name.

2 F. J. EICKE: My name is F. J. Eicke. I'm the
3 chairman of the Government Relations Committee for --

4 COMMISSIONER BOSARGE: (Interposing) Mr. Eicke,
5 could I interrupt you?

6 F. J. EICKE: Yes.

7 COMMISSIONER BOSARGE: Is it just me?

8 I see people fanning themselves.

9 Have we got some air in here?

10 I see Commissioner Daniels taking his coat off
11 and a bunch of people back there fanning themselves.

12 COMMISSIONER DANIELS: Thank you.

13 COMMISSIONER BOSARGE: Yes, sir.

14 All right, Mr. Eicke, continue on.

15 F. J. EICKE: Thank you.

16 I guess I've got to identify myself. F. J.
17 Eicke. I'm the chairman of the Government Relations
18 Committee for Coastal Conservation Association of
19 Mississippi.

20 what we are asking is based on requests from
21 some of our younger members who are fully employed and
22 would love to have the opportunity to attend these
23 meetings.

24 Right now, in Title 22, Part 2, Section 5.1,
25 there is a specified time, 9:00 o'clock. This Commission
26 has varied from that time. Of course, they do at special

1 meetings, but also on regular meetings. In two cases, I
2 don't quite understand why we change the time to 10:00
3 o'clock, when we go to Jackson County, or Hancock County,
4 but anyway we do, so we have done this before.

5 what we would like to express to the Commission
6 and to the Department is that the current transparency of
7 this Department is really phenomenal. We are getting the
8 agendas through emails, but also on the website we are
9 getting the PDF's that are occurring on a regular basis
10 soon after these meetings and the minutes after they are
11 approved. That is a real gain for public information.

12 However, it doesn't solve the problem of people
13 who want to attend the meeting and there are quite a few
14 of our younger members who are quite passionate about many
15 of the things that y'all address that would like to attend
16 the meetings.

17 Based on our conversations with Director
18 Spraggins, the 5:00 o'clock thing is, in all likelihood,
19 not really something that can be done with ease.

20 However, many of our members have said that just
21 having flexibility to where some meetings perhaps are set
22 at 1:00 o'clock. Since they work, it gives them a chance
23 to do a morning on the job, and, then, come to the meeting
24 at 1:00 o'clock and have the rest of the day and not have
25 to concern themselves with returning to work at a certain
26 time.

1 what we are suggesting as an alternative to what
2 is in our letter which requested 5:00 o'clock, or
3 something like that, is that there be -- just strike the
4 term "9:00 o'clock" and let the Commission set the meeting
5 time from month to month, or somewhat in advance perhaps
6 over a period of two, or three, months so that the public
7 knows when these meetings will occur and would be able to
8 make some of them, and you might want to do it on a
9 selective basis, in terms of what is coming up and what
10 the nature of the agenda is.

11 COMMISSIONER BOSARGE: Yes, sir, Mr. Eicke.
12 That was my thoughts, and I talked to Mr. Joe about that a
13 little bit, and he was talking about the 5:00 o'clock
14 thing. That is just about impractical within reason. I
15 mean, you are asking everybody --

16 F. J. EICKE: (Interposing) You ask for the
17 world, and, then, you back off.

18 COMMISSIONER BOSARGE: To adjust the time, I
19 don't really see a big issue with that, other than maybe -
20 - because you see some of our meetings go a long time and
21 some of them are real short.

22 F. J. EICKE: Right.

23 COMMISSIONER BOSARGE: This is one them.

24 F. J. EICKE: You are predicting this one to be
25 short?

26 COMMISSIONER BOSARGE: I don't know.

1 If the staff looks at it and sees that it is an
2 agenda that is not going to be a long meeting, then, yes,
3 maybe we could adjust that time some.

4 F. J. EICKE: The other thing is you need to
5 change the Administrative Handbook to get the 9:00 o'clock
6 out as the specified time. I don't know if that is
7 required. It seems to be. You are kind of nailed in with
8 9:00 o'clock in the Administrative Handbook.

9 I mean, I've got a calendar that is three, or
10 four, months out that had 9:00 o'clock on the third
11 Tuesday.

12 COMMISSIONER BOSARGE: Well it is structured.
13 It adds structure to everybody's life. They know what to
14 plan on.

15 F. J. EICKE: However it can be handled, we are
16 fine with it. We would just like to see some meetings at
17 other times and, if 1:00 o'clock will work, 1:00 o'clock
18 is acceptable.

19 COMMISSIONER BOSARGE: We will discuss it. We
20 will think about it.

21 We also have one more public comment on this
22 issue, I think, Mr. Chris Rhodes.

23 CHRISTOPHER RHODES: Good morning Commission.
24 I'm Christopher Rhodes with the Mississippi
25 Commercial Fisheries United.

26 I would like to object to a schedule change. I

1 don't think it is fair to DMR. As you already said, this
2 would require overtime and all of you people have lives.
3 I don't think that would be fair to children at home and
4 family activities. work life balance is a real thing.

5 If the Commission is going to consider this, I
6 also ask that some of the meetings be held in our larger
7 cities, Hattiesburg and Jackson. In the fair and
8 equitable process for our public resources, this would
9 only be fair.

10 Currently, these people are the silent majority,
11 and I believe they should have access to opinions and the
12 public resources.

13 As far as I know, this isn't a thing, is it?
14 That's all I have.

15 Comments?

16 COMMISSIONER BOSARGE: Mr. Joe just told me that
17 in the handbook it says that the majority of the
18 Commission can change the day and the time.

19 It would be a chore to move the meeting to
20 Hattiesburg, but I would love to see what -- it would be
21 nice to get the input of some folks that aren't on the
22 Coast that have a different view maybe of things.

23 I agree with you, but I don't know if we can
24 honestly do that. That's a big step for most people. Not
25 that Hattiesburg is that far away, but, with the meetings
26 here, everybody has got everything they need.

1 CHRISTOPHER RHODES: For the record, I just feel
2 like people in the northern part of the state are a silent
3 majority, right now, when we talk about our marine
4 resources, and that's the majority of the people that
5 consume our seafood.

6 COMMISSIONER BOSARGE: I agree.

7 CHRISTOPHER RHODES: Thank you.

8 COMMISSIONER BOSARGE: Thank you.

9 JOE SPRAGGINS: Anything else on that, sir?

10 It does state that y'all can change it, and my
11 understanding is that they are going to look at this, and,
12 then, we will address that maybe at the next meeting even.
13 We will address what we are going to do there.

14 The next thing up, sir, that I have is Gear Task
15 Force, and we have worked hard about trying to find the
16 right mixture for that and the right amount of people and
17 who we need to put on it.

18 Since Commissioner Daniels is the one who
19 brought this up, I would like to turn it over to him at
20 this time.

21 COMMISSIONER DANIELS: Thank you, Director.

22 This Gear Type Task Force, in my opinion, is an
23 integral part of making sure that everybody gets a fair
24 playing field. Everybody knows what they can and cannot
25 do and everything is very clear.

26 A lot of the problems that we have run into, as

1 I stated before, were the result of vagueness in our
2 definitions, our interpretations of what we have out
3 there.

4 The Director has presented me with a couple of
5 options here, and I think we've got a list that I
6 personally feel is fair to both sides.

7 It is going to allow for two commercial
8 fishermen, two recreational fishermen, two MDMR
9 scientists, one Marine Patrol representative, two
10 scientists from outside universities being the University
11 of Southern Mississippi and Mississippi State University,
12 a NOAA representative, a gear representative and, of
13 course, our two Commissioners that will be acting on
14 there.

15 Do we need to read these names out?

16 JOE SPRAGGINS: My point is if y'all agree with
17 that, if the Commission agrees with the names, we may not
18 publicize it.

19 COMMISSIONER DANIELS: We agree to contact these
20 people and ask for their participation.

21 COMMISSIONER BOSARGE: Just to kind of go over
22 it, I was looking at it and we have some names penciled in
23 here, but a lot of these people haven't been contacted
24 yet, at least some of them that I have talked to, so I
25 don't really want to put their names out yet until we have
26 talked with them.

1 I don't have a problem with the makeup of it.
2 It's a lot of folks, but that's good, the more
3 conversation.

4 COMMISSIONER DANIELS: Just for clarification
5 purposes, all of these people would not be voting members.
6 None of our staff, or the Commissioners, would be voting
7 members.

8 COMMISSIONER BOSARGE: Who all would be your
9 voting members?

10 COMMISSIONER DANIELS: You would have your two
11 Commercial fishermen and two recreational fishermen,
12 university scientists --

13 COURT REPORTER: (Interposing) I didn't hear
14 those last ones.

15 COMMISSIONER BOSARGE: If you can speak in the
16 microphone.

17 COMMISSIONER DANIELS: The voting members would
18 be the two commercial fishermen, two recreational
19 fishermen, your university scientists and your gear
20 representative, as well as the NOAA representative.

21 JOE SPRAGGINS: Sir, if I could I would like to
22 ask if y'all would entertain making a motion to accept the
23 layout and the names that we have, if they agree.

24 COMMISSIONER GUESS: I'll make a motion.

25 COMMISSIONER DANIELS: And I'll second it.

26 COMMISSIONER BOSARGE: The motion would be to

1 populate the Gear Task Force...

2 COMMISSIONER GUESS: With the suggested names,
3 and give them the option to accept.

4 COMMISSIONER BOSARGE: Just for clarity so
5 everybody knows what they are voting on.

6 We have a motion and we have a second.

7 Any further discussion?

8 (No response.)

9 COMMISSIONER BOSARGE: All those in favor aye.
10 (All in favor.)

11 COMMISSIONER BOSARGE: Opposed like sign.
12 (None opposed.)

13 COMMISSIONER BOSARGE: Motion carries.

14 JOE SPRAGGINS: Sir, I've just got one quick
15 thing. On the deal with the meetings, Brian has said that
16 we could possibly broadcast these live.

17 If that would be okay with the Commission, we
18 can work this up. It won't cost us hardly any money to do
19 this, and we could broadcast it live which might help your
20 people in Hattiesburg and other places to be able to do
21 it.

22 If y'all would agree to that, then, we will move
23 forward and try to do that.

24 COMMISSIONER BOSARGE: We might have some movie
25 stars up here. I don't know if we could do that, or not.

26 JOE SPRAGGINS: It's up to you, sir.

1 COMMISSIONER GOLLOTT: Mr. Chairman, I think
2 that beats the heck out of moving the meeting and changing
3 the time. I'm not in favor of changing the time. We have
4 had it that way for at least fourteen years I've been on
5 this Commission.

6 I think moving it to 1:00 o'clock we would be
7 here until 5:00 or 6:00 o'clock -- broadcasting it and
8 having the people participating would be great.

9 JOE SPRAGGINS: If I could, sir, what I would
10 like, if it's all right with you, is if y'all would give
11 us permission to go ahead to bring that, and we will let
12 y'all know if we can do it live and what it will cost. We
13 will entertain that, according to whatever y'all want to
14 do.

15 COMMISSIONER BOSARGE: Yes, sir. I think
16 definitely the Commission will move forward.

17 COMMISSIONER DANIELS: I'll make a motion for
18 that.

19 COMMISSIONER GUESS: Second.

20 COMMISSIONER BOSARGE: We have a motion and a
21 second.

22 All those in favor aye.

23 (All in favor.)

24 COMMISSIONER BOSARGE: Opposed like sign.

25 (None opposed.)

26 COMMISSIONER BOSARGE: Motion carries.

1 JOE SPRAGGINS: Sir, that is all I have right
2 now.

3 COMMISSIONER BOSARGE: You were busy today.
4 Next up is Commissioners Report.

5 Do we have any Commissioners who would like to
6 report anything?

7 (No response.)

8 COMMISSIONER BOSARGE: Seeing none, we will move
9 on.

10 Office of Marine Patrol, Chief Davis.

11 KEITH DAVIS: Good morning.

12 You have the report in front of you. I just
13 want to point out, on page one, you see where a citation
14 was issued to a local grocery store.

15 That involved an officer going into the grocery
16 store doing his person shopping and observed some oysters
17 out of place.

18 Other officers followed up and found several
19 violations that they cited the grocery store on.

20 Other than that, the report is pretty straight
21 forward, unless you have any questions.

22 COMMISSIONER BOSARGE: Actually, your report was
23 not in the packet, so I didn't really get a chance to look
24 at it too close.

25 I did have one question. Last month I asked
26 about the two tickets that we did for the no Tails n'

1 Scales. I would like some more information on that.

2 If could get you maybe to request a report. I
3 would like to know some information on that.

4 In other words, we had the two tickets last
5 month for no Tails n' Scales, and the season had been
6 closed for two months.

7 Can you give us some more?

8 would it be okay to come back next month at this
9 meeting, or send me some information on that?

10 I would like to know just a little bit more on
11 what took place.

12 KEITH DAVIS: what kind of information would you
13 like to know, sir?

14 If it is pending in Court, if it is still
15 pending in Court which I'm pretty sure it is with the
16 holidays upon us, I'm not sure what you are asking.

17 COMMISSIONER BOSARGE: I guess the who, when and
18 where. That would be my question.

19 KEITH DAVIS: I can give you the when and where
20 for sure. I will check with the prosecutor on who because
21 of adjudication purposes.

22 Are you looking for the disposition of what the
23 board is going to do?

24 COMMISSIONER BOSARGE: No. I just need to see
25 what the information is. In other words, I would like to
26 know just a little bit more about those two violations,

1 just see where, when and how.

2 KEITH DAVIS: Yes, sir.

3 I would like to point out to the Commission that
4 just like DMR has a public records request, the courts
5 have a public records request as well.

6 Anytime you feel it necessary to file for one of
7 those, you can do that with respect to the courts.

8 COMMISSIONER BOSARGE: Yes, sir. I felt like
9 surely we could go just between the agency and us and get
10 the information we needed.

11 KEITH DAVIS: As long as it has been
12 adjudicated, I don't have a problem with that.

13 COMMISSIONER GOLLOTT: Mr. Chairman.

14 COMMISSIONER BOSARGE: Yes, sir.

15 COMMISSIONER GOLLOTT: Would you include the
16 recreational fishermen that were cut loose on this without
17 any tickets?

18 I would like to see what happened there, too.

19 COMMISSIONER BOSARGE: If I remember correctly,
20 we wrote them a letter.

21 Isn't that correct, Chief Davis?

22 KEITH DAVIS: Yes.

23 COMMISSIONER BOSARGE: And basically informed
24 them what they had done and what they had done wrong, and
25 I think that is about as far as we went with it, from what
26 I remember.

1 If you want the report, if Chief Davis is okay
2 with that, then, I don't have a problem with it.

3 COMMISSIONER GOLLOTT: I understand. We need to
4 treat everybody the same.

5 JOE SPRAGGINS: I think that what happened there
6 this was not somebody not trying to -- they didn't try to
7 make a violation. They did not know, and they went out
8 and filed a report and even put it on the Tails n' Scales
9 and went to the point of saying that we are going out for
10 a trip. Some didn't go to the trips is my understanding.

11 Is that correct, Chief?

12 Some did not even make the trips on this that we
13 talked about, and the others we had written a letter and
14 told them that this was not legal to do, but we can get
15 y'all all of that information.

16 I think that is public record right there anyway
17 because we gave that out, and we can get you that
18 information, and I'm not real sure, sir, about the other
19 two violations you are talking about, but we will get
20 together, the Chief and I, and we will get you some
21 information and get that back to you.

22 How about that?

23 COMMISSIONER BOSARGE: Yes, sir.

24 KEITH DAVIS: One other thing. Last month you
25 asked me about enforcement within one mile of the barrier
26 islands.

1 COMMISSIONER BOSARGE: Yes, sir.

2 KEITH DAVIS: I went back and did some checking
3 on that and I did find where we stopped a shrimp boat
4 within one mile of Horn Island.

5 Is that the case that you were talking about?

6 COMMISSIONER BOSARGE: No. I wasn't referring
7 to any particular case. I was just curious.

8 Over the years, your knowledge builds on
9 enforcement. You are educated in it. We, the general
10 public, have to learn as we go and because that is a
11 Federal park...

12 KEITH DAVIS: Yes, sir.

13 Just so you are clear on it, that case involved
14 us observing the activity and because we work so closely
15 with our Federal partners, we didn't take any enforcement
16 action, but informed the fishermen what the rules were and
17 notified the Park Service.

18 COMMISSIONER BOSARGE: My question was more if
19 you are just a State officer and you have no Federal
20 paperwork training, could you enforce fishery laws within
21 that one-mile boundary?

22 I think most of your folks are deputized Federal
23 Marshals, now, so that allows them to do their enforcement
24 within that one mile.

25 Is that correct?

26 KEITH DAVIS: Deputized NOAA agents, not Federal

1 Marshals.

2 COMMISSIONER BOSARGE: I remember this back that
3 boats in Federal waters, once the state people got outside
4 of three miles, to board that vessel, they had to be a
5 deputized Federal Marshal from what remember. This is
6 years ago.

7 That's what I say. My knowledge builds with
8 time. Some of it you remember. Some of it you don't.

9 I was wondering how it worked with being able to
10 do fisheries enforcement inside of a Federal park?

11 KEITH DAVIS: We are required, under our JEA
12 Enforcement Agreement, that our officers receive the
13 training that a NOAA agent receives as well.

14 All TED inspections that we do, all Federal
15 fisheries violations that are enforced by a NOAA agent,
16 DMR officers are required to attend that training as well.

17 COMMISSIONER BOSARGE: That's fine. I think you
18 answered it last time pretty good.

19 KEITH DAVIS: Yes, sir.

20 COMMISSIONER DANIELS: Just to be clear on that
21 particular thing you were talking about, y'all had the
22 ability to ticket them, but they just got a warning on it.

23 Correct?

24 KEITH DAVIS: Yes, sir.

25 Being a State officer enforcing state citizens,
26 we try not to take those enforcement acts as much as we

1 can.

2 If you remember, when we did the Red Snapper
3 season, because the Commission opened our State waters,
4 that put enforcement in a really, really bad situation.

5 We try not to take those actions, but we
6 certainly can take those actions.

7 Before I sit down, it has been insinuated that
8 Marine Patrol picks on one sector, or the other.

9 I want this Commission to know we enforce the
10 law, period. Thank you.

11 COMMISSIONER GOLLOTT: Chief, I disagree with
12 you there. I have watched you over the years, and I think
13 you are a lot heavier on commercial than you are on
14 recreational. I'm sorry.

15 KEITH DAVIS: I would love to talk to you about
16 that, Commissioner.

17 COMMISSIONER GOLLOTT: Okay.

18 COMMISSIONER BOSARGE: Next up is Office of
19 Coastal Resources Management, Mr. Jan Boyd.

20 JAN BOYD: Good morning Commissioners, Director,
21 Ms. Chesnut.

22 We have one action item, and Greg Christodoulou
23 will be presenting that, and, then, Dr. Paul Mickle will
24 be giving a Seagrass Monitoring Proposal.

25 GREG CHRISTODOULOU: Good morning.

26 I'm going to be presenting a request for a

1 permit by the City of Ocean Springs. The location is on a
2 manmade canal adjacent to Fort Bayou in the General Use
3 District, and the agent is Compton Engineering.

4 The purpose of this project is to basically
5 restore safe navigable depths to the property owners along
6 this canal, as well as help restore the navigable depths
7 to the public boat launch that is also on this canal.

8 The project would entail dredging approximately
9 twenty-two hundred and fifty cubic yards of material.

10 This amount usually could be covered under a
11 general permit and it would not need to come before you,
12 but this project will impact about thirty-four square feet
13 of submerged aquatic vegetation, so it kicks it into a
14 category where they have to come before you and request a
15 variance.

16 To compensate for the impacts to this SAV with
17 the dredging, the applicant is proposing to restore
18 approximately six hundred square feet of marsh and
19 adjacent waterbottoms by removing storm debris from
20 Hurricane Nate last year. There was some tin from the
21 roofs of boathouses that had gotten into the marsh and
22 other debris from piers that was shading the marsh and the
23 adjacent waterbottoms which was inhibiting any growth of
24 the submerged vegetation and the marsh.

25 we felt that that is a fair mitigation for this
26 minor impact with the dredging.

1 They have requested a variance from the
2 Mississippi Coastal Program, and they have justified the
3 variance request.

4 Here is a map of the project area outlined in
5 red. It starts here at Fort Bayou, cuts down this canal,
6 the public boat launch is in this location, and, then, it
7 extends all the way here, and, then, you have several
8 homes and adjacent waterfront lots along the canal.

9 Here is a diagram just showing where this little
10 impact is. It is going to be in this highlighted area
11 right here. These are all just a little legend here
12 showing the limits of the aquatic vegetation, the location
13 of the side slope and the buffers that are setbacks for
14 the dredging.

15 This project did require a lot of modification
16 and downsizing of the dredge alignment and moving some
17 things around, in order to basically accomplish the
18 purpose of the project and to keep the impacts to the
19 submerged vegetation to a minimum, and they did a really
20 good job of doing that down to thirty-four square feet of
21 impacts.

22 The project was advertised in The Sun Herald and
23 on the DMR website. We did have a public hearing for the
24 project. There were no public comments made at the
25 hearing.

26 DEQ is reviewing the project.

1 Archives and History had no objections.
2 wildlife, Fisheries and Parks had no comments.
3 Secretary of State's office, since the
4 mitigation would be performed in State-owned waterbottoms
5 and State-owned property, wanted an approved mitigation
6 plan that was approved by DMR and the Corps which we have
7 done, and the removal of storm debris shouldn't cause any
8 undue damage to the State-owned property, and that the
9 monitoring plan was acceptable to the Corps and DMR.

10 Based on our review, we found the project is
11 consistent with the Coastal Program, by restoring
12 navigable depths to public access and the adjacent
13 homeowners, and we are recommending issuance of the permit
14 and approval of the variance request, pending water
15 quality certification and that the submitted mitigation
16 plan by the applicants be followed.

17 COMMISSIONER BOSARGE: Do we have any questions?
18 (No response.)

19 COMMISSIONER BOSARGE: Seeing none, do we have a
20 motion?

21 COMMISSIONER GOLLOTT: Mr. Chairman, I make a
22 motion that we move forward with this application as the
23 staff's recommendation.

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

26 COMMISSIONER GUESS: I'll second it.

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 Thank you, Greg.

11 GREG CHRISTODOULOU: Thank you.

12 COMMISSIONER BOSARGE: Next up will be Dr.
13 Mickle.

14 PAUL MICKLE: Good morning Commissioners,
15 Chairman Bosarge, Director Spraggins, Sandy Chesnut.

16 I really appreciate the time to present here.
17 Just like last month, this month we have part two of the
18 Seagrass motion request which is actually the response to
19 the CMR motion to propose a monitoring program budget for
20 seagrasses around Cat Island and expand from there.

21 This will be a very quick presentation. I am
22 just coming back to you with information you requested to
23 move forward because of your interest.

24 I will present spatial options for monitoring by
25 price and present possible funding streams.

26 The good news about seagrass is that it is

1 highly standardized all through the Gulf. All Gulf states
2 do it. They use a certain technique, and I am going to
3 present those three tiers here today. It is very
4 standardized which is good. It gives a lot of powerful
5 user ability to it. The data is compatible.

6 Also, we are not going to spend three, or four,
7 years, refining our techniques down to be able to get
8 useable data. Because it is so highly standardized, we
9 are going to be able to use this stuff right away.

10 Tier one is a system-wide mapping using digital
11 imagery, characterizing distribution over large scales.
12 It's about every five years. It uses imagery acquisition,
13 orthorectifying -- that is the scaling -- ground
14 truthing, image delineation and interpretation, and there
15 is some post-processing involved.

16 For Cat Island, it would be about a hundred
17 thousand dollars, and the whole Sound which is our State
18 waters would be three hundred plus.

19 Tier two is rapid assessment annual field
20 surveys using fixed locations. This is the tier that I am
21 going to recommend to the Commission we move forward on.

22 Characterized abiotic and biotic parameters of
23 the ecosystem.

24 It is finer scale than Tier 1 which gives us
25 some power to answer some concerns that you have voiced in
26 the past.

1 Stations selected using stratified random
2 design.

3 It involves annual surveys for fixed stations
4 for seagrass percent cover by species to get your species
5 composition, canopy height, water depth, water
6 temperature, salinity, dissolved oxygen, light
7 availability. Those are water quality parameters that we
8 use already for a lot of our different monitoring programs
9 with our agency here. We are adding some capability there
10 just by adding Tier 2 for seagrasses.

11 There are some cores you can do to look at seed
12 densities.

13 Cat Island cost is twenty-five thousand dollars,
14 and the whole sound would be seventy-five thousand dollars
15 plus.

16 Tier 3 is permanent transects. These involve
17 location-intensive monitoring.

18 It enables identification of finer-scale changes
19 and these are hypothesis-driven questions. This is like
20 the world's worse version of what you would want to do
21 with monitoring for seagrass.

22 You can see there is no price tag on here. As
23 my mom told me, if there is no price tag, just run.

24 Tier 3 is designed and you really can't put a
25 price tag unless you really understand the question that
26 you want to ask, such as secondary production questions

1 dealing with drought and things. Really specific
2 scientific questions, this data stream really fills in to
3 meet those needs.

4 If we go forward with Tier 2 which is my
5 recommendation, these questions will arise as we look at
6 the Bonnet Carre Spillway, potential impacts from boating,
7 potential impacts from types of gears we have all
8 discussed here in the past. This gives us the ability to
9 move forward, and Tier 3 might be that option down the
10 road.

11 Again, with no price tag, it is difficult to
12 extrapolate what the cost will be until we know those
13 questions.

14 Really this is my last slide which is talking
15 about the funding itself, as well as time lines.

16 with all the funding that we have pursued in the
17 past, and I have had success in the past, along with a lot
18 of other scientists and administrators at DMR, we have
19 Tidelands, we have GOMESA, we have NOAA within Fisheries
20 and Coastal, we have U.S. Fish and wildlife Service, Army
21 Corps of Engineers, and we have a huge host of NGOs, or
22 non-governmental organizations that have shown a lot of
23 interest of oysters and seagrasses. They contact me all
24 the time on what can we do to help, what can we provide.
25 They are very aggressive in the conservation.

26 These include the PEW Charitable Trust which I

1 have good relationships with, the Ocean Foundation,
2 Ecowatch. It is a very long list of NGOs. This is their
3 real speciality to get involved with, and they have a lot
4 of funds, as well.

5 These charitable trusts, there is probably
6 twelve, or thirteen, that specify seagrass interest alone
7 on their websites, and I have had a lot of contact with a
8 lot of them dealing with oysters and overall conservation
9 of endangered species research that I have done in the
10 past.

11 I am very confident we will get it funded very
12 quickly, and, then, my recommendation is Tier 2 and
13 filling in with Tier 3 down the line with more external
14 funding, as funding arises on itself.

15 We will most likely be sending out RFQ's within
16 the state to academics to approach to take on this
17 monitoring, and, then, they will help me and this agency
18 pursue external funds down the road, so it just kind of
19 builds upon itself.

20 Again, just to make it clear, Tier 2 is my
21 recommendation.

22 I can answer any questions you have at this
23 time.

24 COMMISSIONER BOSARGE: Would it be possible to
25 back up to that Tier 2 slide?

26 PAUL MICKLE: Absolutely.

1 COMMISSIONER BOSARGE: I have looked at it and
2 was just curious. I know we have all learned a lot about
3 seagrasses, and I'm sure that you have learned a lot, too.

4 with today's technology and satellite, is there
5 a way we could capture some of that?

6 PAUL MICKLE: Yes, sir.

7 Tier 1 drives a lot of that, so it's got this
8 satellite imagery. Those are the manuscripts I presented
9 last month, and Kelly Lucas was the second author on one
10 of those manuscripts, and they use satellite imagery, and,
11 then, they would go to ground truth to see actually what
12 that color represented and what that meant.

13 The thing about satellite imagery is the water
14 quality, as all of y'all know, varies. It is an estuary.
15 During certain times of the year in the wintertime, the
16 water is very clear, but that is actually when seagrasses
17 have been grazed off and are not present. In the
18 wintertime, the seagrasses kind of fall back. Their
19 structures are still underneath, but you just can't see
20 them. Ground truthing is really important.

21 Like you said, Tier 1, you can go more larger
22 scale.

23 If y'all were screaming for a statewide
24 monitoring program to start as soon as possible, I would
25 probably recommend Tier 1 because of just the ability to
26 use that satellite imagery and get data right away, and,

1 then, the ground truthing comes in.

2 what does that color represent?

3 Is there actually seagrass there?

4 We have monitoring in Grand Bay which I haven't
5 talked about. They monitor that through Federal funds,
6 but it is highly variable in Grand Bay. I have presented
7 here it is highly variable in Cat Island.

8 Understanding that, ground truthing really
9 brings it home.

10 There is a lot of uncertainty with imagery, if
11 you don't have the money to go out and actually truth it.

12 COMMISSIONER BOSARGE: This proposal was
13 actually more money than Tier 2 and it used the satellite
14 imagery. I couldn't quite figure out why this one would
15 cost more.

16 PAUL MICKLE: Well, it is every five years, sir.

17 Tier 2 is pretty much constant every year. I
18 should have made that clear. This isn't around every five
19 years. It would have to be pretty intensive at first.

20 The post-processing is the expensive part. That is
21 where the GIS specialists get into the fine scale; this
22 color represents this density, potentially this species,
23 and that post processing is just not our chief thing.

24 Are there any Commissioners with any questions,
25 or interests, or have I gone astray?

26 COMMISSIONER GUESS: For Tier 2 that you are

1 recommending, are you recommending Cat Island, or the
2 whole sound, or both?

3 PAUL MICKLE: Well, we have Grand Bay already
4 being monitored using Tier -- I just want to make sure I
5 can give you the correct information. Grand Bay is Tier
6 3. That is the fanciest one.

7 I would recommend that we start with Cat Island
8 and go statewide, and see what funds come, and I can give
9 an update celebrating we got full funds to do Tier 2.

10 COMMISSIONER GUESS: Okay.

11 PAUL MICKLE: I recommend Cat Island because
12 that's where the concerns for the seagrass were voiced so
13 strongly, what I saw with the Commission's discussion,
14 and, again, Tier 2, out of all three tiers, gives us the
15 strongest capability of making damage claims for the
16 Bonnet Carre Spillway, and I just don't see the Bonnet
17 Carre Spillway going away anytime soon.

18 We are getting better with communication, when
19 it does get open and things like that, but there are just
20 no near-term solutions.

21 Giving our state the most scientific capability
22 of justifying disaster funds, in my opinion, is the best
23 way to go and that is Cat Island seagrass monitoring.

24 COMMISSIONER GUESS: This activity around Cat
25 Island during the research, is that going to affect it by
26 people being there, fishing there?

1 PAUL MICKLE: I don't think so just because of
2 the Tier 2 being carried out through the Gulf of Mexico in
3 much higher activity areas for humans. I can come back,
4 but I don't really think it is.

5 Again, as soon as the first year of data comes
6 in, I will make sure to circle back to show y'all this
7 very powerful tool that you have helped create with your
8 authorization.

9 COMMISSIONER GUESS: So you are looking for a
10 motion for Tier 2?

11 PAUL MICKLE: A motion, yes, providing me with
12 the green light to proceed with the establishment of a
13 monitoring program. Yes, ma'am.

14 COMMISSIONER GUESS: I'll make that motion.

15 COMMISSIONER BOSARGE: A motion to proceed --

16 PAUL MICKLE: (Interposing) With the Tier 2
17 monitoring program.

18 COMMISSIONER BOSARGE: Funding?

19 PAUL MICKLE: Yes, establishment and funding.

20 COMMISSIONER BOSARGE: We have a motion.

21 Do we have a second for that motion?

22 COMMISSIONER GOLLOTT: Mr. Chairman, I'll second
23 that motion.

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

26 Any further discussion?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

(No response.)

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

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

COMMISSIONER BOSARGE: Motion carries.

PAUL MICKLE: Thank you, Commissioners.

COMMISSIONER BOSARGE: Thank you, Dr. Mickle.

Next up on the agenda is Office of Finance and
Administration, Ms. Shavay Gaines.

SHAVAY GAINES: Good morning.

I'm Shavay Gaines, Finance Director, and I will
be presenting the financials for the month ended November
30th, 2018.

At the end of November our State Revenue was
four point one million. Our Agency Revenue was sixteen
point one million.

Our State Net Income was one point three
million, and our Agency Net Income was seven point nine
million.

After five months of fiscal year 2019, we ended
with Operating Funds having eighty-five percent of budget
remaining and Tidelands Trust Funds have seventy-six point
five percent of budget remaining.

Also, our audit was completed. We don't have
the final draft, but we have seen it and spoken with the

1 Director about it. We will let you know there were two
2 findings. The findings related to the grant schedule.

3 We do have to work with DFA. Even though the
4 Grants Bureau prepares the schedule, we have to work with
5 DFA in order to get their approval in for GAP packet.

6 What DFA requires because they just see us as a
7 fund, not like a separate entity where they saw the
8 numbers. When it comes to the agency, we like to see them
9 in house. Even though they saw it, we still got binged on
10 it because it's not a place for it in the report.

11 We are working to change that. We are going to
12 fight that battle over the next twelve months, and I will
13 win this one.

14 The staff wanted to crunch number accruals. We
15 try to make sure instead of having inflated numbers, we
16 try to have actual numbers.

17 We have a time process where we have to track
18 everything that we think we are going to have to pay out
19 to people, as well as what we will be reimbursed.

20 In the second finding which I argued that one,
21 but didn't win that. It was because it was double booked.

22 What happens is if we end up having a threshold
23 of a certain amount, then, our funds are limited down to
24 the ones that were audited this year. It makes our
25 percentage smaller.

26 Where last year we would have given no finding,

1 our funds limited us to what our numbers should be. We
2 estimated what we were going to receive, we captured it
3 when we got the payroll estimating we were going to get
4 the money back and, when the actual check came in because
5 it came during the lapse period, it was picked up again
6 because it was actually in the details.

7 I told them that the main thing we can do on
8 that is to make sure before we close out the end of the
9 fiscal year that I will be able to document everything
10 that we are going to have going out. When it comes to the
11 reimbursement side that we look at the details and not at
12 just the checks that come in. That way, we can make sure
13 that there aren't any double accruals.

14 COMMISSIONER BOSARGE: I think Mr. Joe wants to
15 say something.

16 You said the audit is in and they dinged you on
17 a couple of things, and it is hard for me to follow you on
18 everything you are talking about.

19 Is there any way that you could attach your
20 answers to their dings?

21 SHAVAY GAINES: I actually attached my answer.
22 I responded. Inside the audit you will see our response
23 because, even though I didn't agree with them finding us
24 on it, at the end of the day we still are going to get
25 dinged on it. Inside the audit, you will see my response
26 combined with what Grant stated, as well as our procedures

1 in what we do.

2 COMMISSIONER BOSARGE: It gives us a chance to
3 look at it and be able to flip back and forth and
4 understand.

5 SHAVAY GAINES: It's on my page.

6 JOE SPRAGGINS: I did speak with the audit group
7 yesterday and they are going to give a final. It will
8 come out this week.

9 SHAVAY GAINES: Yes.

10 JOE SPRAGGINS: I can tell you, just from
11 talking to them, that the two things that we are talking
12 about, one was the way DFA told us to do it. That is the
13 only way we can do it, so we had to do it their way, and
14 they agreed that it wasn't that DMR did anything. It's
15 DFA and now we are correcting that.

16 The other thing was just a little small
17 oversight, but it was not anything that was anybody doing
18 anything against the agency.

19 I can assure you that from their report -- we
20 will get you a final copy as soon as we get it. Everyone
21 of you will get one. In that report, you will out that
22 the agency has been by the book.

23 SHAVAY GAINES: Any questions?

24 COMMISSIONER BOSARGE: Any questions?

25 (No response.)

26 COMMISSIONER BOSARGE: Thank you, Shavay.

1 SHAVAY GAINES: Thank you.

2 COMMISSIONER BOSARGE: Up next is Public
3 Affairs, Charmaine.

4 CHARMAINE SCHMERMUND: Good morning
5 Commissioners, Director Spraggins, Ms. Chesnut.

6 The Mississippi Department of Marine Resources
7 was mentioned twelve times in local, state and national
8 media since the November CMR meeting.

9 Popular news items included the beginning of
10 oyster season, off-bottom oyster aquaculture and the
11 oyster relay in Pascagoula.

12 Marine Patrol taught two boat-and-water safety
13 classes and certified forty-four students.

14 So far in fiscal year 19, officers have taught
15 eight classes and certified one hundred and fifty
16 students.

17 Marine Patrol participated in the Sail-a-bration
18 waterless boat parade in Long Beach and the Anniston
19 Avenue Elementary School Career Fair.

20 Marine Patrol, along with the Grand Bay NERR,
21 participated in Pathways 2 Possibilities in November at
22 the Mississippi Coast Coliseum. The event featured
23 approximately six thousand eight grade students from
24 across south Mississippi learning about various career
25 paths.

26 Our agency was also represented at the 2018 Bays

1 and Bayous Symposium in Mobile, Alabama.

2 The Office of Coastal Restoration and Resiliency
3 hosted the Charnley-Norwood Christmas open house held this
4 past weekend, as well as attending the Coastal Resilience
5 Team Fall Meeting in Austin, Texas.

6 The office has begun planning the 2019 State of
7 our Coast which will be held in May.

8 COMMISSIONER BOSARGE: Looks like you have been
9 busy. Thank you.

10 CHARMAINE SCHMERMUND: Thank you.

11 COMMISSIONER BOSARGE: Next up is Office of
12 Marine Fisheries, Mr. Joe Jewell.

13 JOE JEWELL: Thank you, Commissioners.

14 I want to wish everybody a Merry Christmas and a
15 Happy New Year. It is probably the last time we will be
16 together, before the new year.

17 I want to give the Commission an update on a
18 couple of items.

19 First is the shrimp season. We are getting
20 close to closing north of the Intracoastal Waterway
21 December 31st which traditionally ends most of the shrimp
22 season.

23 For the month of November, the landings were
24 seven hundred and one thousand and some change. That is
25 about sixty-two thousand pounds above where we are for the
26 month of November. However, for the year, 2018 to date,

1 we usually land about nine point one one million pounds.
2 we are about nine hundred and sixty thousand pounds below
3 that. It is going to be a slightly below average season
4 this year.

5 The next thing I would like to mention is the
6 oyster season, our oyster relay, as Ms. Charmaine
7 mentioned.

8 The thirty percent total was eighteen thousand
9 eight hundred and sixty-four. We harvested eighteen
10 thousand five hundred and fifty-eight sacks. That left
11 roughly three hundred sacks on the table which is a very
12 good response by our team.

13 Marine Fisheries worked really closely with
14 Marine Patrol, Office of Finance, the Bureau of Grants,
15 our Executive Office to make this an extremely successful
16 relay.

17 we averaged about twenty-six hundred sacks a
18 day. As you know, we were open for seven days. It was
19 only tonging the first three days, and, then, the
20 remaining four days both dredgers and tongers were allowed
21 to participate.

22 The first three days, as y'all know, were twenty
23 sacks for the tongers, and, then, days four through seven
24 were fifty sacks for the dredgers.

25 Overall it was a very successful relay, and I
26 would like to thank everyone who was responsible for that

1 success. We appreciate that.

2 JOE SPRAGGINS: If I could, I would just like to
3 thank the staff. They did an outstanding job. I tell you
4 what, they worked hard and lot of them worked a lot of
5 hours out there and everyone there working hard in the
6 cold. It wasn't exactly the most beautiful weather.

7 They made a very great safety call last week
8 around Wednesday, and I want to thank them for that, and
9 they just did an outstanding job.

10 COMMISSIONER BOSARGE: I think there was a lot
11 of work going on in a lot of different places.

12 The fishermen seemed like they were glad to get
13 out there. I'm sure they all got their exercise.

14 Anyhow, good job.

15 COMMISSIONER GOLLOTT: Can I ask a question?

16 COMMISSIONER BOSARGE: Yes, sir, Commissioner
17 Gollott.

18 COMMISSIONER GOLLOTT: Joe, in hindsight -- of
19 course there is nothing you can do about hindsight -- do
20 you think we would have been better off to slow it down to
21 maybe fifty percent, harvest half the oysters and use the
22 Conservationist, and we would have been able to move more
23 oysters?

24 JOE JEWELL: Well, in hindsight you can make all
25 kinds of options that were beneficial, but the purpose of
26 the grant was to employ the fishermen. It was a specific

1 job title that was specifically to employ the fishermen.

2 From the fishermen's perspective, what they lost
3 during the Bonnet Carre, they gained during this relay.

4 Now, as we stated before, the Conservationist
5 was our command center. It was a little bit remote site.
6 This is not like in the Western Sound where you have Bayou
7 Caddy, or Pass Christian, where we can administer the
8 field activities from. This had to be out in the field.
9 The oyster sites, the Causeway Reef and the Pascagoula
10 Reef are sort of remote set.

11 We used the Conservationist as a command center
12 and fortunately so because we had some bad weather days a
13 couple of times out there and we had to postpone on one of
14 the days and canceling the following day, also.

15 Having that vessel out there and being able to
16 work from it was a great asset for us.

17 Splitting those duties during that time would
18 have been very difficult for us.

19 Like Director Spraggins said, we had staff on
20 the Conservationist twenty-four hours a day for all seven
21 days, so it worked out really well.

22 The purpose of the grant was achieved, the
23 purpose of the Commission was achieved and I think overall
24 it was a very successful program.

25 COMMISSIONER GOLLOTT: What have you got in mind
26 opening --

1 JOE JEWELL: (Interposing) I'm sorry.

2 COMMISSIONER GOLLOTT: What have you got in mind
3 after the depuration period, open it up and let them
4 harvest some of those oysters?

5 JOE JEWELL: That is not on the table, right
6 now. The Commission certainly could consider that.

7 I would recommend that those be left alone for a
8 while in order to establish themselves, but at a minimum,
9 if the Commission chooses, it would be fourteen days from
10 the last date deployed.

11 COMMISSIONER GOLLOTT: Looking at it, Joe, I
12 think we should harvest some of those oysters while they
13 are still alive and make sure --

14 COURT REPORTER: (Interposing) I can't hear
15 Commissioner Gollott.

16 JOE JEWELL: I'm sorry, Commissioner. It is
17 very hard to hear you.

18 COMMISSIONER GOLLOTT: You don't need spawning
19 stock. There is plenty in Back Bay and there will be
20 plenty of spat.

21 I would like to harvest some of that product and
22 let the fishermen make some money out of it, before they
23 have a chance to die, or anything.

24 COMMISSIONER DANIELS: Is there any indication
25 that these oysters are going to die, the ones that are
26 there now?

1 Do we know that that is going to happen?

2 It seems to me that leaving those oysters there
3 and allowing a spat cycle with them, since we put all this
4 effort into rebuilding our reefs and moving these oysters
5 to do that, would be the sensible way to go.

6 COMMISSIONER GOLLOTT: Well, that's what I just
7 told you. You don't need those oysters to get a spat set
8 in that area. There are millions of oysters in areas that
9 you can't move and you can't touch them in the Back Bay.
10 On a falling tide, those spat sets are going right over
11 that reef. That reef is --

12 JOE JEWELL: (Interposing) I'm going to Solomon
13 here. I'm going to say that both of y'all are correct.

14 The advantage of relaying is putting those
15 oysters in place and allowing them to go through a couple
16 of spawn sets and to have spat set.

17 I think what Commissioner Gollott is referencing
18 is, during the 2016 relay from St. Joe to the Shearwater
19 Reef, there was a lot of mortality in that process, but it
20 was a lot longer move. It was a little bit warmer
21 weather. It was in January. It was a little bit warmer
22 weather. They were exposed a lot longer. There was some
23 significant mortality that occurred during that process.

24 we had some pretty cold weather which encourages
25 oysters to survive, during that time. They were on the
26 deck for relatively short periods of time. We are

1 anticipating that the mortality -- there is always
2 mortality in relays. There is no way around that. We are
3 anticipating that it will be slightly less than what
4 happened with the St. Joe relay.

5 COMMISSIONER HAVARD: Joe, if I remember
6 correctly, we are in a rebuilding stage of oyster
7 restoration.

8 JOE JEWELL: Absolutely.

9 COMMISSIONER HAVARD: So I think we need to keep
10 that in mind as we move forward.

11 I think you guys have done a good job with the
12 relay. We have taken a lot of oysters out of the
13 Pascagoula area.

14 I would like to see the staff come back with
15 immediate plans to put cultch material back in Pascagoula
16 to help regrow that reef, the oysters. I would like to
17 see immediate plans to bring cultch material back to the
18 Pascagoula reefs.

19 JOE JEWELL: We appreciate that, Commissioner
20 Havard.

21 If you will make that in the form of a motion, I
22 think in January, or February, we can come back and
23 identify some funding sources and we can work on that.

24 COMMISSIONER GOLLOTT: And I agree with you a
25 hundred percent. I'll second that motion.

26 COMMISSIONER BOSARGE: Could we add a little bit

1 to that motion?

2 In other words, would you consider adding to
3 your motion that you come back and give us just a sampling
4 on those oysters that we moved and let us know how they
5 are doing?

6 JOE JEWELL: The mortality rate, sure.

7 COMMISSIONER BOSARGE: Do you see what I'm
8 saying, just give us an idea?

9 Could you add that to your motion?

10 COMMISSIONER HAVARD: I agree. I would like to
11 see us do some square meter sampling to see what the
12 survival rate and success of the relay was from Pascagoula
13 to Back Bay, as well as I would like to see --

14 JOE JEWELL: (Interposing) I can't hear. A guy
15 was mumbling in the background. January and February are
16 the coldest water temperatures, and we would have to get
17 some additional gear to achieve that, but just a quick
18 look at the reef, one-minute dredge tows and an analysis
19 of all those in there would pretty much give you what you
20 are asking for. You will know right away what the
21 survivability and mortality rate is with those.

22 COMMISSIONER GOLLOTT: That relay should give us
23 several year classes of oysters coming out of there. You
24 had all sizes of oysters that you relayed from, say, a
25 half inch up to four inches probably.

26 JOE JEWELL: That is absolutely true, but

1 remember the sacks of oysters were anything that had an
2 oyster on it. There was a lot of other material that was
3 moved, also. It wasn't one hundred percent legal size
4 oysters, or one hundred percent the year classes that we
5 traditionally see in a relay. We moved all the material
6 that was available, all the material that had spat, or
7 oysters, on it.

8 COMMISSIONER HAVARD: It is vital that we do
9 this.

10 JOE JEWELL: We can do an analysis of that,
11 absolutely, and, then, we will work with our Executive
12 Director and identify some funding sources. We do have a
13 little bit left on the table to possibly do cultch
14 planting on the Pascagoula Reef.

15 COMMISSIONER HAVARD: I will attempt to put this
16 in a motion.

17 Have you got something?

18 COMMISSIONER BOSARGE: No.

19 I was just going to say, Joe, can you speak into
20 that mike just a little bit more, maybe pull it to you?

21 Maybe you can go to the staff as to how they
22 want to go about this, instead of the one-meter dive,
23 maybe they can still dive in that cold weather, or do one-
24 minute dredges. Leave it up to them as to how they want
25 to go about assessing the oysters that we moved.

26 JOE JEWELL: The way I understand the motion is

1 to direct the staff to come back in January, or February,
2 with an analysis of the mortality on the oysters that were
3 relayed and identify sources of potential funding for
4 cultch planting on the Pascagoula Reef.

5 COMMISSIONER HAVARD: Yes. I think we need to
6 find funding to reestablish the cultch material back in
7 Pascagoula by the January meeting.

8 I don't think that in a thirty-day window we
9 have to see the survivability of the relay. I would say
10 within the next ninety days would be a good time frame, to
11 give you guys time to prepare and do some square meter
12 sampling, or some dredges.

13 That's up to you guys, how you want to
14 accomplish it, but I think it is very important that we
15 see whether it was successful, or not successful, so we
16 can possibly make adjustments in future relays.

17 JOE JEWELL: I appreciate that. I know our
18 staff will appreciate that.

19 COMMISSIONER BOSARGE: We have a motion.
20 Do we have a second for that motion?

21 COMMISSIONER GUESS: I'll second it.

22 COMMISSIONER GOLLOTT: I had already seconded
23 it, Mr. Chairman.

24 COMMISSIONER BOSARGE: Okay. Commissioner
25 Gollott seconded the motion.

26 we have a motion and a second.

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 JOE SPRAGGINS: Sir, I can tell you we will have
9 the funding. Right now the only thing that is keeping me
10 from saying I've got it to hand it to you is I'm waiting
11 on additional spending authority from the House and the
12 Senate to give you that, but we have the funds on hand to
13 do it.

14 COMMISSIONER BOSARGE: I think we've got some
15 oyster fishermen back in the back.

16 Were you guys okay with the relay?

17 FROM THE FLOOR: Thank you, sir.

18 COMMISSIONER BOSARGE: Thank you.

19 Continue on, Mr. Joe.

20 JOE JEWELL: Well, I have one other item I would
21 like to mention, before we get into our agenda items. We
22 only have two agenda items this morning.

23 JOE SPRAGGINS: Joe, real quick before we get
24 off of oysters, there were some thought about the
25 possibility of opening the season again in the Western
26 Sound.

1 JOE JEWELL: That's correct.

2 JOE SPRAGGINS: I think we got some updated
3 information on that, that it is probably not going to be
4 what we want.

5 would you brief that real quick?

6 JOE JEWELL: Sure. We have been approached
7 about possibly opening the oyster season in the Western
8 Sound for a couple of days this week to give the fishermen
9 a little bit more time before Christmas.

10 We advised Director Spraggins that even if we
11 had the ability to do that, the Pearl River right now is
12 at thirteen point three six, and the management criteria
13 for the inshore reefs is ten feet, and for the offshore
14 reefs it is twelve point five feet.

15 It is not projected to go below twelve point
16 five until early Sunday morning possibly.

17 We are going to get a little bit more rainfall
18 on Wednesday and Thursday, but that will be in the
19 watershed. It will take a little time for that to get
20 down near the gauge.

21 Right now, even if the Director had the
22 authority to open the season, he could not do that until
23 after the Christmas holidays unfortunately.

24 COMMISSIONER BOSARGE: And we are pretty much at
25 our thirty percent now?

26 JOE SPRAGGINS: No, sir. We are not even fifty

1 percent of that, but the point was it is not necessarily
2 just trying to harvest the oysters themselves. It was to
3 give them a little bit of harvesting right before
4 Christmas, but I just don't think -- and I guess I would
5 ask, just in case something worked out perfectly, if you
6 would you give me the authority to be able to open it up
7 and not exceed the thirty percent?

8 COMMISSIONER BOSARGE: I will ask the rest of
9 the Commissioners.

10 COMMISSIONER GOLLOTT: Can I make a statement,
11 Mr. Chairman?

12 COMMISSIONER BOSARGE: Yes, sir, Commissioner
13 Gollott.

14 COMMISSIONER GOLLOTT: What everybody seems to
15 forget is things happen. The Bonnet Carre opens in the
16 spring of the year and it wipes the oysters out.

17 why not let these people harvest some of these
18 oysters?

19 Not all of them, but let them harvest what they
20 can without hurting the reef, and, then, take that money
21 and put it in their pocket, and, then, they are further
22 ahead. A bird in the hand is worth two in the bush. I
23 still believe that.

24 COMMISSIONER HAVARD: I think if we ask the
25 fishermen what they want to do, they want to ensure that
26 they have a season next year.

1 At this point, we have depleted our resource
2 to the level that they recognize there are not a lot of
3 oysters left.

4 COMMISSIONER GOLLOTT: Well, we don't know.
5 How many sacks do you think are down there, Joe?
6 Of course ask the fishermen what they want to
7 do. We've got some fishermen in the back of the room.

8 JOE JEWELL: The estimate for the season, based
9 on the thirty percent by area, was around a little over
10 eight thousand sacks and, as Director Spraggins mentioned,
11 we are not fifty percent there, but we did have a slow
12 start. There were some weather conditions that played
13 into that factor, and, then, the Pearl River went up and
14 it has remained up for quite a while.

15 The overall picture, as y'all know -- and I have
16 said this before and I am reluctant to say it again, but
17 we are in a rebuilding stage.

18 When we look back in our traditional years where
19 we were harvesting two and three hundred thousand sacks of
20 oysters for over ten years, the replenishment rate was
21 sustainable, but, when we dropped from thirty thousand to
22 twenty-two thousand, and, now to eight thousand, we have
23 to consider the resource.

24 Allowing more and more of the adult population
25 to be removed without replenishment is not a success plan
26 for next year, for the fishermen, for their longevity, for

1 their participation in this industry.

2 COMMISSIONER DANIELS: If I may, I believe
3 whenever we first talked about that second season, that
4 was kind of contingent on whether or not we were able to
5 get the relay done --

6 JOE JEWELL: (Interposing) That's correct. In
7 the October meeting, the consideration was for seven days
8 before Thanksgiving and, in lieu of the seven days before
9 Christmas, the consideration was for the relay.

10 COMMISSIONER DANIELS: What is the number of
11 sacks we have gotten off of those reefs?

12 Do you know that exact number?

13 JOE SPRAGGINS: I want to say thirty-eight
14 hundred, but I'm not exactly sure.

15 JOE JEWELL: That's about right, a little over
16 four thousand sacks.

17 COMMISSIONER DANIELS: I went down and actually
18 spoke with some of the oystermen at Pass Harbor whenever
19 they were coming in and they were struggling just to get
20 what they were getting, and the sentiment that was
21 expressed to me was we would be better off just leaving it
22 closed and hope that they have a season next year. That's
23 just what was told to me, whenever I went down and spoke
24 with them.

25 JOE JEWELL: Well, I think I would agree with
26 that, with those fishermen that were on the tonging reefs,

1 Pass Marianne and Pass Christian.

2 We identified, in our square meter grid
3 sampling, there was very little harvestable resource out
4 there, legal size oysters.

5 The only significant area that had any
6 production on it would be St. Joe.

7 I think the fishermen were finding, in the
8 field, our analysis was correct.

9 COMMISSIONER BOSARGE: Correct and, if I
10 understand our conversation back and forth, right now --

11 COMMISSIONER GOLLOTT: (Interposing) One thing,
12 Mr. Chairman. My mind keeps going back to the NRDA area.

13 Remember we had over a hundred thousand sacks of
14 --

15 JOE JEWELL: (Interposing) We did, and we had a
16 significant low DO event, combined with a lot of other
17 things, that caused almost a hundred percent mortality.

18 COMMISSIONER GOLLOTT: Our fishermen could have
19 make a good living on that NRDA area, but they wouldn't
20 let us open it, and I just keep thinking about that.

21 It's up to the Commission. We will look at it.

22 COMMISSIONER BOSARGE: It doesn't look like we
23 are going to have an opening, even if we could, prior to
24 Christmas because of the stage of the river.

25 Correct?

26 JOE JEWELL: The management criterial,

1 absolutely. That's correct.

2 COMMISSIONER BOSARGE: And we did get these guys
3 some work with the relay.

4 If any of them want to speak?

5 COMMISSIONER GOLLOTT: George, would you like to
6 say something?

7 GEORGE STORRS: My name is George Storrs. I'm
8 an oyster tonger, have been for years now.

9 I do want to say thank you and thank you. It
10 was a good thing that you did for us. You actually did
11 really, really help us out.

12 I did ask General Spraggins if he was open to
13 talk to you about maybe getting some days before Christmas
14 and maybe even before New Years, but I understand the
15 management plan. It is hard on us, the management plan,
16 and it has never been in my favor. I never did like it,
17 but it is what it is and it is what it is supposed to be
18 according to the State law. So much for that.

19 There are plenty of oysters left over there on
20 that reef that we took oysters off of; I mean, tons of
21 them. It doesn't need to be replanted with shells, or
22 anything else. All you would do is smother what is there.
23 You just let that thing alone and let it grow, and it will
24 be fine.

25 It has been there for -- I have a friend whose
26 granddaddy used to work that reef, and it was legal back

1 in them days. It was a legal place to work. They never
2 could burn that reef out, and they were catching thirty,
3 forty, fifty sacks a day off of it, and it was maybe
4 twenty, or thirty, of them, Bayou LeBatre boys and
5 Mississippi boys working it. Actually, they were just old
6 men. Most of them are gone, now.

7 Once that thing got shut down and taken away
8 from actual harvest and it never did open back again,
9 obviously it just sprung out of itself.

10 If that thing gets worked, it won't hurt it. It
11 didn't hurt it this time, and I've got witnesses. I've
12 got people that know exactly because they were catching
13 these things.

14 There were just tons and tons there, but to
15 replant it -- to replenish it is a good idea, if it needed
16 it, but I don't think we need to do anything to it. Just
17 leave it alone.

18 I do want to thank you guys for what you have
19 done for the benefit of the fishermen. You are doing
20 well. Thank you.

21 COMMISSIONER BOSARGE: George, I think the
22 question before related to the western Sound.

23 GEORGE STORRS: well, I understand that. You
24 guys have the management plan and the plan says we can't
25 do it right now, and I understand that, but I'm glad that
26 General Spraggins spoke about it and you let me at least

1 ask if we could do this if and when it was available to do
2 this. It is not going to hurt.

3 Obviously, we haven't gotten what we were going
4 to get, as far as the limit, the quota, and it is not
5 going to hurt if we go back there and get some more. That
6 is just not going to hurt it because there's just not --
7 they may be scattered, but they are there.

8 The dredgers particularly could do well over on
9 St. Joe. There are plenty of oysters on St. Joe. They
10 didn't get killed, and they could really make some good
11 money over there, if you would consider opening that for
12 them.

13 I don't know if they are under the same criteria
14 as we are, but whatever you do for them, that would be
15 great. That would help them, too.

16 If you can help us, I would appreciate the help.
17 That would be on the western Sound.

18 COMMISSIONER BOSARGE: Thank you, George.

19 GEORGE STORRS: Thank you.

20 COMMISSIONER GOLLOTT: Mr. Chairman.

21 COMMISSIONER BOSARGE: Yes, sir.

22 COMMISSIONER GOLLOTT: Joe, one of the things
23 that needs to be pointed out, he said there are some areas
24 that are so thick over there that they don't need
25 planting, but there are areas there it that do need
26 planting.

1 Put cultch material there. You don't have to
2 put it on top of where there are oysters -- you can put it
3 on particular areas.

4 JOE JEWELL: That's right. If we do cultch
5 planting in Pascagoula Bay, as you know, that is a
6 riverine reef. It is in a much different environment. It
7 has a very strong footprint, and it doesn't operate very
8 well outside of that footprint.

9 If we did cultch planting over there, it would
10 have to be targeted. We sure don't want to place it right
11 on top of reef. We would place it in the areas where the
12 footprint would allow.

13 We have had that discussion before. I mean, the
14 Pascagoula Reef, if nature intended it to and provided the
15 correct environment and the sediment and everything else,
16 would be three, or four, times as big as it is, but it
17 doesn't traditionally grow.

18 It contracts and recedes according to
19 environmental conditions, but it doesn't get as large
20 scale as the ones in the western Sound because it's in a
21 riverine system.

22 COMMISSIONER BOSARGE: Do any of the
23 Commissioners want to make a motion, or leave it like it
24 is, as far as giving the Executive Director the authority?

25 COMMISSIONER GOLLOTT: Yes. I'll make that
26 motion that we give the Executive Director the authority

1 to open, let's say, the St. Joe Oyster Reef if he feels
2 like the reef can handle it and there is no problem. If a
3 flood is projected, or something, or predicted, then he
4 can open it up and let the people make some money before
5 those oysters die.

6 COMMISSIONER HAVARD: I think that we need to
7 have a meeting by phone like we have in the past few
8 weeks. That worked out very well. I think we need to do
9 that for the Commission to make that decision.

10 COMMISSIONER GOLLOTT: He doesn't want to give
11 the Executive Director the authority?

12 COMMISSIONER BOSARGE: I think he does, but he
13 wants to involve the Commission in that decision.

14 COMMISSIONER GOLLOTT: I make the motion to give
15 the Executive Director the authority.

16 COMMISSIONER BOSARGE: We have a motion on the
17 table to give the Executive Director the authority to open
18 the season, if conditions present are approved.

19 Do we have a second for that motion?

20 JOE SPRAGGINS: The question I have on that is
21 we are only talking about this time of year, between now
22 and the end of the year. That's the only thing I was
23 looking at, and I don't think it is going to work anyway,
24 but just in case it happens, and I don't want look at it
25 after that. After that, I think you are a hundred percent
26 right, Commissioner, that you need to be brought in on

1 this, but we were just talking in the short term.

2 COMMISSIONER BOSARGE: Correct, between now and
3 the end of the year.

4 JOE SPRAGGINS: Yes. That is the only thing we
5 were talking about.

6 COMMISSIONER BOSARGE: We have a motion on the
7 table.

8 Do we have a second for that motion?

9 COMMISSIONER GUESS: I'll second it.

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

12 All those in favor aye.

13 (Commissioner Daniels, Commissioner Gollott in
14 favor.)

15 COMMISSIONER BOSARGE: Opposed like sign.

16 (Commissioner Bosarge, Commissioner Daniels,
17 Commissioner Havard opposed.)

18 COMMISSIONER BOSARGE: So the motion fails.

19 Continue, Joe.

20 JOE JEWELL: Before we get into the agenda item,
21 I just want to take a brief moment to mention one of our
22 senior staff members not only in Marie Fisheries, but in
23 the Department of Marine Resources.

24 Mr. Mike Brainard has announced his retirement.
25 His last day will be December the 31st with our agency. He
26 has put in over thirty years of management and scientific

1 application into the duties and responsibilities of this
2 agency.

3 Mike is the oldest employee at our agency. He
4 began his career when we were the Bureau of Marine
5 Resources.

6 As we were established, he started with DMR.
7 Somewhere around 1997 he was named the Shrimp and Crab
8 Bureau Director in which he performed an exceptional job,
9 and, then, around 2011 he was appointed the Deputy
10 Director of the Marine Fisheries Office which he
11 exceedingly excelled at.

12 He also saw us through some of our most
13 challenging times, Katrina, the BP oil spill, several
14 major audits that have occurred in our agency. Because of
15 his long-term knowledge and skill, he was able to address
16 that and assist our agency and pull her out of the hole.

17 He has been a valued, dedicated employee to our
18 agency, and unfortunately he is not here this morning. He
19 is working on some grant documentation material prior to
20 him leaving, but I just wanted to bring that to the
21 Commission's attention and thank him for his long service
22 here at our agency.

23 COMMISSIONER BOSARGE: Yes, sir.

24 JOE SPRAGGINS: Is Mike here?

25 JOE JEWELL: No. He's not in the office today.
26 He is working on some grant documentation before he

1 departs before the holidays.

2 COMMISSIONER BOSARGE: I was scanning the
3 audience to see if I could pick him out.

4 JOE JEWELL: He has led such a low profile
5 career in our agency, but he is so valuable at what he
6 does and what he provides.

7 COMMISSIONER BOSARGE: A lot of knowledge.

8 JOE JEWELL: Yes, sir.

9 COMMISSIONER BOSARGE: I'm glad he is retiring,
10 but I hate to hear he is leaving. Hopefully we can get
11 somebody in there, or move somebody up, that can fill his
12 shoes.

13 JOE JEWELL: We plan to move pretty quickly on
14 that.

15 COMMISSIONER BOSARGE: Good for Mike.

16 JOE JEWELL: Thank you.

17 We are going to move right into the Marine
18 Fisheries agenda.

19 First up, the Commission asked us to come back
20 with some management recommendations for Spotted Seatrout
21 to try and increase the SPR. Mr. Matt Hill is going to
22 present that to you.

23 MATT HILL: Good morning Commissioners, Director
24 Spraggins, Sandy.

25 I'm a little under the weather this morning, so
26 try to bear with me. Joe wouldn't cut me any slack.

1 what we are going to discuss today is management
2 recommendations for the increase in the rate of percent
3 SPR for Spotted Seatrout. This was discussed at the last
4 Commission meeting when you asked us to bring back some, I
5 hate to say recommendations, but some options.

6 A little bit of background. Staff identified,
7 in order to increase SPR, fishing mortality must be
8 reduced.

9 The first step that was taken in this process
10 was the CMR adopted a twenty percent SPR target for the
11 Spotted Seatrout fishery and implemented a fifteen inch
12 minimum size limit for the recreational fishery.

13 In the next few slides management options to
14 accelerate this target will be listed and discussed in the
15 subsequent following slides.

16 This is a brief list of the management options
17 and I will touch a little bit on them, but each slide
18 hereafter will get a little bit more in-depth.

19 First is obviously status quo, and I do want to
20 remind the Commission and caution them that the current
21 management regime of a fifteen inch minimum recreational
22 size limit has been in place for only less than two years.

23 The second option to consider would be minimum
24 size changes in both the recreational and the commercial
25 industry.

26 The third option will be to consider seasonal

1 closures. We have considered these in the past whenever
2 we did raise the size limit.

3 Also, we can look at per person bag limit
4 changes, explore recreational quotas, or TAC's. These are
5 two separate issues, and we will discuss those later in
6 the presentation.

7 Institute vessel bag limits. Institute size
8 limits.

9 We will talk in a little bit further detail
10 about the size limits, but the last benchmark stock
11 assessment says, basically, that anything above eighteen
12 inches will be our threshold when we are looking at size
13 limits.

14 Possible gear restrictions and possible area
15 closures.

16 The first thing we will discuss is minimum size,
17 or bag limit, changes.

18 Option one. Raise the commercial minimum size
19 limit to fifteen inches and that would make it consistent
20 with the current recreational size limit.

21 Option two. Increase the minimum size limit in
22 both the recreational and the commercial industry.

23 Option three. Bag limit change from fifteen
24 fish to ten fish per person, or lower, and I will say to
25 make any significant impact on the fishery the bag limit
26 will have to be less than five.

1 COMMISSIONER BOSARGE: Matt.

2 MATT HILL: Yes, sir.

3 COMMISSIONER BOSARGE: I had a request for a
4 real quick break.

5 MATT HILL: All right.

6 COMMISSIONER BOSARGE: I hate to stop you in the
7 middle of your presentation, but is there any way we can
8 take a quick break?

9 MATT HILL: I wanted a break, too. I was asking
10 Dr. Mickle. I said surely we will get to take a break.

11 COMMISSIONER BOSARGE: I know you are on a roll,
12 but can we just start back at the top of that when we come
13 back, and let's just take a quick ten-minute break?

14 MATT HILL: That sound perfect to me.

15 COMMISSIONER BOSARGE: All right. Thank you,
16 sir.

17 MEETING STANDS IN RECESS

18 COMMISSIONER BOSARGE: I call the meeting back
19 to order, and we will let you begin where you left off.

20 MATT HILL: Where we left off, or start over?

21 COMMISSIONER BOSARGE: Commissioner Havard, our
22 court reporter asked that you try to lean over and speak
23 into that mike where she can hear you a little better.

24 COMMISSIONER HAVARD: No problem.

25 COMMISSIONER BOSARGE: Thank you, sir.

26 MATT HILL: At the beginning?

1 COMMISSIONER BOSARGE: No. Just where you left
2 off about the size limit slides.

3 JOE SPRAGGINS: I think you were talking about
4 the options.

5 MATT HILL: I will try to get a train of thought
6 back. We will just start at the beginning and begin with
7 the management options.

8 Option one will obviously be status quo. The
9 current management regime of fifteen inch minimum
10 recreational size limit has been in place for less than
11 two years. I think that is an important point for the
12 Commission to consider.

13 Option two would be minimum size change for both
14 the recreational and the commercial fishery.

15 COMMISSIONER GOLLOTT: Matt, excuse me.
16 Can I ask you a question, before I forget it?

17 MATT HILL: Yes, sir.

18 COMMISSIONER GOLLOTT: On this quota, status
19 quo, in the last two years, have we increased our SPR?
20 Has it gone up at all?

21 MATT HILL: Yes, we have increased our SPR.
22 The purpose of this presentation was to find
23 ways in which we can possibly increase it at a faster
24 rate.

25 COMMISSIONER GOLLOTT: What is our SPR now?
26 what percentage?

1 MATT HILL: Currently with the update I believe
2 it was seventeen point two. However, I did point out with
3 the Commission that there were two outliers in there and
4 if we take those out, we are hovering around the fourteen
5 percent SPR mark which is an increase.

6 COMMISSIONER GOLLOTT: What was it, when we
7 raised it?

8 MATT HILL: When we first started this, we were
9 looking at an SPR of around seven point two. However, as
10 additional inputs were put into the model, it changes
11 throughout time for various reasons, for technical reasons
12 that I prefer not to get into here. It will take a lot of
13 time, but it is increasing. The stock is holding its own.

14 we feel like we are righting the ship, but it is
15 slow. When you look at it in a holistic picture and you
16 just take some of the numbers out of it, the trends are
17 turning around, but they are slowly turning around.

18 COMMISSIONER GOLLOTT: Please forgive me for
19 interrupting you, but I wanted those answers. It is in my
20 mind. Thank you.

21 MATT HILL: Yes, sir.

22 Obviously with the minimum size change that
23 would apply, the option would apply to both the
24 recreational and commercial for the CMR to consider.

25 Also consider seasonal closures, per person bag
26 limit changes, recreational quotas and TAC's which we can

1 have a more in-depth conversation later in the
2 presentation, institute vessel bag limits, look at size
3 limit options which we will see what one other state has
4 particularly done and show the Commission some of the
5 options that we have come up with. Possible gear
6 restrictions and area closures.

7 we will go slide-by-slide on each option here,
8 and we are talking about if the minimum size, or bag
9 limit, changes, one option will be to raise the commercial
10 minimum size limit to fifteen inches to become consistent
11 with the recreational size limit.

12 Another option will be to increase minimum size
13 limit in both the recreational and commercial size limit.
14 However, I would caution the Commission we did have a
15 pretty drastic size limit change fairly recently from
16 thirteen inches to fifteen inches.

17 Bag limit change from fifteen to ten fish per
18 person, or lower. However, scenarios did show to make a
19 significant impact, when we are talking about bag limits,
20 the bag limit would have to be less than five per person.

21 Vessel bag limits is something we didn't touch
22 on a lot, when we did the base assessment. Vessel bag
23 limits with allowances, or slot limits, and this would
24 include under size and over size, or both, and fish per
25 person bag limits with allowances and, again, this could
26 include under size allowances, over size allowances, or

1 both.

2 we talk about size limits. One strategy that we
3 will put up just for demonstration that Florida has
4 implemented is five fish with one over twenty inches per
5 person.

6 Some data for the Commission to consider when we
7 are looking at size limits would be to maintain the bag
8 and size limit of fifteen fish per person, fifteen inches
9 and one over twenty inches.

10 we could possibly go to fifteen fish per person,
11 or raise the size limit to sixteen inches with one over
12 twenty inches.

13 we can drop the bag limit to ten fish per person
14 and remain at fifteen inch size limit with one over twenty
15 inches, or any other recommendations that the Commission
16 would like to consider.

17 However, I would like to point out also that
18 revisiting the baseline assessment, the threshold that
19 gave you the most bang for your buck when you were
20 considering size limits, or slot limits, was not twenty
21 inches. It was an eighteen inch maximum.

22 COMMISSIONER BOSARGE: Matt, didn't you say it
23 would take five fish, or less, to make a change?

24 MATT HILL: Yes. Any drop in the bag limit
25 would make a change.

26 what I'm trying to say is it would take five

1 fish, or less, to make a significant change.

2 when you are looking at bag limits, ninety to
3 ninety-five percent -- and I don't have the number
4 directly in front of me -- harvest actually less than
5 three fish per person on the trip. You have the five
6 precentors that we would be trying to deal with and that
7 just wouldn't make a large impact in the holistic view of
8 the fishery.

9 The other seventy-five thousand that are
10 catching three fish, or less, that is who we would be
11 impacting.

12 That is the type of change that we would need to
13 make to the bag limit to see any type of significant rate
14 of increase in the SPR, and that is the purpose of this
15 presentation.

16 COMMISSIONER DANIELS: Matt, if I may, one
17 question that I've got about this, when you are talking
18 about that decline in the SPR, it's hard to stop that
19 decline, but, once we start going up, does it snowball as
20 it goes up?

21 As you are getting more reproducing fish, does
22 it increase faster than it takes us to stop a decline?

23 MATT HILL: Well, it has taken us two years to
24 begin to stop the decline. We have not stopped the
25 decline. As we showed in the last presentation, the
26 steepness of the decline has decreased. For lack of a

1 better word, it is less negative than what it was.

2 we are approaching a static fishery, a neutral
3 fishery.

4 Now, when we begin to talk about the rebuilding
5 of the fishery, it is not only some regulatory factors as
6 to what we can control. It is obviously going to be some
7 environmental factors.

8 Dr. Mickle and I have had multiple conversations
9 and said time and time again whenever CMR chose to
10 institute the fifteen inch minimum size, we did see a
11 fairly drastic change. However, we also had the Bonnet
12 Carre spillway open.

13 Anytime an environmental factor like that
14 happens, something that we are not in control of, we have
15 always seen an increase in our independent sampling that
16 pushes year classes over here that we were not expecting,
17 but we don't like to count on that all the time.

18 Theoretically what you are saying, yes. Once
19 you become neutral and the effort remains as it is -- that
20 is all we have to go by is the effort numbers -- if they
21 remain like they are, they usually expect to begin to see
22 a slight increase in SPR over time with the current
23 regulations.

24 COMMISSIONER DANIELS: It just seems to me like
25 if you take the environmental factors out, once it starts
26 going up, you have essentially got a snowball affect there

1 because the more fish that are in the water are going to
2 produce more and it is just going to get exponential --

3 MATT HILL: (Interposing) As long as the effort
4 remains constant.

5 If the effort continues to go up, then, that
6 begins to negate some of it. That is why we are very
7 cautious in saying that it will exponentially go up. It
8 will go up according to the pressure that is actually put
9 on the fishery.

10 COMMISSIONER DANIELS: Okay.

11 COMMISSIONER BOSARGE: And what is the curve of
12 the effort?

13 MATT HILL: The curve of the effort?

14 COMMISSIONER BOSARGE: Yes.

15 MATT HILL: In the last --

16 COMMISSIONER BOSARGE: (Interposing) I guess
17 the short answer.

18 MATT HILL: In the last eighteen years, it has
19 tripled.

20 COMMISSIONER BOSARGE: Right now it is still on
21 the incline?

22 MATT HILL: It is still on the incline. It's
23 not on as steep of an incline as we saw five years ago,
24 but it is still on the increase.

25 Some other options that the Commission may want
26 to consider is gear restrictions. We were talking about

1 that. We could explore prohibiting treble hooks and/or
2 multiple rigs, in both the commercial and recreational
3 hook-and-line fishery, and institute line, or gear,
4 material requirements, or any other options recommended by
5 the Commission that the staff may not have identified.

6 COMMISSIONER GOLLOTT: Matt, can I ask you a
7 question, please?

8 MATT HILL: Yes, sir.

9 COMMISSIONER GOLLOTT: What would happen if we
10 just closed down the speckled trout fishing for two, or
11 three, months out of the year and you reduce it down to
12 five fish?

13 what would that give you?

14 would that give us what we need in a year, or
15 two?

16 MATT HILL: That is right here on this slide.
17 We can't quantify what it would give us, but what we could
18 do is when we are talking about closures, we already have
19 a commercial Spotted Seatrout closure in place from
20 November 1st through January 31st. The possible
21 recreational closure to consider would be during the
22 spawning period which has been identified. The apex of
23 spawning period has been identified between April and May.

24 This is something we have never done before. It
25 is something extremely difficult to quantify.

26 we do feel like if this did happen though it

1 obviously would have an impact on the fishery. How much
2 of an impact it would have on the fishery, we don't know.

3 However, the big question we have in fisheries
4 management right now is when you start implementing
5 closures like this, or short closures, or anything like
6 that -- and the Red Snapper fishery is a very good
7 example. I hate to use it. It is also a fishery -- you
8 begin to alter the thinking and the fishing habits of the
9 user group.

10 Just because we close it during this time
11 doesn't mean they are not just going to ramp up their
12 fishing effort during the other time of the year. It is
13 not a guarantee that the effort will be reduced across the
14 board. It is a tool in the toolbox to consider, but it's
15 not the silver bullet. It obviously will have an impact,
16 but it may have a neutral impact. It possibly may have a
17 negative impact. It is something that only time will
18 tell.

19 COMMISSIONER GOLLOTT: well, one of the things
20 we need to think about is your bait shops and your fishing
21 stores and stuff like that. I mean, they do survive on
22 this.

23 I don't know what it would do them, if we closed
24 it down for a couple of months.

25 It might be worth a try to close it down for
26 April and May altogether, commercial and recreational, and

1 treat them both alike.

2 MATT HILL: I would say that -- I mean, we can
3 run the scenarios and we have run them before, and
4 obviously the model did produce an increase. It did
5 obviously produce an increase. However, what the model
6 cannot take into account and what staff, or the Commission
7 for that matter, cannot take into account is how do
8 closures alter the fishing habits of the fishermen.

9 Is it going to be become a derelict fishery
10 right before, or right after?

11 What extreme impact is this going to have on the
12 fishery?

13 That is honestly a question when I don't know, I
14 don't know, and I'm going to tell you I just don't know.

15 COMMISSIONER DANIELS: It seems to me that that
16 upper end slot limit would have the most potential for
17 doing good during these spawning months. Historically,
18 guys go out when these fish are spawning, they are in big
19 numbers, they are congregating, and that's whenever they
20 are going to catch their bigger fish.

21 I have always been an advocate of let's put an
22 upper end slot limit and let's put those big females back
23 in the water.

24 MATT HILL: And I do want to encourage the
25 Commission that we are trying to categorize these for ease
26 of understanding. However, any combination of what we put

1 up here, as you just said, a slot limit during a certain
2 time of year, or in a certain area, or anything like that,
3 is obviously going to have some type of impact, but as a
4 manager, my issue when we talk about short-term closures
5 is we just don't know what the fishing habits -- how this
6 is going to alter the fishing habits of the recreational
7 fishery and the for-hire fishery. That is a huge impact
8 that you are putting on these industries.

9 COMMISSIONER GOLLOTT: Let me say this, Matt.

10 Louisiana has a very good finfish section in
11 their wildlife and Fisheries, and I was talking to the
12 head guy, and I ask him why didn't they do an upper slot
13 limit in Lake Calcasieu known for its big trout.

14 He said because they have proven that when they
15 bring those absolute big fish to the boat, they die
16 anyhow. They get more mortality because they are big and
17 they run out of oxygen and it kills them when you land
18 them, so that's the reason they don't put a slot limit in
19 Louisiana.

20 COMMISSIONER HAVARD: Matt, I think you have
21 done exactly what we asked you to do, come back with some
22 options.

23 At this point, I think we need to take bits and
24 pieces of a lot of these options and come up with some
25 good conclusions and move forward.

26 I think at this time you should move forward

1 with your presentation. We have talked about this
2 multiple times, so let's move forward with your
3 presentation, and, then, we will get with you to piecemeal
4 a good option.

5 MATT HILL: And that is what I do want to
6 encourage is we don't just have to pick one. If the
7 Commission so desires, a combination of factors would
8 probably be the best in certain situations.

9 The next thing we talk about will be potential
10 area closures, obviously north of the CSX, specific bays
11 and environmental closures, and this is something that has
12 intrigued me.

13 Actually, the Office of Marine Patrol brought
14 this to me, when we were talking about some other things,
15 and I didn't know some of the things that were going on on
16 the east coast, but they have programs in place and they
17 have independent monitoring in place for such events --
18 and I'm going to try to relate it to an event we have here
19 is when the Bonnet Carre opens up -- where they can shut
20 down a fishery, they can modify a fishery, they can modify
21 the gear within the fishery, they can modify bag limits,
22 they can modify vessel limits, within a thirty-six to
23 forty-eight hour period.

24 This is something that I thought was more of a
25 progressive management style that we may want to start
26 considering, when we see some environmental factors that

1 we know are going to affect our fishery and possibly push
2 large amounts of fish into our area that we would not
3 normally see is not to necessarily shut the fishery down,
4 but maybe take a more progressive approach and say, let's
5 get some buy-in and drop some limits for certain periods
6 of time.

7 How long does it take those fish to get over
8 here?

9 what do we actually see?

10 we are instituting some pretty strenuous
11 monitoring. As Paul said with the seagrasses, we are also
12 instituting some pretty strenuous independent monitoring
13 around Cat Island. Obviously that is the first area that
14 we do see affected.

15 It would be nice in the future and I think this
16 is something a few years down the road, but that the
17 Commission may want to begin to consider as a more
18 progressive approach to look at some things that have
19 worked for other states, and they have been very
20 successful in the fisheries, the user groups and the
21 fishermen have buy-in and, through my conversation with
22 Marine Patrol, it seems to be that it has been a very
23 successful program, and it is something that I am
24 exploring a lot more deeply. I just don't have a lot of
25 the details that I really need to right now.

26 And, also, as an offside, any other options

1 recommended by the Commission.

2 when we start to talk about recreational quotas,
3 or TAC's, when we start talking about establishing these
4 things, we are talking about setting the yield -- this in
5 kilograms, and I will give it to you in pounds in just a
6 second -- set a yield and close the recreational fishery
7 when it is reached, set a quota based on landings history
8 and also have a monitoring strategy in place.

9 Currently without that, this would be a
10 projection based on historical catch-per-unit effort and
11 just effort overall.

12 The ultimate goal would be in-season monitoring,
13 but through the stock assessments and the updates, the
14 yield would be based on the most current assessment, or
15 update.

16 For an example, we have highlighted for the year
17 2019, the Commission obviously has set a percent SPR of
18 twenty. If you convert the four hundred and seventy-six
19 thousand four hundred and forty-two kilograms, if you
20 would establish a recreational quota, you would then
21 subtract the -- this is the total allowable catch, so you
22 would subtract the current commercial quota and that is
23 what your quota would be. You would be left with
24 approximately one million pounds of recreational harvest
25 for the 2019 season.

26 COMMISSIONER BOSARGE: Say that last sentence

1 again.

2 You would be left with what?

3 MATT HILL: If we went down this road, or the
4 commission so chooses to explore this, the yield would be
5 based on the most current assessment, or update.

6 what would happen is every year we are required
7 to give the Commission an update. This shows right here
8 what the allowable biological catch would be for the year
9 2019, and I'm just using that as an example.

10 For better words, after everything is said and
11 done, the recreational quota would be set at roughly one
12 million pounds for 2019.

13 COMMISSIONER BOSARGE: And that would be to try
14 to get to a twenty-six percent SPR in five years?

15 MATT HILL: Yes. That would be to move from --
16 currently you percent SPR, your goal is twenty, so that
17 would not be to get to twenty-six. That would give you a
18 twenty-six percent increase over where you currently are
19 over a five-year period. That would not be to get to
20 twenty-six. That would just show that it would be a
21 twenty-six percent increase.

22 COMMISSIONER BOSARGE: Okay.

23 MATT HILL: If the Commission would lower the
24 percent SPR, which I do not recommend, it would show an
25 eighteen percent increase, and that is the five-year
26 change with size. The more aggressive you go, I would say

1 the higher the increase would be over a period of time.

2 COMMISSIONER BOSARGE: We have had this
3 discussion and in my experience in dealing management
4 plan, they always give a TAC, or a quota.

5 That, to me, is the easiest way to manage a
6 fishery, but do you have the ability to?

7 MATT HILL: We currently do not have the ability
8 for in-season monitoring. We do currently have the
9 ability to give projections on what the season will be, as
10 how NOAA, or NPS, was doing for the Red Snapper fishery.

11 We have the ability in many different ways to do
12 that. It would be the Commission's guidance that we would
13 seek on how we would do that, whether it would be a ten-
14 year historical catch-per-unit effort, a five year
15 historical catch-per-unit effort. We would have to
16 analyze the actual effort coming into the fishery every
17 year. There would be a lot of moving parts.

18 Can we do it?

19 I believe we can do it.

20 Can we do it efficiently at this time?

21 I do not believe we can do it efficiently at
22 this time.

23 Can we get there in the next couple of years?

24 I do believe that we can.

25 COMMISSIONER BOSARGE: I see a bunch of things
26 in here. I'm sure everybody has got ideas of what we

1 could do to try to help this along to speed up the
2 recovery.

3 I do like the idea for the -- in my opinion it
4 is only fair if we've got a quota on the commercial side,
5 either take that quota off, or let's get everybody on the
6 same page. Let's do the same management across the board.

7 It's up to you and the staff, though, to be able
8 to calculate landings to know when that quota is reached,
9 and I know that is going to be a tough thing to do.

10 MATT HILL: It is extremely difficult, and we
11 are working very diligently on it to try to come up with
12 something that we are -- we probably will never have a
13 system -- and I will be honest -- that we will ever be as
14 confident in as the Tails n' Scales system because it is
15 dealing with a very specific species, in a very specific
16 universe and it's a very specific time.

17 This is going to be a combination of a
18 combination of projections and some type of monitoring
19 within the season. It is going to be something that I
20 have never seen done before. We are looking into it.

21 We can project all we want, but if I had to
22 project -- I got the numbers in for the first wave of
23 2018, and I'm just going off the top of my head, but, if I
24 had to use that as a projection for the rest of the year,
25 I believe the 2018 season would have closed sometime at
26 the end of May because there were so many fish harvested

1 which is expected, but that is the only data we would have
2 to go by to make in-season modifications to the projection
3 that we made prior to the season.

4 We would want it to be a dynamic fluid process.
5 However, it's just not something that I'm comfortable with
6 that it will be accurate for that particular user group
7 now.

8 However, I do feel like something will -- we can
9 come up with a system in the near future that we can all
10 be comfortable with, if we decide to go down this road.

11 COMMISSIONER BOSARGE: To me, Matt, that is the
12 road. That's the road everybody else is on, so I would
13 like to see you work towards that road.

14 I know there is no way we can do it now, but
15 that's how you manage a fishery.

16 Continue on.

17 MATT HILL: I was going to try to be brief.

18 Are there any questions?

19 Is this what the Commission was looking for,
20 asking for?

21 COMMISSIONER BOSARGE: I had one more question,
22 and I'm sure some of the others do.

23 Treble hooks. At one time in Mississippi were
24 treble hooks outlawed, or not, illegal to use?

25 MATT HILL: Correct.

26 COMMISSIONER BOSARGE: why?

1 Give me some background because I don't recall.

2 MATT HILL: That was before my time, and I'm not
3 really sure why they were actually outlawed.

4 COMMISSIONER GOLLOTT: I think I can help you
5 there. I was in the fight with the treble hooks and Mr.
6 Eicke and different people. They proved that treble hooks
7 didn't make any difference. The fish didn't swallow them.
8 They didn't kill any more fish with a treble hook than
9 they did with a straight hook, and NOAA and the State of
10 Louisiana and different people had come out with it, so we
11 changed the law on treble hooks.

12 At the same time, we dropped it down to thirteen
13 inches.

14 Treble hooks are not going to help.

15 COMMISSIONER BOSARGE: Well, I was thinking more
16 of bycatch mortality. If you see a trout that swallows a
17 treble hook, whereas if a that trout swallows a straight
18 single hook, it is a bunch of difference.

19 COMMISSIONER GOLLOTT: Science says it was the
20 same. That's the reason we changed it.

21 MATT HILL: I do believe that with all the
22 options presented -- I like what Commissioner Havard and
23 Commissioner Daniels have said that possibly some type of
24 combination, some type of seasonal -- some things that
25 would possibly accomplish what we are looking for here,
26 until we can come forward with a -- whether the Commission

1 chooses to adopt a quota, or a TAC, until we can come
2 forward with a program that everybody will be comfortable
3 with and we would be comfortable with as a staff that we
4 are giving this accurate data.

5 COMMISSIONER BOSARGE: Well, I think
6 Commissioner Havard made a valid point and you see it,
7 Matt. Take a couple of outliers out, look at the trend
8 lines, and you've got to wonder where are we and, of
9 course, we don't have enough years to really know where we
10 are.

11 In an effort to guarantee some success, I feel
12 that what you presented, we need to move on some of it,
13 and I want to leave it up to the rest of the crowd.

14 I was just looking at what you could do that
15 would make a difference.

16 Anyhow, we do have some public comments.

17 COMMISSIONER GOLLOTT: What I was wondering is
18 if we establish quotas and it wouldn't hurt any of the
19 industries, bait camps and tackle shops and everything, if
20 we left things status quo.

21 If we are going to do it, let's do it radically.
22 Let's do it for a short period of time and get it over
23 with.

24 COMMISSIONER BOSARGE: When you talk about bait
25 camps, I have given that a lot of thought, too.

26 Just because you close Spotted Seatrout and

1 that's another one, I'm sure, of your concerns, closing
2 for Spotted Seatrout, people are still going to fish.

3 My worry with that is bycatch mortality because
4 you are still going to fish in those same places within
5 reason and you are still going to catch Spotted Seatrout.

6 There are bunch of things you have to --

7 MATT HILL: (Interposing) And that is our
8 biggest consideration lately.

9 we had a large conference call two days ago. I
10 lose track of time, but it was about when you start to
11 change fisheries and it was dealing with the Red Snapper
12 fishery, when we start looking at it is when you have
13 seasonal closures. We were starting to analyze the two-
14 week closure that we had, what type of affect did it have
15 on it, did they begin to target other inshore species
16 during that two weeks.

17 People are still going to fish, and we realize
18 that. When we do some of these things, we are trying to
19 begin taking into consideration where are we going to sift
20 that effort, which species is next because every action
21 has a reaction and we have seen that in several fisheries
22 so far.

23 we know, obviously, that Spotted Seatrout is
24 number one on the list, but just because you take it away
25 for a short period of time and you put some type of
26 different management regime on that particular species,

1 that -- we see it in the offshore fisheries. We did it
2 with snapper. Now we are moving with the Triggerfish and
3 now we are at Gray Snapper, Amber Jack. They are not
4 going to stop. That is just the nature of the game, but
5 until we begin to start to develop techniques to
6 understand what pressure is going to do, once you shut
7 down fisheries, or change management regimes on a fishery,
8 unfortunately we are going to be spinning our wheels.

9 COMMISSIONER BOSARGE: I would like to see maybe
10 Commissioner Daniels and Commissioner Havard look at your
11 list and come back next meeting with maybe some
12 suggestions. Let them talk to their constituents and some
13 changes we could make that would make a difference.

14 COMMISSIONER HAVARD: I think that's a good
15 idea, Steve.

16 COMMISSIONER BOSARGE: Are there any other
17 questions?

18 (No response.)

19 COMMISSIONER BOSARGE: Thank you, sir.

20 MATT HILL: Thank you.

21 COMMISSIONER BOSARGE: Wait a minute. We've got
22 one public comment. Mr. Eicke.

23 F. J. EICKE: I'm okay.

24 COMMISSIONER BOSARGE: You are okay?

25 F. J. EICKE: Yes.

26 COMMISSIONER BOSARGE: All right.

1 JOE JEWELL: Our next agenda item is
2 consideration for the 2019 Derelict Crab Trap Removal
3 Program. Mr. Rick Burris will give that presentation.

4 RICK BURRIS: Good morning Mr. Chairman,
5 Commissioners, General Spraggins, Ms. Chesnut.

6 Today I want to present for the Commission's
7 approval a proposal for the 2019 Mississippi Derelict Crab
8 Trap Removal Program.

9 If you were not aware, state statute grants the
10 Commission the authority to close down the crab trap
11 season, or establish a closed season for the use of crab
12 traps in the public waters of the state for no less than
13 ten days and no more than thirty days, specifically for
14 the purpose of derelict trap removals.

15 That language is also found in Title 22, Part 4.

16 If you are not familiar with a derelict crab
17 trap, a derelict trap is defined as a lost trap which is
18 typically unbuoyed, unmarked and not actively fished.

19 These can become lost is a variety of different
20 ways. You have high water events, tropical storms,
21 hurricanes, theft and most notably vessel propellers
22 cutting the float line.

23 Once the float line is cut on these traps, they
24 immediately become derelict and, once they are out there,
25 they propose a host of problems. They are navigational
26 hazards, they cause a lot of user groups conflicts and

1 they continue to entrap organisms, or ghost fish.

2 They will catch blue crabs, a variety of finfish
3 species, and you really can't see on this, but, in that
4 picture, that is a bird, so they catch more than just fish
5 and crabs.

6 Anything we can do to get these traps out of the
7 water is a positive for the environment and the fishery as
8 a whole.

9 I also want to add that it is a part of the
10 fishery that these traps are lost, just because there are
11 so many boats out there and there are so many events that
12 these traps can become lost with, but the agency does a
13 lot to set regulations to keep these things from becoming
14 lost and the fishermen, by all means, don't want to lose
15 their traps. They lose a lot of time and a lot of money
16 when they lose their traps. They are valued at about
17 fifty dollars each, so they do everything they can to keep
18 these traps from being lost, but unfortunately that is
19 part of the fishery.

20 Derelict trap removals have been highly
21 successful across the Gulf of Mexico, but especially in
22 the State of Mississippi. We have such a small coastline
23 that we can effectively remove traps in a very short
24 period of time with the help of our commercial fishermen
25 and a lot of volunteers.

26 This chart shows previous derelict trap removal

1 efforts going back to 1999 when the program started. It
2 is the first of its kind in the Gulf of Mexico.

3 The chart shows the years with the asterisk are
4 when had actual closures with cleanup events as we are
5 requesting today with volunteers and commercial fishermen
6 going out and doing all, or most, of the effort.

7 You can see that the years where there are no
8 asterisks, those were just staff efforts.

9 Overall we have removed, since 1999, twenty-one
10 thousand six hundred and seventy-one traps which says a
11 lot for our agency and the volunteers and commercial
12 fishermen that have helped us remove these traps.

13 I also wanted to note that the program has been
14 recognized numerous times by the EPA, the Gulf of Mexico
15 Program, the Mississippi Recycling Coalition and the
16 Mississippi Chapter of American Fisherman Society,
17 documenting all the success that we have had.

18 This slide is a summary of the logistics of the
19 program that we are proposing.

20 I do want to add that last month at the
21 Mississippi Crab Task Force there was a formal motion made
22 for us to come forth to the Commission and request a crab
23 trap closure for early February for all State waters, and
24 that motion passed unanimously.

25 what we are proposing is a crab trap closure for
26 all coastal waters from February 7th through the 16th.

1 we looked at the tides for this week. They are
2 very good, very low tides which is what you need when you
3 are going to get these traps out of the water.

4 The fishermen will have the first seven days of
5 the closure to remove their own traps from the closure
6 areas, and, then, the final three days which will be
7 February 14th through the 16th, any traps left in the water
8 will be subject to removal.

9 The cleanup will be open to volunteers from the
10 general public. We typically have a lot of NGO's
11 involved, commercial fishermen of course and anybody from
12 the general public that wants to go out and help, they
13 will be advised to remove these traps.

14 We will notify all licensed commercial and
15 recreational crab fishermen ahead of the closure. We give
16 them ample time to remove their traps. We will also get
17 with our Public Affairs Office and do as much recruitment
18 with social media and our website to try to get more
19 volunteers, as many as we can.

20 During those three days, February 14th through
21 the 16th, we will have drop-off sites located at historical
22 locations in Bayou Caddy, Ocean Springs Harbor and the
23 Pascagoula point where the volunteers can bring traps that
24 they get to us, we will accept them and we will get some
25 data off of them, and, then, we will put them in a
26 dumpster where they will later be hauled out to a local

1 scrap facility, once the cleanup has ended.

2 what we will need to move forward is approval
3 from the Commission to establish a closed season for the
4 use of crab traps in public waters of this state for the
5 purpose of conducting a derelict crab trap cleanup from
6 February 7th through the 16th of 2019.

7 COMMISSIONER BOSARGE: I have got to say Rick,
8 he heads up the Crab Task Force now and does a heck of a
9 job.

10 I'm actually a member of that task force and he
11 has done a lot of good, a lot of good.

12 RICK BURRIS: Thank you.

13 COMMISSIONER BOSARGE: Do we have a motion?

14 COMMISSIONER GOLLOTT: I'll make that motion,
15 Mr. Chairman, that we go with the staff's recommendation.

16 COMMISSIONER BOSARGE: We have a motion.

17 Do we have a second for that motion?

18 COMMISSIONER HAVARD: I'll second the motion.

19 COMMISSIONER BOSARGE: We have a motion and a
20 second.

21 All those in favor aye.

22 (All in favor.)

23 COMMISSIONER BOSARGE: Opposed like sign.

24 (None opposed.)

25 COMMISSIONER BOSARGE: Motion carries.

26 RICK BURRIS: Thank y'all very much.

1 COMMISSIONER BOSARGE: Yes, sir.

2 JOE JEWELL: Commission, the final item on
3 Marine Fisheries section of the agenda is a motion that
4 Commissioner Gollott made earlier in the meeting to have a
5 discussion on Cat Island Net Fishing.

6 Commissioner Gollott.

7 COMMISSIONER GOLLOTT: Thank you, sir.

8 As all of y'all know, we had a legislative forum
9 on December the 5th where our legislators came in and we
10 gave them our wishes and they gave us theirs.

11 The one thing that they made very clear is they
12 wanted the commercial nets, finfish nets off of Cat
13 Island.

14 what I would like to do, and we need to do that
15 this month. We need to get this started because the
16 legislature goes in session in January, and they told us
17 flat out if we didn't do something, they were going to do
18 it, and the last thing this Commission should want is the
19 legislature to get involved in this.

20 COMMISSIONER BOSARGE: Commissioner Gollott, if
21 I could ask you, this is what, the third time now we have
22 had this issue before us and, once again, what new science
23 are you presenting that --

24 COMMISSIONER GOLLOTT: (Interposing) Mr.
25 Chairman, please let me finish. I started this. Let me
26 finish it, and, then, you can go ahead with your input. I

1 understand where you are coming from.

2 The legislators gave us an ultimatum to do it,
3 and I think that we need to move forward with it.

4 I would like to make a motion that -- well, two
5 of them, as a matter of fact.

6 First of all, the first motion would be that no
7 new nets could be introduced into the fishery, unless the
8 Commission approved it. In other words, they couldn't
9 come up with a new net and say, this is something else and
10 we want to fish, like gill nets and such as that. The
11 stuff that they are coming up with is to get around the
12 law.

13 The second one is to form a half a mile zone
14 around Cat Island for no commercial finfishing with nets,
15 with the exception of brill nets, shrimp nets and cast
16 nets.

17 Now, Mr. Chairman, you can open it up for
18 discussion, if you want to, please.

19 COMMISSIONER BOSARGE: well, once again, this
20 will be the third time we are here trying to close Cat
21 Island down.

22 It is our charge to make management decisions
23 based on best science available.

24 I ask you once again what science do you have
25 available that we don't already have?

26 I understand where you are coming from. Your

1 reasoning is that the legislature says if we don't do it,
2 they are going to do it.

3 well, in my opinion, I'm sorry, but we have no
4 right, or no authority, to do it.

5 If you can give me some authority, I'm a hundred
6 percent behind you, but, if the legislature thinks this is
7 something that needs to be done, then, let them do it.

8 COMMISSIONER GOLLOTT: I'm sorry, Mr. Chairman.
9 I don't look at it like that. I think that is something
10 we need to do.

11 Cat Island was recreational fishermen for
12 generations, and we just had this one little problem over
13 there, and it doesn't sound like you want to solve this
14 problem, but I think this motion that I would make will
15 solve the problem. It will put it back just like it was
16 last year and the year before that where only recreational
17 fishermen mostly wade fish around Cat Island and catch the
18 fish.

19 COMMISSIONER BOSARGE: Commissioner Gollott,
20 that island was a commercial fishery long before it was a
21 recreational fishery.

22 Once again, I mean, if you can give me a good
23 logical scientific reason, I'm with you.

24 We are here. Once again, this will be our third
25 time with this.

26 COMMISSIONER GOLLOTT: Yes, sir, and I would

1 like it the last time.

2 I would like to make the motion that we put the
3 half-a-mile zone around Cat Island and no commercial
4 fishing, and only the nets that I said and I also included
5 in that.

6 Mr. Chairman, I would like for you to go out for
7 a second and, if it fails, it fails. If it passes, it
8 passes.

9 COMMISSIONER BOSARGE: All right.

10 COMMISSIONER GUESS: May I ask something really
11 quickly?

12 COMMISSIONER BOSARGE: Yes.

13 COMMISSIONER GUESS: In everyone's opinion on
14 the Commission, by us making this regulation versus
15 legislation, what is, I guess, really the positives and
16 negatives?

17 If we do let them make this under their
18 legislation, then, it is completely out of our control.

19 If we make this regulation under the Commission,
20 then, it is something that we can modify and change as we
21 go.

22 Is that correct?

23 COMMISSIONER BOSARGE: That is correct, but
24 understand this --

25 COMMISSIONER GOLLOTT: (Interposing) And the
26 legislature has all the authority in the world to do

1 anything they want to.

2 COMMISSIONER BOSARGE: That's correct.

3 COMMISSIONER GOLLOTT: They don't need any
4 scientific evidence.

5 COMMISSIONER BOSARGE: I will say one thing and
6 I'm going to say it again. The resources of the State of
7 Mississippi belong to all the people in Mississippi.

8 They will have to take it to the legislature
9 where the whole state will have to vote on it. In my
10 opinion, that would be where you would need to go with it
11 and let all the people of the State of Mississippi vote on
12 it and, if they think that is what needs to be done, then,
13 we have no choice. Let it happen.

14 For us to do something with no basis, I would
15 like to have legal's opinion. We are charged with the way
16 we make management decisions and the information we use to
17 make those decisions, and I hear none.

18 COMMISSIONER HAVARD: Richard, when you are
19 referring to nets around Cat Island, is this recreational
20 and commercial, all nets?

21 COMMISSIONER GOLLOTT: All nets, except the
22 three that I excluded.

23 COMMISSIONER HAVARD: Okay.

24 COMMISSIONER GOLLOTT: I don't think we are
25 discriminating.

26 COMMISSIONER BOSARGE: Can I get an opinion from

1 legal, please?

2 SANDY CHESNUT: I think the Commissioners are
3 all aware of the requirements, the statutory requirements
4 that they have to base their decisions on, and, then, from
5 there, there has been a lot of information introduced over
6 the past few months, and the Commissioners have to
7 determine whether that information fits into the statutory
8 requirement.

9 COMMISSIONER HAVARD: I think the first motion
10 we have resolved with our Gear Task Force.

11 Is that correct?

12 COMMISSIONER GOLLOTT: Well, I don't think it is
13 wise to wait for the task force because somebody in the
14 legislature is going to introduce the bill, and, then, it
15 is going to be out of our control.

16 If we do it, like Natalie said, we can come back
17 and modify it. There are a lot of things we can do, if it
18 is unjust, or whatever.

19 Once the legislature gets ahold of it, God only
20 knows.

21 COMMISSIONER BOSARGE: I agree. I think that
22 the task force will take care of the nets, the gear issue.
23 That's what we formed it. I don't think there is going to
24 be anything happen between now and then.

25 COMMISSIONER GOLLOTT: A senator looked at
26 Natalie and said, "Either take care of it, or we will."

1 Now, that's about as plain as you can get.

2 COMMISSIONER BOSARGE: Yes, sir, and, in my
3 opinion, if Natalie takes care of it without a reasoning,
4 having some basis for making that decision, then, she is
5 going to held liable for her decision.

6 I say if the legislature wants to do it, well,
7 let them be held liable for their decision.

8 In other words, why put it on us?

9 If the legislature is so hard wanting to do
10 this, let them do.

11 COMMISSIONER GOLLOTT: Once they do it, it is
12 over and done with.

13 COMMISSIONER GUESS: Ronnie, I was going to ask
14 what your thoughts were, after having conversations about
15 our task force.

16 Do you feel like some of their fears were pushed
17 down a little bit, in terms of creating the Gear Net Task
18 Force?

19 COMMISSIONER DANIELS: Well, part of what I was
20 fixing to address is this task force is critical, and I
21 think they will handle the first part of that motion.

22 we have got to get them in place. We have got
23 to agree on the names and let them work.

24 As far as political pressure, I have spoken with
25 some of the legislators and, in giving them my
26 wholehearted faith that the steps that we are taking are

1 going to make a change in the problems that we have had, I
2 have been told that that has alleviated some of the
3 concerns.

4 I certainly can't speak for everyone that is in
5 Jackson, or anything like that, but we talked about this
6 last month. This has never been a political, a Cat Island
7 recreational-versus-commercial issue for me.

8 My problem with it is the fact that we have had
9 illegal nets working in our waters.

10 COMMISSIONER HAVARD: I would agree with
11 Commissioner Daniels. That has been the whole fight all
12 along, the illegal net that was being used.

13 I think the task force will take of that issue.

14 COMMISSIONER BOSARGE: The only basis I see --
15 and I agree with you. I think it will. I think really
16 and truly it is already taken care of, but the task force
17 is going to finalize it.

18 We are going to find some things. We are going
19 to try to get it right, and we are going to make it to
20 where, okay, now there is no -- if Cat Island is that hot
21 an issue, then, to me, it's let negotiate. We will give
22 you Cat Island. You give us this, but just to say -- and
23 most people because you're not a commercial fisherman, I
24 can draw a picture in my mind of the whole coastline,
25 islands and everything, and know every place that is
26 closed, and Cat Island is one of the few places.

1 You are just going to take this for no reason.
2 You have got no basis, no nothing, but just because we
3 want it.

4 If Cat Island is that important to you, then,
5 let's do some negotiating. Let's see what you can give us
6 back, something that is already closed that maybe is not
7 that important to you.

8 In other words, that would be my answer for
9 possibly closing Cat Island and doing it ethically and
10 legally.

11 COMMISSIONER GOLLOTT: What are you going to do
12 when the legislature bans all nets and they stop the
13 people from fishing in Jackson County where they have been
14 fishing and making a halfway decent living for the last
15 few years?

16 Are you willing to gamble that over Cat Island?

17 I mean, they don't hit Cat Island, but when the
18 Bonnet Carre Spillway opens and pushes all those trout in
19 there, and it may never happen again.

20 COMMISSIONER GOLLOTT: Well, Commissioner
21 Gollott --

22 COMMISSIONER GOLLOTT: (Interposing) I have
23 said what I wanted to.

24 COMMISSIONER BOSARGE: Go ahead.

25 COMMISSIONER DANIELS: One thing to keep in
26 mind, I think part of what Commissioner Gollott is saying

1 and where a lot of this is coming from is back to the
2 point that we had an illegal net and Cat Island was
3 brought to the forefront because it was a hot bed for the
4 illegal activity going on out there with these particular
5 gear types.

6 COMMISSIONER BOSARGE: We have some folks.

7 SANDY CHESNUT: If I could just point out that
8 these would be regulatory changes, so this can only be a
9 motion for a Notice of Intent.

10 COMMISSIONER BOSARGE: Correct.

11 We have some folks that would like to speak on
12 this, Mr. Chris Rhodes.

13 CHRISTOPHER RHODES: Christopher Rhodes,
14 Mississippi Commercial Fisheries United.

15 The first thing I want to do is point out that
16 if we are going to take concerns over bait shops and other
17 businesses that are going to be concerned, what is the
18 concern for commercial fisheries.

19 I feel like this has been taken from these
20 fishermen. The tags have already been revoked.

21 I mean, can we not live with two to three
22 fishermen that are going to be governed by a task force?

23 I mean, me, as a young fisherman, you see it all
24 the time. There is grant money out there for young
25 fishermen.

26 Here we are just adding more and more

1 restrictions.

2 Can we not live with two to three?

3 The task force will take care of the loopholes,
4 as we say, but the task force also needs to look at the
5 fisheries, how the net affects things, what they are doing
6 with it.

7 It clearly says "commercial nets". I see
8 nothing on this about recreational.

9 That's all I have.

10 Any comments?

11 COMMISSIONER BOSARGE: Thank you.

12 Next will be Mr. Mark Young.

13 COMMISSIONER GOLLOTT: Excuse me on minute.

14 I will modify my motion to make it for
15 recreational fishermen, also.

16 COMMISSIONER DANIELS: Recreational nets.

17 COMMISSIONER GOLLOTT: Recreational net
18 fishermen, yes.

19 COMMISSIONER DANIELS: I'll second it.

20 SANDY CHESNUT: So on the second motion it would
21 read "nets for commercial and recreational fishing".

22 Is that correct?

23 COMMISSIONER GOLLOTT: That's correct.

24 SANDY CHESNUT: Okay.

25 COMMISSIONER BOSARGE: State your name, please.

26 MARK YOUNG: Mark Young.

1 I say change all of that to commercial gear. If
2 you are going to put us out, change it to commercial gear,
3 not a brill net left, or a cast net, or a shrimp net. All
4 commercial gear.

5 Be fair to me one time.

6 I fished that island when I was ten years old
7 with a net with old men that are dead and buried.

8 I ought to have as much right as a citizen to
9 fish that island. If I can't fish that island like I
10 should be able to do because I have done it my whole life,
11 here is my proposal.

12 Find a way to make all these people happy
13 because I'm the only net man in the building. Find a way
14 to make them all happy.

15 I wrote a letter. Y'all used my letter, but
16 y'all didn't tell the part that I wanted told the most.

17 Buy me out. Let me go on with my life and stop
18 destroying me. Do something to help one time.

19 I can't get answers from y'all. I have asked
20 y'all to tell me who caused with all this. There was no
21 issue. I fished that island for fifteen years and there
22 was no complaints, until gill nets were tagged.

23 I didn't ask for nets to be tagged. That come
24 straight from this building right over here. I didn't ask
25 for it. People had done used them several years before I
26 was even knowledgeable of it.

1 why should I be penalized and attacked, and
2 that's what this is.

3 Mr. Gollott, this is an attack. This is a
4 personal attack to me, the way I perceive it.

5 I have fished my whole life for my living and I
6 did catch red fish for my living. I caught Sheepshead at
7 Cat Island. I caught drum at Cat Island and I caught
8 mullet at Cat Island. I picked hardheads until my fingers
9 bled out of gill nets at Cat Island.

10 No, it's not just a recreational island.

11 Here's what I want to ask all of you. Please be
12 as fair as Florida, or Alabama. Buy me out. Let me live
13 my life in peace.

14 COMMISSIONER BOSARGE: Mr. Young, when you talk
15 about gear, changing that from commercial nets to
16 commercial gear --

17 MARK YOUNG: (Interposing) That right there --
18 I won't call names, but I could -- that leaves a loophole
19 for a certain little small group that's got family over
20 here in this building to go throw their cast nets and
21 still fish Cat Island commercial, but I can't go.

22 I'm not able. I'm fifty-five years old and I'm
23 wore out. I have had a rough life trying to survive with
24 what I do.

25 I fished the same for fifteen years, before
26 these monofilaments were tagged that I promise you ninety-

1 nine percent of the normal men could not do what I did for
2 fifteen years to survive because I was left with nothing
3 else, and I called it a haul seine because that's what it
4 was, a real haul seine.

5 Now, it's being called a traditional haul seine,
6 when it was a gill net that got tagged by this building
7 over here.

8 And another thing. Y'all said y'all were going
9 to appropriate money. Y'all told the boys to go get the
10 nets and build them and get them tagged. I ain't heard
11 y'all mention paying us for all them nets we built.

12 COMMISSIONER BOSARGE: We've got you. Don't
13 worry.

14 MARK YOUNG: In '97, when y'all banned us, I
15 lost thirty-five nets, every one of them worth two
16 thousand and three thousand dollars a piece. They rotted
17 in the dirt, and I give them away to people to use the
18 ropes and the corks and the lead lines off of in Alabama.

19 I've done lost my life one time. I'm asking for
20 help.

21 Mr. Spraggins, I sent you a letter.

22 JOE SPRAGGINS: And I can tell you that we did
23 make it in the last meeting, or the meeting before --

24 COMMISSIONER BOSARGE: (Interposing) We did.

25 JOE SPRAGGINS: -- that I am asking for help
26 from the State to be able to give me money, if we do take

1 these nets away, that we can buy them from people.

2 MARK YOUNG: Y'all just as well have took them.
3 I brought my tags over here. I turned them in. They are
4 gone.

5 I wasn't going to go and intimidate Chief Davis
6 and say, "Come get me. I'm still going to use this." I
7 didn't do that.

8 I ain't been with them, since I brought my tags.
9 I have been a law-abiding citizen.

10 COMMISSIONER BOSARGE: Yes, sir.

11 Thank you, Mark.

12 Is there any further comment?

13 COMMISSIONER GOLLOTT: You need to ask for a
14 second on that motion.

15 COMMISSIONER BOSARGE: Yes, sir. I'm getting
16 there. We have two motions up there.

17 On the first motion, do we have a second for
18 that motion?

19 COMMISSIONER HAVARD: I feel that the Gear Task
20 Force will take care of this motion, but just for an
21 immediate fix before we get this Gear Task Force in place,
22 I will second the motion, the first motion.

23 JOE JEWELL: So the first motion, could I ask
24 for some clarification?

25 Is this for commercial fishermen, recreational
26 fishermen, or both fishermen?

1 Unlike the second motion, it doesn't distinguish
2 that.

3 COMMISSIONER HAVARD: Just as the first motion
4 says, it is any new nets period. It's not a
5 recreational/commercial issue.

6 JOE JEWELL: Okay. All I was asking was some
7 clarification.

8 COMMISSIONER BOSARGE: We have a motion with a
9 second.

10 Any further discussion?

11 (No response.)

12 COMMISSIONER BOSARGE: All those in favor aye.
13 (Commissioner Daniels, Commissioner Gollott,
14 Commissioner Havard in favor.)

15 COMMISSIONER BOSARGE: Opposed like sign.
16 (Commissioner Bosarge, Commissioner Guess
17 opposed.)

18 COMMISSIONER BOSARGE: Three for. Two against.
19 Motion carries.

20 On the second motion, Commissioner Gollott, are
21 you willing to make the change that Mark Young asked for?

22 I agree with him. You are opening up a
23 loophole.

24 COMMISSIONER GOLLOTT: Well, I'm not against
25 Mark, or any fishermen. What I'm thinking is if the
26 legislature gets ahold of it, they are going to ban all

1 nets, and some of these people are fishing in Jackson
2 County with these nets, and they will still be able to
3 fish in Jackson County, if we just put this ban around Cat
4 Island. That's my way of thinking. It's not that I'm
5 trying to hurt anybody.

6 what was Mr. Young asking for on this motion?

7 COMMISSIONER BOSARGE: You really need to get in
8 the boat one time and see just what you've got available.

9 what he was asking for was where you said
10 commercial and recreational fishing nets, he wants it to
11 be commercial gear period.

12 COMMISSIONER GOLLOTT: Can he explain the
13 difference?

14 COMMISSIONER BOSARGE: Yes, sir.

15 If Mark Young wants to get up here, he can
16 probably do a better job. I can explain it to you.

17 Can you come forward, Mark, because our court
18 reporter can't hear you?

19 MARK YOUNG: Yes, sir. I did not graduate from
20 high school, but I do know commercial means you are going
21 to sell it. That's all gear you can catch stuff to sell
22 right there.

23 If you are going to sell it, I don't care if you
24 are going with a stick with a hook on it, it is still
25 commercial gear, so let's make it commercial gear. Let's
26 don't let nobody sell nothing off Cat Island. I can't go.

1 Let's don't let nobody sell nothing off Cat Island.

2 COMMISSIONER GOLLOTT: I agree with you a
3 hundred percent.

4 SANDY CHESNUT: As far as the use of the brill
5 nets and cast nets, the Commission can't prohibit the use
6 of brill and cast nets in the waters, in the marine waters
7 of the State. That's by statute, so we can't pass a
8 regulation prohibiting brill and cast nets.

9 MARK YOUNG: What about the sell of the fish?

10 COMMISSIONER GOLLOTT: That could be
11 recreational gear, though, couldn't it?

12 SANDY CHESNUT: No.

13 MARK YOUNG: What about the sell of the fish, if
14 you are going to sell them?

15 I'm going to go over there and I'm going to
16 throw a cast net all day and have a thousand pounds of
17 fish in the boat, and I'm going to tell Chief Davis I'm
18 going to eat these?

19 COMMISSIONER GOLLOTT: Mark, do people really do
20 that?

21 MARK YOUNG: Yes, sir, they do. They do it up
22 the Pascagoula River. They have been doing it for
23 countless amount of years.

24 COMMISSIONER GOLLOTT: Up the Pascagoula River?

25 MARK YOUNG: Every winter, they go to Petit Bois
26 and Horn Island. Half our red fish quota gets caught up

1 in cast nets because they are selling the fish.

2 If they get them outside of that mile line, who
3 is the wiser to where they caught them?

4 I mean, all these laws are getting made that
5 can't even be enforced.

6 I don't hold it against Chief Davis because I
7 know they do a good job. They have checked me four
8 million times. Anybody that says they don't do their job,
9 I will disagree with them.

10 COMMISSIONER GOLLOTT: It is not my intent to
11 let the recreational people sell fish ever. They should
12 never be able to sell fish. Only commercial people should
13 be able to sell fish.

14 MARK YOUNG: If they've got the gear, it's just
15 like when Tony Beckham was the chief over here. It was
16 just like Tony Beckham told me years ago.

17 He said, "Son, if I walk up to you and you've
18 got a bag of nails in your apron and a hammer in your
19 hand, I'm going to tell you, you are fixing to build
20 something."

21 He said, "If I catch you up that river and
22 you've got a net in that boat, I'm going to tell you, you
23 are fixing to try to catch some fish to go sell."

24 And it is no different. They were trying to
25 make a prima facial law at the time. They were trying to
26 get them to pass a prima facial law where, if you had

1 prima facial evidence up the river, that they could fine
2 you.

3 I didn't start this last week. It's hard for me
4 to do this, but, if anybody knows it, believe me I know it
5 because I have lived it.

6 COMMISSIONER GOLLOTT: well, I haven't and I
7 will admit that.

8 MARK YOUNG: I have lived in that Bay. If you
9 wanted to put a percent, I have probably got seventy-five
10 percent of my breathing life on that water.

11 COMMISSIONER GOLLOTT: well, let me --

12 MARK YOUNG: (Interposing) I have crabbed some
13 when I was a kid with daddy. I have shrimped some out of
14 my skiff for an opening and maybe a week, or two, or to
15 get something to eat.

16 I have oystered. We run an oyster shop, when I
17 was a kid. We would go to the Pass before there were any
18 limits. We would catch twenty barrels a day and bring
19 them home and open them.

20 I have done all of that, but I primarily -- not
21 primarily, but I predominantly, just like I wrote in my
22 letter, have fished my lifetime.

23 If you are going to take me away from that
24 island, take everybody.

25 we lost Horn and Petit Bois and Ship. They took
26 them away from us, but that cast net, certain ones are

1 still profiting from that, but I don't because I would
2 have to tote that man killing ton-and-a-half net up, a
3 real seine on my boat and stay legal, but I'm not being
4 rewarded for it. I'm being penalized for it.

5 COMMISSIONER GOLLOTT: Are you willing to let
6 the legislature have this and they might ban all nets, or
7 just lose that little bit around Cat Island?

8 MARK YOUNG: Mr. Gollott, I'm setting here all
9 but on my knees begging you. When you take that, that is
10 all that's left.

11 There are too many recreational. It ain't
12 enough area left in just Jackson County.

13 Tourism rules Harrison and Hancock counties. I
14 ain't got the means to go fish Pearl River and one little
15 stretch of beach on the other side of Bayou Caddy. That's
16 all over here, so I ain't got nothing left.

17 If you are going to take Cat Island --

18 COMMISSIONER GOLLOTT: (Interposing) Give me a
19 minute.

20 Mr. Chairman, I would like to withdraw my
21 motion. Thank you.

22 MARK YOUNG: Thank you, Mr. Gollott, but I would
23 like to say one more thing.

24 Just like I wrote in that letter, the best thing
25 that y'all could do to end all of this, you can stop your
26 grass studies, you can do all of it and go away. Just

1 give me the option.

2 I heard you talk to one of the oystermen here at
3 the last meeting. He said he was speaking for himself.

4 well, I'm speaking for myself. Give me an
5 option to take the proposed buyout, to refuse, or take,
6 and just go ahead and get me out of my miseries. Let me
7 live my life in peace.

8 COMMISSIONER GOLLOTT: Excuse me.

9 The Director just told you we are pursuing that,
10 so that's about as much as we can do.

11 MARK YOUNG: I ain't talking about my gear. I
12 wanted to fish my whole life. This is all I've done. It
13 is all I know. I'm uneducated. I wanted to fish.

14 CCA members and all these groups want us gone.

15 Just like I wrote to Mr. Spraggins in that
16 letter, raise the price of a license however many years
17 you need to and buy me out and let me go on with my life.
18 I'm tired of fighting my whole life.

19 COMMISSIONER GOLLOTT: Thank you, sir.

20 MARK YOUNG: I want to be a peaceful, God
21 fearing, law abiding citizen, but y'all are making it
22 harder and harder and harder to do that.

23 COMMISSIONER GOLLOTT: Thank you.

24 JOE SPRAGGINS: Can I say one thing?

25 MARK YOUNG: Yes, sir.

26 JOE SPRAGGINS: You may not have a doctorate

1 degree, but you are not uneducated.

2 COMMISSIONER BOSARGE: And not unintelligent. I
3 know that. I have fished with you.

4 COMMISSIONER DANIELS: I would like to back that
5 up, as well.

6 COMMISSIONER BOSARGE: Commissioner Gollott
7 withdrew his motion. Therefore, we move on with the
8 agenda, if I can find my agenda again.

9 Next up is Other Business.

10 Does anybody have any other business?

11 I think we've got somebody who wants to speak on
12 other business, Mr. Gilbert Ramsey.

13 GILBERT RAMSEY: Good morning. My name is
14 Gilbert Ramsey. I'm a veterans outreach specialist.

15 what I'm doing is, I went to the Restore Summit
16 the other day, and there was the official wildlife
17 Federation Fisheries, and what I'm doing is I recognized
18 the Gulf Coast Heritage Program, all six counties.

19 well, what I'm doing is I recognized restore
20 council and everyone else, MDEQ and everyone else to
21 partner up with y'all and y'all managing the program.

22 well, with this six counties, I think the whole
23 state of Mississippi. I'm coming across the whole state
24 of Mississippi with the outreach outpost program for
25 mobility impaired citizens.

26 what I've done is I have educated everybody with

1 my outreach capabilities, and I recognize this outreach
2 capability to inform people appropriately, do not neglect,
3 or disrespect, our community for disability programs.

4 what y'all have done is, y'all have got a
5 Celebrate Waterway Grant that has been applied for video,
6 but this is the connection. This is a video. What I want
7 to do, I'm going to do FANCAM for all the programs, family
8 program and outreach program to make sure it is
9 implemented appropriately to allow capabilities for these
10 people.

11 I have applied across American and at all the
12 universities and I have international recognition.

13 I'm not here to mislead y'all. Within sixty
14 days, we will be back to present it appropriately on the
15 agenda because the Chamber of Commerce is helping me on my
16 proposal with the City of D'Iberville.

17 Thank everyone for my Tidelands funds for the
18 park y'all have initiated on the Tchoutacabouffa River,
19 and thank you very much for your obvious capabilities.

20 I was with General Joe Spraggins when I was at
21 the bicentennial event at the Gulfport VA Hospital, and I
22 have been working on this since the Vernon Aspen days.

23 It has happened and it is coming forth. The
24 park will be open in March, so I will be back before then.

25 Thank you very much for your attention.

26 COMMISSIONER BOSARGE: Yes, sir. Good job, Mr.

1 Ramsey.

2 Next up is Mr. George Storrs.

3 He has already gone?

4 FROM THE FLOOR: Yes, sir.

5 COMMISSIONER BOSARGE: Next up will be Frank
6 Parker.

7 FRANK PARKER: Good afternoon Commissioners.

8 My name is Frank Parker. I'm a commercial
9 fishermen from Biloxi here. I'm also President of
10 Mississippi Commercial Fisheries United.

11 Two things I would like to present to y'all for
12 future consideration.

13 The first one is a commercial shark fishery. I
14 think if we get with the biologists here in the state, I
15 think we could have a very viable sustainable and
16 responsible shark fishery.

17 As many of you know, I'm a multi species
18 fishermen and these sharks, they are pretty thick now.
19 we've had a lot of management of them over the years that
20 has worked. The population is growing. They cost us
21 thousands of dollars a year in gear loss.

22 I think if we did some type of program, whether
23 it's direct targeting, or indirect targeting, such as
24 bycatch because the way the law is written now you have to
25 have a Federal permit, a shark endorsement to keep fish
26 that would be caught in state waters, but there is a

1 loophole there, too, because the charter boats can
2 maintain these fish without that endorsement. I think
3 it's one way, or the other.

4 If I'm fishing state waters, the steward in me,
5 it churns my stomach to see me throw a dead fish overboard
6 that I could sell for profit.

7 Like I said, I think we need to get together and
8 talk about what type of fishery it should be; whether it
9 is direct targeting, or indirect.

10 The second thing I have is the Trip Ticket
11 Program. As many of you know, it was probably seven, or
12 eight, years ago I came before this Commission and I asked
13 for a Trip Ticket system here in Mississippi for proper
14 management of our fisheries.

15 When it first passed, I was pretty upset. It
16 wasn't what I wanted. I didn't feel like it was what we
17 needed, but, as time went on and we went through the
18 hurdles and the growing pain, I think it has gotten
19 better, but there are still a lot of problems with the
20 Trip Ticket system.

21 The main thing is the reporting. I'm pretty
22 thorough with computers and things like that, but a lot of
23 us aren't, but it's a lot of paperwork. It takes a lot of
24 time. Me personally, I try to fill mine out every day.
25 It makes it easier if you can do that, but filling out a
26 paper form every day is kind of -- it's a more convenient

1 world now. Things have to be convenient for people to do
2 it.

3 We are going in the right steps with it, but we
4 need a little more convenience in our Trip Ticket Program.

5 That's about it, if you have any questions.

6 COMMISSIONER BOSARGE: I do have one. The Trip
7 Ticket Program is a good thing and what most people don't
8 realize a lot of times is commercial fishermen, they are
9 not much on filling out paperwork.

10 Just like Mr. Young said, a lot of them are not
11 educated. That doesn't mean they are not intelligent.
12 They are just not educated and they don't do paperwork.

13 I think our grace period of ten days after it's
14 time to fill out a report is pushing them, pushing pretty
15 tight at times.

16 FRANK PARKER: Absolutely. I have a wife that
17 is very good with paperwork, so she does a lot of that for
18 me, but a lot of these guys don't.

19 It's hard when you are fishing. I fished all
20 night last night and I hurried up and came to the meeting
21 this morning.

22 Time means something to us, and it does take
23 some time to fill these papers out. I'm not saying that
24 we need to get rid of it, but we need to make it a little
25 more convenient.

26 I understand the importance of fisheries that

1 have quotas because it is very important to turn those
2 trip tickets in on time so we know exactly how many fish
3 are caught, or whatever species is caught, to maintain
4 proper management, but some of these species like shrimp,
5 that's more seasonal.

6 COMMISSIONER BOSARGE: That's right, but some of
7 these fisheries that have a quota, it's important, but,
8 anyhow, we will get there where maybe it's not quite so
9 important and we can predict a little more.

10 And the other question?

11 You said there is a loophole in the sharks.

12 FRANK PARKER: Yes. With the commercial shark,
13 say I am commercial fishing in state waters and I catch a
14 shark, I cannot possess that shark for sale because state
15 law says I have a Federal permit to keep that shark, even
16 if I'm in state waters.

17 well, charter boats, they are required to have a
18 Federal permit, but the state law says they do not have to
19 have a shark endorsement to keep their fish.

20 COMMISSIONER BOSARGE: Is that correct?

21 COMMISSIONER DANIELS: I'm not sure about that,
22 but a charter boat is not considered a commercial vessel.

23 FRANK PARKER: Okay.

24 COMMISSIONER BOSARGE: But you do have a Federal
25 shark permit?

26 FRANK PARKER: Yes, you have a Federal shark

1 permit, though.

2 COMMISSIONER DANIELS: So you are talking about
3 federally permitted charter boats?

4 FRANK PARKER: Yes. A charter boat is a charter
5 boat. I mean, some of them have the Federal permits and
6 some of them don't, but, if you are fishing out by the
7 islands and you are fishing inside the three miles inside
8 state waters, that could be both state, or federal.

9 COMMISSIONER BOSARGE: Don't we pretty much
10 follow the Federal guidelines on all the different
11 species?

12 JOE JEWELL: Individual species of sharks, is
13 that your question?

14 COMMISSIONER BOSARGE: Correct.

15 JOE JEWELL: The answer is no. The State of
16 Mississippi does not comply with the Federal shark
17 regulations.

18 COMMISSIONER BOSARGE: I know, but on all other
19 species.

20 JOE JEWELL: On all other species, we do.

21 COMMISSIONER BOSARGE: And why don't we on
22 shark?

23 JOE JEWELL: Well, that was a little bit before
24 my time, but my understanding was to provide a fishery for
25 the charter-for-hires in state waters.

26 As you know, in the Mississippi Sound we are

1 really a juvenile nursery area for most of the sharks, so
2 they are relatively small in size and they don't meet the
3 minimum Federal requirements for most of the species.

4 COMMISSIONER BOSARGE: I know, Joe, but if the
5 Federal government wants to protect them, we are following
6 the guidelines on everything else. I don't understand why
7 we haven't adopted the Federal guidelines on shark.

8 JOE JEWELL: I don't disagree with that. If the
9 Commission requests us to comply with the Federal rules
10 for shark species, we absolutely will do that.

11 COMMISSIONER BOSARGE: I would request it. I
12 don't know if you need it in the form of a motion.

13 JOE JEWELL: I would defer to counsel Chesnut
14 for that.

15 COMMISSIONER GOLLOTT: Mr. Chairman, that's not
16 on the agenda. Let's bring it up at the next meeting.

17 COMMISSIONER BOSARGE: I don't know.
18 Commissioner Gollott, doesn't seem like it matters.

19 SANDY CHESNUT: You could make a motion to add
20 it to the agenda, and, then, you could make a motion to
21 take whatever action you want on it.

22 COMMISSIONER GOLLOTT: I think we need to look
23 at it. We don't need to follow --

24 COMMISSIONER BOSARGE: (Interposing) That's all
25 I want. I want to know if that is the only species that
26 we are not complying with the Federal guidelines and why

1 we are not.

2 JOE JEWELL: Matt corrected me. I think it's
3 Spanish Mackerel that we don't and for the same reasons.

4 COMMISSIONER HAVARD: I think what you are
5 asking, Chairman, is for them to come back --

6 COMMISSIONER BOSARGE: (Interposing) That's
7 what I want.

8 JOE JEWELL: I think I would feel more
9 comfortable with that so we can get a little more detail.
10 Like I was unaware about the Spanish Mackerel. We will be
11 able to do a species-by-species analysis of which ones we
12 are in conformity with and which ones we're not, and,
13 then, the Commission can make a decision.

14 COMMISSIONER BOSARGE: My reasoning is it is
15 always the Federal Government that the species is named an
16 offshore species, so the Federal Government is trying to
17 manage that species and, if we don't comply with what they
18 ask for, then, the management plan doesn't work. That is
19 my only reason.

20 COMMISSIONER DANIELS: Mr. Parker, just so I'm
21 clear on this, you are saying that in order for you to
22 keep a shark, you have to have a special permit?

23 FRANK PARKER: Yes, I have to have that Federal
24 permit, even if I fish in state waters.

25 COMMISSIONER DANIELS: So you have to buy a
26 secondary permit to be able to keep a shark?

1 FRANK PARKER: Yes, for commercial harvest.
2 Realistically, I probably throw hundreds of
3 sharks over a year per season that are dead. They are
4 being wasted. I think this is a very unutilized resource
5 and a very wasteful resource, as far as the indirect
6 targeting.

7 I have been in several fish markets where plenty
8 of my bycatch I was able to keep, and this would be
9 another way for fishermen to make money.

10 I mean, why throw these fish over, if they are
11 dead?

12 COMMISSIONER DANIELS: Mr. Parker, if you don't
13 mind, before you leave today, I would like to give you one
14 of my business cards so you have my number. I would like
15 to talk with you a little more about it.

16 FRANK PARKER: Certainly. Thank you.

17 COMMISSIONER BOSARGE: Joe, are you okay with
18 that?

19 JOE JEWELL: Yes, sir.

20 COMMISSIONER BOSARGE: We will just ask for him
21 to come back.

22 You don't need it in the form of a motion, Joe?

23 JOE JEWELL: I think the preference would be to
24 have it in the form of a motion.

25 COMMISSIONER BOSARGE: Then, I will make a
26 motion that you come back to the next meeting with some

1 recommendations about shark and other species that don't
2 follow the Federal guidelines.

3 COMMISSIONER GOLLOTT: I'll second it for you,
4 Mr. Chairman.

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

7 All those in favor aye.

8 (All in favor.)

9 COMMISSIONER BOSARGE: Opposed like sign.

10 (None opposed.)

11 COMMISSIONER BOSARGE: Motion carries.

12 I think that pretty much concludes it. We have
13 no more public comment.

14 COMMISSIONER GOLLOTT: I make a motion we
15 adjourn, Mr. Chairman.

16 JOE SPRAGGINS: Just one quick thing. If you
17 can, Commissioners, we have our annual Christmas party
18 here, our luncheon, on Thursday, at 11:30. You are more
19 than welcome to come, if you can. We would appreciate it.

20 Merry Christmas to everyone.

21 COMMISSIONER BOSARGE: I would like to add one
22 thing. The staff sent a beautiful plant to my wife in
23 Houston, and I just want to say thanks to everybody.

24 Meeting adjourned.

25 (Whereupon, at 12:27 o'clock, p.m., the December
26 18, 2018, meeting of the Commission on Marine Resources

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

was concluded.)

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 December 18, 2018, meeting of the Commission on Marine Resources, as taken by me at the time and place heretofore stated in the aforementioned matter in 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.

COURT REPORTER