

COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, January 15, 2019
9:00 a.m.
Bolton Building Auditorium
1141 Bayview Avenue
Biloxi, Mississippi 39530

Commission Members:

Steve Bosarge, Chairman

Ronald Daniels

Natalie Guess

Mark Havard

Also Present:

Joe Spraggins, Executive Director DMR

Sandy Chesnut, Esq., Assistant Attorney General

1 COMMISSIONER BOSARGE: I would like to call the
2 meeting to order and welcome everybody to the January
3 meeting of the Commission on Marine Resources.

4 I will start it all out with the Pledge of
5 Allegiance and I will ask Commissioner Guess to lead us in
6 that pledge.

7 (Pledge of Allegiance recited.)

8 COMMISSIONER BOSARGE: Next up is a moment of
9 silence. Take a moment to reflect on where we are and how
10 thankful we are to be in this great country where we live.

11 JOE SPRAGGINS: Sir, if I could, if we could add
12 Ms. Sandra to that moment of silence, I would appreciate
13 that. I know she is doing well and got to come home from
14 Texas from the hospital.

15 COMMISSIONER BOSARGE: Yes, sir.

16 JOE SPRAGGINS: Richard Gollott, also. He has
17 some appointments today. If we could put him in there,
18 too.

19 COMMISSIONER BOSARGE: Yes, sir. Thank you, Mr.
20 Joe. She is doing great.

21 (Moment of silence observed.)

22 COMMISSIONER BOSARGE: Thank you.

23 Next up is approval of the minutes.

24 I took the time to start to look through the
25 minutes and, in all honesty, I made it through one set of

1 minutes, and I was telling Ms. Chesnut that there were
2 some things that I saw we needed to correct, and I didn't
3 take the time to actually write them all down.

4 If it was okay with everybody, I would like to
5 maybe table the approval until the next meeting where we
6 have a little more time to kind of look over the minutes
7 just a little bit more, if that's okay with you guys.

8 Can we make a motion for that?

9 I'll make a motion that we table the approval of
10 the minutes until the next meeting.

11 COMMISSIONER DANIELS: I'll second it.

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

14 All those in favor aye.

15 (All in favor.)

16 COMMISSIONER BOSARGE: Opposed like sign.

17 (None opposed.)

18 COMMISSIONER BOSARGE: Motion carries.

19 I appreciate that because there were a few
20 things that I just wanted to clarify in there, and I will
21 take the time to make the changes.

22 Approval of the agenda.

23 I did have one question myself on the agenda
24 because Richard is not here and K-7 was his item. I know
25 when we did the oyster depuration, there were a couple of

1 meetings he had to miss and we waited until he got back.

2 would that be okay with you guys if we table
3 that K-7 until Richard is here to present it?

4 COMMISSIONER HAVARD: I do have an item that
5 needs to go under his line item.

6 COMMISSIONER BOSARGE: Okay, so you want to just
7 table K-7 and add what it is you want to add?

8 COMMISSIONER HAVARD: That would be fine, yes.

9 COMMISSIONER BOSARGE: If we do it all in one
10 motion, I'll let you make the motion and you can add what
11 you need to add, or do you want to wait until Richard is
12 here?

13 COMMISSIONER HAVARD: I would like to remove
14 Richard's item and add Gear Task Force.

15 COMMISSIONER BOSARGE: All right.

16 And so, I guess, we are going to make that K-8,
17 Ms. Chesnut?

18 SANDY CHESNUT: Are we tabling Richard's item?

19 COMMISSIONER BOSARGE: Yes, ma'am.

20 SANDY CHESNUT: Okay, and, then, Havard is going
21 to add an item for Gear Task Force. Yes, we can make that
22 K-8.

23 COMMISSIONER BOSARGE: All right, K-8.

24 we have a motion.

25 Do we have a second for that motion?

1 COMMISSIONER GUESS: I'll second it.

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

4 All those in favor aye.

5 (All in favor.)

6 COMMISSIONER BOSARGE: Opposed like sign.

7 (None opposed.)

8 COMMISSIONER BOSARGE: Motion carries.

9 Next up is the Executive Director's report.

10 JOE SPRAGGINS: Yes, sir. Just a couple of
11 things real quick.

12 Had a great week last week in Jackson. Met with
13 the governor and met with the House Appropriations and
14 Senate Appropriations. Looks like everything is a go for
15 us right now. They are going to hopefully put a bill in
16 that will hit the floor this week that will give us some
17 additional funding, as far as our spending authority for
18 the GOMESA to continue to do some things we need to do.

19 We have an oyster deal we are looking at to be
20 able to go out and do another oyster plant using GOMESA to
21 do that, and so we are going to need some additional
22 funds. Dr. Paul Mickle is working on that for me, now.
23 We will go out for bid on that shortly and be able to do
24 it, and this is what it is going to help us with.

25 I dropped all our bills off. They are going to

1 hit the floor. Every one of them, as far as I know, the
2 ones that we went over during the legislative -- if you
3 haven't seen it, we can get you copies of it, but all
4 those are going to be dropped by the House and the Senate.

5 we will see what happens there. That means that
6 they will hit the floor today, or tomorrow, and we will be
7 able to move forward with that.

8 Couple of other things real quick just as far as
9 employment. We are still working on what you want to do.
10 We just haven't got it, but, until we do that, I want to
11 keep you updated, as far as having a Peer Committee group.

12 COMMISSIONER BOSARGE: Yes, sir.

13 we talked about maybe sometime this month
14 putting together a meeting.

15 JOE SPRAGGINS: That's right, and we are going
16 to look at that and try to put together what you need to
17 do on that, and now that you are not traveling every day
18 maybe we can have some time to do that.

19 COMMISSIONER BOSARGE: Yes, sir.

20 JOE SPRAGGINS: Just to give you a quick update
21 on the employment and contract updates that we have, we
22 have a couple of new employees, Andrew Heaton, Cassy
23 Porter and McKenna Coons, and they are all working at the
24 NERR. Two of them are resource specialists and one of
25 them is just a contract with us, but just in case you see

1 those people -- I don't think they are here today, but
2 just new employees that we have.

3 There is a contract with procurement that we
4 have, and you can see that. That was just done since we
5 had our last meeting is what I was giving you, and it is
6 basically a finfish contract worker, and, then, another
7 contract worker, so it's just a salary is all we did with
8 that.

9 These are some more contracts that we have done
10 with Marine Fisheries. That's the same thing.

11 That will just basically give you an idea of
12 where we are. Everything is good.

13 we have several job openings. I'm looking for a
14 CFO. If you know anybody out there that has the
15 credentials to be a Chief Financial Officer, we are
16 looking for one right now. I have a couple of interviews.
17 we will let you know as soon as we get something on that.

18 That's what I have right now on that.

19 The other thing is we have a Petition for
20 Reconsideration from the Mississippi Commercial Fisheries
21 United, by Ryan Bradley.

22 If we could pull that slide up?

23 It's not coming up.

24 COMMISSIONER BOSARGE: I'm glad I'm not the only
25 one that is technologically challenged.

1 JOE SPRAGGINS: Trust me. I tell you what, if
2 it comes to that, I'm in trouble.

3 What we have is a Petition for Reconsideration.
4 Sandy, I will turn this over to you, if you
5 don't mind.

6 SANDY CHESNUT: Is Mr. Bradley here?

7 JOE SPRAGGINS: Mr. Bradley.

8 RYAN BRADLEY: Good morning Commissioners, Mr.
9 Spraggins and counselor Chesnut.
10 Ryan Bradley, Director of Mississippi Commercial
11 Fisheries United.

12 As you will recall, we had presented on this
13 last month and it was tabled for further reconsideration
14 this month.

15 For a quick reminder, I just want to state for
16 the record that this is in reference to Title 22, Part 20,
17 Chapter 21, Sections 104 and 105.

18 This Petition for Reconsideration is in regards
19 to Administrative Penalties that would allow the
20 Commission to revoke endorsements, tags, permits, or
21 similar provisions, or regulatory requirements, as part of
22 the Administrative Penalties Procedures process.

23 For the record, I just wanted to state that our
24 primary concern here is that the language in this clause,
25 as it is currently written, allows for the revocation of

1 these regulatory requirements in a manner that is so vague
2 that it doesn't really specify what the length of the
3 revocation would be, or what type of egregious violation
4 would have to occur to warrant these revocations.

5 we feel like people do make mistakes from time
6 to time and this, as it is currently written, would be a
7 lifetime revocation. If y'all were to revoke anything, as
8 it is currently written, it doesn't say how long that
9 revocation would be.

10 I really don't feel like somebody should be
11 penalized for a mistake for a lifetime.

12 If we look to state statute for revoking
13 licenses, there is a matrix there where first offense, so
14 many days revoked. Second offense, it's a bit more.
15 Third offense, it is even more.

16 I would like to see us work toward putting some
17 kind of matrix in place for this just to be fair to
18 everybody.

19 I trust that the decisions that each of you
20 sitting up here today, that you make rational decisions
21 and will be as fair as you can be, but these regulations
22 that you are promulgating will likely outlive your term,
23 and the people that come after you I'm not certain that
24 they want to be in the position to have to adjudicate
25 somebody to that affect.

1 what we would like to ask for today is that --
2 and we can get counselor Chesnut's opinion -- from my
3 understanding -- and I'm not the staff attorney, but if we
4 could just completely repeal this regulation today, and,
5 then, come back and start from scratch and let's develop a
6 penalty matrix. Let's set some standards and some
7 guidelines and, again, I stated this last meeting and I
8 will state it again for the record.

9 we fully support revoking egregious violators of
10 the law. we fully support revoking their endorsements, or
11 tags, or whatever it may be. Repeat offenders, we fully
12 support that, but I think there also needs to be
13 protections so that one little mistake doesn't result in a
14 lifetime revocation of any of these regulatory
15 requirements.

16 we had cited a case and I will cite it again.
17 It is Nichols versus City of Gulfport. This case was
18 tried in the Supreme Court. Very similar. A vague law
19 was struck down in the Supreme Court, and we will let Ms.
20 Chesnut comment on any of that, if she needs to.

21 I will leave that there and if you have any
22 questions, I will be glad to answer those.

23 COMMISSIONER BOSARGE: I have had my concerns,
24 also, as to whether I'm qualified to make those decisions,
25 that is to look at what may, or may not, happen to

1 somebody and to feel like that I could make a judgement
2 based on what my personal knowledge and my education level
3 is, and I would feel much better if we had a set of
4 guidelines, something to go by. That's just me.

5 Let's hold up here just a minute and let them
6 get the microphones working.

7 we are all back up and running.

8 SANDY CHESNUT: I would like to comment.

9 COMMISSIONER BOSARGE: Yes, ma'am. All right.
10 Sandy wants to address the issue.

11 SANDY CHESNUT: At this point, the Commission
12 has options. They can grant, or deny, the Petition for
13 Reconsideration without further argument, they can request
14 a response from the DMR prior to make the final
15 disposition, or they can set the matter for an evidentiary
16 hearing, or they can make such further order as it deems
17 appropriate under the circumstances.

18 At this time, I will need a motion based on how
19 you want to proceed.

20 COMMISSIONER BOSARGE: So, in those three
21 options, I don't see any of those options that really fit
22 what we need to do.

23 Correct?

24 SANDY CHESNUT: If you want to request a
25 response, we can address what Mr. Bradley is requesting.

1 COMMISSIONER BOSARGE: All right. Then, yes, I
2 will make the motion to request a response from the DMR
3 prior to making a final disposition.

4 COMMISSIONER GUESS: I'll second it.

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

7 Let's have just a little bit of discussion.

8 will you make that response, now, or will you
9 make it at a later time?

10 SANDY CHESNUT: I'm going to make it right now.

11 COMMISSIONER BOSARGE: Okay. All right.

12 RYAN BRADLEY: So can you clarify?

13 what exactly does this mean?

14 COMMISSIONER BOSARGE: In other words, you
15 brought forth your Petition for Reconsideration, and these
16 are the options that we have to address your petition and,
17 right now, because we need Ms. Chesnut to respond, we need
18 to make this motion so she can respond to your petition.

19 RYAN BRADLEY: Okay.

20 COMMISSIONER BOSARGE: Correct?

21 SANDY CHESNUT: Yes, that's correct, and what
22 I'm going to do is I'm going to just show you something
23 that would model, I think, on what Mr. Bradley is asking
24 for. I'm not suggesting that this is exactly how we do
25 it. I'm just kind of giving you a guideline on what we

1 could do to do kind of a graduated scale.

2 COMMISSIONER BOSARGE: Can we go ahead with our
3 motion?

4 We made a motion and a second. We need to vote
5 on it.

6 SANDY CHESNUT: Okay. Go ahead.

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

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 All right. Now, continue on, Ms. Chesnut.

15 SANDY CHESNUT: So the current language, as Mr.
16 Bradley says:

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

22 So it is kind of constrained into the violation
23 has to be associated with that program for which their
24 license will be revoked, but I think -- and I'm hoping I'm
25 on the right track here with Mr. Bradley -- that this is

1 more in line with what he and his constituents would like
2 to see and, again, like I said, I'm not proposing that we
3 pass this today. I'm just kind of showing you how this
4 could be set up and we can work on it and we can come back
5 with a Notice of Intent later, if y'all so choose

6 what I've done is just:

7 "The Commission may suspend, or revoke,
8 regulatory program requirements such as,
9 but not limited to, endorsements, tags,
10 permits, or similar provisions, for
11 violations related to that particular
12 program."

13 Then, I added like a graduated scale kind of
14 like the statutes have:

15 "For a first offense, the Commission may
16 suspend a license for up to three months.
17 For a second offense, the Commission may
18 suspend a license for up to six months.
19 For a third offense, the Commission may
20 revoke the license, or suspend the license,
21 for up to two years."

22 And, then, I added:

23 "The suspensions may be scheduled for a
24 time period coinciding with that particular
25 fishing season in which the offense is

1 related.”

2 I would like you to go ahead and open it up for
3 discussion and see if this is something that is along the
4 lines of what Mr. Bradley is requesting, or how do we want
5 to proceed.

6 COMMISSIONER BOSARGE: I guess, because you are
7 the petitioner and I do like what you have, I don't want
8 to try to make a decision on it this quick and this fast.

9 would it be possible for the petitioner and
10 counsel to work together to come to a set of guidelines
11 and bring those back before us at the next meeting for us
12 to look at and vote on?

13 SANDY CHESNUT: Certainly.

14 COMMISSIONER BOSARGE: Are you objectionable to
15 that, Mr. Bradley?

16 RYAN BRADLEY: No. I'm definitely amenable to
17 what you have there on the screen. That's a lot better
18 than what we have now.

19 what I would need some clarity on is this
20 regulation is in effect right now. It already went into
21 effect.

22 So what is the process here?

23 Do we need to repeal the entire thing as it is
24 now, or can this language just be inserted into the
25 regulation?

1 SANDY CHESNUT: Either one, actually. You could
2 repeal the language right now, but there are no cases
3 coming before the Commission any time soon and the process
4 takes so long to come before the Commission anyway that we
5 could have new language passed and in effect probably
6 before we even look at another action coming before the
7 Commission.

8 So either way would be fine.

9 RYAN BRADLEY: I think this language is a good
10 first step. I think there is some additional language
11 that we would like to see as far as, you know, we want to
12 kind of identify what is an egregious violation, so many
13 fish over the limit, or so many dollar amount involved.
14 That may be something we would want to add.

15 My personal inclination is that we would like to
16 probably move for a full repeal, and, then, let's start
17 from scratch and bring that back, if the Commission is
18 willing to entertain that.

19 COMMISSIONER BOSARGE: Mr. Joe just explained to
20 me earlier that any of these violations that should happen
21 would have to come before us, the Commission, to act on
22 them, so I guess that is not going to happen.

23 You see what I'm saying?

24 In other words, we all know. This Commission
25 knows where we stand.

1 I'm trying to picture in my mind what a repeal
2 would be versus just a modification.

3 SANDY CHESNUT: If we would just file something
4 with the Secretary of State's office to repeal that
5 particular wording, Title 22, Part 20, Chapter 21,
6 Paragraph 105.

7 COMMISSIONER BOSARGE: Okay. Yes, you know, and
8 I see that. Maybe that's the avenue

9 And, then, can we have this at the next meeting
10 to where we can get this hopefully correct?

11 SANDY CHESNUT: Yes. We could have a Notice of
12 Intent for the Commission to vote on at the next meeting.

13 RYAN BRADLEY: I think if we repeal it today,
14 that ends my Petition for Reconsideration. We are done.
15 I don't have to present on anything else at the next
16 meeting. Then, the ball is in you guys' court.

17 We will be glad to work with each and every one
18 of you to help come up with some reasonable language.

19 COMMISSIONER BOSARGE: You are going to be more
20 than glad. You are going to have to. In other words,
21 that's -- is to work with Ms. Chesnut and let's come up
22 with something that everybody at this table can agree to.

23 RYAN BRADLEY: Sounds good to me.

24 COMMISSIONER BOSARGE: A motion to repeal?

25 SANDY CHESNUT: Motion to repeal Title 22, Part

1 20, Chapter 21, Paragraph 105 only.

2 COMMISSIONER BOSARGE: Okay. So, instead of
3 repeating that, I will make that motion.

4 Do we have a second for that motion?

5 COMMISSIONER GUESS: I'll second it.

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

8 Any further discussion?

9 (No response.)

10 COMMISSIONER BOSARGE: All those in favor aye.

11 (All in favor.)

12 COMMISSIONER BOSARGE: Opposed like sign.

13 (None opposed.)

14 COMMISSIONER BOSARGE: Motion carries.

15 All right, Mr. Bradley.

16 RYAN BRADLEY: Thank you Commission. I do
17 appreciate your consideration.

18 COMMISSIONER BOSARGE: Thank you.

19 JOE SPRAGGINS: Okay, sir. Next up on the
20 agenda we have a resolution to rename Jailhouse Key to
21 Ernie Zimmerman Key, and I would like to turn that over to
22 Ms. Guess right now to talk about that, since she brought
23 it up.

24 COMMISSIONER GUESS: Okay. So I know that I
25 have heard nothing but positive things about Ernie

1 Zimmerman, and I know I have big shoes to fill, but it has
2 come to my attention that he was really behind many great
3 things in our community and in the waters and in this
4 environment, and so I would like to propose the resolution
5 to rename the Jailhouse Key to the Ernie Zimmerman Key.

6 At this time, do you want me to read it?

7 JOE SPRAGGINS: We have some public comment. I
8 think Mr. David wells wanted to make a public comment.

9 COMMISSIONER BOSARGE: I tell you what I sat
10 next to Mr. Zimmerman, Commissioner Zimmerman at that time
11 and, yes, a good guy. A great guy. He was always full of
12 energy. I enjoyed working with him over the years.

13 DAVID WELLS: Thank you, Commissioners.

14 COMMISSIONER BOSARGE: Push that button and
15 state your name, please.

16 DAVID WELLS: David wells. Resident of Bay St.
17 Louis. Member of CCA Mississippi.

18 Thank you Commissioners for giving me this time
19 to say a few words about my good friend, Ernie.

20 I'm kind of also representing our Bay Chapter
21 over here today, and I want to thank Natalie, Commissioner
22 Guess, for bringing this resolution to you.

23 Ernie was very instrumental in a lot of
24 activities and the fisheries and Hancock County and, as
25 y'all all know, served on this board. He loved fisheries

1 and he wanted to protect our resources.

2 I just want to take this time to -- I think it
3 is a great honor for Ernie. He would probably be the
4 first to say don't do this, but it is very deserving
5 because he worked tirelessly and he did a lot of advocacy
6 for fisheries, not only in Hancock County, but the State
7 of Mississippi.

8 I'm fully supportive of this resolution, and
9 thank you.

10 COMMISSIONER BOSARGE: Thank you, Mr. Wells.
11 Joe, you are going to present this?

12 JOE SPRAGGINS: You've got it to read, Joe?

13 JOE JEWELL: If Commissioner Guess would give me
14 the honor, I would be glad to.

15 COMMISSIONER GUESS: Yes.

16 JOE JEWELL: I knew Mr. Ernie the entire time
17 that he served here. He was a very gracious and kind man.

18 One of the things I most appreciated about Mr.
19 Ernie was he was a rules and regulation person like
20 myself. He understood the rules. He knew where the
21 boundaries were and he always stayed within those, and I
22 appreciate the honor of reading the resolution into the
23 public record.

24 "WHEREAS, the Mississippi Commission on
25 Marine Resources is a duly constituted

1 governmental entity, created to serve
2 the Great State of Mississippi; and
3 WHEREAS, said service include the
4 management and enforcement of any matters
5 pertaining to Mississippi's saltwater
6 aquatic life and marine resources; and
7 WHEREAS, the Mississippi Commission on
8 Marine Resources acknowledges contribution
9 to the betterment of the fisheries of the
10 Gulf of Mexico through the significant
11 biological, industrial, legislative,
12 enforcement, or administrative activities;
13 WHEREAS, Mr. Ernie Zimmerman served on the
14 Mississippi Commission on Marine Resources
15 from 2013 to 2016, as the recreational
16 fishing representative, and contributed to
17 the wise management of Mississippi's
18 marine resources;
19 WHEREAS, Mr. Ernie Zimmerman passed away
20 on July 18, 2016.
21 "NOW THEREFORE BE IT RESOLVED, in a duly
22 constituted and assembled meeting, that
23 the Mississippi Commission on Marine
24 Resources does hereby resolve to rename
25 the Jailhouse Key to the Ernie Zimmerman

1 Key.

2 "DONE AND RESOLVED, in this duly constituted
3 and assembled meeting, on this the 15th day of
4 January 2019."

5 If you will advance the slide, this just is an
6 aerial photograph of the location of the Jailhouse Key.
7 It is right outside of Bayou Caddy.

8 Then, we will need a motion to proceed with
9 renaming the Jailhouse Key to the Ernie Zimmerman Key.

10 COMMISSIONER GUESS: I'll make a motion to
11 proceed with the adoption of renaming the Jailhouse Key to
12 the Ernie Zimmerman Key.

13 COMMISSIONER BOSARGE: All right. Okay.

14 Do we have a second for that motion?

15 COMMISSIONER HAVARD: I'll second the motion.

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

18 I see Mr. Eicke with his hand up back here.
19 Mr. Eicke, did you fill out a public comment
20 form?

21 F. A. . EICKE: I did not.

22 COMMISSIONER BOSARGE: We are going to make an
23 exception.

24 F. A. . EICKE: I would suggest that there
25 is one little correction to the motion that you are

1 passing and the declaration, and that is that Ernie was
2 not the Recreational Fishing Commissioner. He was the
3 Environmental Commissioner.

4 COMMISSIONER BOSARGE: That's correct.

5 F. A. . EICKE: And I think that should be
6 changed for the record.

7 COMMISSIONER BOSARGE: Okay.

8 Mr. Joe, will you make that notation?

9 JOE JEWELL: We can make that.

10 COMMISSIONER BOSARGE: He was the environmental
11 representative.

12 JOE JEWELL: We can do that. Absolutely.

13 JOE SPRAGGINS: Do we have a motion with that
14 change?

15 COMMISSIONER GUESS: So the motion would be to
16 adjust --

17 JOE JEWELL: (Interposing) The motion is the
18 same to rename the Jailhouse Key to the Ernie Zimmerman
19 Key.

20 COMMISSIONER GUESS: Yes.

21 JOE JEWELL: Just for the public record and
22 noting in the record that we will correct the resolution
23 to say that he was the environmental representative.

24 COMMISSIONER GUESS: Right, instead of the
25 recreational fishing representative.

1 JOE JEWELL: Correct.

2 COMMISSIONER BOSARGE: We have an amended
3 motion.

4 Do we have a second for that motion?

5 COMMISSIONER HAVARD: I still second it.

6 COMMISSIONER BOSARGE: Any further discussion?
7 (No response.)

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

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

12 COMMISSIONER BOSARGE: Motion carries.

13 JOE JEWELL: Thank you.

14 COMMISSIONER BOSARGE: Thank you, Mr. Joe.

15 We have got to back up just for a minute on Mr.
16 Bradley's Petition for Reconsideration.

17 We did make a motion for him to bring that
18 forward, but, now, we need to make a motion, I think --

19 SANDY CHESNUT: (Interposing) well, the
20 official motion was to repeal that paragraph, but we
21 didn't make an official motion for us to bring that back
22 for a Notice of Intent in February.

23 COMMISSIONER BOSARGE: So we need a motion to
24 bring it back?

25 SANDY CHESNUT: Yes. The motion for staff to

1 bring forward a proposed Notice of Intent for Title 22,
2 Part 20, Chapter 21, Paragraph 105.

3 COMMISSIONER BOSARGE: Do we have a motion for
4 that?

5 COMMISSIONER GUESS: I'll make a motion.

6 COMMISSIONER BOSARGE: We have a motion.

7 Do we have a second for that motion?

8 COMMISSIONER HAVARD: I'll second the motion.

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

11 Any further discussion?

12 (No response.)

13 COMMISSIONER BOSARGE: All those in favor aye.

14 (All in favor.)

15 COMMISSIONER BOSARGE: Opposed like sign.

16 (None opposed.)

17 COMMISSIONER BOSARGE: Motion carries.

18 JOE SPRAGGINS: Sir, that's all I have.

19 COMMISSIONER BOSARGE: Next up on the agenda is
20 the Commissioners report.

21 Do we have any Commissioners that would like to
22 report anything?

23 COMMISSIONER DANIELS: I've got one thing, if I
24 may, Steve.

25 COMMISSIONER BOSARGE: Yes, sir.

1 COMMISSIONER DANIELS: Recently an idea was
2 brought to me by someone inside of the charter community
3 and we have gotten a very positive response regarding
4 this, and I would like to ask the staff to bring us back
5 information on possibly implementing a tagging program for
6 speckled trout and red fish; take a look at what that
7 would look like to try to better our data on those fish.

8 COMMISSIONER BOSARGE: All right.

9 Joe, do you want to address this?

10 JOE JEWELL: So my understanding is you want the
11 Marine Fisheries staff to come forward with a tagging
12 program similar to something like Gulf Coast Research
13 Laboratory does?

14 COMMISSIONER DANIELS: It's my understanding
15 they -- well, from what I have participated in with them,
16 they tag tripletail and cobia primarily.

17 JOE JEWELL: They do.

18 COMMISSIONER DANIELS: There has been some talk
19 inside the charter community of why can't DMR do that with
20 speckled trout and possibly red fish, or any other species
21 that you see fit for that, and the majority of the guys
22 are very willing to take that on and try that out.

23 JOE JEWELL: The only thing I would add to your
24 motion -- and it would have to be a motion -- is that the
25 staff work with the Executive Director to find a funding

1 source for it because these programs can be quite
2 expensive at times.

3 COMMISSIONER DANIELS: I understand.

4 COMMISSIONER BOSARGE: And I guess one question
5 I have, the objective of the tagging program would be
6 to...?

7 COMMISSIONER DANIELS: Better information on our
8 fish, and I'm not saying it is anything more, but, then, I
9 would just like to see what that looks like.

10 COMMISSIONER BOSARGE: So would you like to put
11 that in the form of a motion?

12 Mr. Joe, have you got something you want to say?

13 JOE SPRAGGINS: Yes.

14 Just can you give me more than thirty days with
15 this because we've got to come up with funding and
16 everything to do it?

17 COMMISSIONER DANIELS: Absolutely.

18 JOE SPRAGGINS: Can we maybe say at the April
19 meeting, or maybe the March meeting?

20 JOE JEWELL: I think April would be more
21 appropriate because the staff would have to not only
22 develop a budget for such a program. They would have to
23 develop a metric for it because, as you mentioned, tagging
24 programs have certain goals in mind and, if the general
25 goal is just to see population abundance, I don't know how

1 well that would be, but most of them are age and growth,
2 how long are they growing, what their movements are.
3 Those are the typical goals, or metric, of a tagging
4 program.

5 JOE SPRAGGINS: Maybe we could do this, if you
6 don't mind Commissioner, just make a motion that we bring
7 you back, even to next month, an outline of what we think
8 we need to do for this.

9 How about that?

10 COMMISSIONER DANIELS: Yes.

11 JOE JEWELL: We can do that.

12 COMMISSIONER BOSARGE: All right.

13 Can you put that in the form of a motion?

14 COMMISSIONER DANIELS: I would like to make a
15 motion that Marine Fisheries brings back a format of a
16 possible tagging program.

17 JOE JEWELL: Is there a specific species you
18 mentioned, Spotted Seatrout, Red Drum and potentially
19 others as noted by the staff?

20 COMMISSIONER DANIELS: What he said.

21 COMMISSIONER BOSARGE: All right. We have a
22 motion.

23 Do we have a second for that motion?

24 COMMISSIONER GUESS: I'll second it.

25 COMMISSIONER BOSARGE: We have a motion and a

1 second.

2 Any further discussion?

3 (No response.)

4 COMMISSIONER BOSARGE: All those in favor aye.

5 (All in favor.)

6 COMMISSIONER BOSARGE: Opposed like sign.

7 (None opposed.)

8 COMMISSIONER BOSARGE: Motion carries.

9 JOE JEWELL: Thank you.

10 COMMISSIONER BOSARGE: Thank you, Joe.

11 Do any other Commissioners have anything they
12 want to report?

13 (No response.)

14 COMMISSIONER BOSARGE: Seeing none, we move on
15 to Office of Marine Patrol, Chief Davis.

16 KEITH DAVIS: Good morning Commissioners.

17 We have an overview of the year for you this
18 morning, just to reflect on what Marine Patrol did last
19 year, but, before I get to that, are there any questions
20 about the monthly report?

21 COMMISSIONER BOSARGE: Looks like it was a
22 fairly quiet month to me.

23 KEITH DAVIS: It was a very quiet month. Not a
24 whole lot happening with the weather being as bad as it
25 has been.

1 Some of you were here last year, and we try to
2 do this each year to kind of give you an overview to kind
3 of pull everything together that we report on each month.

4 Today, I would like to go over that as quickly
5 as I can just to kind of pull it all together for you.

6 Accomplishments for 2018.

7 As you-all know and the public knows, we had a
8 very successful Tails n' Scales Program that Marine Patrol
9 played a vital role in, and that program has been
10 certified by the Federal Government and I think it is
11 going to be a model for the rest of the country to follow.

12 We identified -- we didn't identify in 2018. We
13 knew that recreational fish were being introduced into the
14 commercial market, and we had an intensive investigation
15 to go after individuals selling recreationally caught fish
16 to restaurants and other seafood markets, and we did, in
17 fact, identify several restaurants that were actually
18 buying seafood, or recreationally caught seafood.

19 You recognized one officer for saving the life
20 of a young infant child, and we were very instrumental in
21 participating in numerous search-and-rescue operations
22 throughout the year.

23 Our boating accidents and water-related deaths
24 decreased by fifty percent. So we are very proud of the
25 fact that individuals are paying attention to those

1 enhanced enforcement activities, in terms of boating
2 safety.

3 In 2017, we worked eight related accidents, or
4 death resulting from accidents and other drownings and, in
5 2018, we only worked four, so we are excited about that.

6 Enforcement efforts.

7 In 2014, when I got here, we recognized that
8 there was really no tracking system within Marine Patrol.
9 So we have come up with the best way that we know how to
10 track citations and stops that we are making and we are
11 doing it manually, but Executive Director Spraggins and
12 past director Jamie Miller have committed to buying a real
13 records management system for Marine Patrol.

14 We are in the process of building that program,
15 and we will be able to track more appropriately the things
16 that Marine Patrol does on a monthly and yearly basis to
17 provide you a more detailed and accurate report of all of
18 our activities.

19 I want to show you a comparison of the years
20 since 2016, when we actually started tracking this.

21 We found that there were eighty-two thousand
22 licenses sold and, in the light blue area, those are the
23 number of licenses that we in Marine Patrol contacted
24 (indicating graph).

25 Now, you also have Coast Guard, as well as

1 wildlife and Fisheries out there making traffic stops as
2 well, so that information is not captured here.

3 The good news is I want to show you, point out
4 that we only issued eight hundred and fifty-three
5 citations, in the year of 2016. That is only point zero
6 one percent.

7 I'm going to get to compliance in just a second,
8 but the main thing to point out here is that we don't
9 write a lot of citations, but you will see that compliance
10 in Mississippi is very high, and that is compliance in
11 both user groups, recreational and commercial.

12 Pulling these numbers, I quickly identified that
13 and that is real pleasing, at least for me to know that we
14 have such a good compliance rate in the state.

15 In 2017, it didn't change that much, as you can
16 see, but yet we are less than one percent of citations
17 issued to license holders in the state, as it relates to
18 Marine Patrol. wildlife and Fisheries writes tickets, as
19 well as Coast Guard (indicating graph).

20 In 2018, we are just about the same, but we
21 wrote less citations last year, and you will see in the
22 next slide that compliance was even more (indicating
23 graph).

24 Here is your compliance. The dark area is
25 commercial and the light area is recreational (indicating

1 graph).

2 I just hold the opinion that if you are over
3 ninety-two percent in compliance, you are doing pretty
4 well. So kudos to our commercial and recreational
5 fishermen for maintaining good compliance in the state of
6 Mississippi.

7 I will pause there because I'm sure that there
8 are probably some questions, in terms of compliance.

9 These numbers are based on the actual stops that
10 we made divided by how many violations that were found
11 during those traffic stops.

12 COMMISSIONER BOSARGE: It all looks good to me.

13 I don't think it's traffic stops. You are
14 talking about marine stops.

15 KEITH DAVIS: Yes, sir. I apologize.

16 COMMISSIONER BOSARGE: That's okay. Believe me,
17 we all do it.

18 It all looks good to me. I'm glad to see you
19 guys are able to make sure that everybody is playing by
20 the rules.

21 KEITH DAVIS: Yes, sir.

22 COMMISSIONER BOSARGE: That's good.

23 JOE SPRAGGINS: Sir, if I could, I just want to
24 commend everybody.

25 If you look at this, about thirty-five percent

1 of the people that buy a license in the state of
2 Mississippi have had some type of encounter with law
3 enforcement about their license and what they were doing,
4 as far as that.

5 That is a pretty good number, when you sit there
6 and think about it, but only a small percentage had to
7 have a ticket. So we appreciate them.

8 KEITH DAVIS: And if they did get a ticket --
9 you can see over the course of the last three years, it
10 increased and we didn't have to write as many citations,
11 and that is what we really want. We want to not write
12 citations and increase that compliance rate.

13 COMMISSIONER BOSARGE: Looks good, Chief.

14 KEITH DAVIS: I want to talk a little bit about
15 priorities for 2019.

16 If you are like me, you have gotten on a
17 friend's boat and you have seen, or you looked for a trash
18 receptacle and the captain either says, throw it in the
19 fish box, or throw it in the cooler, or throw it
20 somewhere.

21 well, I was out on the water last summer and
22 Marine Patrol, the boat that I was on, we actually passed
23 a garbage bag floating in the water, and I just had this
24 revelation that we need to do something about the trash in
25 the Mississippi Sound.

1 We are going to talk a little bit more about
2 that, but other priorities for the year coming up is we
3 want to continue our efforts in keeping recreationally
4 caught seafood out of restaurants.

5 We are working with the legislature on some
6 legislation to provide us unmarked vehicles. You have
7 heard me talk about this before.

8 When we pull up to a fishing pier in those
9 highly marked Marine Patrol vehicles, individuals are
10 hiding fish, they are throwing fish back in the water, and
11 we want to be able to get closer to them -- not
12 necessarily get close to them, but we want fishermen to
13 understand that we are serious about recreationally caught
14 seafood and people selling the seafood.

15 We have identified individuals brazen enough to
16 travel from pier to pier asking recreational fishermen,
17 "Hey, do you have any fish to sell?".

18 So there is a culture out there that we need to
19 stop, and the only way we are going to stop it is through
20 covert operations where individuals do not know when we
21 are going to show up, how we are going to show up.

22 We are going to continue that effort, and I have
23 been informed by the legislators that we are more than
24 likely going to get that bill passed with Director
25 Spraggins involvement.

1 We also received a Port Security Grant. The
2 agency was awarded last year over nine hundred thousand
3 dollars to provide more of an officer presence at the
4 ports of Gulfport and Pascagoula.

5 We have always participated in port security,
6 but now the agency is going to benefit by Homeland
7 Security providing us with some additional funding to
8 purchase vessels.

9 We are going to purchase two vessels, one for
10 each port, and we are also going to hire additional staff
11 to have a stronger footprint at the Port of Gulfport and
12 the Port of Pascagoula.

13 As I said earlier, we are going to hopefully
14 implement the records management system that allows us to
15 track the activities and productivity of the law
16 enforcement agency at DMR.

17 Talk about the Marine Litter Campaign.

18 Title 22, Part 10, requires each vessel to have
19 this information onboard.

20 If you are out there at the islands particularly
21 is where we see most litter enjoying your recreational day
22 and we have all done it. We have had a few drinks and you
23 sit a beer can -- hopefully it's a beer can and not a beer
24 bottle -- up on your boat and you take off. It's in the
25 water.

1 Officers in Marine Patrol are committed to
2 reducing this as much as possible. We have implemented a
3 zero tolerance. If you do not have this onboard your
4 vessel this year, there will not be any warnings given.
5 You will simply receive a citation for violation of Title
6 22, Part 10.

7 Of course, before we start this, we are going to
8 have a strong media campaign. I was sitting there
9 thinking about presenting to you this morning and I
10 thought about what the kids do now. We need to attach a
11 hashtag to it of some sort, and I came up with, hashtag
12 Pick it Up. We are going to be very serious with this.

13 Dr. Mickle and I were talking last week, and I'm
14 going to invite him up to talk to you just a little bit
15 about what Gulf Council is talking about on marine litter.

16 Dr. Mickle.

17 PAUL MICKLE: Thank you, Chief.

18 Commissioners, Director Spraggins, Chairman
19 Bosarge, Ms. Chesnut, I don't want to take long. It's
20 certainly not an agenda item at this point, but I want to
21 bring up the danger of marine litter, marine debris
22 specifically and even more specifically marine plastics.

23 Microplastics is a serious issue. NOAA, U.S.
24 Fish and wildlife, wildlife Federation, the aquariums
25 around our nation have made this a top ten threat to our

1 ocean ecosystems.

2 Not many people really understand this. I just
3 felt that it was very important to bring it up at this
4 time, with the Chief and I discussing the marine litter
5 campaign that he is launching and how excited and what a
6 hot topic this is.

7 what Mississippi has already done is pretty
8 impressive Gulfwide and even nationwide, with what coastal
9 cleanups have been done with Mississippi State. USM is
10 researching microplastics with Hernandez's lab.

11 Mississippi aquarium, when it comes online this
12 year, will be launching massive anti-plastics campaign,
13 trying to get rid of straws in restaurants.

14 These plastics, what happens is they get into
15 the oceans, they get into the Gulf of Mexico, they get
16 into our Mississippi Sound. They don't chemically break
17 down to a certain point.

18 The Gulf of Mexico physically breaks them down
19 into smaller and smaller pieces, until they are
20 microplastics and the fish and the wildlife and the
21 microorganisms start consuming them.

22 Once that happens, they enter the food web, and,
23 then, they enter our bodies, so this is a threat to
24 everyone that we have. It's a threat to our commercial
25 industry, our recreational fisheries, our charter

1 industry, our tourism, our overall food web health and our
2 physical health as well.

3 At this point, I'm not asking anything to be
4 done at this juncture, but, again, the importance of this
5 issue threatens everything that we love about our
6 Mississippi Sound, and I felt the need to bring it up at
7 this point in time.

8 I just wanted to share that with y'all and
9 answer any questions you have and, if you want more
10 information, we can become more formal with it with an
11 agenda item, but, at this time, that's it.

12 Commissioner Guess.

13 COMMISSIONER GUESS: I think it would be more
14 involved to maybe propose it to our seafood marketing team
15 maybe coming up with a DMR enclosed trash bin that is
16 something that we can maybe give out as an item, maybe
17 exchange it for something else that we make, or, if we
18 have it in the budget, to do a separate item to those that
19 have licenses maybe.

20 JOE SPRAGGINS: I think we could do that.

21 Charmaine, maybe we can look at this and maybe
22 see if there is something we can come up with, and we will
23 bring it back before the Commission and let them look at
24 it.

25 How about that?

1 CHARMAINE SCHMERMUND: Yes, sir.

2 COMMISSIONER DANIELS: Buckets. Everybody loves
3 buckets.

4 COMMISSIONER GUESS: Enforce that they use it.

5 COMMISSIONER BOSARGE: Plastics in the ocean,
6 that is a big issue and it is a serious issue and anybody
7 that spends any time on the water knows that it is
8 something that needs to be addressed.

9 And, yes, I applaud you for working towards
10 trying to do our part to stop it.

11 KEITH DAVIS: Yes, sir.

12 We are going to be working with our media people
13 as well to put out a lot of different ideas. We want to
14 encourage people that if you pass a floating bag, as I
15 did, on the waterway, just stop and pick it up. It
16 doesn't take a lot of time. I know it's nasty, but I
17 would rather pick it up and discard it in a dumpster than
18 to let it sit out there in the ocean.

19 Everyone up here, I don't have to go over this
20 next slide with you, but here is how long it takes for
21 that stuff to break down.

22 On the left is our own coastal cleanup for 2018,
23 and those are the items that were located and discarded
24 during that coastal cleanup and, on the right, according
25 to Mississippi State University's Extension Center, that

1 is how long it takes for these items to break down.

2 We wanted to make sure that we reenforced this
3 with the public and make sure that the public understands
4 what the impacts are, when they discard their trash on the
5 beaches and in the water.

6 COMMISSIONER BOSARGE: Chief, I have spent some
7 time in Houston in an apartment that backed on what was at
8 one time I think biotech, or something, but now it's a
9 concrete bayou, and it amazed me the first time it rained
10 because it wasn't a lot I was doing at the time, so I had
11 a lot of time to observe, but, anyhow, the amount of
12 plastics that were coming down that.

13 Basically, I was wondering where is all this
14 coming from, and it was coming off the streets and washing
15 down and, I mean, I know there is a lot.

16 We, on the commercial side here, we have garbage
17 plans that we store garbage, who is in charge of it, where
18 we dispose of it, but, from my little bit of experience
19 and being in that big city and seeing all of that going
20 down that concrete made bayou, I was like, somebody needs
21 to start screening this, collecting it because it blew my
22 mind, the amount, and maybe it was because it hadn't
23 rained in a long time. I don't know, but it was a lot of
24 stuff, a lot of plastics and Styrofoam.

25 KEITH DAVIS: I'm going to probably get in

1 trouble, but human beings are nasty people. We are.

2 COMMISSIONER BOSARGE: Some of us.

3 KEITH DAVIS: Yes, sir.

4 We want to make this anti-litter campaign as big
5 as it can get. I want to reach out to the counties and
6 encourage the counties to do more and increase their beach
7 cleanups as well.

8 As you know, Florida, Orange Beach, banned
9 smoking on their beaches last month. I don't know if we
10 would go that far in Mississippi, but those are certainly
11 some things that we can look at here in the State of
12 Mississippi to clean up the Mississippi Sound.

13 Of course, this is just some photographs of
14 pictures that we got off the internet from IMMS on what
15 happens to sea life when we are careless with our fishing
16 gear and other things that we put in the water.

17 SANDY CHESNUT: Chief, I would like to go ahead
18 and get Commissioner Guess to put that in the form of a
19 motion, her request to have staff explore the
20 possibilities of providing a DMR receptacle.

21 KEITH DAVIS: Okay. I pause.

22 SANDY CHESNUT: Okay.

23 COMMISSIONER BOSARGE: All right.

24 COMMISSIONER GUESS: So I make a motion that we
25 get the seafood marketing team to come up with some type

1 of trash receptacle to make to be able to give out to the
2 public.

3 KEITH DAVIS: Director, do we need to find some
4 kind of funding source to provide that?

5 JOE SPRAGGINS: We've got the seafood marketing,
6 and we can work through there.

7 COMMISSIONER DANIELS: I'll second that.

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

10 All those in favor aye.

11 (All in favor.)

12 COMMISSIONER BOSARGE: Opposed like sign.

13 (None opposed.)

14 COMMISSIONER BOSARGE: Motion carries.

15 KEITH DAVIS: So that really takes out
16 discretion. If you don't have it, you get a ticket.

17 Of course, we just put this slide in there to
18 remind the oyster fishermen that these receptacles are
19 available already that you can get, but please don't get
20 caught oystering without having these sanitary devices
21 onboard your vessel.

22 COMMISSIONER BOSARGE: Chief, can I ask you a
23 question?

24 KEITH DAVIS: Yes, sir.

25 COMMISSIONER BOSARGE: I see some of the guys on

1 the boats, like, where they have a livewell. They will
2 put their trash in the livewell, or something.

3 Is that legal, I guess, if they have it marked?

4 In other words, explain that just a little bit.

5 KEITH DAVIS: Yes, sir. That is legal.

6 However, it is only legal if you have the proper
7 identifier on it, i.e. that label that I had up there.

8 Can we go back to that Title 22, Part 10, label?

9 COMMISSIONER BOSARGE: In other words, that
10 would be the label?

11 KEITH DAVIS: That would be the label, or, if
12 you just clearly write "TRASH" and tape it to the top of
13 your lid, or underneath your lid, if a Marine Patrol
14 officer, Coast Guard, or wildlife, boards you, that
15 clearly identifies where you intend, as a captain, to put
16 your trash.

17 COMMISSIONER BOSARGE: Because I know a lot of
18 times, especially with these boats bigger and faster, and,
19 if you just have an open container, it tries to blow out.

20 KEITH DAVIS: Yes, sir.

21 COMMISSIONER BOSARGE: A lot of people put it in
22 there where they can close the lid, and it stays.

23 KEITH DAVIS: If you just take a trash bag and
24 you put in the corner of your boat and you take off, as
25 you say, these faster boats, that trash bag is going to

1 lift up and blow out. So you have to have it sealed,
2 covered where it can't blow out.

3 COMMISSIONER DANIELS: Does the sticker have to
4 be on the exterior?

5 You mentioned under the lid.

6 Can it be inside the lid?

7 KEITH DAVIS: Yes. I typically don't want to
8 stick something to the top of my livewell, so it's okay to
9 stick it underneath so it is out of sight, but it has to
10 be labeled.

11 Finally, I want to kind of give you an update on
12 our fleets. Most of you have worked with me for some time
13 now, and you know that I am very aware of what I look
14 like, and I have worked with Director Spraggins to make
15 sure that we are as professional as we can be.

16 working with the Public Affairs Office, they
17 helped us come up with a new logo for our cars. I don't
18 know if you have seen them yet, but I do want to share
19 with you what our new trucks and boats are going to look
20 like as they are marked.

21 These are some older pictures of our design
22 prior to the new design.

23 That is our newest and greatest baby that we
24 just got out of the shop from getting the engines hung on
25 it.

1 Yes, it is a Blackjack. Yes, you are going to
2 get questions from the public, where did we get the money
3 to buy a Blackjack Bay boat, but that was purchased with
4 federal funding through our JEA contract.

5 JOE SPRAGGINS: And might I add the low bidder.

6 KEITH DAVIS: Exactly. The low bidder, yes.

7 And that is what our new trucks look like. So
8 we are excited about that.

9 Last but not least, it is not out of the shop
10 yet. We are still doing some rigging on the engines, but
11 that is what our new Red Snapper boat is going to look
12 like. That is what we are going to be going out to the
13 fishing reefs and checking Red Snapper in this year.

14 Thank you for your indulgence in letting me you
15 a recap of the year and, hopefully, we will have a
16 successful high compliance year in 2019, and we look
17 forward to continuing our work together to preserve
18 Mississippi's resources.

19 COMMISSIONER BOSARGE: Thank you, Chief.

20 COMMISSIONER DANIELS: Chief, if I may, I would
21 just like to say I have had several encounters this year
22 on the water with the guys and y'all are doing a
23 phenomenal job. Keep up the good work.

24 KEITH DAVIS: Thank you. We often hear about
25 the bad stuff, but it is always good to hear good positive

1 stuff. Professionalism is the key and we take a lot of
2 pride in that.

3 I didn't go over the training slide, but our
4 officers receive adequate training every year on
5 everything from professionalism to the new laws that are
6 coming out, so we take a lot of pride in making sure that
7 our officers are being hired adequately and their receive
8 the proper training to do the best job that they can.

9 COMMISSIONER BOSARGE: Thank you, Chief.

10 I see up next will be Office of Finance and
11 Administration, Ms. Shavay Gaines.

12 SHAVAY GAINES: Good morning. I'm Shavay Gaines
13 your Finance Director, and good morning Director
14 Spraggins, Commissioners and Ms. Chesnut.

15 I will be presenting the financials for the
16 month ending December 31st, 2018.

17 At the end of December, our State Revenue was
18 four point two million. Our Agency Revenue totaled
19 seventeen point four million.

20 Our State Net Income was nine hundred fifty-
21 eight thousand. Our Agency Net Income was seven point
22 three million.

23 After six months of fiscal year 2019, our
24 Operating Funds have a budget balance of eighty-two point
25 one percent, and our Tidelands Trust Funds ended with a

1 budget balance of sixty-nine point three percent.

2 Any questions?

3 COMMISSIONER BOSARGE: I wouldn't know where to
4 begin.

5 Thank you, Shavay.

6 SHAVAY GAINES: You are welcome.

7 COMMISSIONER BOSARGE: Up next is Sonja Slater,
8 FY20 Tidelands Proposal Overview.

9 SONJA SLATER: Good morning Commissioners, Ms.
10 Chestnut --

11 COMMISSIONER BOSARGE: (Interposing) Turn the
12 mike on.

13 SONJA SLATER: Sorry.

14 COMMISSIONER BOSARGE: That's okay.

15 SONJA SLATER: Good morning Commissioners, Ms.
16 Chesnut, Director Spraggins.

17 For those of you who do not know me, I'm Sonja
18 Slater. I'm the Tidelands Coordinator for the DMR.

19 I'm not sure. We've got some new Commissioners.
20 I'm not sure if y'all know anything at all about
21 Tidelands, so I'm going to kind of give you an overview
22 for Tidelands.

23 If you have any questions after the meeting, you
24 are welcome to call me, we can meet and I will discuss it
25 with you.

1 Basically, Tidelands is a trust fund that we
2 receive annually from the leases of the waterbottoms for
3 the casinos.

4 Basically, when the casino revenues go up, the
5 Tidelands check goes up.

6 We have two separate ways that we spend the
7 Tidelands money. One is considered public access funding,
8 and the other is considered managed projects.

9 The public access funding typically is about
10 protecting, conserving and restoring public access to
11 Tidelands properties.

12 The managed projects are research projects that
13 the DMR deems necessary to protect and conserve the
14 waterways, also.

15 Our Chief Scientific Officer, Dr. Paul Mickle,
16 assists in determining which projects will fund under the
17 managed projects for the scientific portion of them.

18 Director Spraggins has the final say on the
19 managed projects.

20 Those are basically the two categories of how
21 the Tidelands funds are split.

22 We have received Tidelands funding since 2003.
23 This is an overview of the amount of funding we have
24 received and the amount of appropriations.

25 It is kind of hard to see on the screen, and I

1 apologize for that, but, basically, each year the
2 legislature appropriates the Tidelands funding. They
3 award the public access funds, but they also tell us, out
4 of the amount of money that they estimate we will receive,
5 how much of that money we can use to do managed projects,
6 how much will be used for public access, which public
7 access projects will be funded.

8 what this chart shows you is, in fiscal year
9 2018, the legislature appropriated nine point seven
10 million dollars worth of Tidelands funding. However, our
11 check, when it came in, was only eight point two. So we
12 had to make an adjustment on the funding.

13 Typically, that is something that DMR absorbs
14 and doesn't change the funding on the public access, but,
15 as you can see, there have been years where the funding
16 was considerably less than what was appropriated and we
17 had to, then, prorate the public access projects.

18 This year was a great year. They appropriated
19 ten million and we got ten million. Hopefully, they will
20 continue with that trend.

21 This is our 2021 schedule for accepting
22 applications for Tidelands, and that is something that I
23 need to explain.

24 The Tidelands typically we run on an eighteen
25 month ahead schedule, so we have already accepted

1 applications for 2019 and they were awarded.

2 Now, we have just recently accepted for 2020
3 which those will be awarded in this legislative session.

4 For 2021, on May 31st, we will start accepting
5 applications. On July 1st, all the applications have to be
6 in and submitted to the DMR. Between July and August, we
7 do an in-house compliance review, and that is typically
8 done by just me and Russell Weatherly who works with me,
9 now.

10 Basically, we are just making sure the applications are
11 complete, nothing is missing, we have all the contact
12 information.

13 Between September and October, we have the merit
14 review which Dr. Mickle is on the Merit Review Board,
15 along with some other staff members and Ray Carter from
16 the Secretary of State's office, where they score each
17 application, and we list that in the recommendations to
18 the CMR and you get a book at the end of the year.

19 In December, we have the legislative forum where
20 we give the books to the legislators.

21 In January, they are in session.

22 Around March is when they make their
23 determination.

24 When we get that appropriation bill in April, we
25 do send out letters to the public access projects to let

1 them know they were awarded, but they don't get their
2 grant agreements to actually start their programs until we
3 receive the check from the State which normally doesn't
4 happen until around November of each year.

5 Around November, or December, the grant
6 agreements go out, and they can start processes with their
7 projects.

8 This year for the 2020 application cycle, we
9 received a hundred and thirty-one applications to the tune
10 of thirty-eight million dollars of requests which we only
11 received ten million this year, so there are a lot of
12 applications that do not get funded.

13 Fifty-seven of them were for public access
14 projects, and seventy-four of them were for managed
15 projects.

16 The breakdown by cities, municipalities,
17 counties and miscellaneous for each category are up here
18 with the total funding requested (indicating slide).

19 Of course, in 2019, we received ten million
20 dollars.

21 I gave you a breakout of the public access
22 projects by city. This slide lets you know which city
23 requested how many projects and what the total funding was
24 that they requested.

25 As you can see, the City of Biloxi requested

1 four projects to the tune of eight million dollars. That
2 is not unheard of. They can do that. We just normally
3 don't have that kind of money to fund that.

4 The Jackson County Board of Supervisors, Hancock
5 County Board of Supervisors and Harrison County Board of
6 Supervisors, also put in applications for their areas.

7 This slide breaks it down for you. We received
8 three from Jackson County, three from Hancock County and
9 ten from Harrison County to the tune of four point seven
10 million through all counties requested.

11 We have miscellaneous projects that we consider
12 under the public access projects, and those are basically
13 projects that are being funded for agencies that are not a
14 municipality, or not a city. They are not the DMR.

15 They are listed here. We got two point six
16 million requests from various agencies such as Lynn
17 Meadows, Maritime and Seafood Museum and the Mississippi
18 Gulf Coast Community College.

19 The legislators have the right to award those
20 projects as they see fit.

21 On our managed projects side, that is typically
22 broken down by the MDMR projects that we do in house, the
23 universities such as USM, Mississippi State, Mississippi
24 Gulf Coast Community College and any other miscellaneous
25 agencies that may want to request managed projects.

1 These are typically research projects that
2 answer a question that the DMR, or the Commission, may
3 have, but they can be used for other things.

4 We received seventy-four of those applications
5 requesting fourteen million.

6 Do you have any questions?

7 COMMISSIONER BOSARGE: That is a lot of
8 information and because I've been here a little while, I
9 guess, and have seen it, yes, it is amazing the amount of
10 funds that are requested, but it is also amazing the
11 amount of funds that we have.

12 SONJA SLATER: Right.

13 COMMISSIONER BOSARGE: And I was trying to
14 remember if there is actually a breakdown of after -- once
15 all the projects have been submitted and approved, do we
16 have a breakdown of what actually transpired when it was
17 all said and done; in other words, what projects were
18 approved?

19 It seems like I remember a presentation where it
20 showed what each county wound up with.

21 SONJA SLATER: Right.

22 COMMISSIONER BOSARGE: Do we have that?

23 SONJA SLATER: We do have that. We have it for
24 the public access side for 2019, but we don't have it for
25 the managed project side because we have not completely

1 awarded all the managed funds yet.

2 Once we have that, I'm sure we will give you an
3 update on it for 2019.

4 COMMISSIONER BOSARGE: That would be nice to see
5 where we wound up.

6 SONJA SLATER: And a lot of our managed
7 projects, just so you will know, one of the reasons we
8 haven't gotten totally awarded yet is we do a lot of
9 matching to federal grants such as Chief's grant that he
10 got for the Marine Patrol to patrol the port security.
11 The Tidelands managed projects are matching those funds so
12 that he could receive that grant.

13 A lot of the grants haven't come in yet for us
14 to know, yes, they are getting that grant and these funds
15 need to be spent for the match, so we haven't completely
16 awarded the managed projects at this time.

17 JOE SPRAGGINS: One of the other things, too,
18 sir, I'm pretty sticky and you've got to prove to me why
19 you need it. It's not just because somebody sends me
20 something and we stamp it. It's show me the real need,
21 and, then, let's analyze it and see where we are.

22 I'm probably a little bit more picky, but I want
23 to make sure we are spending our money the best way we
24 possibly can.

25 SONJA SLATER: Once we have it all awarded, we

1 will do an update.

2 COMMISSIONER BOSARGE: Good. All right.

3 Thank you.

4 SONJA SLATER: Thank you.

5 COMMISSIONER BOSARGE: Are there any more
6 questions?

7 (No response.)

8 COMMISSIONER BOSARGE: Up next will be Public
9 Affairs, Charmaine.

10 CHARMAINE SCHMERMUND: Good morning
11 Commissioners, Director Spraggins, Ms. Chesnut.

12 The Mississippi Department of Marine Resources
13 was mentioned seven times in local, state and national
14 media since the December CMR meeting.

15 Popular news items included the Jackson County
16 Land Acquisition and commercial fishing seasons that open
17 on January 1st.

18 Marine Patrol taught two boat-and-water safety
19 classes and certified sixty students. So far in fiscal
20 year 2019, officers have taught ten classes and certified
21 two hundred and ten students.

22 Marine Patrol also participated in the Grand Bay
23 NERR Star Party on December 15th.

24 Lastly, National Heritage Area partnered with
25 Mississippi Gulf Coast Community College to provide a

1 booth at the Gulf Coast Legislative reception in Jackson
2 last week.

3 JOE SPRAGGINS: One thing real quick, Charmaine
4 is our new Director. She took Melissa's place, and her
5 and Francesca did a fantastic job when Melissa was out
6 those five, or six, months, and I didn't see any reason
7 why not let's just keep going inside, and they have done a
8 great job. I appreciate it.

9 CHARMAINE SCHMERMUND: Thank you.

10 COMMISSIONER BOSARGE: Congratulations.
11 If I remember correctly, Melissa was coming
12 back.

13 JOE SPRAGGINS: She decided to go with MDA.

14 COMMISSIONER BOSARGE: Okay. All right.

15 JOE SPRAGGINS: They offered her a job, so she
16 came back for about a month, and, then, left and went to
17 MDA, and I wish her well with that because it is a little
18 promotion for her, but it was also where we could promote
19 from within.

20 COMMISSIONER BOSARGE: Well, that's great.
21 That's great. I just remembered that -- I thought she was
22 coming back.

23 Congratulations.

24 CHARMAINE SCHMERMUND: Thank you.

25 COMMISSIONER BOSARGE: Next is Office of Marine

1 Fisheries, Mr. Joe Jewell.

2 JOE JEWELL: Thank you Commission.

3 I have a couple of updates, before we move into
4 the agenda.

5 COMMISSIONER BOSARGE: You are going to have to
6 speak up, now, Joe. You are going to have to shorten your
7 legs, or get closer to that mike.

8 JOE JEWELL: I want to do a little short shrimp
9 season update. As you know, we closed on December 31st.

10 For the month of December, we landed about four
11 hundred and eighty-four thousand pounds, and the average
12 is about four hundred and twenty-eight. So, in the month
13 of December, we were up, but overall for the year we are
14 still slightly down.

15 The count right now between January and December
16 is eight point seven million pounds, and our average is
17 nine point five. We are a few hundred below average,
18 where we typically are for the season.

19 Then, second, I want to mention our monitoring
20 of the Bonnet Carre Spillway. As y'all all know, this
21 time of the year, we get a lot of questions on that. We
22 are monitoring that very carefully, very closely.

23 The Bonnet Carre is not open. We have no
24 knowledge of it opening any time soon, but the Mississippi
25 River is up. It is substantially up. It is up to the

1 sills and it is leaking through.

2 I think a lot of the questions we get about some
3 of the gates being open is simply that. There is some
4 leakage; the river is so far up.

5 So far, to our knowledge, there is no
6 anticipation of opening the Bonnet Carre Spillway. That's
7 not saying they can't, but we are not aware of that right
8 now.

9 COMMISSIONER BOSARGE: Joe, what does the
10 projection look like?

11 I mean, are --

12 JOE JEWELL: (Interposing) It would open on
13 about one point two CFS, cubic feet per second. It is
14 about a million right now.

15 I asked that question yesterday. The response
16 was it is leaking through the sills. It is about a
17 million CFS, but we are not anticipating it rising to the
18 point where it will reach that threshold.

19 JOE SPRAGGINS: Sir, I talked with the Corps the
20 other day working with them over in the Vicksburg area,
21 and one of the things that we are looking at, Vicksburg, I
22 think, is going to crest. They say it will go out of
23 flood stage. It may have happened yesterday. I'm not
24 sure because it is forty-three feet there. They are
25 looking at it. They are expecting it to go higher than

1 that. It could be a situation, but I don't think it is
2 going to be a 2011, or a 2016, or even a last year type,
3 as it looks right now.

4 If anything, the way they are talking to me now,
5 it looks like it might be that a few of them have to open,
6 just open to relieve some of the pressure, unless we get a
7 whole lot more rain.

8 Once again, that all happens up north, and it's
9 not what happens here. It's what happens up in the
10 northern part of the United States that makes that much
11 difference.

12 COMMISSIONER BOSARGE: And, I mean, the snow and
13 the ice melts.

14 JOE JEWELL: It's a little later in the spring
15 when that occurs. Right now the thing that is impacting
16 it is rainfall.

17 As Director Spraggins said, in the lower
18 Mississippi valley, we will have some additional rainfall,
19 but not a lot is anticipated, but there are seasonal
20 fronts that are moving through the upper Mississippi River
21 basin, the drainage area, that could substantially change
22 all of my statements that I made, but right now it is not
23 anticipated.

24 COMMISSIONER BOSARGE: Okay. Good deal.

25 JOE JEWELL: And, then, finally I want to

1 mention, at the December Commission meeting, the
2 Commission requested that staff come back within ninety
3 day to do an assessment on the relayed oysters.

4 I just want to update y'all. We started that
5 assessment last week. We did some analysis of it, and we
6 are doing data input now.

7 We anticipate either February, or March -- I'm
8 pretty sure February we might have an update. I just want
9 to make y'all aware that we haven't forgotten that and we
10 are working on it.

11 Moving into the agenda, the first item for
12 Marine Fisheries is For-Hire Reporting Program Update by
13 Mr. Trevor Moncrief.

14 TREVOR MONCRIEF: Good morning Commissioners,
15 Director Spraggins, Ms. Chesnut.

16 As Joe mentioned, I will be discussing the For-
17 Hire Reporting Program, just giving you a brief
18 informational update.

19 To give you a background, in the past year, CMR
20 has inquired about the viability of using an electronic
21 reporting program to monitor Spotted Seatrout recreational
22 landings in Mississippi waters.

23 This survey can provide a better estimate of
24 recreational fishing effort for Spotted Seatrout, along
25 with other targeted species of priority.

1 This presentation will focus mainly on a For-
2 Hire Reporting System, as mentioned earlier.

3 After staff deliberated on this for a little
4 while, we came to the conclusion that for the for-hire
5 sector an electronic logbook program would likely be the
6 best option.

7 we would develop a simple app for tablet, or
8 your phone, built in house to report information on
9 targeted species, or species of priority, as they are
10 designated.

11 Some of the base information that we would like
12 to collect would be the number of fish caught, the number
13 of anglers, the hours fished and the landing site.

14 we also have additional options for
15 consideration. we will be gathering a lot of information
16 from these anglers, so we want to make sure we get the
17 most information possible.

18 A couple of these might be a hail in/hail out
19 procedure, as you see with the current Tails n' Scales
20 Program.

21 The area that the fish were harvested. we can
22 do that by species, or for Spotted Seatrout only, if that
23 is our concern.

24 Economic variables such as gas, or bait, as far
25 as captains are concerned, would plug in that information

1 over time.

2 Passenger demographics such as age, or even the
3 distance traveled by their clients, or anything like that,
4 for the out-of-state passengers, or any additional options
5 considered by the Commission.

6 For our species of priority, we have selected
7 these to start out; Spotted Seatrout, Red Drum, Black
8 Drum, Flounder, Sheepshead, Tripletail, White Trout and
9 Ground Mullet.

10 We can also include any other species considered
11 by the Commission to be prevalent in this fishery.

12 I will mention that we will be having a For-hire
13 Task Force meeting on February 13th to discuss these
14 reporting requirements and the upcoming Federal
15 requirements for mandatory reporting, so we will have a
16 little more information on their feedback then.

17 COMMISSIONER BOSARGE: And do you know -- is
18 this a -- because there are so many -- I say, so many.

19 There are other electronic logbook and reporting
20 systems out there for different charter boat industries,
21 whether it be Federal for-hire, or state.

22 Have we looked at those in trying to model after
23 what seems to work the best?

24 TREVOR MONCRIEF: Right. We have the Headboat
25 surveys as most people are aware of. The other voluntary

1 reporting systems. The next one coming up is SEFHIER.
2 That is the newest Federal mandatory reporting, and our
3 goal with this is to develop a specific reporting app, or
4 program, for our fishermen, developed of what they want so
5 we can get all that information internally and give it to
6 all the surveys, so they don't have to fill out three
7 different surveys for three different Federal programs.
8 We can gather that information and, in turn, hand it over
9 to the Federal guys.

10 COMMISSIONER BOSARGE: Yes, because, you know,
11 from what I saw, it could get detailed and, you know, you
12 want information, but you don't want to take up half a day
13 of a guy's time just trying to fill out the paperwork.

14 TREVOR MONCRIEF: Right. We are trying just to
15 increase the efficiency of how it would work overall for
16 our guys.

17 COMMISSIONER BOSARGE: And developing this app,
18 is there -- does this look like something that is going to
19 be, you know, a month, a year?

20 TREVOR MONCRIEF: I think IT could probably
21 speak more about that. We would like to have -- I think
22 we discussed having something for the guys to look at in
23 February, and, then, having some in-house testing before
24 we get it onboard, but Brian would likely have the better
25 answer for that.

1 COMMISSIONER BOSARGE: I've got you. We will
2 see what you come back with next month.

3 TREVOR MONCRIEF: Yes, sir.

4 COMMISSIONER BOSARGE: Anybody have any
5 questions?

6 COMMISSIONER DANIELS: I've got one question
7 that has been posed quite a bit on this.

8 As a lot of people are familiar with, once you
9 get towards the west end of the state, say, Long Beach to
10 the west, there is a high percentage of fishermen that
11 cross over into Louisiana waters and fish in Biloxi Marsh.

12 what is the process?

13 would they be required to report those fish that
14 come from Louisiana coming back into Mississippi?

15 TREVOR MONCRIEF: In my own professional
16 opinion, I think that would be logical because we base
17 everything we do on where the fish are landed, and that's
18 why we included that bullet point on the additional
19 options, that we can actually look at where fish are
20 landed, or harvested, by species, especially for Spotted
21 Seatrout so we can get that delineation between Louisiana
22 and Mississippi.

23 COMMISSIONER DANIELS: The part that I have a
24 problem with that is we do all of our sampling and our
25 studies in Mississippi, yet we are going to count however

1 many pounds of fish that come from Louisiana.

2 MATT HILL: In fisheries management, like I said
3 before multiple times, it is where the fish is landed,
4 but, however, that is an option that I strongly encourage
5 that we put into this app, into this logbook because we
6 can also run the models. We can run that sector with
7 those fish taken out, so we can actually begin to see what
8 the differences are, and I would strongly encourage that
9 that be part of this and that's why we put it in as the
10 option.

11 Obviously, you want the base information to
12 start populating all of your biological dynamics and
13 everything, but, obviously, we are in a unique situation
14 here and we need to start figuring out how many of these
15 fish are actually coming from Louisiana, but we are going
16 to have to do that -- that is something that has not been
17 done before in any other state, so it is any type of
18 assessment, or management, is done on where the fish is
19 landed, and snapper is the same way.

20 we don't hold people to these lines. Fish don't
21 have lines, and we understand that we do have a very
22 unique problem with Louisiana, but it is also something
23 that this would give us the opportunity to see just what
24 that impact is because we say we think what it is, you and
25 I.

1 We have had those conversations before, but we
2 really don't know, and this would give us the opportunity
3 to begin to remove some of those fish and see what it does
4 to the model.

5 COMMISSIONER DANIELS: I think if we were going
6 to do this, that would be imperative because making one
7 and one equal two, we are counting a million fish in
8 Mississippi waters and we've got a total catch of a
9 million fish, but five hundred thousand of them came from
10 across the state line. They weren't counted in this.

11 MATT HILL: And I think that is a viable option
12 and an answer that we do need to begin to answer.

13 However, I will also caution, too, that it is about
14 consistency, so as long as -- it can be wrong, as long as
15 it is consistently wrong. That's what we need.

16 If we can get the trend, how many fish are
17 coming, what we are doing. It's not the precision of the
18 actual landings going into the model. It's the accuracy
19 of knowing what the trends are, and that is a very valid
20 question that we can begin to start to answer. The staff
21 completely agrees with that.

22 COMMISSIONER BOSARGE: You know, Matt, in
23 looking at other reporting systems -- and I'm sure you are
24 aware -- especially on the Federal side, when we land
25 shrimp, we have to go back and they've got the Gulf of

1 Mexico divided into zones, and you specify which zone you
2 fished in and what depth you fished in.

3 MATT HILL: Yes, sir.

4 COMMISSIONER BOSARGE: And I can see dividing
5 Mississippi up into zones and, if you are reporting, you
6 can report -- and I think they allow us two, or three,
7 zones, and, then, you can assign a percentage as to what
8 you caught out of those different zones.

9 MATT HILL: Yes, sir, and it's not unique to --
10 when I'm talking about the fisheries, I'm talking about
11 finfish. It would be something very unique to finfish in
12 the models, if we went to that zone approach.

13 It is done in other fisheries such as shrimp.
14 We currently do it in some of our systems here, but the
15 bottom line is we still use the landings at the dock.

16 Even though we can grid it off and we have this
17 very specific information, we are not to the point yet to
18 where we can run assessments based on grids, or things
19 like that. It is still landings in that state.

20 Then, that would be something that is very
21 difficult to overcome, but we are trying to set up for the
22 future, now, and that is one question that we, obviously,
23 are going to need to answer.

24 COMMISSIONER DANIELS: In talking about setting
25 up for the future, it is my understanding that the basis

1 on starting this out with the charter sector is the
2 possibility of moving it into the entire recreational
3 sector.

4 Correct?

5 MATT HILL: Absolutely. There are, obviously,
6 some kinks that are going to have to be worked out, even
7 with the for-hire sector, but it is a much smaller
8 universe, and we can see what is going to work, what is
9 not going to work, start getting some feedback.

10 when we began the Tails n' Scales Program, I
11 think -- I don't even know what version we are on anymore,
12 but there are a lot of changes to be made, and there are
13 just some unforeseen things that we are going to have to
14 work out with the anglers, and the for-hire industry has
15 always helped us when it comes to this. They are willing
16 to do this, and I think it would be very important.

17 It would be almost like a panel, or a study,
18 with them to make the changes, before you release it to --
19 I think Chief Davis' number was eighty thousand people.

20 when you start dealing with eighty thousand
21 people, it is going to have to be right.

22 COMMISSIONER DANIELS: And both of y'all will be
23 at that charter-for-hire meeting to present all of this to
24 the charter captains that are there.

25 Correct?

1 MATT HILL: Yes. We will be there and we will
2 also be there in conjunction with the lady from Gulf
3 Council. Her name slips my mind.

4 COMMISSIONER DANIELS: Federal reporting.

5 MATT HILL: With the Federal reporting, and
6 that's where Commissioner Bosarge is concerned. There are
7 several options out there right now. Several things
8 coming down the pipeline, and our goal is to have one
9 system here in Mississippi that these captains can begin
10 to use and we can send it out for them so they are not
11 spending days on end. We are doing it.

12 We are trying to provide them a service and the
13 more service we can provide them, the more accurate the
14 information seems to be.

15 JOE JEWELL: We sort of see it as sort of a test
16 for a larger program, but right now we feel it is just
17 more efficient to interact with the charter boat fishery,
18 as the Commission has directed, to sort of work out the
19 kinks, as with the Tails n' Scales Program.

20 In order to meet the Commission's expectations -
21 - I know that Commissioner Bosarge has mentioned next
22 month and Commissioner Daniels mentioned some timeline --
23 can we ask that y'all put that in the form of a motion
24 maybe within ninety days like we did for the oyster
25 assessment?

1 IT is going to be driving a lot of this, and,
2 then, we are going to be working with their time schedule
3 and provide a lot metric for the regulatory and the
4 management portion of it, but it is electronically driven.

5 If the Commission so feels to make that into a
6 motion for the staff to come back within ninety days with
7 a development plan for an app for the charter fishery,
8 please?

9 COMMISSIONER BOSARGE: And do you feel that is
10 enough time to work with IT and with the task force and
11 everybody?

12 JOE JEWELL: I think it's enough time to give
13 y'all a more clear update, rather than the ones we have
14 the past couple of Commission meetings, just telling you
15 about what our plans are and how we will go about putting
16 boundaries around the process.

17 I think, within ninety days, we can put some
18 substantial boundaries on it and definitions of how this
19 program and a rollout date for it and things like that.

20 COMMISSIONER BOSARGE: All right.

21 COMMISSIONER DANIELS: Just to be clear, you are
22 not talking about implementing this within ninety days.

23 We are talking about looking at what we've got
24 to work with.

25 JOE JEWELL: That's right. It would include an

1 implementation date because when we get ninety days down
2 the road, I think we will have a clearer idea of the
3 development of the app, the process of development of the
4 app and the metric that would go into that.

5 That's correct. We are not talking about an
6 implementation within ninety days.

7 COMMISSIONER BOSARGE: All right.

8 Do we have a motion for that?

9 COMMISSIONER DANIELS: I'll make the motion for
10 that.

11 I would like to ask the staff to come back with
12 a format of how we are going to implement this for-hire
13 reporting.

14 COMMISSIONER BOSARGE: Within ninety days?

15 COMMISSIONER DANIELS: Within ninety days.

16 JOE SPRAGGINS: Also, could you add in there
17 maybe that we give what we have after the meeting in
18 February, just give an update next month with that?

19 JOE JEWELL: We can do that. Absolutely.

20 COMMISSIONER DANIELS: And we get an update on
21 what we find at the Charter-for-hire meeting in February.

22 COMMISSIONER BOSARGE: All right.

23 We have a motion.

24 Do we have a second for that motion?

25 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, Trevor.

11 TREVOR MONCRIEF: Thank you.

12 JOE JEWELL: Trevor's got the next agenda item,
13 also. He is going to report on the State and Federal
14 Fisheries Compliance Information that the Commission
15 requested at the December meeting.

16 COMMISSIONER BOSARGE: Hold on Trevor just one
17 moment.

18 Sorry about that. We actually had some public
19 comments, some folks wanted to speak on that, and Mr. Joe
20 and I are asleep at the wheel.

21 I think first up for public comment -- and I
22 apologize. We have already made motions and everything
23 else. We still want to hear what you have to say -- Bill
24 Hancock.

25 BILL HANCOCK: Good morning Commissioners.

1 My name is Bill Hancock. I'm a resident of
2 D'Iberville, but I have been a resident of the Mississippi
3 Coast since the mid sixties.

4 I'm an avid trout fisherman and I am also a
5 guide, so I want to give you a couple of perspective
6 viewpoints.

7 Starting about last February up until about
8 August, as a trout fisherman, we noticed, like everybody
9 else noticed, there was a -- we had a hard time finding
10 speckled trout, and I think it is for a number of reasons.

11 I really think the biggest reason was the spring
12 rains, the Mississippi River, the Pearl River, opening the
13 Bonnet Carre and all of these environmental issues, but I
14 will tell you that starting about September we have not
15 had a problem finding speckled trout.

16 I fish about three days a week with a
17 recreational fisherman, and the last couple of months have
18 been extraordinary, as far as finding slot speckled trout,
19 so I think that is a good thing.

20 I was a proponent of the fifteen-inch limit. I
21 spoke to many of you about that, and I think it is really
22 working, but I really think the environmental impact, as
23 far as the rain and those sorts of things, really impacted
24 our speckled trout. I don't really think they were on the
25 decline as much as what we might have thought they were.

1 On a guide perspective, since the fifteen-inch
2 limit, I don't target speckled trout anymore. Speckled
3 trout to me is a bycatch.

4 I have two different segments of clients. About
5 sixty percent of my clients are clients that -- and I'm
6 not like Ronnie and Sonny. I'm not doing, you know, two
7 trips a day five days a week. I do about three, or four,
8 trips a month. I'm retired. I just do it because I want
9 to do it. I enjoy teaching people how to fish. It's not
10 an income revenue for me, as opposed to most charter
11 captains. So it's a little bit different for me.

12 My groups are two different groups. About sixty
13 percent of my guests are people that are visiting the
14 Coast, Missouri, Texas, Oklahoma, or wherever, and they
15 just want to enjoy a fishing trip. They are not
16 interested -- most of them don't want to take fish home.
17 They just want to have fun on the water, so it really
18 doesn't matter. They want to enjoy the scenery. The
19 whole experience about fishing is what they want to do.

20 The other twenty, or thirty, percent of my
21 guests are people who want to learn how to fish, to catch
22 speckled trout and improve their strategy, or learn new
23 skills. I fish strictly with artificial, and we don't
24 keep them. We don't keep speckled trout.

25 I really think that a tagging -- a reporting

1 system like Tails n' Scales on the charter industry, I
2 think is not going to be the way to go.

3 So how would you do it?

4 I would suggest that you find a sample group of
5 individuals say, for instance, ten, or twelve, groups of
6 individuals that really believe in the program, that will
7 give you some really good solid data.

8 I mean, if our goal is to improve the speckled
9 trout population, or the fishery as a whole -- and I'm
10 hoping that's what it is -- I think you need to either
11 have a third party do it to where they don't have any skin
12 in the game. They are just for-hire and they are just
13 going to do what you want them to do, based on a scope
14 that you set and maybe the research lab sets, or you have
15 a group of individuals that are dedicated to getting you
16 some data that is accurate.

17 That's just my viewpoint, and I appreciate it.
18 Thank you.

19 COMMISSIONER BOSARGE: I appreciate it, too.

20 COMMISSIONER DANIELS: Thank you, Bill.

21 COMMISSIONER BOSARGE: Up next, I believe, is
22 Mr. Sonny Schindler.

23 SONNY SCHINDLER: I'm actually for --

24 COMMISSIONER BOSARGE: (Interposing) State your
25 name.

1 SONNY SCHINDLER: Sonny Schindler, Shore Thing
2 Fishing Charters, Bay St. Louis, Mississippi.

3 I'm actually very much in favor of the
4 reporting. We have a really, I think, serious
5 responsibility to the fishery. We are out there more than
6 most. We see things that most don't see.

7 I'm with Ronnie on the state line thing. I
8 don't understand, and I'm not a scientist.

9 Trevor, I'm for all of this. I think it's a
10 great idea, but for you to -- the opening paragraphs of
11 the statement said, in Mississippi waters.

12 well, sometimes our guys are twenty, or thirty,
13 miles outside of Mississippi waters fishing for speckled
14 trout that are twelve inches. You are able to keep twelve
15 inch down there and ten more fish.

16 So you coming in and reporting that you caught,
17 two people caught, you know, on a good day, fifty trout,
18 that right there kind of throws things out of whack.

19 Now, we don't limit out every day. Things can
20 easily get misconstrued that, you know, we are out there
21 catching these large numbers of fish, but, if they are
22 going to implement the program, I think it would be very
23 important to have a little IT sidebar that says, caught in
24 Louisiana, Mississippi, or even get more specific, so you
25 can really track and see what is going on; Mississippi

1 Sound, Lake Borgne, Chandelier Sound.

2 I'm very much in favor of it. I don't sleep a
3 whole lot as it is, so a little extra homework doesn't
4 bother me, but that whole area of where they are caught, I
5 think would be very important.

6 COMMISSIONER BOSARGE: I think that is going to
7 be something that will be good information, if we can --
8 and I'm sure those guys are looking at it.

9 They will, hopefully, divide it up into zones
10 where you have a zone on the other side of the
11 Mississippi-Alabama line, you've got a zone on the
12 Louisiana-Mississippi line and zones within the state, and
13 it's just better information.

14 That is all we are after is information.

15 SONNY SCHINDLER: Thank you.

16 COMMISSIONER BOSARGE: Thank you.

17 All right. I think those were the only two we
18 had to speak.

19 Trevor, if you want to continue on.

20 TREVOR MONCRIEF: As Joe mentioned earlier, this
21 is going to be the State and Federal Fisheries Compliance
22 Information.

23 Just a brief background.

24 In the December 2018 CMR meeting, the following
25 motion was made regarding state and federal compliance.

1 The motion was to come back with information
2 regarding all species that the state does not currently
3 follow Federal regulations.

4 This presentation will outline the current
5 differences between State and Federal regulation, in
6 regards to Mississippi's fisheries.

7 The first thing we are going to talk about is
8 the State water designation. This is important. We are
9 delineating this line.

10 The territorial line for state and federal
11 waters is three miles south of the barrier islands and
12 follows the curvature of the islands.

13 This line does not include reef fish. They are
14 not nine nautical miles south of the islands, or Red
15 Snapper, which, due to the EFP, are now two hundred
16 nautical miles south.

17 We focus first on commercial. I want to make
18 sure to put it in perspective that we manage forty-two
19 species with bag and size limits, so we manage forty-two
20 species actively.

21 These are the four that are currently not in
22 compliance:

23 The first you see is Spanish Mackerel. The
24 State, the length limit is fourteen inches. In Federal
25 waters, it is twelve inches.

1 For Cobia, it was designated as a sport fish per
2 State Statute 49-15-76, in 1997. Currently, we have no
3 take commercially in the State of Mississippi, and in
4 Federal waters it is two per person with a thirty-three
5 inch fork length.

6 Red Drum. We have a sixty thousand pound annual
7 quota, but, in Federal waters, it has been a moratorium on
8 that species for a few decades now.

9 Then, Hogfish which is a species you rarely see
10 in Mississippi State waters, currently, our state is
11 twelve inches, and in Federal waters it is fourteen
12 inches.

13 Move forward to recreational. Once again, to
14 put it in perspective, we manage forty-seven species
15 actively with bag and size limits.

16 These are the current ones that are not in
17 compliance:

18 Red Drum. Again, three per person eighteen to
19 thirty, with one over thirty and in Federal waters, once
20 again, there has been that moratorium on commercial and
21 recreational fisheries for multiple decades. There is no
22 take there.

23 Vermillion Snapper. Currently we have a twenty
24 in aggregate bag limit and in Federal waters, it is ten
25 per person within that twenty reef fish aggregate bag

1 limit.

2 Red Grouper. In State waters, we have four in
3 aggregate. In Federal waters, it is two per person.

4 Hogfish. Once again, is a species we don't see.
5 It is currently at twelve inches in State waters and
6 fourteen inches in Federal waters.

7 Spanish Mackerel. We currently have no minimum
8 size limit on the recreational side in State waters and in
9 Federal waters it is twelve inches.

10 Swordfish which we will likely never see caught
11 in State waters currently has no regulations. Whereas, in
12 Federal waters, it has a forty-seven inch lower jaw fork
13 length limit.

14 That was covering finfish.

15 Now we getting to sharks. It is a little bit
16 more complicated -- a little more complex, I should say.

17 First, I want to make the note this is just
18 going to go over commercial regulations. Shark
19 regulations commercially have a little more rules and are
20 governed by Federal quota by subgroups.

21 For recreational, in State waters, for the small
22 Coastal group is twenty-five inches total length, four per
23 person.

24 In Federal waters, most of these fall under a
25 fifty-four inch fork length and a one per vessel limit.

1 For our large Coastal and Pelagic group, it is
2 thirty-seven inches total length, one per person and three
3 per vessel.

4 In Federal waters, it is fifty-four inch fork
5 length and one per vessel.

6 In Federal waters, you must possess a shark
7 endorsement on your HMS permit to be able to harvest
8 sharks in Federal waters, since they are managed under
9 HMS.

10 We go into a little more specifics. This is
11 some additional Federal shark regulations. They have
12 gotten down to managing by species.

13 If you look on that top line, you can see your
14 small Coastals, Atlantic Sharpnose and Bonnethead. There
15 is currently no minimum size limit. You can have one per
16 person.

17 For Smoothhound Sharks which are our deep water
18 sharks as far as we are concerned, there are no size
19 limits, or bag limits.

20 Hammerheads are seventy-eight inch minimum size
21 limit.

22 Shortfin mako is eighty-three inch minimum size
23 limit.

24 All other sharks outside of these species are
25 under a fifty-four inch minimum size limit and a one per

1 vessel bag limit.

2 with that, I will take any questions y'all have.

3 COMMISSIONER BOSARGE: We have some discussion
4 and we've got some public comment.

5 Just going back and trying to look at -- we need
6 to talk about this just a little bit.

7 There are Federal management plans and I have
8 been involved in them for a long time, and there are a lot
9 of species that are federally managed that the State
10 management plan depends on the State falling in line with
11 what the Federal government decides we need to do for this
12 management plan to work.

13 And I see some of them, we are actually a little
14 bit over what the Federal government says and some of them
15 are under what the Federal management plan may ask for.

16 The only one I see that would probably be an
17 issue to actually adopt the Federal regulations which we
18 do on most species would be Red Drum and I can understand.
19 We've had Red Drum in place for a long time.

20 In the Federal waters, the Red Drum, very seldom
21 -- you won't see a small puppy, in other words a rat red
22 in Federal waters, so I don't see a problem leaving that
23 as is.

24 But for the Vermillion Snapper, Red Grouper,
25 Hogfish, Spanish Mackerel, Swordfish -- the Swordfish and

1 things like that are not going to matter because you are
2 not going to catch a swordfish in state waters anyway, but
3 I would like to see us follow the guidelines, the Federal
4 guidelines on most of these species just in an effort to
5 ensure that the Federal management plan works.

6 The sharks for instance, that is a critical one
7 in that we are a long ways from what the Federal
8 government says needs to happen, you know, on fifty-four
9 inch and we are only at twenty-five.

10 with sharks, this inshore water is some of the
11 breeding grounds for some of those species of sharks. So,
12 to me, that's pretty critical.

13 Could we look at these species and see which
14 ones of them we need to try to get in line with?

15 TREVOR MONCRIEF: We certainly could. If the
16 Commission so chooses for us to try to adopt these Federal
17 regulations, a little more into them, we certainly can.

18 In fact, we can come back likely next month,
19 given Joe's approval, to give you some more information on
20 the actual shark fishery in Mississippi, a little more
21 data so y'all can make an informed decision about getting
22 in line with Federal regulations, or not.

23 COMMISSIONER BOSARGE: Go ahead, Joe.

24 JOE JEWELL: Absolutely, we can do that.

25 We just need that in the form of a motion.

1 COMMISSIONER BOSARGE: All right.

2 well, I'll make the motion that you come back
3 next month with a better idea of the species that we need
4 to fall in line with on the Federal regulations.

5 Is that what you need, Joe?

6 JOE JEWELL: Yes, sir.

7 COMMISSIONER BOSARGE: I'm about to get ahead of
8 myself again. We've got one public comment. Before we
9 make any motions, we will have Mr. Frank Parker do his
10 public comment.

11 TREVOR MONCRIEF: All right.

12 FRANK PARKER: Good morning Commissioners.

13 My name is Frank Parker, President of
14 Mississippi Commercial Fisheries United. I am also a
15 commercial fisherman.

16 If you recall, last month I came up here and
17 brought out this discretion with the sharks. I would like
18 to make note that we are not against charter boats keeping
19 sharks and things like that. I think it is very viable
20 for their business. It is viable for our economy, for the
21 tourism because a lot of tourists want to catch sharks.

22 what we would like to see today is one of you
23 Commissioners ask staff to put together some type of
24 information about some type of commercial shark fishing
25 for a commercial shark season on certain species.

1 I feel some of these species are very
2 underutilized. They are overpopulated. It has been a big
3 problem with the commercial shrimp fleet dealing with some
4 of these species.

5 If we could get that done, we sure would
6 appreciate it.

7 Do you have any questions?

8 COMMISSIONER BOSARGE: If I understand you
9 correctly, you are talking about a State fishery?

10 FRANK PARKER: Yes. Other states have
11 commercial shark fisheries. Louisiana does, hook-and-
12 line.

13 COMMISSIONER BOSARGE: And would you have to
14 follow the guidelines on the Federal side?

15 FRANK PARKER: I do not believe Louisiana uses
16 that. I think they have their own -- you know, as long as
17 they are fishing in State waters, they have their own
18 guidelines.

19 COMMISSIONER BOSARGE: All right. Well, I mean,
20 we are here now trying to make sure we kind of fall in
21 line with the Federal guidelines.

22 FRANK PARKER: A twenty-five inch Sharpnose, I
23 mean, it could get bigger than that. You know, like you
24 said, it could get closer. I mean, that's a pretty big
25 discrepancy on some of these sharks.

1 COMMISSIONER DANIELS: Mr. Parker, I had hoped
2 that we could have talked in the past month, but we never
3 got an opportunity.

4 Just so I'm clear, what you were pursuing in
5 bringing that up is not necessarily changing the current
6 size limits, but making some changes for the commercial
7 side.

8 Correct?

9 FRANK PARKER: Yes. I'm not a scientist. I'm
10 not a biologist. I just know what I see with my own two
11 eyes behind our boats when we are picking up our trawls.

12 There are a lot of fish that we could catch, and
13 I really think if you got with some of the biologists and
14 they run the numbers and see how many fish we could catch,
15 I think it would be a pretty profitable industry.

16 COMMISSIONER DANIELS: Okay.

17 JOE SPRAGGINS: If I could ask a question, just
18 to clarify.

19 Are you thinking this might help the commercial
20 fishermen?

21 FRANK PARKER: In the old days, my father was a
22 shrimper, you know. Well, now, you have to diversify your
23 portfolio. You can't just be a shrimper, or a crabber.

24 Anything you can do on the off season to make
25 money.

1 You wouldn't want to fish sharks in State waters
2 right now. The water is too cold. It would be something
3 that would be summertime when the water is warm.

4 You can go right there behind Ship Island by the
5 Gulfport Ship Channel and catch all the sharks you want.
6 I mean, they are thick.

7 COMMISSIONER BOSARGE: All right. I think Joe
8 wants to make a comment.

9 JOE JEWELL: If the Commission is considering
10 establishing a commercial shark program in the State of
11 Mississippi similar to Louisiana -- Louisiana does have
12 one -- it would require a modification to our regulations.
13 It would be a regulatory change.

14 If the Commission is considering that, I think a
15 motion would be required for us to come forward next
16 month, or the next couple of months, to modify our
17 regulations to anticipate that, make it a Notice of
18 Intent.

19 COMMISSIONER BOSARGE: How about, Joe, if you
20 just look at the viability of it and come back and tell us
21 what you see?

22 JOE JEWELL: Again, we would like a motion to do
23 that and we, absolutely, can do that.

24 COMMISSIONER BOSARGE: Yes. I will add that to
25 my motion.

1 JOE JEWELL: The staff can come forward and give
2 a presentation to the Commission about establishing the
3 metric for a commercial shark season.

4 COMMISSIONER BOSARGE: Okay.

5 FRANK PARKER: Thank you.

6 JOE SPRAGGINS: I'm confused. Help me here.
7 Sir, before you make the motion, if you will
8 allow me to ask a question.

9 Are we talking about doing both of the things
10 you wanted to do at first, and, then, add the commercial
11 into it?

12 Is that what we are talking about?

13 COMMISSIONER BOSARGE: Let's separate it into
14 two motions.

15 Thank you, Mr. Parker.

16 COMMISSIONER DANIELS: Do we particularly need
17 the presentation?

18 It appears to me, at this point, that there is
19 not really anybody that has a problem with our current
20 size limits.

21 The original request was for commercial
22 fisheries.

23 COMMISSIONER BOSARGE: Which original request
24 are you referring to?

25 COMMISSIONER DANIELS: That Mr. Parker asked for

1 last month. I think this kind of went a little different
2 way than what he was wanting us to look at.

3 JOE JEWELL: That's correct. Last Commission
4 meeting, I noted that the Mississippi Sound is
5 traditionally a brood stock area for smaller sharks. That
6 is traditionally why they are catching the sharks. They
7 are like a lot of species. They stay in the upper
8 Estuarine area until they develop to adult size of
9 breeding capacity, and, then, they move offshore.

10 The Mississippi Sound has a lot of juvenile
11 young sharks in it for that reason.

12 If the Commission is considering a regulatory
13 change, I would ask the Commission to wait until next
14 month so that we can bring you our recommendation so that
15 we have a sustainable fishery.

16 I'm sure Mr. Parker wants to keep that fishery
17 sustainable, the charter boat fishermen want to keep that
18 sustainable, and the staff would respectfully request that
19 we be given that opportunity to do a data analysis and
20 make some recommendations for the Commission.

21 COMMISSIONER DANIELS: I think that sounds like
22 a great idea.

23 COMMISSIONER BOSARGE: And I think, yes, the
24 original from the last meeting, the motion was to come
25 back with information regarding all species that the State

1 does not currently follow the Federal guidelines. That
2 was in the last meeting.

3 JOE JEWELL: That's correct.

4 COMMISSIONER BOSARGE: So we have a motion on
5 the floor.

6 Could you repeat the motion that we made
7 earlier, Ms. Chesnut?

8 SANDY CHESNUT: Joe, do you have it?

9 JOE JEWELL: I will state it, and, then, if
10 y'all need to modify it, please feel free to do so.

11 The motion would be for the Marine Fisheries
12 staff to come back in February with proposed metric for
13 the Commission to consider establishing a commercial shark
14 fish industry in Mississippi.

15 COMMISSIONER BOSARGE: That would be the second
16 motion.

17 JOE SPRAGGINS: The first motion, if I might,
18 sir, I think you had asked the staff to come back and look
19 at what we had, as far as where we were in line with the
20 Federal rules and which species we thought we needed to
21 look at, some form of that motion.

22 Is that not what you had?

23 JOE JEWELL: The first motion was for the staff
24 to come back with a better idea of the species that need
25 to come into compliance with Federal guidelines.

1 COMMISSIONER BOSARGE: Correct. That was the
2 motion, and I don't think we had a second for that motion.

3 Do we have a second for that motion?

4 COMMISSIONER DANIELS: Could we just add one
5 word to that?

6 COMMISSIONER BOSARGE: Yes, sir.

7 COMMISSIONER DANIELS: If we need to get into
8 compliance.

9 COMMISSIONER BOSARGE: And that's basically --
10 that is what I wanted. I wanted the staff to look at the
11 different species and see which species because there are
12 some of them that we could actually go down in size limit;
13 Spanish Mackerel being one of them.

14 MATT HILL: That's correct.

15 COMMISSIONER BOSARGE: And, then, there are a
16 bunch of them there, reef fish that it won't matter
17 because you are not going to catch them in State waters.

18 So that's what I wanted you to analyze, what do
19 we need to be in line with and what do we --

20 MATT HILL: (Interposing) And I do think it is
21 going to be pretty much across the board, I do believe,
22 sharks excluded, but I believe the others will be pretty
23 much across the board, just as I glassed over it.

24 However, I do want to caution the Commission --
25 and I know Commissioner Bosarge realizes this more than

1 anybody probably -- that the Federal system right now,
2 especially when you are talking about federally managed
3 species, changes a lot, so it is hard for us to keep up.

4 Cobia is fixing to be a very good example. We
5 are talking about a size limit change, a bag limit change,
6 and maybe there needs to be some discussions in the future
7 on how we can make this process a little quicker, when we
8 start changing these bag and size limits, because they
9 change so quickly on the seasons.

10 when you are talking about becoming compliant,
11 we want to stay compliant, if we possibly can, but it
12 takes us a minimum of sixty days.

13 They changed Triggerfish three times in sixty
14 days two years ago.

15 That is just a difficult process for the staff
16 to continuously come up here which we can do, if the
17 Commission so desires, but staying one hundred percent
18 compliant is difficult. I do want to point that out.

19 COMMISSIONER BOSARGE: Oh, yes, and I agree.

20 You guys do a pretty good job of keeping us in
21 line, but, when I see large discrepancies, then, those are
22 the kinds of things we need to attempt to get closer.

23 MATT HILL: Yes, sir, and I just wanted to get
24 that on the record saying that we continuously keep up
25 with them and we can fix the large ones in the beginning,

1 but there will probably always be some period of time when
2 we are noncompliant with some type of fisheries
3 regulations just due to the lag time.

4 COMMISSIONER BOSARGE: I agree, but, when it's
5 ten, or fifteen, years out, well, that's a little bit
6 much.

7 MATT HILL: Yes. Correct.

8 JOE JEWELL: We can address that issue in a lot
9 of different ways.

10 In our shellfish program in Title 22, Part 1, we
11 specifically reference model ordinance, the current
12 version of the model ordinance because of the same reason.

13 The executive board will do interim rules. The
14 general assembly can modify those rules, adopt them,
15 change them, not adopt them, and it got very complicated.

16 We were coming to the Commission twenty years
17 ago every meeting with a regulatory change, and the way we
18 got around that was just saying that we adopt the current
19 version of the model ordinance.

20 Given enough time to think about that, we can
21 put in some language that certain federally managed
22 species that there is a lot of change, we can say that we
23 adopt the current federal regulations for that particular
24 species.

25 There are ways we can address that and stay in

1 compliance.

2 COMMISSIONER BOSARGE: All right. Well, let's
3 come back to next meeting with some of those -- well, we
4 have a motion.

5 JOE SPRAGGINS: Yes, sir. The motion is written
6 up here, sir, if you look at it.

7 The only thing I would say to that is whether we
8 need to be in compliance maybe if you wanted to look at
9 the wording on this a little bit to the point of is there
10 any species that we feel like that needs to be adjusted
11 with a compliance for Federal guidelines and maybe to that
12 point because that way it would leave it more open like
13 Matt was talking about.

14 If you leave it more open, then, we can come
15 back and say this species that we are looking at maybe
16 needs to be adjusted to a point and not just overall.

17 I don't like the words "whether or not" because
18 it makes it look like we are not trying to comply.

19 COMMISSIONER BOSARGE: Maybe it should be which
20 species we need to come in compliance with.

21 JOE SPRAGGINS: I'm just recommending.

22 JOE JEWELL: You could say an assessment of
23 which species are considered to be in compliance.

24 Say, with assessments of species that we will
25 consider for compliance with Federal guidelines in certain

1 species.

2 COMMISSIONER BOSARGE: You better write that
3 down, Joe.

4 Does someone have the ability to edit that?
5 Just go up and put the curser right on "with",
6 and, then, write "an assessment".

7 No. No. The first "with". It says, "Come back
8 next month with an assessment of species for consideration
9 with Federal guidelines", and, then, take out "for certain
10 species". That will be the motion.

11 COMMISSIONER BOSARGE: All right. We have a
12 motion on the floor.

13 Do we have a second for that motion?

14 COMMISSIONER HAVARD: I'll second the motion,
15 Mr. Chairman.

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

18 All those in favor aye.

19 (All in favor.)

20 COMMISSIONER BOSARGE: Opposed like sign.

21 (None opposed.)

22 COMMISSIONER BOSARGE: Motion carries.

23 And the second motion would be to look at the
24 viability of a State shark season.

25 We need that, I'm sure, in the form of a motion.

1 So if that's what you need, I'll make that
2 motion.

3 The motion would be for the staff to the look at
4 the viability of --

5 JOE JEWELL: (Interposing) establishing a
6 commercial shark season.

7 COMMISSIONER BOSARGE: -- establishing a
8 commercial state shark fishery.

9 JOE JEWELL: State shark fishery, correct.
10 It will be a motion for the staff?

11 COMMISSIONER BOSARGE: Yes.

12 JOE JEWELL: Can we add in there "viability for
13 a species specific" because there are Federally protected
14 endangered sharks that we would have to consider?

15 It wouldn't be for all sharks, and there are
16 some size limits for certain species that we need to
17 consider.

18 COMMISSIONER BOSARGE: Yes.

19 JOE JEWELL: Thank you.

20 COMMISSIONER BOSARGE: All right. We have a
21 motion on the floor.

22 Do we have a second for that motion?

23 COMMISSIONER DANIELS: I'll second that.

24 COMMISSIONER BOSARGE: We have a motion and a
25 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 I'm going to ask for just a quick ten-minute
9 break, before we go any further. I'm sure there are some
10 folks that would like to use the restroom.

11 MEETING STANDS IN RECESS

12 COMMISSIONER BOSARGE: I will call the meeting
13 back to order.

14 I think next up is Mr. Matt Hill, Title 22 Part
15 5.

16 MATT HILL: I'm going to try to make this brief.
17 I'm sure there will be a few questions on this.

18 Good morning Commissioners, Director Spraggins,
19 Sandy.

20 I'm going to have back-to-back presentations
21 here.

22 The first presentation is a request from the
23 Commission pertaining to Title 22, Part 5, No New Nets
24 into the Fishery.

25 Little bit of a brief overview on how we got

1 here. The following motion was made in the December CMR
2 meeting regarding nets. The motion reads:

3 "No new nets can be introduced into the
4 fishery."

5 This presentation will outline the specific
6 changes to Title 22, Part 5, regarding this motion, in
7 order to make it required.

8 Staff reviewed the regulation and recommends the
9 following regulatory changes, if the Commission so desires
10 to put this regulation in place.

11 The change would occur in Title 22, Part 5,
12 Chapter 4.

13 The first change would be in the title,
14 Commercial Net Closure Areas and Gear Size Restrictions.
15 We would strike out the word "size". Add section 101 to
16 read:

17 "On and after April 1st, 2019, no nets
18 that are undefined in sections of this
19 part, or any other MCMR part, shall be
20 allowed for use within the fishery.

21 "Any net that has not been approved by
22 the MCMR by the March 18th, 2019, MCMR
23 meeting, must be approved and defined
24 by the MCMR prior to use within the
25 fishery."

1 In order to accomplish these regulatory
2 modifications, a motion would be made to proceed with a
3 Notice of Intent for regulatory changes to Title 22, Part
4 5, Chapter 4, Section 101, regarding the entry of new nets
5 within the fishery. This would be required.

6 Questions?

7 COMMISSIONER BOSARGE: Well, I don't know. I
8 guess I'm sitting here trying to figure out if we are
9 putting the cart before the horse because we haven't had
10 our first meeting of the Gear Task Force, and I
11 understand. I see where you are actually giving time, I
12 guess, for those meetings.

13 MATT HILL: That's correct. Currently we have
14 not had our first meeting. It is scheduled for next
15 Tuesday afternoon.

16 The motion was made, I believe, by Commissioner
17 Gollott, and this was approved by the Commission to bring
18 this language forward.

19 we did build in time. I don't know if this is a
20 little more --

21 COMMISSIONER BOSARGE: (Interposing) I don't
22 know. Maybe I see it as a whole lot more complicated than
23 what it would be just to say that any net brought here
24 before, or after, or whatever, would have to go through
25 the Gear Task Force and be approved. In other words, come

1 from the bottom up.

2 would that be simpler than what we have here, or
3 am I trying to accomplish the same thing?

4 MATT HILL: I believe it will be simpler. I
5 believe that the Gear Task Force was commissioned to do a
6 job, and I believe it has not had the opportunity to meet
7 and, at least, begin the discussion before we submit a
8 regulation like this with a timeline like this.

9 I would recommend that we would begin to think
10 about, or talk about, a regulatory modification like this
11 at the next meeting, at least after the task force has
12 met.

13 COMMISSIONER BOSARGE: well, that's kind of what
14 -- I mean, you know, the same thing with the Charter Boat
15 Task Force. We let them meet and talk about this.

16 I would love to see this Gear Task Force at
17 least get one meeting down, before we go making mandates
18 that they may, or may not, want to change what we
19 mandated.

20 MATT HILL: Yes, sir.

21 COMMISSIONER BOSARGE: I don't know how the rest of
22 them feel.

23 COMMISSIONER GUESS: I think we should just
24 table it, until we at least have a meeting.

25 JOE JEWELL: So the exact motion that was made

1 by Commissioner Gollott was:

2 "No new nets can be introduced into the
3 fisheries."

4 That motion passed three to two.

5 Marine Fisheries staff has just come forward
6 with a Commission request, and the Commission absolutely
7 has several options on the table, and counsel can address
8 those, but certainly tabling it, or reconsideration of the
9 language for it, because it is not in a Notice of Intent
10 form, are all options for the Commission.

11 JOE SPRAGGINS: The thing about it -- Joe and
12 Commissioners, I think the thing is the way that it was
13 passed last meeting was that no new nets can be utilized
14 now at all and, by the task force saying that there are no
15 new nets, it was given that.

16 Right?

17 JOE JEWELL: I think what Commissioner Gollott -
18 - and I spoke to him about that and, if you read the
19 minutes, he did provide a little clarification. He
20 doesn't mean that no one can get a new net to replace an
21 older net, or an issue like that.

22 what he meant was he clearly wanted to prevent
23 the type of net that was being used in the video, or any
24 like contrivance, or any fisherman coming forward with
25 some variation that skirted around what the intent of the

1 Commission was to establish the Gear Task Force. That's
2 what his intent was, to take immediate action to address
3 that.

4 JOE SPRAGGINS: Because they voted last month
5 three to two that no nets could be brought in, do we need
6 to rescind that?

7 Do we need to have a vote to do that, or do we
8 need to do something?

9 I guess what I'm confused about, I don't want us
10 to just table something that is going to cause us to have
11 a problem that is the reason we are writing this in here
12 now. I want to make sure we correct that.

13 JOE JEWELL: That's correct.

14 The Commission, their request at the December
15 meeting was for us to come forward with proposed language.
16 There has been no actual regulatory request. There has
17 been no actual regulatory proposal.

18 My understanding -- and I would prefer Counselor
19 Chesnut to weigh in on this -- is that the Commission has
20 lot broader options right now on how they want to address
21 this.

22 Certainly they could table it. They could ask
23 us to go out for a Notice of Intent. They could modify
24 the language to go out for a Notice of Intent. I mean,
25 the list is endless on what your options are right now.

1 The minute y'all motion for a regulatory change,
2 we are kind of bound with what we can do.

3 COMMISSIONER BOSARGE: Correct, and I agree with
4 Commissioner Guess. I would like to get at least one
5 meeting down, before we go to making motions that could,
6 or could not, affect what that task force is able to do.

7 would you make a motion?

8 COMMISSIONER GUESS: I'll make a motion to table
9 this motion until we can at least have one Gear Task Force
10 meeting.

11 COMMISSIONER BOSARGE: All right. We have a
12 motion.

13 Do we have a second for that motion?

14 COMMISSIONER HAVARD: I'll second the motion.

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

17 Any further discussion?

18 (No response.)

19 COMMISSIONER BOSARGE: All those in favor aye.

20 (All in favor.)

21 COMMISSIONER BOSARGE: Opposed like sign.

22 (None opposed.)

23 COMMISSIONER BOSARGE: Motion carries.

24 Go ahead, Matt.

25 I had a question as to what you have on as an

1 agenda item, Spotted Seatrout Total Allowable Catch.

2 Is that what we actually asked you to come back
3 with the last time?

4 I thought it was more options.

5 MATT HILL: It was options on establishing a TAC
6 and how it would work, if the Commission so desired to
7 establish a TAC.

8 Commissioner Havard and Commissioner Daniels --
9 we gave options for the recreational fishery, in order to
10 increase the SPR. We put all of those up there, and I
11 believe the conversation was -- and we have had some
12 conversations with them both, but the conversation was
13 they would talk with their constituents and see some of
14 the things.

15 There were slot limits and other things involved
16 in there, but the staff has already presented the options
17 in this, but this was specifically asked to be put on the
18 agenda to explain the TAC and how it would affect the
19 recreational fishery, if it was imposed.

20 COMMISSIONER BOSARGE: All right.

21 JOE JEWELL: As you recall, Commissioner
22 Bosarge, there were lengthy discussions about this in
23 December and, at the very end of those discussions, you
24 had asked if it was possible for Commissioners Havard and
25 Daniels to talk to their constituents and come forward

1 with some recommendations, and so this is that request by
2 the Commission. It wasn't in the form of a motion. It
3 was a request by the Commission to come forward with some
4 possible scenarios for the Commission to consider. It
5 wasn't a formal regulatory request.

6 COMMISSIONER BOSARGE: All right.

7 Go ahead, Matt.

8 MATT HILL: This presentation will focus on the
9 establishment and management of the recreational Spotted
10 Seatrout through the use of a total allowable catch, or
11 TAC, and this is just an update.

12 A little bit of background on how we arrived
13 here.

14 In the past year, CMR has inquired about the
15 viability of managing the recreational Spotted Seatrout
16 landings in Mississippi waters through the use of a TAC,
17 or total allowable catch.

18 Hopefully, this presentation will outline the
19 potential use of a TAC for better understanding for the
20 Spotted Seatrout fishery.

21 A little bit about what a TAC is.

22 I know there is a little bit of confusion about
23 it, so I'm going to do the best I can to explain the
24 basics of a TAC and how people use different terms for it,
25 but total allowable catch is abbreviated as TAC and is a

1 tool used to establish maximum fishing limits during a
2 certain time frame for individually managed species.

3 A lot of people get that confused as annual. A
4 TAC does not have to be annual. It could be for a period
5 of time, a three-year period of time, a five-year period
6 of time, a ten-year period of time.

7 However, a TAC can be used interchangeably with
8 an annual catch limit, if the time frame is yearly, or
9 annual.

10 I'm not going to read all of these, unless the
11 Commission requests. I have highlighted in yellow the
12 specific State Statutes regarding the establishments of
13 the TAC. The ones highlighted on this slide do provide
14 the authority to TAC's for both the recreational and
15 commercial fishery.

16 The are located in our State Statutes,
17 specifically State Statute 49-15-2.

18 These particular regulations right here are in
19 our DMR regulations regarding the establishments of TAC's.
20 These are not in State statute. They are in our current
21 DMR regulation and, again, allows for the establishment of
22 TAC's for both the recreational and commercial
23 communities, or the fishermen, as I have highlighted here.

24 A little bit about the TAC calculation.

25 There have been a lot of questions on how we

1 would arrive at a TAC calculation, and the staff did a
2 thorough analysis with the current information and certain
3 tools at our disposal.

4 Currently the TAC calculation would be based on
5 multi-year averages of historical landings through MRIP.

6 Both FES and APAIS calibrated numbers were used
7 for this calculation, and I will show you the difference
8 in the next couple of slides.

9 I do want to caution the Commission -- we have
10 had several conversations about this -- post 2017, APAIS
11 calibrations will only be available through back
12 calibrations from FES, and currently I have not seen the
13 method that I'm very confident on how they will arrive at
14 those numbers.

15 COMMISSIONER BOSARGE: Wait a minute, Matt.
16 You need to clarify just what you said.

17 In other words, the MRIP numbers that have
18 always been provided up to this point, are you saying they
19 will no longer give that calculation?

20 MATT HILL: They will give the calculation, but
21 there will be two sets of numbers out there. Right now
22 there is what we call the FES and the APAIS, and there is
23 a very large discrepancy between them due to the effort
24 that they are using in these calculations.

25 what I caution the Commission is we currently

1 are using the APAIS calculations, and that's where we get
2 the pounds that we have been using in stock assessments.

3 However, after 2017, once the 2018 numbers are
4 finalized -- and that will happen sometime the spring of
5 this year -- the APAIS calibrations will only be available
6 through back calibrations from FES.

7 They are going to figure out a way to back
8 calibrate the numbers. They will not be derived in the
9 manner in which they have always been derived, so we don't
10 know what that discrepancy is going to be yet. This will
11 be the first year.

12 That's why we were talking about the current
13 stock assessments, swapping to the Stock Synthesis model.

14 There are a lot of moving parts we are talking
15 about Spotted Seatrout this year with a new benchmark
16 assessment, a new set of numbers, whether we are going to
17 use the back-calibrated numbers. There are a lot of
18 variables that we are considering right now.

19 I just wanted the Commission to be aware of
20 that.

21 what we did with the calculation is average
22 landings were converted to daily harvest metrics in a
23 projection method similar to what the Federal, or NOAA,
24 National Marine Fisheries Service used for the historical
25 Federal snapper season, when we had the nine-day season,

1 the fifteen-day seasons.

2 Currently, the projections will be made based on
3 daily catch rates from the previous year.

4 Here is a case study, and we will focus on 2017.
5 As you see, the APAIS estimate is on one side and the FES
6 estimate is on the side, and you can see the large
7 discrepancies from year to year.

8 There would be a decision to be made, in the
9 projection process, whether we would use a ten-year
10 average, a five-year average, or a three-year average, and
11 you can see what the differences would be.

12 The ten-year average with the APAIS is one point
13 one million, the five-year average close to one point two
14 million, and the three-year average is close to one point
15 four million.

16 As you can see with the FES estimates, those do
17 jump up. However, in this particular case, the jump is
18 proportional, as you will see in the next slide.

19 Here is our case example and, as a staff, we
20 just chose the middle. We chose what the five-year
21 average daily catch rate would be. It would be three
22 thousand two hundred and sixty pounds a day. Our five-
23 year average harvest, with the APAIS calibrated numbers,
24 is one point two million pounds.

25 If we use 2016, the previous catch rates -- this

1 is what the Federal system is based on - to project the
2 2017 season, our season projection would be two hundred
3 and four days for the recreational fishery.

4 You look on the right side, the FES calibrated
5 harvest, the numbers are much different. However, they
6 are proportionally different. Your season projection
7 would remain close to the season projection of the APAIS
8 numbers, at two hundred and one days.

9 where this would come into play is if we ever --
10 it would not come into play so much, if we did
11 projections, but, if we started to manage the fishery on
12 biological metric and the stock assessment because, like I
13 said, it is a very huge question mark on how these new
14 numbers would actually affect the stock assessment.

15 we have not run it yet, so we don't have an
16 answer. I hate to say I don't know, but I don't know.

17 This is a case example of what the 2017 season
18 would have looked like, if we set a TAC for the
19 recreational Spotted Seatrout fishery.

20 Questions?

21 COMMISSIONER BOSARGE: Yes.

22 Can you back up a couple of slides?

23 I had a video and I wanted to play the video
24 maybe while we are having our discussion.

25 The video is nothing more than recreational

1 posts, charter boat posts of fish caught starting in
2 January going through December.

3 The original video was thirty-something minutes
4 long, just to give everybody an idea of the vast number of
5 fish being caught.

6 If we go back, Matt, and we look at the APAIS
7 estimates, trying to manage a fishery by any other means
8 than a TAC is hard. It's challenging, and, if you look at
9 the way the landings have gone up and down over the years,
10 it wasn't from the lack of fishing effort as much as it
11 was from the lack of a stock.

12 Do you see what I'm saying?

13 where we go from 2014 half a million pounds to
14 2015 one point three, 2016 two point one, 2017 seven
15 twenty-five.

16 We were mandated to rebuild Spotted Seatrout
17 within a five-year period.

18 What year are we in now, Matt?

19 MATT HILL: We are currently in year two, but
20 the regulation went into place -- we are approaching year
21 two.

22 COMMISSIONER BOSARGE: From the time we started
23 this rebuilding plan, not since we changed the...

24 MATT HILL: It took us about a year to get it
25 accepted, the rebuilding plan, and to implement the

1 regulation to change to raise the size limit to fifteen
2 inches.

3 The only change that we have made was in effect
4 -- it is close to two years old. February 1st, 2017, is
5 when it went into effect, the size limit change.

6 COMMISSIONER BOSARGE: Correct.

7 The management plan that we voted on, when was
8 that?

9 MATT HILL: That was, I believe, in September,
10 or October, of 2016.

11 COMMISSIONER BOSARGE: Well, my point being we
12 have got to try to -- we have got to cap the landings.
13 Somehow, or another, we have to cap the landings.

14 If you look at 2015, when we were at one point
15 three million pounds, had we had that same cap in place
16 for 2016, look at how the fishery would have rebounded.
17 Unreal because we can't cap effort. I don't think we can.
18 I guess we could, but it would be very hard, but, if we
19 can cap the catch, then -- which is -- going back to the
20 model and what the model says that we have to keep catch
21 down to, then, that's the way -- in other words, this all
22 goes into the model and the management plan and making the
23 management plan work.

24 Right now I believe, if I'm correct, when we
25 talked about -- at the last meeting you said we are

1 improving. We have stopped the decline from being at a
2 steep angle to a slow angle, but we are still in decline.

3 MATT HILL: Yes. We are currently still in
4 decline. We are, for lack of better words, in a less
5 decline than when we started. The ship is righting. It's
6 not -- it hasn't turned over and the stock is holding its
7 own, however it's not growing at the rate to reach --

8 COMMISSIONER BOSARGE: (Interposing) To reach
9 our goals.

10 MATT HILL: Correct.

11 COMMISSIONER BOSARGE: So we don't have to make
12 any changes, but, if the Commission's charge and what we
13 want to do is to try to rebuild this fishery for the
14 benefit of everybody, sooner or later it's a give-and-take
15 game here.

16 You know what I'm saying?

17 You've got to give up something to gain
18 something.

19 Now, we have raised the size limit to fifteen
20 inches, and I'm sure that is going to help, but there is
21 so much effort out there that every year we are going to
22 catch a larger -- quite a large percentage of those fish
23 that are fifteen and over.

24 I don't know for sure that we will ever right
25 the ship, but it is going to take a long time.

1 Any fishery I have ever been involved in, from
2 tuna right on down, it is always managed under a TAC and
3 it works.

4 I don't know what the consensus of this group
5 is, whether they want to go to that point, but I think it
6 is an option we need to put on the table.

7 Like I say, just -- there are a lot of fish
8 caught out there by a lot of different anglers, and I
9 worry that just by putting a size limit on it, that effort
10 is still increasing.

11 will we ever gain on it?

12 COMMISSIONER HAVARD: Matt, that brings up
13 another good point. You talked about Bonnet Carre
14 possibly opening again this year.

15 If it, in fact, does open again this year, this
16 will be the first time in a long time that it has been
17 open two consecutive years.

18 MATT HILL: Ever.

19 COMMISSIONER HAVARD: When that happens, it
20 pushes the crab and the speckled trout. It congregates
21 them in areas where people can just go and take advantage
22 of the fish's disadvantage, and I think it's about time we
23 put some kind of regulations in place, reducing the
24 recreational bag limit, some type of temporary law in
25 place that says, hey, look, we can shut the season down at

1 any point in time for a short period of time, until these
2 fish have plenty of salinity to swim around.

3 Can you guys put something together that will
4 give us the ability to temporarily shut down a certain
5 type of fish, in case of a natural disaster?

6 JOE JEWELL: Are you proposing a permanent
7 regulatory change to one of our regulations, maybe seven
8 or five?

9 Is that what you want?

10 COMMISSIONER HAVARD: Yes. I think it's
11 something that we need to have that availability to do.

12 JOE JEWELL: First, I would say that we would
13 have to work with our legal staff to formulate that
14 language into a regulatory change and, if the Commission
15 so deems us to do that, you would have to do that in the
16 form of a motion.

17 SANDY CHESNUT: Mark, if I can clarify, are you
18 asking only in the case of an emergency that you have the
19 ability to shut down the season?

20 COMMISSIONER HAVARD: Yes, due to environmental
21 conditions that are out of our control.

22 SANDY CHESNUT: So it wouldn't just be like a BP
23 oil spill, but there would be other circumstances?

24 COMMISSIONER HAVARD: It would be very similar
25 to the BP oil spill and other circumstances such as

1 natural high water marks and such.

2 SANDY CHESNUT: Okay, because there are already
3 some provisions under the Administrative Procedures Act
4 where you can make emergency orders, if public safety is
5 involved and things like that, but, if you want to go
6 further than eminent danger, or public safety, then, we
7 probably need to look at the regulation change.

8 COMMISSIONER HAVARD: The thing about looking at
9 the regulation change, the simple fact is it is not be an
10 emergency.

11 SANDY CHESNUT: More environmental type.

12 COMMISSIONER HAVARD: More environmental.

13 JOE JEWELL: I'm hearing environmental. I think
14 he is trying to address issues when the Bonnet Carre
15 spillway opens and, in front of that freshwater surge, a
16 lot of species of marine fisheries will move out in front
17 of it and accumulate in large numbers. I think that is
18 the issue that he is trying to address, but I'm also
19 hearing that you want to address that -- rather than the
20 Commission take action on an annual basis, or when it
21 happens, you want it in the regulation that gives that
22 flexibility right away.

23 Is that correct?

24 COMMISSIONER HAVARD: That's correct.

25 I still want the Commission to be able to meet

1 on it. We met via phone call before, made a decision,
2 took ten minutes, passed and that would work really well
3 for everybody.

4 I think there is a time and place that we need
5 to have that flexibility to be able to do that, especially
6 when we are rebuilding this fishery.

7 JOE JEWELL: And the staff would need that in
8 the form of a motion and, like I said, we will work with
9 legal staff to provide that language for consideration.

10 It will probably be a motion for that and for
11 the staff to come forward with a Notice of Intent next
12 meeting.

13 COMMISSIONER HAVARD: I would like to make a
14 motion for the staff to come back with a Notice of Intent
15 for --

16 COMMISSIONER BOSARGE: (Interposing) Regulatory
17 change.

18 COMMISSIONER HAVARD: -- regulatory change.

19 JOE JEWELL: For the Commission to consider
20 closures, or openings, for environmental conditions.

21 COMMISSIONER BOSARGE: Correct.

22 SANDY CHESNUT: Let us get this up on the board,
23 please, and we can modify it however you need to.

24 JOE JEWELL: I would say that first line should
25 say, "motions for staff to come back at the next

1 Commission meeting with proposed language”.

2 COMMISSIONER BOSARGE: And maybe let's define
3 just a little bit what type of environmental conditions,
4 Joe.

5 COMMISSIONER HAVARD: What's that, Steve?

6 COMMISSIONER BOSARGE: I say maybe specify what
7 type of environmental conditions, that could be pretty
8 broad.

9 JOE JEWELL: Well, I can think of other
10 conditions, aside from the Bonnet Carre. It could be low
11 DO. It could be harmful algal blooms.

12 COMMISSIONER BOSARGE: Is that a critical
13 environmental condition?

14 JOE JEWELL: Well, if you look at Florida, they
15 have had them and we have had them in Mississippi. They
16 can cause substantial impacts on marine resources.

17 I would encourage y'all, if y'all are going to
18 pass this motion with the intent for it to make regulatory
19 changes, to keep it as broad as possible so you will have
20 as much flexibility in the future.

21 If you narrow it down to just the Bonnet Carre
22 opening, and, then, we have another huge HAV event, we are
23 kind of restricted, although that would fall under the
24 case of public safety, at that point.

25 COMMISSIONER BOSARGE: Paul, did you want to say

1 something?

2 PAUL MICKLE: Yes. Thank you, Chairman.

3 I just wanted to clarify. From what
4 Commissioner Havard was discussing, it seemed like the
5 intention of his motion was to identify those spatial and
6 environmental conditions when high harvest is occurring.

7 Now, the discussion just before I spoke was
8 leaning toward all these environmental conditions.

9 HAVs and everything, they don't cause times of
10 when high harvest occurs in a spatial area. I don't know
11 if we are getting away from his original intent, or not.
12 I just thought I should speak up and clarify.

13 The Bonnet Carre is that situation. When it
14 opens up, it crowds fishing areas and creates a high
15 harvest scenario.

16 These other things that have been discussed are
17 a completely different thing. I'm not quite sure.

18 COMMISSIONER DANIELS: Could we have you weigh
19 in on this language to identify which ones do create a
20 high harvest scenario?

21 JOE JEWELL: There are other conditions. You
22 will have jubilees with low DO and certain other
23 conditions that cause an accumulation of concentrated
24 fish. I mean, there are other conditions to consider.

25 I think I would agree, but I would just keep

1 that as broad as possible for y'all and not go through a
2 laundry list of things that could possibly happen.

3 COMMISSIONER HAVARD: I think we ought to keep
4 the motion as broad as possible. I just want that
5 flexibility.

6 SANDY CHESNUT: Any further changes to the
7 motion on the board?

8 COMMISSIONER BOSARGE: I'm sorry. I couldn't
9 hear you.

10 SANDY CHESNUT: Are there any further changes to
11 the motion as stated on the board?

12 COMMISSIONER BOSARGE: No, ma'am.

13 COMMISSIONER HAVARD: I would like to make a
14 motion as written.

15 COMMISSIONER BOSARGE: Okay.

16 Do we have a second for your motion?

17 COMMISSIONER GUESS: I'll second it.

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

20 Before we vote, we have some public comment.

21 COMMISSIONER DANIELS: Steve, I'm not sure if
22 the public comment is -- I can't speak for everybody here,
23 but is directly -- seems like we have gotten off on
24 something totally different than what K-4 was. I think I
25 know what some of this public comment was about, loss of

1 video.

2 COMMISSIONER BOSARGE: Yes. I was going to
3 continue on to try to get a little feedback with the TAC.

4 COMMISSIONER DANIELS: I would like to say I was
5 awfully flattered last night at the amount of time you
6 spent picking my pictures out to put in this video. I
7 kind of felt like a star.

8 I think Sonny Schindler there probably does,
9 too.

10 I see what you are trying to say here, but where
11 did all these pictures come from?

12 COMMISSIONER BOSARGE: All of them were posted
13 on the web. These are all pictures posted on the web and
14 they are all in 2018.

15 COMMISSIONER DANIELS: Were they caught in
16 Mississippi?

17 COMMISSIONER BOSARGE: These are all Mississippi
18 pictures. They are all Mississippi -- all fish caught in
19 Mississippi.

20 COMMISSIONER DANIELS: If I could address that,
21 Steve.

22 Do you realize that I'm a duly licensed charter
23 boat?

24 COMMISSIONER BOSARGE: Yes, and your point is?
25 I don't understand.

1 COMMISSIONER DANIELS: My point is at seven
2 minutes fifty-four seconds, that was the Oakdale Marina
3 fish cleaning table for a trip that never set foot in
4 Mississippi.

5 At eight minutes seventeen seconds, at eight
6 minutes twenty-two seconds, at eight minutes twenty-seven
7 seconds --

8 COMMISSIONER BOSARGE: (Interposing) Did you
9 post those --

10 COMMISSIONER DANIELS: -- at eight minutes
11 thirty-one seconds, at eight minutes thirty-four seconds -
12 - like I said I'm flattered at the amount that is in here
13 -- at eight thirty-seven, every single one of those
14 pictures were trips that I ran during the winter out of
15 Oakdale, Louisiana, and nobody ever said a thing about --

16 COMMISSIONER BOSARGE: (Interposing) Most of
17 those you posted are out of Oakdale, or did you post them
18 as you --

19 COMMISSIONER DANIELS: (Interposing) Most of
20 the time it has a hashtag that says "Dogwood Lodge SWC" on
21 it and I typically promote the Dogwood Lodge in those
22 pictures.

23 COMMISSIONER BOSARGE: I'm just picking out what
24 is posted, period.

25 COMMISSIONER DANIELS: Well, all those were out

1 of Louisiana.

2 COMMISSIONER BOSARGE: And I'm not saying they
3 are all caught in Mississippi, but look at the sheer --
4 how many --

5 COMMISSIONER DANIELS: (Interposing) If I may,
6 you are just saying those are all Mississippi fish?

7 COMMISSIONER BOSARGE: Pardon?

8 COMMISSIONER DANIELS: Just a few seconds ago,
9 didn't you say those were all Mississippi fish?

10 COMMISSIONER BOSARGE: I said these are all
11 pictures of fish, yes, that I interpreted as caught in
12 Mississippi.

13 COMMISSIONER DANIELS: I just want to be clear
14 about what you are showing because the panning on a lot of
15 these is really good, too, like the ones that were --

16 COMMISSIONER BOSARGE: (Interposing) Surely,
17 for the most part, Louisiana is twelve-inch fish.

18 COMMISSIONER DANIELS: And we see six feet.

19 JOE SPRAGGINS: Commissioners, if I could, the
20 video I think was mainly there to show that a lot of fish
21 are caught. Let's don't get into the weeds here too deep,
22 please.

23 COMMISSIONER DANIELS: I just wanted to clear --

24 COMMISSIONER BOSARGE: (Interposing) And it's
25 the same thing when we showed the video of the net.

1 You know, I asked the question, are you sure it
2 was in Mississippi, and Chief Davis was the only one that
3 said he could for sure say it was.

4 But just to show you. Just to show you there
5 are a lot of fish caught, and you see it. You see it in
6 the numbers. One million three. Two million one.

7 I just want you to realize, you know, we do a
8 lot of regulations on the commercial side to control fifty
9 thousand pounds of catch.

10 COMMISSIONER HAVARD: So I'm a little confused
11 here, Mr. Chairman.

12 Are you trying to show this video to say that it
13 took this many recreational trips and this many economical
14 dollars that got brought down to the Coast and we could
15 have done this in one net pull?

16 COMMISSIONER BOSARGE: No.

17 Say that again?

18 COMMISSIONER HAVARD: We could have done this
19 with one of your haul seine nets?

20 COMMISSIONER BOSARGE: Oh, you wish you could
21 have.

22 You think you've got anything that will carry
23 two million pounds of fish?

24 COMMISSIONER HAVARD: I don't know.

25 How many pounds are you showing up here?

1 I was just curious.

2 COMMISSIONER BOSARGE: I don't have a clue how
3 many fish it is, but it's a lot of fish. It's a lot of
4 catch.

5 And I understand that you don't like seeing this
6 and I felt like you wouldn't like seeing it, but it's the
7 truth. It gives you a little indication of what is really
8 happening out there.

9 I don't mean to insult anybody, or cause any
10 hard feelings here. I just want you to see what I see.

11 And we do a lot of regulating and we are at
12 every one of these meetings. We have had haul seine at
13 Cat Island problems all about fifty thousand pounds of
14 fish what equates to about thirteen days catch on the
15 recreational side.

16 So if we're going -- if we seriously are all
17 wanting to rebuild this resource to make it for everybody,
18 then, let's do that. Don't try to point the finger at one
19 side, or the other.

20 Look at where the total effort is at. This is
21 where most of the effort is at.

22 The best way to manage a fishery is through a
23 TAC. We can make that TAC work for everybody. In my
24 opinion, it will get us on the right track, but anyhow --
25 so you want to vote on the motion that is on the table,

1 first, since it doesn't seem to have anything to do with
2 the issue at hand?

3 COMMISSIONER DANIELS: Yes, sir.

4 COMMISSIONER BOSARGE: We had a motion and we
5 had a second.

6 Any further discussion?

7 (No response.)

8 COMMISSIONER BOSARGE: All those in favor aye.

9 (All in favor.)

10 COMMISSIONER BOSARGE: Opposed like sign.

11 (None opposed.)

12 COMMISSIONER BOSARGE: Motion carries.

13 Now, we have some folks that want to speak --
14 I'm sorry.

15 Mr. Joe has asked me to recognize Ian Isaacs.

16 He is a NOAA enforcement officer.

17 would you stand up?

18 IAN ISAACS: Yes, sir.

19 COMMISSIONER BOSARGE: Yes. There you go. Good
20 to see you. I know that you probably came a long way.

21 St. Pete, is that where you are out of?

22 IAN ISAACS: No. I'm based in Houma, Louisiana.

23 COMMISSIONER BOSARGE: Okay. Good deal. Good
24 to see you because there is a lot going on in Federal
25 waters, and I know you guys, I think, are a small group

1 with NOAA.

2 IAN ISAACS: Yes, only one for Louisiana and
3 Mississippi.

4 COMMISSIONER BOSARGE: I'm sorry. I know we are
5 talking and she can't hear anything (indicating court
6 reporter).

7 Thank you for being here.

8 We have a couple of folks that want to speak on
9 K-4. I think one of them is Mr. Dennis Marshall, Jr.

10 DENNIS MARSHALL, JR.: Good morning. Dennis
11 Marshall, Jr., owner/operator of DMJ Charters.

12 I'm just going to -- some of the pictures -- you
13 know, I run a charter business to Chandelier Islands. We
14 are licensed in Mississippi. We never fish Mississippi.

15 Some of those pictures came off of my vessel.
16 We leave from Pass Christian and we arrive back. We don't
17 fish Mississippi waters, so the fish we take in Louisiana
18 waters shouldn't count for any of the recreational limits
19 in Mississippi.

20 COMMISSIONER BOSARGE: Yes, sir, and that's part
21 of this reporting system that we have. In other words,
22 that will be good information, and we are going to allow
23 you to enter that information, by putting a zone in there.

24 Still and all, you've got to understand. Those
25 are fish landed in Mississippi.

1 DENNIS MARSHALL, JR.: As long as there are
2 zones, you know, if you've got zones. There are a couple
3 of Chandelier charters here. There are eight, or nine, of
4 us that do it. A lot of those pictures, you know, are
5 misleading.

6 COMMISSIONER BOSARGE: You don't ever fish in
7 Mississippi at all?

8 DENNIS MARSHALL, JR.: Very seldom. I haven't
9 fished -- the only time I fish in Mississippi is if the
10 weather is going to be bad, I will stop at Cat Island,
11 but, other than that, I just carry a Mississippi license.

12 If my boat is seen at Cat Island, most of the
13 time it's a family trip, but we strictly target Chandelier
14 and maybe the Louisiana marsh in the wintertime.

15 COMMISSIONER BOSARGE: Thank you, sir.

16 COMMISSIONER DANIELS: Mr. Marshall, do you keep
17 multiple day limits?

18 DENNIS MARSHALL, JR.: No. We are on a two-to-
19 three-day trips, and we keep a one-day limit per person.
20 We carry a maximum of twelve people. We are a hundred ton
21 vessel. Take up to twelve guests. Sometimes maybe eight,
22 ten, or twelve, but we only allow a one-day limit while we
23 are out there.

24 COMMISSIONER DANIELS: Thank you.

25 COMMISSIONER BOSARGE: And you do have the

1 option, I think, to do two days, if you do a float plan.

2 DENNIS MARSHALL, JR.: I file a float plan with
3 Mississippi, but we strictly -- we want to have a living,
4 you know. If I allow fifty trips a year to keep a two-day
5 limit, then, we are going to be out of business. You
6 know, the captains have got to get on the same page. You
7 know, everybody has got to work together and keep our
8 fisheries alive.

9 COMMISSIONER BOSARGE: Good deal.

10 DENNIS MARSHALL, JR.: Thank you.

11 COMMISSIONER BOSARGE: Thank you.

12 Next will be Mr. Sonny Schindler.

13 SONNY SCHINDLER: Sonny Schindler, Shore Thing
14 Fishing Charters, Bay St. Louis, Mississippi.

15 A large portion of those were mine and my guys.
16 Just so you know, we are good at what we do, but
17 --

18 COMMISSIONER BOSARGE: (Interposing) You catch
19 a lot of fish.

20 SONNY SCHINDLER: We do.

21 The overwhelming majority of those trout
22 pictures on the wooden dock are Louisiana run trips.

23 All of the pictures on the gray docks with the
24 reds in the big piles, those are our overnight all-
25 inclusive trips to Cat Island, and I really wish you would

1 have zoomed out to see the big groups of people that were
2 there smiling, the same people that are spending money in
3 the hotels here and restaurants and casinos. That's what
4 we do. We bring them down. I don't have any qualms about
5 saying we are darn good at it.

6 If it's just me, then, I apologize, but it feels
7 like there is something underlying with this and some
8 stuff that happened a few weeks ago. If that is going on,
9 y'all need to figure it out and leave us out of it.

10 I didn't come, when the net stuff happened,
11 because I figured you guys and gals could handle it, but,
12 if this is just something, a schoolyard scrap, then, get
13 it taken care of. Let us go to work, and we are going to
14 just -- you do you. We will do us.

15 Thank you.

16 COMMISSIONER BOSARGE: Thank you, Sonny.

17 Up next is Mr. Larry Ryan.

18 LARRY RYAN: No, sir.

19 COMMISSIONER BOSARGE: He doesn't want to say
20 anything.

21 I would like just a little bit of discussion
22 about what maybe -- my request last time was for you guys
23 to talk to your constituents and see what recommendations
24 we could come up with to try to -- which I think is what
25 Commissioner Havard wanted, was to see if we couldn't

1 speed up this recovery.

2 what did you guys come up with?

3 COMMISSIONER HAVARD: You have to repeat that,
4 Steve.

5 COMMISSIONER BOSARGE: I'm sorry?

6 COMMISSIONER HAVARD: Repeat that for me.

7 COMMISSIONER BOSARGE: At the last meeting, the
8 request that was made was when we -- I don't remember if
9 we tabled it, or what we did, but anyhow the request was
10 for yourself and Commissioner Daniels to talk to your
11 constituents and come up with some suggestions of what we
12 could use to better manage this fishery.

13 COMMISSIONER HAVARD: And we did. I have talked
14 to several of mine. I'm sure Ronnie has, too.

15 COMMISSIONER BOSARGE: Can you speak up just a
16 little bit?

17 COMMISSIONER HAVARD: Yes, sir.

18 we have talked to several folks in the
19 recreational world about some good ideas such as slot
20 limits and different things.

21 I will get with the department and I will get
22 them to come back with some verbiage for the next meeting.

23 COMMISSIONER BOSARGE: So your idea on a TAC?

24 You don't think that that is a good conservation
25 method?

1 COMMISSIONER HAVARD: That's not what I'm saying
2 at all. That it could be one of the options that we go
3 with.

4 I just think we need to get some options in
5 front of us which we can all agree on the approach and
6 move forward.

7 COMMISSIONER BOSARGE: Okay. So I thought
8 that's where we were going to go with this meeting, but,
9 anyhow --

10 COMMISSIONER DANIELS: (Interposing) I have
11 spoken with some of my constituents, and the general
12 consensus seems to be that what has been stated here
13 before is a lot of these options are going to make little
14 to no difference in increasing the SPR.

15 One of the things that I think could be
16 beneficial and I have gotten that feeling from the people
17 that I have spoken with in my industry, as well as the
18 scientists that speak to us in here, is possibly an upper-
19 end slot limit to protect some of these larger breeding
20 fish during the months that they are breeding.

21 As far as a TAC is concerned, I would love if
22 Paul Mickle could get up and talk to us a little bit about
23 the accuracy that we would be looking at on a TAC and the
24 ability to accurately manage that and keep up with it.

25 PAUL MICKLE: Commissioners, to approach that

1 request to provide information toward TAC's and accuracies
2 and things like that, I would like to circle back and just
3 talk about what has happened with fisheries in the Gulf of
4 Mexico, both Federal and State, and all the other states
5 as well just besides ours.

6 TACs were pretty much grabbed ahold of by the
7 science environment and the science community, it was
8 pushed up on capitol hill, and the entire basis of the
9 Magnuson-Stevens Act is built on TAC's and allowable
10 catches and quotas, and it works beautifully. It works
11 wonderfully.

12 The commercial sector, the recreational sector,
13 they all come to council. They public comment. You can
14 pull those comments on record from the folks that have
15 been around long enough and seen the fisheries on the
16 Federal side go imperiled and completely leveled and
17 flatlined out and come back.

18 The commercial fishery has stabilized their
19 industry. It has worked in that capacity.

20 Again, it is based on the size of the sector.

21 Now, the recreational sector, all the gulf
22 states have gigantic recreational sectors. All we have
23 right now as a tool to use for TAC's is the MRIP data
24 system for Spotted Seatrout. That's all we have.

25 The issues with MRIP that I can voice here

1 today, or we can move on and I can go on, is the accuracy
2 of MRIP.

3 In the Red Snapper fishery, the accuracy was so
4 poor the State of Mississippi took the initiative to start
5 the Tails n' Scales Program which is a highly accurate,
6 super accurate landing system that works wonderfully.

7 We just don't have the resources to have this --
8 and we have said this on multiple occasions -- to
9 personalize a program which, in my opinion, would have to
10 be done to form a TAC in Mississippi.

11 Just to throw real numbers out, without just
12 telling stories, the uncertainty with Spotted Seatrout in
13 the State of Mississippi using the MRIP system, the new
14 MRIP system and the old MRIP system, the uncertainties
15 which they identify as percent standard error, or PSE,
16 ranges between fifteen and thirty percent.

17 That adds up to just over six hundred and
18 seventy thousand pounds to over a million point three
19 million pounds of uncertainty.

20 When you are opening and closing fisheries with
21 a TAC with that much uncertainty, you are creating
22 virtually a fishery that you may over harvest because of
23 the uncertainty by orders of magnitude even.

24 To really have a TAC work in our State -- and
25 I'm speaking myself as a scientist -- we have to learn how

1 to form a TAC in a very real way that really works.

2 I'm terrified if we use the MRIP system and go
3 down the road of a TAC because the seasons will shorten,
4 just as it happened in the Federal side with Red Snapper.

5 When a season is shortened, with the
6 mathematical certainty, pressure increases and over time
7 you say, oh, we'll just fish eight months of the year,
8 but, when you go from twelve months to eight months, the
9 pressure increases in those eight months, and, then, you
10 are restricted even more, and you are down to six months,
11 four months, two months.

12 COMMISSIONER BOSARGE: So, if I understand you
13 correctly, you have doubts as to the MRIP data.

14 We based our model on MRIP data.

15 PAUL MICKLE: Absolutely.

16 COMMISSIONER BOSARGE: So we're not that
17 accurate -- in other words, my point is --

18 PAUL MICKLE: (Interposing) It's what we have.

19 COMMISSIONER BOSARGE: If we want to error on
20 the side of caution, don't you think it would be best to
21 -- in other words, if you're fifteen to thirty percent,
22 that's one way, or the other.

23 In my opinion, we would be much better off to
24 use that number and err on the side of caution. In other
25 words, if most of those -- I don't know quite how to

1 explain what I'm trying to say.

2 Anyhow, in my years of doing management, as with
3 you, the TAC's are used and they are used -- ninety
4 percent of the fisheries they are used in are strictly
5 estimates.

6 PAUL MICKLE: Yes, I'm agreeing that TAC's work.
7 I'm not saying that they don't work.

8 I'm saying that the system we have, the
9 uncertainties that we would be bound to would create so
10 many uncertainties I don't know how useful it would be to
11 protect harvest, in my opinion.

12 Now, I want to review just slightly because
13 there is one Commissioner that is up there that went
14 through the Spotted Seatrout size change that we had.

15 Commissioner Havard was at the very end. You
16 were appointed toward the last couple of meetings of it.

17 Chairman, you may have a problem with how I say
18 this, but the decisions that were made based on that stock
19 assessment recommendations were to raise the minimum size
20 of Spotted Seatrout from twelve inches to fourteen inches
21 to protect the harvest of a reproductive size class.

22 COMMISSIONER BOSARGE: Thirteen to fifteen.

23 PAUL MICKLE: Yes. You are protecting those,
24 when you do that.

25 Now, there is discard mortality and all those,

1 and believe me we talked about that for months on end,
2 but, again, the purpose and the move that this Commission
3 made was to protect a size class for reproduction.

4 we brought up TAC's during that. We did
5 everything. It took a year. Matt and I came up here
6 every Commission meeting for a full year, and it was fun.
7 We all learned stuff, but, again, we have a lot of new
8 Commissioners.

9 I want to just say that the recommendations made
10 by this agency to this Commission and the Commission's
11 move on the regulatory change was to protect a certain
12 size class to carry the fishery.

13 If you are protecting a large percentage of the
14 population which the largest percentage is twelve inch,
15 thirteen inch and fourteen inch. Those are the most fish
16 that are out there. When you protect those for
17 reproduction, it carries the fishery.

18 Setting up TAC's and all these things, that is a
19 completely different strategy from what the stock
20 assessment told us and that we were to adhere to with
21 those regulatory changes.

22 Again, does everybody understand?

23 It is a philosophy of protecting a certain
24 population to reproduce to carry very heavy harvest rates
25 in the size classes that you choose for harvest.

1 Once they get over fifteen inches, the model
2 said you can hammer them really hard because the smaller
3 size classes will carry the fishery through reproduction.
4 That's what that model told us.

5 Now, whether you believe that, or not, again,
6 that's -- I don't believe it fully, but that's what the
7 model told us and that's what we went through.

8 COMMISSIONER BOSARGE: That's right.

9 PAUL MICKLE: I just want to clarify.

10 COMMISSIONER BOSARGE: That same model is the
11 one you are talking about that is fifteen to thirty
12 percent maybe right, maybe not.

13 PAUL MICKLE: That's right, but that's what we
14 have.

15 COMMISSIONER BOSARGE: To me --

16 PAUL MICKLE: (Interposing) That's why I say
17 TAC's work. I don't really like MRIP. I never have. I
18 have been very aggressive on the council floor with it.
19 They have changed it. A lot of people have been mad at
20 it, and they changed it and they thought they made it
21 better.

22 In my opinion, they made it awful. My
23 recommendation to our stock assessment panel in Marine
24 Fisheries would be to use the old APAIS data and to not
25 use FES in here, or the near future.

1 COMMISSIONER BOSARGE: And I somewhat agree with
2 that. The new data -- I don't know. A lot of that is
3 kind of hard to believe, but that's where we are --

4 PAUL MICKLE: (Interposing) It is. That's
5 where we are.

6 COMMISSIONER BOSARGE: I still believe that if
7 you look at the model and what the model is doing, take
8 out a couple of outliers, especially if you were to take
9 out this past year and the fish that moved into
10 Mississippi, that in my opinion stayed in Mississippi --

11 PAUL MICKLE: (Interposing) I agree with that,
12 too. They become our fish. Where they come from doesn't
13 matter. They landed here and you catch them here. They
14 are our fish.

15 COMMISSIONER BOSARGE: That's right, but that
16 has kind of helped our fishery on and projected our
17 fishery in a way that it probably wouldn't have been had
18 we not had that Bonnet Carre Spillway open.

19 Anyhow, I still believe that a TAC is the way to
20 go. It is done every day in every state and in the
21 Federal waters all around this country we live in, and it
22 is the best way to manage a fishery.

23 I would love to see folks stand up and say,
24 okay, let's protect the fishery. Let's do what we need to
25 do to get it back on track.

1 COMMISSIONER DANIELS: Is a TAC being done
2 anywhere on the speckled trout?

3 PAUL MICKLE: Not that I know of in the
4 recreational sector just because of the sheer mass of the
5 sector itself.

6 Now, with creel in Louisiana, the didn't like
7 MRIP any more than we did, and they pretty much told MRIP
8 to go away, and they came up with the creel which you have
9 been interviewed by them. I know Sonny has. We talk
10 about it all the time.

11 It is very focused on inshore fisheries, and it
12 is so expensive that they struggle every year to keep it
13 alive in their legislature. It is very expensive.

14 COMMISSIONER BOSARGE: Paul, I guess, you know,
15 Sonny Schindler talks about a battle going on up here.
16 There is somewhat of a battle -- you know, we have had a
17 TAC on commercial landings since 1997.

18 PAUL MICKLE: For Spotted Seatrout.

19 COMMISSIONER BOSARGE: For Spotted Seatrout, for
20 Red Fish, for Flounder, and it worked.

21 Anyhow, it just -- to me, it's where we need to
22 go.

23 The problem on the other side, the fishing
24 pressure.

25 PAUL MICKLE: I'm saying I agree with you,

1 Chairman, and I think you said it best about six months
2 ago. We have got to keep working toward it. We have got
3 to keep working toward that.

4 I don't want to lead us down a road where we
5 create something that just doesn't work and there are
6 always expectations because it works in the Federal
7 fisheries and it works on the commercial side that, but,
8 in my opinion right now, it just won't quantitatively
9 work.

10 COMMISSIONER BOSARGE: I want to say this.

11 Everybody is opposed to change. I can say that
12 from my business and being in commercial trawlers and when
13 TEDs came along, man, everybody, oh, this is going to be
14 the end all. We are just going to end the fishery. We
15 are never -- right now, most guys -- I can't speak for in
16 State waters, but in Federal waters if you ask them
17 tomorrow, hey, man, they did away with TEDs, you can take
18 them out, most of my guys would say, hell no, we're not
19 taking them out because of what they do.

20 So my point is don't be so closed minded that
21 just because change scares you, you know -- and in the end
22 a lot of times it's amazing what it can do.

23 To me, you know, if we go there and we decide
24 that we know this will work, we know it will help, two or
25 three years from now I think most people will come back

1 and say, wow, this is great. When we go fishing, we get
2 to catch fish.

3 Anyhow, just my thought.

4 PAUL MICKLE: Anything else?

5 COMMISSIONER BOSARGE: Thank you.

6 PAUL MICKLE: Thank you.

7 MATT HILL: I would like to say one thing that I
8 think about a lot and there are a couple of people I have
9 spoken to in this room, and Commissioner Bosarge just said
10 something that kind of hit home about being closed minded
11 and about change.

12 when we talk about TAC's and when we talk about
13 size limits and we talk about bag limits, we get stuck on
14 that's a hard number, that's what it has to be and it has
15 to be like that for five years, seven years.

16 we have the ability. This Commission has the
17 ability to change it at any time. We can have seasonal
18 things, and still continue to provide twelve months of
19 access.

20 we could theoretically set a TAC and we can
21 adjust regulations throughout the season to the best of
22 our ability with the information that we have in front of
23 us and see where we end up, and still allow the for-hire
24 industry and the recreational industry to have the access
25 that they have now.

1 They may not be able to catch the amount of fish
2 that they are catching now, but it would improve.

3 We don't have to get stuck. A TAC may not be
4 the end all be all. An environmental closure may not be
5 the end all be all. The flexibility to change regulations
6 seasonally may not be the end all be all.

7 If you put them all together, we may have
8 something. We may figure out exactly where our numbers
9 are, at some point, but what we have done in the last five
10 years is we changed the bag limit one time, and it is not
11 improving fast enough in a lot of people's opinion, but
12 there are some things that we can try.

13 I know a lot of people are against a TAC. I
14 know it's a problem. I know a lot of people are against
15 dropping bag limits. They want consistency in
16 regulations, but a lot of people were against Tails n'
17 Scales when we instituted it, too, and now we had the
18 longest Red Snapper season in the Gulf of Mexico for the
19 State of Mississippi. We got a lot of criticism over
20 that.

21 We can think out of the box. We can try some
22 things and, if it doesn't work, it just doesn't work.
23 It's not working now.

24 COMMISSIONER BOSARGE: That's my point, Matt.
25 That's my point.

1 You know, change is inevitable and most people
2 resist change, but, if you see something that works, don't
3 try to reinvent the wheel.

4 MATT HILL: I think change without limiting
5 access is acceptable in this situation. I think we can do
6 that. I think we can accomplish that.

7 It may not be perfect the first year. It may
8 not be perfect the first three years, but, at some point,
9 I think we can accomplish the goal that we have set and
10 still provide the access that we are continuing to provide
11 now.

12 COMMISSIONER BOSARGE: And there are going to be
13 a lot of people that won't be happy about it, but I think
14 when they go back two or three years down the road, then,
15 they are like -- the same thing we were in the shrimp
16 industry -- man, I sure hate that I was there fighting
17 against that as hard as I was because a lot of times it
18 turns out better.

19 COMMISSIONER DANIELS: I think change is
20 necessary and acceptable, but I think we have to caution
21 ourselves on using misleading information to get to that
22 point.

23 COMMISSIONER BOSARGE: Well, you know, and my
24 argument with that would be if you don't have some
25 confidence in the information, some confidence, you've got

1 to understand the same information, that's the information
2 we are using to base all our decisions on, the stock
3 assessment, everything.

4 You have got to have -- and that's where
5 hopefully we get to and that's where we are working on
6 putting in a reporting system for the charter-for-hire.
7 That's the first step. That's a good step.

8 Hopefully we can get it to where we can adapt it
9 over to the recreational side. Then, we can all quit
10 guessing about what it is. We don't know, and we will
11 eventually get there, but we want to have a fishery left
12 when we get there.

13 All right, Matt.

14 SANDY CHESNUT: There was some discussion about
15 having the staff bring back some information.

16 I threw together some wording up there. I don't
17 know if you guys want that to be a motion.

18 JOE JEWELL: So let me chime in here real quick
19 and provide some basis for this.

20 At the December meeting, of course Matt gave the
21 presentation. It was item K-1 and, like I said, in my
22 review of the minutes towards the very end Commissioner
23 Bosarge -- because there was some discussion going on --
24 requested that Commissioner Daniels and Havard come back
25 with some recommendations from their constituents, and I

1 heard both of them address that issue, but the motion that
2 was made -- I mean, I want to be clear there was no motion
3 made for the Marine Fisheries staff. There was no
4 regulatory motion.

5 what the motion was is for management options
6 which was given in the presentation.

7 If the Commission wants us to come back with
8 management options, there is not going to be anything
9 different than what we did in December, or the previous
10 month -- I just want to be clear on that -- unless you
11 give some focused direction on what it is you would like
12 us to focus on in those options.

13 COMMISSIONER DANIELS: If I'm clear on what
14 yourself and Matt have stated I think multiple times, what
15 we are currently doing now is the biggest bang for your
16 buck, the most productive measure that we have to rebuild
17 the SPR at this point.

18 Is that correct?

19 JOE JEWELL: Well, the -- if you listened to the
20 stock assessment presentation that was given, you know, we
21 had the initial stock assessment that was given a couple
22 of years ago, and, then, we have had two updates to that
23 stock assessment.

24 Now, what those -- I think Commissioner Bosarge
25 addressed that relatively accurately. What the latest one

1 that we gave in 2018 said is that it's not meeting that
2 benchmark SPR that the Commission addressed, but its
3 decline is not as steep.

4 Instead of that much, it's that much
5 (indicating).

6 It is still in decline. That is clearly what
7 the stock assessment is saying and, you know, Matt can
8 correct me on this, but a lot of it is pressure. You
9 can't anticipate the amount of pressure that is going on
10 in the fisheries.

11 The regulatory actions that the Commission took
12 were the most effective. That's correct, but you can't
13 anticipate pressure.

14 COMMISSIONER DANIELS: I'm sorry. Just one more
15 quick point. Matt and I discussed this multiple times.
16 We are less than two years into this thing, and Matt has
17 expressed highly to me that we need to give it time to
18 work.

19 JOE JEWELL: I would agree with that.

20 COMMISSIONER BOSARGE: And I guess to answer
21 your question, the -- what we put forth is the least
22 restrictive method to correct the fishery.

23 Now, wouldn't you say that, Dr. Mickle, because
24 I think it was your suggestion?

25 In other words, if you want to rebuild the

1 fishery, you can shut it down, and, then, it would
2 rebuild. That would be the most restrictive.

3 So what we put in place was the least
4 restrictive thing we could do to try to rebuild the
5 fishery and right now -- and it was a five-year plan, if I
6 remember correctly, and at the end of five years we needed
7 it to be at twenty percent SPR. That was the goal.

8 PAUL MICKLE: That was the goal.

9 I think the least restrictive was fourteen
10 inches.

11 COMMISSIONER BOSARGE: And we went up to
12 fifteen, next to the least restrictive.

13 PAUL MICKLE: But, again, when you say that the
14 data going in is the best available science, it is the
15 best available science, although I just stood up and
16 bashed it with MRIP which is the majority of data in the
17 model, but, again, the APAIS model that we did has three
18 major streams of data.

19 It was independent sampling where MDMR staff
20 along with CGRL staff goes out and catches fish without
21 recreational fishermen, or commercial fishermen, the
22 commercial data comes in through trip ticket, the
23 recreational data comes in through MRIP and all those
24 mixed in and, again, the model told us a lot about the
25 fishery, what carries the fishery and what impacts the

1 fishery the most.

2 whether the recreational sector, or any sector,
3 is harvesting at what level, the biological recommendation
4 from that model was the biggest bang for the buck on being
5 least impactful to the fisheries at hand was to have that
6 fifteen-inch minimum to protect those additional two inch
7 fish to reproduce.

8 when we did that, it was a large move by the
9 Commission. There was a lot of resistance on y'all's end,
10 on our end. Everybody took heat for it, but it seems like
11 it is working, but, again, having those thirteen-inch,
12 fourteen-inch fish reproducing, I don't think everybody
13 quite grasps quantitatively that you just increased your
14 spawning population by eight hundred percent, so it might
15 still be all that we need at this point.

16 Now, the recreational sector is going to grow.
17 If anybody disagrees with that statement, I will challenge
18 them on it. It is going to continue to grow, so whether
19 we need to think down the road with that, but, again,
20 until we miss the mark from what this Commission set up
21 from three to five years for the SPR target that you
22 decided on, you voted on and passed, it is difficult to
23 see how you are doing, if you haven't even missed the mark
24 yet, in my opinion.

25 COMMISSIONER BOSARGE: Go ahead, Joe.

1 JOE JEWELL: To address specifically the
2 question about what actions, I can tell you I was there at
3 those meetings and Paul met, Commissioner Bosarge.

4 The Commission did seriously consider some much
5 more restrictive actions, when taking the SPR into
6 consideration, and, as I recall, two of those issues --
7 and we had some public hearings on that -- they were the
8 most contentious, and you can correct me, Commissioner
9 Bosarge, if I don't state this right, but two of the
10 things the Commission seriously considered and was very
11 close to passing was area restrictions which would
12 address, Commissioner Daniels, your slot limit thing up
13 there.

14 You know, the fish tend to move into the upper
15 estuaries, the deep area, protective waters where there is
16 only recreational access, and that became a big issue
17 during the stock assessment.

18 COMMISSIONER BOSARGE: We actually passed that,
19 Joe.

20 JOE JEWELL: That's right, and so that was
21 considered. It was a pretty restrictive measure, and,
22 then, they also considered, as I recall, a measure to
23 limit the season, end the season during the height of the
24 peak reproduction area of these fish. Close the season
25 down for everybody, the commercial and recreational.

1 Those were two things that were very restrictive
2 that the Commission did consider, take up and had a whole
3 lot of discussion on it.

4 COMMISSIONER BOSARGE: Yes. We actually passed
5 a closure to protect those fish when they come up in the
6 rivers in cold weather, and, then, it was brought back for
7 Petition for Reconsideration at the next meeting and was
8 struck down.

9 JOE JEWELL: That's correct.

10 COMMISSIONER BOSARGE: But that's what I'm
11 saying. It just --

12 JOE JEWELL: (Interposing) At the end what the
13 Commission decided to do was take, as Dr. Mickle pointed
14 out, those two regulatory measures, but they made a
15 commitment at that time to stick with it and see how these
16 would impact the recovery of the fishery.

17 So far, like I said, they are having an impact,
18 but that's not to be mistaken for recovery. The decline
19 is less steep, I think is the most accurate way to say
20 that, but it is working.

21 It is just how fast you want it to work, and I
22 think that's what Commissioner Bosarge was asking y'all to
23 discuss with your constituents is do you want to increase
24 it, do you want to make that curve less steep, or do you
25 want to start increasing. What type of measures would

1 your constituents be willing to make, what sacrifices
2 would they be willing to make.

3 COMMISSIONER BOSARGE: And, also, when you look
4 at the model, you know, as we add inputs into the model
5 and you go back and we back those inputs in, then, we
6 change what the SPR originally was when we originally did
7 the model and when we originally came up with our target.

8 You know, I almost want to say, okay, well, the
9 original SPR that we started out with when we said there
10 is a problem with the fishery, if I remember correctly,
11 was seven to nine percent SPR.

12 JOE JEWELL: It was about a little over seven
13 percent. In the interim, we have increased that by about
14 ten percent.

15 COMMISSIONER BOSARGE: That was what, ten
16 percent?

17 JOE JEWELL: No. The Commission established an
18 SPR of twenty percent, but started it at a little over
19 seven.

20 COMMISSIONER BOSARGE: But my point is, Joe, we
21 all knew from being out there and fishing what shape the
22 fishery was in and, if we are going to move -- in other
23 words, right now if you look at the model and what the
24 model has done, it is only as good as it is because of the
25 inputs we put back in it that raised the SPR over what we

1 originally said it was.

2 Correct?

3 JOE JEWELL: Correct.

4 COMMISSIONER BOSARGE: So, if that is the case,
5 then, how do we know twenty percent is going to be the
6 target?

7 Do you see what I'm saying?

8 JOE SPRAGGINS: Sir, I'm just -- the biggest
9 thing here y'all voted to give the staff something. You
10 voted a five-year plan. We are two years in the five-year
11 plan. The plan is working. It is going up. I mean, we
12 are not going down. Even though we haven't reached that
13 peak where we want, we are going to a level. We have come
14 up, like you said, ten percentage points, if you want to
15 call it, over the last two years which is pretty darn
16 good, but the point is, if you want the staff to come back
17 and say, is there something that we want to do to get
18 there quicker, then, tell us and we will do that. We will
19 look at it, but, if it is just to go back and look at the
20 same thing over again, sir --

21 COMMISSIONER BOSARGE: (Interposing) I'm with
22 you, but, Mr. Joe, my point -- and I'll make one point and
23 we will move on. My point is we haven't come up ten
24 percentage points because we changed -- when we put the
25 inputs in, and everybody is saying that we started at

1 seven and we are at seventeen now. When you go back and
2 look at what you backtrack and what you put in, it raised
3 that seven to probably thirteen, and, now, we are only at
4 seventeen. So we have only moved four percentage points.
5 That's my point.

6 COMMISSIONER DANIELS: I would like to say over
7 the past six to eight, twelve months on the water -- and
8 I'm sure there are a lot of people in here who can back
9 this -- there are a lot of stories of a ton of guys
10 complaining that they caught fifty fourteen-and-a-half
11 inch fish, fourteen-and-three-quarter inch fish.

12 There are a lot of fish out there, and those
13 fish are being returned to the water to spawn.

14 I personally think we are making headway. I
15 don't know if we are making it fast enough for everybody,
16 but I think what we are doing right now is working. I
17 would like to give it a little bit of time to see how that
18 pans out.

19 COMMISSIONER BOSARGE: All right. So the motion
20 there is for staff to come back next month with different
21 options regarding how to reach our management goals for
22 the Spotted Seatrout fisheries.

23 Is that a motion we want to make?

24 COMMISSIONER GUESS: I don't think it's
25 necessary.

1 COMMISSIONER BOSARGE: We will move on.
2 Mr. Joe.

3 JOE JEWELL: Thank you.

4 Next up for the Commission's consideration is a
5 Petition for Reconsideration of the Derelict Crab Trap
6 Removal Program, Mr. Rick Burris.

7 RICK BURRIS: Good afternoon Commissioners, Mr.
8 Chairman, Joe Spraggins and Ms. Chesnut.

9 I want to bring to the Commission a
10 reconsideration of the Derelict Crab Trap Removal Program.

11 If you remember, at the last meeting, the
12 Commission made a motion based on staff's recommendation
13 for approval to establish a closed season for the use of
14 crab traps in the public waters of this State for the
15 purpose of conducting a derelict crab trap cleanup from
16 February 7th through the 16th, 2019.

17 Since then, we have had some concerns from the
18 crab industry about the timing of the closure, and we
19 certainly understand their concerns, as this closure is a
20 hardship on both the fishermen and the processors.

21 We have actually had a petition. I'm not sure
22 if it was filed as a Petition for Reconsideration, but we
23 had a petition sent to the Commission. You should all
24 have a copy of that.

25 Can we get it on the screen?

1 It should be an attachment.

2 I will just read that into the record. Dated
3 January 7th, 2019. It is addressed to the Commission on
4 Marine Resources for Mississippi Crab Fishermen and it
5 states:

6 “We, the fishermen, would like to ask the
7 Commission to reconsider the derelict crab
8 trap cleanup. We would ask that you make
9 the closure a half mile from the shore.
10 This will allow fishermen to continue to
11 fish.

12 “The month of February is one of the
13 highest paying months for our product.
14 With the east coast cold and no product
15 being caught there, our crabs are shipped
16 to the northeast for a much higher price
17 than the summer months meaning we, the
18 fishermen, make much more money.

19 “With the recent flooding of our rivers
20 already hurting us making the crabs hard
21 to catch, this closure will put a harder
22 strain on us, the fishermen.

23 “We pray that you take the above
24 information under consideration to
25 allow us to make a living.

1 “We would ask you to consider a
2 closure during the summer months.
3 The months the demand for crab is
4 not as high as February. This will
5 also allow DMR to have more volunteers
6 to perform the task, being it is
7 warmer.

8 “Attached is signatures from Mississippi
9 Commercial Licensed Fishermen.”

10 There are eighteen signatures.

11 I would like to say that I have spoken to
12 several of these fishermen and I would like to say we
13 understand their concerns.

14 If you would bring the presentation back up?

15 With all of that being said, I want to present
16 some potential options for the Commission to consider, if
17 we want to go that route.

18 There are potential date changes. Obviously, as
19 the letter stated, the month of February was not ideal,
20 but historically we have had these cleanups and all states
21 have cleanups during the month of February and March
22 because of the low tides that offer us the availability to
23 get out there and get those traps that are no longer
24 submerged, and we picked the 7th through the 16th because
25 those were really good low tides for the month.

1 I also wanted to state that March the 6th is the
2 beginning of Lent Season and, as you know, seafood is at a
3 premium during that time.

4 Those are just options up there that are in
5 weekly increments from the currently approved dates, but
6 you can provide some additional options, if you want to.

7 Also up for the Commission's consideration would
8 be reestablishing the closure areas. Historically we have
9 had closure areas within half a mile of the shoreline and
10 even the last cleanup we had was a hundred foot from the
11 main shoreline.

12 If we had area closures such as this,
13 specifically the half mile line, we could continue to do
14 our cleanup within that half mile and the fishermen could
15 continue to fish outside of that half mile.

16 This time of year most of the effort is outside
17 of the half mile of the shoreline, so it wouldn't put any
18 negative affects on the crab industry.

19 There are some options. If you would like to
20 discuss further, we can do so.

21 COMMISSIONER BOSARGE: All right and, I guess,
22 because it's a Petition for Reconsideration, we need to
23 make a motion for one of the three options.

24 Correct?

25 SANDY CHESNUT: well, I think we have already

1 presented DMR's response.

2 RICK BURRIS: You would first have to cancel
3 your previous motion that you made, if you want to move
4 forward with any changes to the cleanup that has already
5 been approved. If you want to go that route, you first
6 need to just --

7 COMMISSIONER BOSARGE: (Interposing) I think we
8 probably need to make a motion to grant your request for
9 Petition for Reconsideration.

10 JOE JEWELL: So the Commission has got a few
11 options. The Commission could just take no action and
12 leave it as it is, but the fishing industry feels like
13 these are going to impact them financially very adversely.

14 If the Commission decides to change, they would
15 have to make that motion, and, then, pick alternate dates
16 for the cleanup.

17 RICK BURRIS: I will just provide our
18 recommendation. It would be to reestablish the closure
19 area of a half mile from the shoreline and keep our dates
20 that we previously published so, like I said, we can
21 continue to have the cleanup and the fishermen can
22 continue without stopping operations.

23 COMMISSIONER BOSARGE: Let's do it in the
24 correct form. First, let's make a motion to grant your
25 Petition for Reconsideration, and I will make that motion.

1 COMMISSIONER DANIELS: I'll second that.

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

4 Any further discussion?

5 (No response.)

6 COMMISSIONER BOSARGE: All those in favor aye.

7 (All in favor.)

8 COMMISSIONER BOSARGE: Opposed like sign.

9 (None opposed.)

10 COMMISSIONER BOSARGE: Motion carries.

11 All right. Now, that we have granted it, we
12 need to make a motion to rescind what we did at the last
13 meeting.

14 RICK BURRIS: I believe so, yes, sir.

15 SANDY CHESNUT: With the granting of the
16 Petition for Reconsideration, you have essentially taken
17 away what you did last month.

18 So we just need to move on to how you want to
19 establish it now.

20 COMMISSIONER BOSARGE: Does somebody want to
21 make a motion?

22 JOE JEWELL: Can you go back to the slides of
23 the options for the Commission to consider?

24 Then, as Mr. Burris stated, our recommendation
25 is to keep the dates that we have for a lot of different

1 reasons, tides and low operations this time of the year,
2 and, then, establish it within half a mile of the main
3 shoreline so that the fishermen can continue.

4 RICK BURRIS: So, if you want to take the motion
5 from the second slide and just input the half mile from
6 the shoreline, that would suit every need.

7 JOE JEWELL: If that is the Commission's will.

8 RICK BURRIS: Correct.

9 COMMISSIONER BOSARGE: Would somebody like to
10 make that motion?

11 COMMISSIONER DANIELS: I will make the motion.

12 I would like to make a motion for the approval
13 to establish a closed season for the use of crab traps in
14 waters one-half mile from the main shoreline and to keep
15 the prior dates in place.

16 RICK BURRIS: Within a half mile.

17 COMMISSIONER BOSARGE: The use of traps within a
18 half mile?

19 COMMISSIONER DANIELS: The closure will be
20 outside of the half mile.

21 RICK BURRIS: The closure will be within a half
22 mile. The closure for the use of traps will be within a
23 half a mile.

24 COMMISSIONER DANIELS: Okay.

25 JOE SPRAGGINS: It will be closed for anything

1 within a half a mile of the shoreline, and, then, anything
2 other that will remain open.

3 RICK BURRIS: Correct.

4 So where it says "in the public waters of this
5 state", just put "within a half mile of the main
6 shoreline".

7 Can we make sure that says "main shoreline"?

8 SANDY CHESNUT: Yes.

9 COMMISSIONER DANIELS: All right. I would like
10 to make a motion for the approval to establish a closed
11 season for the use of crab traps within one half mile of
12 the main shoreline for the purpose of conducting a
13 derelict crab trap cleanup February 7th through 16th of
14 2019.

15 COMMISSIONER BOSARGE: We have a motion.

16 Do we have a second for that motion?

17 COMMISSIONER GUESS: I'll second it.

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

20 Any further discussion?

21 (No response.)

22 COMMISSIONER BOSARGE: All those in favor aye.

23 (All in favor.)

24 COMMISSIONER BOSARGE: Opposed like sign.

25 (None opposed.)

1 COMMISSIONER BOSARGE: Motion carries.

2 RICK BURRIS: Thank you.

3 COMMISSIONER BOSARGE: Thank you, Rick.

4 K-6 which would be Commercial Net Endorsements
5 Update, Commissioner Daniels.

6 COMMISSIONER DANIELS: Nothing for me to report
7 on this. I just wanted to take a look at what Matt had
8 presented us back in July. I think it kind of got pushed
9 to the wayside.

10 If he could make that presentation again and
11 give us something to think about over the next month and
12 maybe possibly take a look at this.

13 MATT HILL: A little bit of background with
14 this.

15 COMMISSIONER BOSARGE: (Interposing) Matt, pull
16 that mike up closer to you, please.

17 MATT HILL: A little bit of background.

18 June 19th, the CMR made a motion to accept
19 staff's proposed regulatory changes and bring the changes
20 forward in July for Notice of Intent.

21 The Notice of Intent motion failed in July.

22 This presentation is intended for informational
23 purposes only.

24 Here is the language that was proposed at the
25 same time we proposed the Spotted Seatrout endorsement. I

1 think a few things got lost in the shuffle.

2 The language would began to appear in Title 22,
3 Part 5, Chapter 4, Section 101, Subsection 101.11:

4 “Individuals using a gill net, trammel
5 net, or haul seine, to commercially
6 harvest finfish must possess a finfish
7 net endorsement at a cost of ten dollars,
8 in addition to a current applicable
9 harvester’s license.

10 “To qualify for this endorsement, an
11 application must be completed.

12 “For the 2019 fishing season, the fisher
13 must present documentation that a
14 minimum of thirty-five percent of their
15 earned income came from commercial
16 harvest of finfish in a previous tax
17 year between 2013 through 2018.

18 “Documentation shall be a copy of the
19 appropriate filed IRS tax form showing
20 the applicant’s earned income from one
21 of those years.

22 “A Marine Fisheries Trip Ticket Officer
23 will then run a sales summary for the
24 year chosen using trip tickets to
25 determine if the eligibility requirement

1 has been met.

2 "This endorsement will be valid for a
3 one-year period at which time a new
4 application with qualifying documents
5 for the previous tax year shall be
6 submitted for a new endorsement.

7 "The endorsement will be valid from
8 January 1st through December 31st of
9 each year."

10 Also, staff recommended to add Section 101,
11 Subsection 101.12:

12 "Individuals qualifying for the finfish
13 net endorsement must have nets inspected
14 and tagged on an annual basis.

15 "The tags associated with each net will be
16 valid from January 1st through December 31st
17 of each year."

18 Like I said, we gave these concurrently, gave
19 this concurrently with the Spotted Seatrout endorsement.

20 The Spotted Seatrout endorsement qualifications
21 did pass through the Administrative Procedures process and
22 we have currently enacted that.

23 However, this failed Notice of Intent.

24 COMMISSIONER DANIELS: I think had we done this
25 a long time ago it would have cleared up a lot of the

1 cloudiness that we ran into with issues that we have been
2 dealing with.

3 I think it would provide a way to know what nets
4 are out there, a yearly inspection of them, so nothing
5 could be modified and that license will go with that net.

6 COMMISSIONER BOSARGE: Just one comment.

7 You know, you wonder why I get aggravated. I
8 get aggravated because it's just one more regulation put
9 on a handful of commercial fishermen, and this didn't pass
10 and I'm glad it didn't pass.

11 I think we can clear up what issues we need to
12 within the Gear Task Force.

13 It just gets old fighting the same fight every
14 meeting, when it is just a handful of fishermen catching a
15 handful of fish.

16 I laughed at one point during one of the
17 meetings about this great overage we did on the commercial
18 side and how detrimental it was and how we fined some
19 people ten thousand dollars for what they did wrong, and
20 that was part of my reason for wanting to show the video.

21 It just doesn't equate. Fifty thousand pounds.
22 Thirteen days worth of fishing.

23 Anyhow, we have hammered these people and
24 hammered them and hammered them and hammered them, and I'm
25 sorry. I get aggravated about things enough.

1 Anyhow, go ahead, Matt.

2 MATT HILL: I do believe in one comment. I
3 believe that the Commission putting together a Gear Task
4 Force, if we just give it a chance to work, I think some
5 things will be cleared up without any further regulations,
6 and I would encourage the Commission to also have faith
7 that there are probably going to be some things that come
8 out of there that we have not thought of.

9 I mean, every time we have put some type of task
10 force together certain things come out that we didn't
11 think of.

12 Our last Charter-for-Hire Task Force, a guy I
13 have never met before came up with one of the best ideas
14 for a regulation when it came to Cobia, and it is
15 something we sit around and think of all day.

16 I would just give those participants the ability
17 to come up with some ideas and let's see where it goes,
18 before we make any more further decisions.

19 COMMISSIONER BOSARGE: All right. Thank you,
20 Matt.

21 MATT HILL: Thank you.

22 COMMISSIONER BOSARGE: I guess next up would be
23 K-8, Gear Task Force, by Commissioner Havard.

24 COMMISSIONER HAVARD: That kind of brings me to
25 the same point, Matt, talking about the Gear Task Force.

1 They have not met yet. That will happen next Tuesday, the
2 first meeting. They have established the full list of
3 folks, and they have all agreed to be on the task force.

4 That leaves a little bit of a gap there, with
5 the speckled trout season opening up in February.

6 what I would like to see happen is let's put a
7 sixty-day closure, extension of the existing closure for
8 one mile for at least sixty days to allow the Gear Task
9 Force to have time to properly define all of these nets
10 and make sure that we've got approved gear in our waters.

11 COMMISSIONER BOSARGE: So, once again, you just
12 made my point. Once again, made my point.

13 Fifty thousand pound quota. We are going to put
14 more regulations in place. Anyhow...

15 COMMISSIONER HAVARD: So, at this time, what I
16 would like to do is I would like to make a motion to
17 exercise the Commission's authority under 49-15-304 to
18 make an exception and grant a variance to Title 22, Part
19 5, Chapter 4, and make the change, the start date change
20 for the closed season begin February 1st and, as soon as
21 the Gear Task Force gets in place and gets established, at
22 that point in time, it could be sooner than sixty days.
23 It could be thirty days. At that point in time, we will
24 open back up the closed season.

25 COMMISSIONER BOSARGE: Didn't we just have this

1 conversation?

2 COMMISSIONER DANIELS: Mark, if I'm clear on
3 what you are saying, at this first Gear Task Force
4 meeting, if they are able to come together on something
5 and let's say they come out with a definition of two or
6 three types of gear, then, this wouldn't even affect that.
7 It would immediately be okay to use at that point.

8 Correct?

9 COMMISSIONER HAVARD: Absolutely.

10 COMMISSIONER BOSARGE: So we are going to --
11 let's just close commercial net fishing one mile.

12 Is that correct?

13 What was your...

14 COMMISSIONER HAVARD: That's correct.

15 COMMISSIONER BOSARGE: Mr. Schindler, do you
16 understand now?

17 You haven't been to these meetings.

18 Do you understand when I get a little aggravated
19 with it?

20 Anyhow, I'm sorry. I'm trying to control
21 myself.

22 I'm the only person up here that is here to
23 represent them and to do a one-mile closure, surely you've
24 got some science you are going to present, something other
25 than you just want to see a one-mile closure. You've got

1 something to present, something that is going to back up
2 what you want to get done.

3 COMMISSIONER HAVARD: Yes. I'm giving the Gear
4 Task Force time to take place and get all of their
5 definitions in place, and that way we don't have a fiasco
6 like we did in the past.

7 COMMISSIONER BOSARGE: And how can -- so you've
8 got to give me something. You can't just come up here and
9 ask for a closure without something.

10 The same thing if I asked for a recreational
11 closure for Spotted Seatrout because myself and two or
12 three more talked about it, and we think that that -- I
13 can't do that. That wouldn't fly for five minutes.

14 I don't understand what gives you the right to
15 come up here and ask for a closure, one-mile closure
16 without anything other than this is what I want.

17 COMMISSIONER HAVARD: It is to give the Gear
18 Task Force that we put in place time to work. So --

19 COMMISSIONER BOSARGE: (Interposing) Give me
20 something that says that we need this.

21 COMMISSIONER HAVARD: Need a Gear Task Force?

22 COMMISSIONER BOSARGE: No. No. Need a closure
23 before the Gear Task Force even meets.

24 COMMISSIONER HAVARD: why would we not?
25 We are just going to --

1 COMMISSIONER BOSARGE: (Interposing) We have
2 nothing left. We took all the --

3 COMMISSIONER HAVARD: (Interposing) Steve, I'm
4 not going to argue with you.

5 COMMISSIONER BOSARGE: I think you need to argue
6 with me. You need to present something that backs up what
7 you want.

8 COMMISSIONER HAVARD: I just did. I want the
9 task force to have time to get their stuff in place and
10 defining every piece of gear that we have out there which
11 we have already all agreed upon.

12 COMMISSIONER DANIELS: I think that's why it was
13 so imperative from the beginning to try to expedite the
14 forming of this Gear Task Force and get them in place and
15 allow them to do what they do from the beginning.
16 Unfortunately, that didn't happen.

17 I would be willing to second Commissioner
18 Havard's motion.

19 COMMISSIONER BOSARGE: Mr. Bradley.

20 RYAN BRADLEY: Can I comment, please?

21 COMMISSIONER BOSARGE: Yes, sir.

22 RYAN BRADLEY: Commissioners, Ryan Bradley,
23 Mississippi Commercial Fisheries United.

24 I just wanted to let you know maybe it wasn't
25 clear to you, but, since y'all revoked these tags for

1 these other nets, there are only two or three net
2 fishermen that are using what you guys call this
3 traditional haul seine. It's a heavy mesh seine, small
4 mesh, does not entangle fish, very difficult to use. So I
5 just don't see why we have to do this for two or three
6 people.

7 Can we not live with two or three people out
8 there fishing?

9 I think it is just blatant discrimination, and
10 there is no need for it.

11 Now, this title you were citing, I can tell you
12 look like you have done your homework. I wonder who
13 helped you on that.

14 You still have to follow the standards for
15 fishery conservation management. You still have to use
16 best available science. There are still a lot of things
17 in place that you have to follow.

18 I just don't see this holding up before a judge,
19 so I would just urge you just to consider, please, there
20 are two or three guys.

21 We can't live with two or three guys. That's
22 what we are saying here. We can't live with two or three
23 guys out there fishing Cat Island with a net.

24 COMMISSIONER BOSARGE: Mr. Bradley, this is all
25 about closing Cat Island. You know that and I know that.

1 We have a motion and we have a second.

2 COMMISSIONER DANIELS: Mr. Bradley, I would like
3 to say it's not those two or three guys that we are
4 worried about, and it was very clear last year that it
5 wasn't those two or three guys that caused a problem.

6 It's the unknown that we are worried about.

7 RYAN BRADLEY: So we're not worried about the
8 million, or two million, pounds of speckled trout, but we
9 are worried about the little bitty piece that these
10 commercial fishermen have.

11 COMMISSIONER DANIELS: The legally caught fish,
12 no, we are not worried about that.

13 RYAN BRADLEY: So you are a member of the CCA.
14 Correct?

15 What does that stand for?

16 Is it conservation --

17 COMMISSIONER HAVARD: (Interposing) Mr. Bradley,
18 I'm not going to sit here and answer your questions.

19 COMMISSIONER BOSARGE: Mr. Bradley, let it go.
20 Thank you for your time.

21 RYAN BRADLEY: You're wrong on this.

22 COMMISSIONER BOSARGE: We have a motion and we
23 have a second for that motion.

24 All those in favor aye.

25 (Commissioner Daniels, Commissioner Guess,

1 Commissioner Havard in favor.)

2 COMMISSIONER BOSARGE: Opposed like sign.

3 (Commissioner Bosarge opposed.)

4 COMMISSIONER BOSARGE: It is quite clear where
5 this was decided.

6 Anyhow, motion carries.

7 Next on the agenda is other business.

8 I think we have Mr. Larry Ryan that wanted to
9 speak on other business.

10 You are going to have to pull that mike up to
11 you, Mr. Ryan.

12 LARRY RYAN: My name is Larry Ryan. I'm just
13 asking for an extension on the time that I was given
14 months back on the trip ticket deal.

15 My fine is ten thousand dollars. It was over
16 double what anybody else's fine was.

17 COMMISSIONER BOSARGE: I'm sorry. I'm hard of
18 hearing.

19 LARRY RYAN: I'm asking for an extension on my
20 fines. I'm not asking the board to reconsider my fines.
21 I'm not asking for anything else.

22 I'm just asking to give me a little more time.

23 It's cold winter months and things have changed
24 evidently. You have just seen the gear type is gone, so
25 we had to recharge. We had to revamp, and I'm having to

1 rebuild through the winter months.

2 Swinging two thousand dollars a month which most
3 people don't even make in a month for a fine, I'm okay
4 with. I'm just asking for a little bit of leniency to get
5 me into the summer months. That's all I'm asking.

6 COMMISSIONER BOSARGE: And just to clarify, you
7 were fined ten thousand dollars for not turning in trip
8 tickets on time?

9 LARRY RYAN: Yes, sir.

10 JOE SPRAGGINS: The amount of time that you were
11 given is what, sir?

12 LARRY RYAN: Six months.

13 JOE SPRAGGINS: And you are asking to give you
14 maybe ten months, or twelve months?

15 LARRY RYAN: Just give me until the summer
16 months.

17 KIM PAPANIA: If I can, the statute allows for
18 the Commission --

19 COMMISSIONER BOSARGE: (Interposing) Can you
20 speak into the mike, please?

21 KIM PAPANIA: Yes.

22 Under Statute 49-15-415, the statute allows for
23 the Commission -- the words are if the judgment is not
24 paid within forty-five days, or within such additional
25 time as the Commission may allow.

1 You are allowed to do that under the statute.
2 That is up to you.

3 However, it also goes on to say that if you are
4 not willing to do that, I am allowed to file for an
5 enforcement on your behalf in Chancery Court. That is up
6 to you.

7 I just want to remind you that he did have a ten
8 thousand dollar fine. That fine was actually thirty-eight
9 thousand, but the Administrative Penalty maximum is ten
10 thousand, and that amount was based on the amount of
11 pounds that were in violation by Mr. Ryan.

12 COMMISSIONER BOSARGE: Correct, and just so we
13 clarify. He broke no fisheries laws.

14 You didn't file a trip ticket. You didn't
15 report your landings on a trip ticket.

16 KIM PAPANIA: Yes, and this was in regards to
17 the Spotted Seatrout violations that were brought in front
18 of the Commission on October 16th.

19 COMMISSIONER BOSARGE: Yes, ma'am. I'm aware of
20 that.

21 SANDY CHESNUT: I would like to point out that
22 it was a violation of the Commission regulation which is
23 allowed to go before Administrative Penalties as well as
24 criminal court, as far as the violation.

25 Procedurally, Mr. Ryan's request is not timely

1 because he should have filed a Petition for
2 Reconsideration from that decision to get the extra time.

3 If there are extenuating circumstances that have
4 kept him from being able to pay on that fine from the time
5 of October until January, the Commission can consider that
6 and extend that time.

7 COMMISSIONER BOSARGE: All right. Yes, Mr.
8 Ryan, I think you were fined plenty enough, and I will
9 make the motion that we give him the six months extra to
10 get you into the summer to pay your fine.

11 LARRY RYAN: Thank you.

12 COMMISSIONER GUESS: I'll second the motion.

13 SANDY CHESNUT: Are you saying six months from
14 today?

15 COMMISSIONER BOSARGE: Yes, ma'am.

16 SANDY CHESNUT: Okay.

17 COMMISSIONER BOSARGE: We have a motion and we
18 have a second.

19 JOE SPRAGGINS: My problem is you are giving him
20 six months from today, and he had six months from what
21 date?

22 KIM PAPANIA: October 16th.

23 JOE SPRAGGINS: I think he is asking for six
24 months more.

25 LARRY RYAN: Six months from now is fine.

1 JOE SPRAGGINS: Okay. That is just going to
2 take you to June.

3 LARRY RYAN: That's fine. That just gives me a
4 little bit of leniency through the winter.

5 KIM PAPANIA: So six months from today?

6 COMMISSIONER BOSARGE: Yes, ma'am.

7 LARRY RYAN: That's fine.

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

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

12 COMMISSIONER BOSARGE: Motion carries.

13 LARRY RYAN: Thank you.

14 COMMISSIONER BOSARGE: Thank you, Mr. Ryan.

15 SANDY CHESNUT: Also to clarify, is Mr. Ryan
16 required to set up a payment plan, or can he just come in
17 and pay that any time within six months from today?

18 He can wait until May.

19 COMMISSIONER BOSARGE: I think basically we gave
20 him six months. If he doesn't have it paid at the end of
21 six months, then, he will seriously be in trouble.

22 LARRY RYAN: That's fine.

23 SANDY CHESNUT: Then, it will go to the Attorney
24 General's office for enforcement.

25 LARRY RYAN: Okay.

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SANDY CHESNUT: Okay. Thank you.

COMMISSIONER BOSARGE: All right. Public
comments.

Do we have any other public comments?

(No response.)

COMMISSIONER BOSARGE: Do I have a motion to
adjourn?

COMMISSIONER DANIELS: I'll make that motion.

COMMISSIONER BOSARGE: Second for that motion?

COMMISSIONER GUESS: I'll second it.

COMMISSIONER BOSARGE: All those in favor aye.

(All in favor.)

COMMISSIONER BOSARGE: Meeting adjourned.

(Whereupon, at 1:15 o'clock, p.m., the January
15, 2019, meeting of the Commission on Marine Resources
was concluded.)

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C E R T I F I C A T E

I, Lucille Morgan, Certified Shorthand Reporter, to hereby certify that the above and foregoing is a true and correct transcript of the January 15, 2019, 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 cause.

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