COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, February 19, 2019
9:00 a.m.
Bolton Building Auditorium
1141 Bayview Avenue
Biloxi, Mississippi 39530

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Commission Members:

Steve Bosarge, Chairman
Ronald Daniels
Richard Gollott
Natalie Guess
Mark Havard

Also Present:

Joe Spraggins, Executive Director DMR
Sandy Chesnut, Esq., Assistant Attorney General

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Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788
COMMISSIONER BOSARGE: I would like to call this meeting to order and welcome everybody to our regular scheduled February meeting of the Commission on Marine Resources.

I would like to ask Executive Director Spraggins to lead us in the Pledge of Allegiance.

(Pledge of Allegiance was recited.)

COMMISSIONER BOSARGE: Now, we will take just a moment of silence to reflect on where we are in this great country of ours today.

(Moment of silence observed.)

COMMISSIONER BOSARGE: Thank you.

Next up on the agenda is approval of minutes. We've got quite a few minutes to approve.

Ms. Chesnut, do we need to do these individually?

SANDY CHESNUT: Yes.

COMMISSIONER BOSARGE: We have had some changes to the minutes and some updates, and Ms. Chestnut has put those actually out for all the Commissioners to see and did a heck of a job.

I had gone through them myself, and I told her I had quite a few sticky notes where I made changes, but she went through and actually listened to the audio and did a good job of getting things they way they need to be.
With that being said, do we have a motion to approve the minutes of the December 18th meeting as amended?

COMMISSIONER GOLLOTT: Mr. Chairman, I will make the motion for December the 18th.

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

COMMISSIONER HAVARD: I’ll second the motion.

COMMISSIONER BOSARGE: We have a motion and a second.

All those in favor aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed like sign.

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

All right. Next up is the approval of the special session minutes from December the 3rd. We have had some changes to those also and they have been posted. Do we have a motion to approve those minutes as amended?

COMMISSIONER HAVARD: Mr. Chairman, I’ll make a motion that we approve the minutes as amended for the meeting December the 3rd.

COMMISSIONER BOSARGE: All right. We have a motion.
Do we have a second for that motion?

COMMISSIONER GUESS: I'll second it.

COMMISSIONER BOSARGE: We have a motion and a second.

All those in favor aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed like sign.

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

Next up is the approval of the special session minutes for December the 12th.

Ms. Chesnut, were there any changes to those minutes?

SANDY CHESNUT: I don’t believe there were. I didn’t bring the minutes with me, but I do not believe there were any changes.

COMMISSIONER BOSARGE: That’s what I remember.

Approval for the minutes of the special session meeting for December 12th, do we have a motion?

COMMISSIONER HAVARD: I’ll make a motion that we approve the minutes for the special session meeting of December 12.

COMMISSIONER BOSARGE: All right. We have a motion.

Do we have a second for that motion?
COMMISSIONER GOLLOTT: I'll second it, Mr. Chairman.

COMMISSIONER BOSARGE: We have a motion and a second.

All those in favor aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed like sign.

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

COMMISSIONER BOSARGE: Approval of the minutes of the January 15th meeting.

I'm going to have to ask Ms. Chesnut one more time. Were there any changes to those?

SANDY CHESNUT: There were some changes, but they have been updated as well on the website.

COMMISSIONER BOSARGE: Okay. So do we have a motion to approve those minutes as amended?

COMMISSIONER GUESS: I'll make a motion.

COMMISSIONER BOSARGE: All right. We have a motion.

Do we have a second for that motion?

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

COMMISSIONER BOSARGE: All those in favor aye.

(All in favor.)
COMMISSIONER BOSARGE: Opposed like sign.
(None opposed.)

COMMISSIONER BOSARGE: Motion carries.
One more. Approval of the special session minutes from January the 24th.

Do we have a motion to approve those minutes?

COMMISSIONER GUESS: I'll make a motion.

COMMISSIONER BOSARGE: We have a motion.

Do we have a second for that motion?

COMMISSIONER HAVARD: I'll second the motion.

COMMISSIONER BOSARGE: We have a motion and a second.

All those in favor aye.

(All in favor.)

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

COMMISSIONER BOSARGE: Motion carries.

All right. Thank you.

Next up will be approval of the agenda.

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

JOE SPRAGGINS: I would like to, if you don’t mind, look at K-2 which is Gear Task Force and it from that point, and, then, move it to K-9, if we could, at the end.
COMMISSIONER BOSARGE: All right. So we are going to take K-2, delete it and create K-9 Gear Task Force.

JOE SPRAGGINS: Yes.

COMMISSIONER BOSARGE: All right.

Do we have a motion for that?

COMMISSIONER GUESS: I'll make the motion.

COMMISSIONER BOSARGE: All right. We have a motion.

Do we have a second for that motion?

COMMISSIONER HAVARD: I'll second the motion.

COMMISSIONER BOSARGE: We have a motion and a second.

JOE SPRAGGINS: Rather than move all of the numbers. We will just do that.

COMMISSIONER BOSARGE: We have a motion and a second.

All those in favor aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed like sign.

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

Next up is the Executive Director's report.

JOE SPRAGGINS: Yes, sir. I tell you what it has been a busy month. Just to give you a little bit of
update, I spent the first part of the month in Washington, D.C., visiting with the congressmen and senators from the five states. Had some outstanding meetings.

One of the things that came out of the meetings that I think is going to be great for everything in the long run, if we can get it approved, is that they are working on putting aquaculture as the same as agriculture to the point to where if you grow oysters on the bottom and you have your own private lease, or if you grow them off bottom, then, we can have insurance for it. It would be crop insurance.

I think that would be a great thing that we could do because they did make a rule that says aquaculture is not fishery. So, by that, we were able to change some things around.

Wonderful meetings, and I just wanted to let you know that it did work out good.

In Jackson, it has been pretty busy. I will give you an update on it in a few minutes, but, before we get to that, I promised you we are working on that Peer Review Committee, and we are going to get you a briefing on it in just a few minutes.

Before we do that, I wanted to give you an update on any new employments.

If we could bring that up on the screen. For
some reason, or another, our screen is not showing out there.

Next slide. That’s our two new employees that we have hired under contract.

Next slide, please. If you will look at it here, we have a couple of things. In fisheries, those are the employees that we are looking at, and, then, look below that and you will see a couple of reverse auctions. One of them is for some JEA boats that are being paid for by JEA. We did a reverse auction, and were able to come up with a low bidder for that.

If you will look at the next one below there, it is another reverse auction that was done, and it is for a boat for fisheries for artificial reef.

Once again, all three of these boats were done by reverse auction.

Then, if you go to the next page, we have five hundred and fifty thousand for two boats. These were done with reverse auction, also. They are being paid for by FEMA through a grant. This is our Port Security.

Am I right, Chief?

KEITH DAVIS: Yes, sir.

JOE SPRAGGINS: That is for our Port Security over Pascagoula and Gulfport. Two big vessels that we are going to be able to buy for that.
Most of the funds are being paid for out of a grant from FEMA, and we are matching some of the Tidelands funds to it.

COMMISSIONER BOSARGE: I guess, just for the benefit of everybody here, could you describe for us that process of reverse auction?

JOE SPRAGGINS: Yes, sir. It is kind of new. It is something that senator folks put in out of the state about a year ago.

What it amounts to is that you go out and you ask people to give you a bid. Just say that you wanted to buy a boat and you ask them to give you a bid. You describe the boat and tell them to give you a bid on this boat.

We take all the bids.

Rick, don't let me mess this up wherever you are.

We take all the bids.

As a matter of fact, wait. Before I do this, why don't I get the contracting officer?

Rick, where are you?

Come to the mike. I don't want to mess this up.

COMMISSIONER BOSARGE: I was just curious and wanted to make sure everybody kind of knew the process.

RICK KINNARD: Like the general was saying --
COMMISSIONER BOSARGE: Turn the mike on, please.

RICK KINNARD: Is that on?

COMMISSIONER BOSARGE: Yes.

RICK KINNARD: Like the general was saying --

COMMISSIONER BOSARGE: (Interposing) Put it a little closer to you where everybody can hear, the mike.

RICK KINNARD: Better?

COMMISSIONER BOSARGE: Yes. You’re getting there.

RICK KINNARD: Like the general was saying, we solicit for bids. Whoever is going to bid on it brings bids in to us. We take an average of those prices that they have bid. We go into the MAGIC system, the State system. They have to register with MAGIC, the whole process with that. Then, what they do is go in an auction, except it is going down instead of up.

That’s what it is.

JOE SPRAGGINS: What it amounts to is these bids are not opened. They don’t know what each other bid until afterwards.

Right?

RICK KINNARD: Yes, sir.

JOE SPRAGGINS: There is an average, and it cannot go above the average, but it can go below the average. So you can turn around and bid lower than the
next person.

This goes on for how long?

RICK KINNARD: We generally do it for about twenty minutes. We set the auction for about twenty minutes.

Depending on what the commodity is, we can actually -- my staff and I will go out and do market research. Regardless of what they actually bid, we can set the price at what we deem as the market says it should be because a lot of times, of course, they are going high.

COMMISSIONER BOSARGE: It kind of sounds almost like I see the freight people and they are on line bidding on the price together.

RICK KINNARD: Exactly. That’s it in a nutshell.

JOE SPRAGGINS: Yes. It has worked out very good for us. We, first, had a lot of hurdles to get over because it was tough.

Now, certain things do not have to be reverse auctioned.

Is that correct, Rick?

RICK KINNARD: Correct.

JOE SPRAGGINS: Could you give that just real quick?

RICK KINNARD: We generally reverse auction
commodities, not services.

JOE SPRAGGINS: Mainly what we do, anything that is going to be over fifty thousand dollars, that we know that the price will be at least fifty thousand plus, we do a reverse auction on it, so it makes it work out pretty good.

It is just another checks and balance.

COMMISSIONER BOSARGE: All right. Thank you, sir.

JOE SPRAGGINS: As you see there at the end, we’ve got aquaculture. We’ve got a request out for someone to take a position there. It will be coming up very soon. We don’t have it filled, at this time.

That gives you just a little bit of an idea of what is going on in the contracting world. We are buying a few new boats, but they are all being done by the procurement process that they go through a reverse auction which gives everybody an equal shot.

Next up on the agenda on that, I think we have Sandy wants to talk to you about a Peer Review Committee.

COMMISSIONER BOSARGE: It’s Kim.

KIM PAPANIA: Yes, sir.


KIM PAPANIA: That’s okay.

Good morning Commissioners, Director Spraggins,
Ms. Chesnut.

I'm just going to summarize for you the PEER Review Committees that were proposed I think by Commissioner Bosarge.

First we have the Financial Review Committee. The proposed members are going to be Steve Bosarge and Mark Havard. The purpose of this committee is to review the financial status of the MDMR. The committee will review monthly reports, yearly audits and conduct periodic meetings with the MDMR Executive Director to assess the agency's financial stability and that expenditures on programs and facilities are adequately justified and that the expenditures further the policy of the state as it related to management of marine resources and coastal wetlands.

Next we have the Contract Review Committee. The proposed members are Mark Havard and Natalie Guess. The purpose is to review the contracts with a value in excess of ten thousand dollars entered into by the MDMR. The committee will review monthly reports, yearly audits and conduct periodic meetings with the MDMR Executive Director to assess whether the contract is adequately justified and was not inappropriately awarded to a family member, or business associate of MDMR employees, or awarded as a result of the undue influence from elected, appointed, or
public figures.

Next we have the Program Review Committee. The proposed members are Richard Gollott and Ronnie Daniels. The purpose of this committee is to review MDMR land acquisition and land management programs of the MDMR. The committee will review biannual reports and conduct periodic meetings with MDMR Executive Director and assess whether the established programs have justifiable criteria for identifying properties for inclusion in the programs and provisions for long-term management of properties acquired.

The committees will meet twice a year, called by the MDMR Executive Director, or at other times as deemed necessary by the Commission, or the Director.

COMMISSIONER BOSARGE: I have had just a little chance to kind of look at this and look it over, and I like a lot of what you had. Some of it I had some issues with.

In there, basically, you spell out which reports that we can actually see. I have a slight problem with that in that I don’t think there needs to be a limit as to what we can look at.

The other issue I have with it is if you go back to your last slide, basically, it says that the meetings will be called by Director Spraggins. I have a problem
with that in that I think that the committee should be able to.

In other words, if you had somebody come forward that has an issue that you want to look at to see if there is a problem there, then, I think it should be the committee calling the meeting and giving the Director a specified amount of time to let him know that we want to call a meeting.

In other words, if it is an oversight committee, I don’t think that the person that is in charge of the organization needs to be the person calling it.

See what I’m saying?

Maybe Ms. Chesnut and I can work towards refining this a little bit further.

SANDY CHESNUT: Certainly. We absolutely can.

Another thing you might want to consider is if we want to add this to the handbook, we would need to go through the process to update the handbook anyway, and there are some other changes that probably need to be made to the handbook. So we could present those at the next meeting for amendments to the handbook.

COMMISSIONER BOSARGE: I agree. I think there are some things we do need to change in the handbook.

Is that okay with you, Kim?

KIM PAPANIA: That’s fine.
COMMISSIONER BOSARGE: Thank you.

JOE SPRAGGINS: All right, sir.

Any other questions on that?

(No response.)

JOE SPRAGGINS: If not, we will move to the next thing, and it is Repeal of Title 22, Part 20, Chapter 21, Paragraph 105, an update from legal.

SANDY CHESNUT: There was a motion made at the January meeting to repeal Title 22, Part 20, Chapter 21, Paragraph 105 only.

I represented to the Commission then that it wouldn't be a problem to repeal that paragraph only immediately. However, we consulted with the Secretary of State's office and they advised that the repeal would not be immediate as I had advised the Commission. They advised that the repeal had to go through the Notice provisions and the final repeal would not be effective for a minimum of sixty days.

Based on the discussion we had during the January meeting, I represented to the Secretary of State's office that we would be filing a new regulation after the February meeting. They explained that it would be better to wait until the new language was ready. They could just go ahead and substitute that language in February, so we that wouldn't have two overlapping rules out. One out for
repeal, and, then, the other out for Notice of Approval.

I contacted Mr. Bradley a couple of times during the month asking him to send his proposed language, and he advised on, I think it was February 5th, or 6th, that he needed more time.

We don’t have a Notice of Intent before the Commission, as you had requested at the January meeting.

In order to deal with this, I have tried to come up with some options. One would be to set a time limit for the petitioner to submit his proposed language, and, then, use your statutory authority under 49-15-304 to grant an exception to that regulation, to that paragraph of that regulation for as long as you want to give the petitioner time to submit his proposed language.

Then, if the petitioner fails to submit the proposed language in the time frame you set, you can again consider the alternative language that I presented at the January meeting.

COMMISSIONER BOSARGE: All right. You know, looking back and trying to recall what we actually did, I think, as you stated, the will of the Commission was to repeal this Title 22, Part 20, Chapter 21, Paragraph 105.

SANDY CHESNUT: Yes.

COMMISSIONER BOSARGE: you know, I can understand how they probably don’t want two separate sets
of language overlapping, but, at the same time, I think the will of the Commission at that point was however long it took to go ahead and repeal that language.

SANDY CHESNUT: Well, when I looked back at the minutes, it was obvious that you wanted something before you at this meeting.

COMMISSIONER BOSARGE: Correct.

SANDY CHESNUT: So we don’t have that like we thought we were going to.

COMMISSIONER BOSARGE: Well, then, I guess, to me the update would have been where are we in the process of repealing this.

In other words, is that process ongoing now?

SANDY CHESNUT: No, it’s not because they advised that so that we would not have two overlapping regulations out there, to just go ahead and substitute the ones we were going to have in February.

Like I said, there is a way to deal with this without having overlapping regulations on the books. You can make the order that you want in that paragraph for a set period of time, and, then, we can have that time and we can do the new regulation. We can have the new regulation out on notice, during that time period.

COMMISSIONER BOSARGE: And, then, this all comes back possibly to, I think it’s Administrative Procedures.
Correct?

SANDY CHESNUT: Yes.

COMMISSIONER BOSARGE: I see Mr. Bradley. This was his Petition for Reconsideration.

Do you want to address this, Mr. Bradley?

RYAN BRADLEY: Yes. Good morning Commissioners.

Ryan Bradley, Director of Mississippi Commercial Fisheries United.

I was under the impression that when I presented this last that we were in agreement that if y’all moved to repeal this, this ended my Petition to Reconsider and by y’all voting on that and approving that vote, that this regulation that we were challenging in that Petition to Reconsider would be repealed.

We are kind of saddened to learn that that has not been done, so we would urge the Commission to proceed with repealing the regulation, that you vote to repeal.

Let’s get it done, and, then, let’s work towards looking and seeing if we can’t come up with some better language here.

I was looking through some of the statutes and I had seen an opinion from the Attorney General that says that the CMR does not have the authority to levy administrative fines and to suspend, or revoke, fishing licenses.
I don’t know how current that is, or what that is about, but reading back through the minutes as all of this transpired, I didn’t see a real will of the Commission that was pushing this particular regulation.

I’m not quite sure where it came from, but I didn’t see where the Commission was driving this particular regulation.

Furthermore, there was a bill introduced in the legislature this session and it was House Bill 1260 and this bill, it gave the Commission this authority to revoke these permits, endorsements, or similar provisions

So I really question does the Commission have the authority to even promulgate this type of regulation. It is not specifically given that authority in State statutes and I wonder why we are promulgating looking at legislation to give y’all that authority.

Maybe they passed this this year and maybe you do have the authority to do this, but it is not real clear to me right now, does the Commission even have that authority.

Again, we would recommend that the Commission proceed with the full repeal and, once it is settled, then, we will proceed with looking at coming up with some better language for this type of regulation.

COMMISSIONER BOSARGE: Right now, the way I see
it is that the Commission asked for this to be repealed.

Unless somebody wants to make a better suggestion, I suggest that that is the course we need to take.

JOE JEWELL: I am going to try and provide a little clarity.

COMMISSIONER BOSARGE: Go ahead, Joe.

JOE JEWELL: As y’all recall, back at the October meeting, this is where this language change to Paragraph 105 occurred for final adoption.

It became effective, I think, November 15th, or 16th, and, then, the Petition for Reconsideration followed, and, then, we marched up to January.

Now, as Sandy described to y’all, you really only have two paths forward right now, but they will cause their own unique issues.

The Commission has already voted to repeal this, but what Sandy is trying to tell y’all is in order to do this, you are going to have to follow the Administrative Procedures process which essentially will take that language out and put it where it was before the October meeting, and that will take sixty days.

Through the administrative process, if there is a discussion and an agreement as to what penalty matrix, or whatever it is that is on the table, you could actually
do that quicker than having this done.

COMMISSIONER BOSARGE: I agree, Joe.

This is kind of where I’m at on it. This Administrative Procedures, I’m not an attorney, but the more I dig into it the more I learn and the more I see, I’m not sure I’m okay with what we did.

In my opinion, we need to repeal what we did, and, then, this group come back and look at this again and see if we really need to go down this path.

You see what I’m saying?

JOE JEWELL: I do and, Counselor Chesnut, please correct me.

A repeal is a little bit different than actually diverting back to the language. It might be more efficient if the Commission adopts a motion to put the language back to where it was originally because the repeal process, I don’t think it available for you.

Is that correct, Sandy?

SANDY CHESNUT: It was very complicated in the Secretary of State’s office.

What I would like for the Commission to do is make a motion stating their will. We will live by that motion and we will figure out how to get the rule repealed.

JOE JEWELL: If the Commission decides to go
back to what the original language was, we can provide some documentation to start that process today, if y'all vote on it.

COMMISSIONER BOSARGE: And when you say what the original language was?

JOE JEWELL: Well, the adopted language that occurred in November when it became effective said that the Commission can consider repealing, or canceling, endorsements.

The language before that didn’t have that. You could make a motion to revert the language back to prior to the November adoption of the final language included in Paragraph 105.

JOE SPRAGGINS: Joe, if I’m not mistaken, the endorsement was the endorsement only. It didn’t have anything to do about licenses, or anything else.

JOE JEWELL: Not licenses.

JOE SPRAGGINS: It was just the endorsement of speckled trout.

Right?

SANDY CHESNUT: It was those things that are granted under our statutory provisions for -- in the commercial industry.

JOE JEWELL: I guess -- and I’m going to defer to counselor Chesnut -- if the Commission's will is to
back with the way the document read before November, I think a motion by the Commission will do that.

    COMMISSIONER BOSARGE: I think the will of the Commission is to take this back to the point to where it began, not just where it was in November.

    You see what I’m saying?

    JOE JEWELL: The original language.

    COMMISSIONER BOSARGE: No. In other words, to take this totally out of the regulations to where we could go back and visit this again and see if this Commission feels that we have the authority and the wherewithal to enact, or to take somebody's endorsement, or tags.

    See what I'm saying?

    JOE JEWELL: Okay. Then, I think I'm going to agree with counselor Chesnut. We can start that process today, if the Commission votes on it.

    COMMISSIONER BOSARGE: That’s fine.

    JOE JEWELL: You just have to tell us exactly what you want to do because what I think I heard you just say is you want to delete Paragraph 105 altogether.

    COMMISSIONER BOSARGE: Correct. Repeal it. That’s what I want.

    SANDY CHESNUT: You want that to go out on Notice of Intent?

    COMMISSIONER BOSARGE: Yes, ma'am, if that's
what it takes.

SANDY CHESNUT: Okay. It won’t be effective for sixty days.

COMMISSIONER BOSARGE: That’s fine. That’s fine. The wheels of government turn very slow.

JOE SPRAGGINS: Sir, may I add, too, it is up to y’all, but during that sixty days, there are no penalties out there that we know of right now.

Unless y’all enforce a penalty between now and the sixty days, the sixty days is just a number that we are looking at, and that is the only thing that you have to worry about.

COMMISSIONER BOSARGE: All right.

JOE JEWELL: So I guess the motion for Notice of Intent would be to delete Paragraph 105 in Title 22, Part 20, Administrative Penalties, Chapter 21.

Is that correct?

COMMISSIONER BOSARGE: Correct.

SANDY CHESNUT: To put that out on Notice of Intent.

Correct?

COMMISSIONER BOSARGE: Yes.

SANDY CHESNUT: Okay.

COMMISSIONER BOSARGE: So I will make the motion, and Joe says it. I’m not going to try to say it
again.

JOE JEWELL: I will say it again.

The motion is for Marine Fisheries staff to go out for Notice of Intent to delete Paragraph 105 from Title 22, Part 20, Chapter 21.

COMMISSIONER BOSARGE: Correct.

RYAN BRADLEY: I just want to clarify. I think there is also language in Paragraph 104. If we just repealed 105, deleted 105, there is still language in 104. So this wouldn't be a full repeal. I want to make sure we are clear on that.

COMMISSIONER BOSARGE: And what is in 104?

JOE JEWELL: Well, 105 is what the Commission modified in November of last year.

RYAN BRADLEY: One second. Let me check here.

SANDY CHESNUT: If we are going to go further than 105, we are going to need to bring it back at the next meeting for Notice of Intent.

COMMISSIONER BOSARGE: All right.

RYAN BRADLEY: One second.

COMMISSIONER BOSARGE: I will make the motion.

Did you get it from what Joe said?

SANDY CHESNUT: Are you referring to the motion pertaining to Paragraph 105?

COMMISSIONER BOSARGE: Yes, ma'am.
SANDY CHESNUT: Okay. Yes.

COMMISSIONER BOSARGE: I will make the motion.
Do we have a second for that motion?

COMMISSIONER GOLLOTT: Excuse me, Mr. Chairman.
I am a little confused on this.
Would you kind of explain what we are doing here
and what it is for briefly, please?

COMMISSIONER BOSARGE: Yes, sir.
What we are doing is it has gone on here for
quite a few meetings where we and that is the Commission
voted to give ourselves the authority to revoke
endorsements, tags and whatever else it was.

COMMISSIONER GOLLOTT: Licenses.

COMMISSIONER BOSARGE: Correct, and if you look
back -- anyhow, that authority, in my opinion, does not
need to be within the realm of this five member panel. We
are doing what the courts normally do.
You see what I’m saying?
This is my opinion. I can’t go any further than
that, but I don’t feel we here -- we might not all agree.
I don’t.

Anyhow, I think that the business of making
decisions such as this, that affect people’s lives should
be left to somebody with the education to make those
decisions. That is the problem I have with what we did.
SANDY CHESNUT: I do want to clarify.

Commissioner Gollott’s question was whether that pertained to licenses. That does not pertain to licenses.

COMMISSIONER BOSARGE: Does not pertain to licenses.

SANDY CHESNUT: That only pertains to those regulatory programs that the Commission has authorized. You do have the right to revoke licenses under statute, though.

COMMISSIONER GOLLOTT: I will second your motion, Mr. Chairman.

COMMISSIONER BOSARGE: All right.

COMMISSIONER HAVARD: Before you vote on this, I would like to see the staff come back with some recommendations for what kind of language to put in place.

We have already gone these steps to make this --

COMMISSIONER BOSARGE: (Interposing) Well, that’s what the staff has done, and the staff has come back and she had some recommendations up on the portal, but I haven’t been able to get back to them where she talks about first offense and second offense and third offense and what you could do under those offenses.

Once again, this is not a court of law.

Do you feel like you have the authority and expertise to be able to rule on something like that?
COMMISSIONER HAVARD: I do think that we have the authority to give the license, to approve somebody for the license.

Correct?

COMMISSIONER BOSARGE: Well, we set the standards, or the qualifiers for the license.

COMMISSIONER HAVARD: I just feel that there are modifications that can be done.

I agree that there should be a matrix, a penalty matrix.

COMMISSIONER BOSARGE: Once again, I will go back to Ms. Chesnut on this.

If we go there and somebody does first offense and it doesn't really state what that offense could be, that offense could be no life jacket and it goes all the way and we revoke somebody's endorsement, tags, or whatever.

If you are in a court of law, there is always an appeal process.

SANDY CHESNUT: There is an appeal process in this procedure as well, and you do have five Commissioners up here voting and deciding whether they are going to revoke someone's tag, or endorsement, for a life vest.

The language that I presented also said that they were related to the program and the suspensions would
only be taken during the season in which they were fined for that particular program. It is tied to the program and there is an opportunity for appeal.

COMMISSIONER BOSARGE: And, once again, if you go back to -- you work for the Attorney General’s office and, at one point, the Attorney General made the opinion that we don't need to be in this business.

Correct?

SANDY CHESNUT: I would have to look at that Attorney General’s opinion. I think that was an old opinion, and I think they have changed the law since then, but I can't comment for sure because I don't have that in front of me.

COMMISSIONER BOSARGE: Here is it, if you want to read it.

(Document handed to Sandy Chesnut by Commissioner Bosarge.)

SANDY CHESNUT: Do you want to recess for fifteen, or twenty, minutes and give me time to look at this?

COMMISSIONER BOSARGE: Yes, ma’am, we can take a --

COMMISSIONER GOLLOTT: (Interposing) Instead of taking a recess, can we just skip over it and go to another item?
We've got so many items. We will be here all day.

COMMISSIONER BOSARGE: All right.

Would that be okay with you, Ms. Chesnut?

SANDY CHESNUT: Certainly.

COMMISSIONER BOSARGE: All right. So we will table this issue and move on.

JOE SPRAGGINS: Yes, sir. We've got one more thing on the Executive Director’s report, and, then, we can come back to that, if you would like.

First off, if you notice, there is a sign outside that says “No Weapons Allowed In Here”.

If a lot of you are like me, you have always carried a knife all of your life, but, please, they are not allowed in here. That is a State law. It has nothing to do with the CMR. That is a State law and the State building, so no guns, or no weapons, or anything.

If you accidently have one on you right now, feel free to do one of two things. You can give it to one of the Marine Patrol officers to hold it for you, or whatever, or, number two, you can take it and put it in your vehicle, or something like that.

I hate to do this, but that is part of the law.

COMMISSIONER BOSARGE: I don’t know many commercial fishermen that don’t carry a pocket knife.
JOE SPRAGGINS: I don't know either, sir, and I'm sorry, but that is just the law.

COMMISSIONER BOSARGE: I never leave home without mine.

JOE SPRAGGINS: If we can -- somehow or another my slide just flipped over. I don't know what happened here, but I wanted to give you an update. Here is an update of what is going on in Jackson. This is just for y'all.

The Exempt Fishing License Records from Public Records Act died. It is dead, so we don’t have to worry about that.

The Artificial Reef 5 Year location exemption for public records act, it died also.

The Commission Authority to revoke/suspend regulatory program requirements, it also never came out. It never made it out of any bill, or anything. It never got printed.

Commission Authority to revoke/suspend license for unpaid fines died in both committees.

Those are the ones that died there that you will see and, if you will look down a little bit further, you will see that the authority to redesignate natural/public oyster reefs passed the House and the Senate.

Now, they have both passed and they are...
different bills. One of them has different wording than
the other. So they will have to come together, or either
go to conference on that.

Marine Patrol Reserve Officers passed, so we can
now have Marine Patrol reserve officers.

If we move that forward, it died in the
committee and the Senate, but it passed in the House and
was transferred to the Senate.

Unmarked Vehicles for the Marine Patrol passed
in the House and transferred to the Senate.

The Marine Fisheries Increase Shell Retention,
it died in the House, but passed in the Senate. Now,
transferred back to the House. So we will see what
happens there.

They don't want to do anything right now with
raising fees. I can tell you that, and they are real
concerned about it.

Aquaculture established a new off-bottom
aquaculture license. It passed on the House floor and
will go to the Senate, also.

Those are the ones there, and, then, we've got
the Coastal Resources Wetlands Protection Act that died in
both committees.

We have a couple of non-DMR drafted bills, and
one of them was the Spotted Seatrout Set Open Season for
Taking by Net. That died. It never made it out of committees. So it is dead.

The Haul Seine Net, to prohibit use of taking within one-half mile of shoreline was modified. It passed the House and it passed on the floor of the House this past week and it was modified to read “Cat Island Only”. One of the things there was they had had it originally to say that it was any shoreline, but it is now Cat Island only. It has got to go to the Senate and it is up to them whether they pass it and move on.

The bonds to be issue for MDMR, I don’t know if y'all knew about that, but the City of Biloxi decided to send a bill up to say that we would increase our bond to fifty million dollars and, in turn, the money would go to them to build out Point Cadet Marina and we would pay for it in Tidelands. This is not a MDMR bill and, hopefully, we've got it killed in both committees. That is what we are doing the best we can, but don’t think we want to spend our money that way.

Then, operations of vessels in reckless or negligent manner, including wakeboarding restrictions, it passed out of the committee, but died on the House calendar. So I don’t think it is going anywhere else.

That is just an update, to give you an update of what the bills of MDMR, what is going on in Jackson.
Sir, unless Sandy is ready, that is the end of the Executive Director’s report, unless you are ready to go back to that.

COMMISSIONER BOSARGE: Ms. Chesnut, are you ready?

SANDY CHESNUT: No, sir. You can continue on.

COMMISSIONER BOSARGE: All right. We will continue on.

Next up will be Commissioners’ report.

Under that, we have Tarpon update from Dr. Jim Franks, Commissioner Mark Havard.

COMMISSIONER HAVARD: Mr. Jim Franks is going to come up and talk a little bit about Tarpon.

JIM FRANKS: I appreciate the invitation to come here today by Commissioner Havard.

Thank you Commissioners, General Spraggins, Counselor Chesnut.

We are pleased to be here today. Pleased to talk about some of the research that we are doing out at the Gulf Coast Research Lab in the Center for Fisheries Research and Development there on Tarpon, on this great fish that occurs in our local waters. Of course, you know that the Center and GCRL are a component of USM School of Ocean Science and Engineering, and it is a pleasure to be here today.
I think there is an advance perhaps, slide advance.

COMMISSIONER BOSARGE: We are not showing a presentation, Dr. Franks.

JIM FRANKS: No. It will be now. I had a black screen there so it would capture your attention.

As I said, we are very pleased to be here today. Just a bit about Tarpon, just very general information. It is one of the most highly respected and premiere game fish in the world. It occurs in the tropical, subtropical Atlantic Ocean.

The adults are seasonally migratory, and we experience that here off the Coast of Mississippi, and the juveniles are estuarine dependent.

These are big fish. They get up to over nine feet in length, can weigh over two hundred and eighty pounds. I think the existing world record is two hundred and eighty-six pounds which is a huge fish.

These fish can live to be seventy-five years old and their age at first maturity, the males mature about seven years of age and the females about ten.

Huge economic impact in the U.S. waters and recreational fishery. In Florida alone, it is estimated the Tarpon fishery is valued at about two billion dollars.
per year. From the Carolinas down the East Coast around Florida through the Gulf to Texas, an estimated five billion dollars a year in that recreational fishery of Tarpon alone.

Importantly, it is not a commercial fishery species of any interest in U.S. waters.

I wanted to share just a bit of this with you, the history of Tarpon fishing on our Coast here. I uncovered a lot of this, when I was rummaging around the Old Biloxi Library back in the day before Katrina, and I found a little gold mine of historic information on Tarpon.

There actually was a Tarpon Club in Pass Christian. It was out on Cat Island. This is 1929. There were Tarpon fish camps. There was a famous Tarpon hole off Pass Christian. There were Tarpon rodeos from the thirties through the fifties (indicating photograph).

In this article I found in the Sun Herald back in the day of the Daily Herald 1930:

“Large schools. Thousands of Tarpon in Mississippi Sound in the Bays. More Tarpon here than in any other section of the Gulf between Texas and Florida.”

It was just amazing and, if you look at the photographs, this first photograph on the left, that is
Captain Ernest Desporte. He was the lighthouse keeper out at Ship Island back in the day and, also, ran some boats between Gulfport and Ship Island.

That is in 1895. This is the first record of a giant Tarpon being caught in Mississippi Sound on rod and reel (indicating photograph).

This is a magazine some of you may be familiar with back in the day. It was very popular on the Coast. This couple here has just caught this large Tarpon off that pier on Biloxi beach across from Deer Island. That was in 1925 (indicating photograph).

Then, here was a great catch in 1938 in Bay St. Louis (indicating photograph).

The Tarpon were all in the Sound and up in the bays.

This is not a very great photograph here, but I found this. This fish was caught off the Biloxi Lighthouse in 1950.

So at one time, our waters were filled with large Tarpon, big schools of Tarpon roaming around the Mississippi Sound up in the bays and south of the islands.

That is certainly not the case today, as far as the large fish are concerned.

Here is another interesting picture. This young lady caught these two fish off the pier. It says off the
Old Spanish Trail which, of course, is Highway 90 off Biloxi. This is back in the 1930's and this was actually part of the Book of Fishes which was published in the thirties by the National Geographic Society.

There was a radical decline in the Tarpon population in Atlantic waters, including the Gulf of Mexico, including our waters. As this states here, there were multiple lines of evidence that the numbers have radically declined from historic levels and a particularly noticeable decline in the fish population in Florida since the 1960's.

Now, there are several factors that are believed associated with that decline, and I have listed them here (indicating slide).

Loss and degradation of nursery habitats which we are researching at this point and defining what really is nursery habitat for Tarpon in our waters.

There are perhaps some water quality issues.

Lot of fishing pressure in adjacent countries that harvest Tarpon for consumption. Mexico and some of the Caribbean countries still consume Tarpon and, of course, that is part of the big Atlantic stock, and, then, a reduction in those young fish coming out of the estuaries and the marshes. Recruiting for the offshore spawning population should begin there.
As a result of all this, Tarpon has been assigned a vulnerable status by the International Union of Conservation of Nature.

Importantly, there has never been a formal stock assessment of the Tarpon population conducted in any portion of species range and that includes the Gulf of Mexico.

Back in 2006, when we were informed by some local fishermen and folks out getting bait for trout, or whatever, that they were beginning to encounter some really small fish that looked like Tarpon up in these estuaries, particularly over in Jackson County and some over in Hancock County, we took a look at those fish and they were young Tarpon which was something that was foreign to us. We had very few records of any Tarpon being collected of this size in our Coastal waters.

So we began our survey at that point to better understand what was going on here and what this really meant, and most of this work has been funded through the Tidelands Trust Fund Program. We really appreciate that.

In recent years, we have made collections in various locations. We have over three hundred and sixty-eight collections of these young fish. Many of those were released alive.

We have to get into these backwaters to get
these young fish because that is their primary habitat. Have to use a cast net to get in there.

I want to just acknowledge my colleague, Pat Brown, who has done much of the work that I am presenting today and has helped with this presentation.

These are really great fish. They are usually two to fourteen inches in length. That is the range. They are less than a year old. We are collecting them from August through December with our sampling program.

This is the sort of habitat where we find these young fish scattered across the Coast with an inlet here out the Mississippi Sound winding back up in through the marsh. This happens to be in Gautier, and this is the back part of that particular tidal slough. It winds all the way back up to its dead end, and the Tarpon love these kinds of places, the young fish do. It is low in DO. They are fortunate to have an air bladder where they can actually aerial respiate which enables them to live in low DO conditions. There is plenty of prey for these little fish up in there and, even though they are small, they are sort of the big guys on the block up there.

I want to show you this, if we can activate this just a moment. This sort of indicates the kind of sampling we do and, when we go to these sort of backwater locations that young Tarpon prefer, what it looks like.
As you walk up to this particular location here, you see some flips in the water. We have learned over the years to recognize those as Tarpon flips, not mullet. The little fish are coming up to gulp air, and so, when we see that, we go ahead and throw the cast net and that is probably the biggest banana cast I have ever seen, but we are sort of limited to the area there.

This gives you an idea of what we are seeing. We are not only collecting one, or two, of these little guys in these tidal sloughs and these backwaters, those are all Tarpon in that net.

We would measure these, get our environmental data from that location to help us better understand the habitat, and, then, release a lot of these fish, but we do bring some back to the lab for studies.

You can see there is quite a range in there. There are some three, or four, inches long and some may be six, or eight, inches long. Beautiful fish.

Here is just a couple of graphs showing the length of these young fish here from about two inches up to about fourteen inches. The mean size here is about six inches, and we collect them from August through December, with the majority of our collections September, October and November.
We now are beginning to understand a little bit more about what we call the larger juveniles, and these are the fish that are two to three feet in length, three to four years old. We collect those in the spring, and, then, later in the year, and the locations where we found those are indicated by these red dots here, primarily in Back Bay up around Parker’s Creek, and, then, up Fort Bayou. These are beautiful fish that we have actually caught ourselves, and, then, the yellow dots indicate areas of reported captures of fish this size to us, so we are beginning to learn just a bit about these larger fish.

We have looked at the young fish. We think these are the fish that the younger guys have grown into and maybe have moved out of the marsh areas into deeper habitats, and so we are trying to better understand that movement and what those habitat requirements are for the larger fish that are three, or four, years old, indicating they have lived here at least three, or four, years in our estuaries.

Now, how did these fish get here?

Well, this is a Tarpon larvae. It is an interesting looking animal. It never gets anymore than about an inch in length. It is transparent and it can drift on the ocean currents for thirty, or forty, days before it encounters an appropriate habitat (indicating
This is something that has really been of interest to us. In trying to understand where these juveniles are coming from, when they first arrive as a larvae form, that is where some of our efforts are focused now.

To date, we have collected over a hundred of these young fish, by pulling this net here. It's a specialized plankton net. You pull it along the fringing marshes. One of our favorite location places, most productive is around Belle Fontaine, just off this Belle Fontaine Coastal marine preserve that is overseen by DMR. We found this to probably be one of our most productive Tarpon habitats on the Coast (indicating photograph).

By pulling that net along this fringing marsh here and along the beaches, we collected a number of those. They are never over an inch, about three-quarters to an inch in length. It is an amazing animal.

The interesting thing is we are collecting them in areas that are adjacent to the entrance ways into these habitats where the larger juveniles live.

These are the months that we have been collecting those leptocephali they are called. It is the name given the Tarpon larvae.

These little guys also they also have the
ability, once they begin to metamorphose to breath air, and we have actually raised some of these before at the lab. Very interesting to see that transformation.

We published this recently on the first occurrence of the Tarpon larvae in the Mississippi Sound estuary. This has not been known before.

The question is where were these little guys spawned?

Now, we have the larvae, we have the juveniles, we have the older juveniles that are up to three, or four, years old.

Where did those fish come from?

Well, the literature tells us that in Florida and Mexico, the Tarpon spawn offshore, way offshore, and we thought until recently maybe those are the only two places where Tarpon actually spawn.

If that is the case, how did they get here? Maybe on currents perhaps, but our work is leading us to think that perhaps these fish are spawned south of us here.

So we take these larvae Tarpon -- this is a blowup of one of the Tarpon heads and there is a little bone right here under the brain what is called an otolith. It is actually an ear bone, and we have used that over the years to age many species of fish.
When you have a catfish, a little catfish skull, you can rattle it and you hear the rolling around. Those are ear bones, and what we have learned if you take those ear bones, you section them, you look at them under a microscope, you can tell how many years old a fish will be, and that is very important for stock assessment and for management.

Well, in this case, we are able to tell how many days old these little guys are.

Here is an example of one of those micro otoliths under a scope. It is about the size of a pen head, and we have determined this is an example. This fish is about twenty-three days old.

What we have learned is the leptocephali, or the very earliest stages we are collecting now in the Mississippi Sound, those little fish range between nineteen and thirty-eight days old.

Now, that is important for something else I am going to tell you about here in a minute.

Now we know how old they are. Their ages seem to match and our collections seem to match the known literature of where actually we examined a couple of fish two, or three, years ago that were actually in spawning conditions in the northern Gulf. That was the first time that was reported that Tarpon were spawning actually in
the northern Gulf, and the ages of our larvae actually
matched the hatch dates that would have been reported from
our offshore collections, so it seems that our ages and
the time the Tarpon are spawning offshore in the northern
Gulf match up very nicely.

We are thinking that these young fish may come
from a spawning population south of us here rather than,
say, Mexico, or Florida.

Now, we are trying to look at that and better
understand that, by this process here, by using this
Northern Gulf Operational Forecast Model. This is a model
of the currents in the northern Gulf and in the
Mississippi Sound, showing the waters flowing into the
Sound.

If we can do this, it is a slow process, but it
will really give us an indication of the movements of the
water offshore and into our area.

When we do, we know the age of those fish, the
larvae, we know the collection dates and where they were
collected. We plug that information into this forecast
model and actually run it backwards. We hind cast from
day thirty-one. Say a fish is thirty-one days old, we
hind cast it through this model for a period of thirty-one
days, and it should give us some indication of where that
fish was spawned offshore. If that is the case, then,
this is the first time this has been confirmed as well.

It is possible that the source of our young fish that we see in our estuaries are coming from out here offshore south of us. If that is the spawning population, that is an important population of fish to be considered.

In order to better understand those adult fish offshore that roam through here every summer, we think they are the remnant population of those vast numbers that were here once before. We do know they show up in early summer south of Petit Bois, move across Horn and Ship over toward Cat and down toward the Chandelier Islands.

We want to know more about those big fish. This summer, this past summer with the guidance and the help of Captains Kyle Johnson, Jerry Mchugh and Mark McDonald -- they are here today -- we actually were able to go offshore south of Cat island, encounter some of these big fish and attach satellite trackers to four of them during August and September, and those tags, actually what they do is they record every five minutes data on the location, on the depth the fish is in the water column and on the temperature the fish is swimming in.

In other words, it is sort of an environmental gauge of where the fish is and what its preferences are.

We get the fish up to the boat which is not an easy task. I can tell you. These fellows are really good
at catching these big fish. We calm the fish down. We measure it.

This is the process here of inserting the satellite tag into the fish, and those tags are programmed to remain on these fish for certain periods of time, and, then, eject, float to the top and transmit that data to us by email.

It is really a microcomputer that we are putting on the fish to track their movements and their behaviors. We have plans to deploy two additional tags this summer.

These are great fish. The data that we have received from a few of these tags isn't as robust as we had hoped, but we are hoping that the longer-term deployments will give us a good indication of what these fish are doing once they leave our waters.

Do they return the following year, or, as we are beginning to believe, is there an offshore population here in the northern Gulf that may not migrate at all?

We may have an offshore population that spawns offshore and they are responsible for the fish we are getting, and that is to be documented yet.

Hopefully this information will be very informative to us, as we go forward.

In summary, we are showing that Mississippi
coastal estuaries provide the multiple type of habitats for Tarpon larvae and juveniles. We are not sure if this has occurred before. We don’t have much information locally in our literature. Our collections don’t indicate this has happened in prior years. This may be something that is new. We don’t know that. We would like to think there is some sort of recurrence of the population. We know now that the larvae collected in our waters were spawned during the summer, May and September, perhaps south of us here, and we are continuing our work to identify those offshore spawning locations using those satellite tags.

What I mean by inshore-offshore connectivity is the relationship between the big fish that migrate through here in the summertime, or come from offshore to us in the summertime, and the connectivity with the young fish that we are seeing offshore.

What is that connection?

Are our fish connected to an important spawning group of fish south of the islands in the summer?

We are continuing with our satellite tagging work. Our next steps, we really want to understand more about our young fish here in our local waters and are they actually contributing to this Gulf population, are they perhaps contributing to a resurgence of that population, a
recruitment into that population.

Things we would like to do as part of this, we would like to become engaged in some public outreach, by providing the public and our fishing public with the information on how to identify these young Tarpon because we know people get them confused. You might get them confused with a Skipjack Herring.

We think that is important, and we would like to know when those fish are caught and perhaps the local angling public could present that information to us, and we also would like to inform them of the best handling practices for successful release of those fish because there is no reason to keep these young fish.

Also, we would like to get information from the anglers on their catch and release of these Tarpon in our waters, particularly the young fish up in the estuaries.

Commissioner Havard asked that I show this slide. This is just a quick rundown of the management, the regulations currently for Tarpon in each state. You can read those yourselves.

As you will see, Mississippi currently has no regulations and neither does Louisiana.

We are sort of varied back and forth, but these are conservation efforts that should benefit the population, not only in their states, but also Gulfwide,
and the conservation considerations for this species is certainly warranted.

Acknowledgments to those who have been part of this study with us over the years, and we certainly acknowledge the Tidelands Trust Fund Program and others who have donated to this work, our Fisheries biologists who have spent time on this project and our captains I just mentioned a few minutes ago.

This is sort of an overview of our work. We are pleased with what we are learning. It is exciting for us and we think that as we learn about the significance of our local waters to the growth and survival of these young fish in our local waters, that that information is important as support for conservation of the species.

Thank y'all. I will try to answer any questions you might have.

COMMISSIONER HAVARD: Mr. Jim, I appreciate you coming and telling us about Tarpon that we have right here at home.

As you stated, back in the late eighteen hundreds, Mississippi could arguably be the second best place in the country to catch Tarpon.

JIM FRANKS: People came from all over the world to fish here.

COMMISSIONER HAVARD: And as we see by those
numbers, it was a huge economic impact up the East Coast and down into Florida currently.

    JIM FRANKS: That’s right.

    COMMISSIONER HAVARD: And there is really no reason we can’t have that here on the Mississippi Gulf Coast.

    As a sport fishing guide myself, that is one of the ultimate fish for guys to catch and they can obviously catch. It is just an awesome fish. It jumps out of the water, when you catch it. It is a pretty historic-looking animal. There are all kind of other interesting facts that go along with the Tarpon fish.

    I think it is vital that we start some protection, some conservation for these fish in our state. I hate that we are falling behind the rest of the Gulf states to put in some kind of regulation.

    At this time, I would like to make a motion for the staff, or the department, to come back with some recommendations for potentially some regulatory action.

    JIM FRANKS: Thank you, sir.

    COMMISSIONER HAVARD: I appreciate you guys coming out and taking your time.

    JIM FRANKS: Any questions?

    COMMISSIONER BOSARGE: Yes, sir. It looked like you put a lot of time into your presentation. I wish we
could have had it on our portal where we would have had a chance to look at it. Might have had a few more questions.

    I have spent a lot of hours on the water and, I guess, the only time I have really ever laid eyes on a Tarpon was in Florida and really not so much in the process of fishing. It is just around the docks.

    JIM FRANKS: Yes, sir.

    COMMISSIONER BOSARGE: And it seems to me like that -- I'm sure we have had a lot of Tarpon here, but I can only imagine what it was like in Florida before the population increases and when it was back in its natural life. There are still a lot of Tarpon in the State of Florida, more than I have ever seen here in Mississippi.

    Those are some mighty big creatures and some mighty old creatures, you know, seventy-five years.

    JIM FRANKS: It is amazing, isn't it?

    COMMISSIONER BOSARGE: It is. It is, and you have to take in mind that when you do take that seventy-five year old creature out, it took a long time for that fish to get that size.

    JIM FRANKS: Absolutely.

    COMMISSIONER BOSARGE: So, yes, I agree with Commissioner Havard. We probably need to look at what the rest of the states have done.
Since we've got you up here and you've got a pretty good -- I tried to check up just a little bit. I have known of you for a long time and I have seen a lot of things you have worked on.

We've got an issue coming up here that I would like to ask you a different question on.

We looked at what in this state, some of the different species where we don’t fall within the guidelines, the Federal guidelines, and one of them being shark.

I know you have done a lot of research on sharks and I'm sure that you would probably agree that this Mississippi Sound would be the nursery, a lot of the nursery for a lot of these different species of sharks.

JIM FRANKS: Oh, yes, our research, and we have some members of our shark team here today.

COMMISSIONER BOSARGE: Pardon?

JIM FRANKS: We have members of our Shark Research Team here today, and they spent a lot of time on that, and definitely the Mississippi Sound is a nursery for various species of sharks, yes, sir.

COMMISSIONER BOSARGE: And, you know, because I have been involved in a lot of Federal fisheries management plans and that’s my concern a lot of the times is that what we do as a state may affect the management
plan for Federal species.

JIM FRANKS: Oh, yes.

COMMISSIONER BOSARGE: And we have a -- on the state side, we allow to take the smaller sharks, and just to get your take on this, I mean, this is your area of expertise. You do this. You have done it all your life. Where do you stand on that?

In other words, because it is going to come here later on in this meeting, and I just want to get your opinion on it.

JIM FRANKS: You mean the catch of young sharks?

COMMISSIONER BOSARGE: Pardon?

JIM FRANKS: The capture, or the catch, of young sharks in our waters?

COMMISSIONER BOSARGE: Yes, sir.

On the Federal side, we are at fifty-four inches on a lot of sharks and in the state, we are at twenty-five.

JIM FRANKS: Honestly, I tell you I would feel better if those people who work practically on a daily basis on our shark research could address that far better than I could. That is my opinion.

COMMISSIONER BOSARGE: Well, I mean, you have been here so long, I’m sure you have done a lot of work on it.
JIM FRANKS: Well, I have, but I think you need to be conservative, but very open about how those sharks are managed. Those young fish are nursery sharks, but some of the young fish that we see, some of the young sharks that we see in our estuary such as the Sharpnose, some of those are not only juveniles, but they may be some adult fish as well, so the smaller fish are not only just juveniles, and each of those would need to be managed, I would recommend, based on the information we get on their life histories.

Each shark is different, has a different life history strategy, based on its size at maturity, and I think those factors should be evaluated when trying to determine what sort of size regulation should be placed on those fish.

COMMISSIONER BOSARGE: Do you feel that the Federal Government has done a pretty good job of doing all that research and setting those size limits?

JIM FRANKS: I think they have done a good job, yes.

COMMISSIONER BOSARGE: If we go against what the Federal Government says, then, we may have to kind of revisit that a little bit.

JIM FRANKS: Well, the states certainly have the prerogative based on the information that they have, that
you have before you, and our laboratory has a great deal of information I think that would be useful to you.

COMMISSIONER BOSARGE: Yes, sir. Okay. I'm sorry.

Who is this woman?

JIM FRANKS: And this is Jill Hendon. She is one of our shark people, since you mentioned that.

COMMISSIONER BOSARGE: We've got a long agenda, so we need to --

JIM FRANKS: (Interposing) Jill is the Director of our Fisheries center, so I would like to hear what she has to say as well.

COMMISSIONER BOSARGE: And your name again?

I'm sorry.

JILL HENDON: Good morning Commissioners, Ms. Chesnut.

My name is Jill Hendon, and I am the Director of the Center for Fisheries Research and Development at the Gulf Coast Research Lab part of the University of Southern Mississippi, and we have a pretty extensive shark research program that goes back several decades, and we have been sampling throughout the Mississippi Sound and just south of the Sound. So we are really hitting our coastal waters.

We have quite a bit of data that we can start to
look at to see where population statues stand currently, what the kind of projections are and what sustainability levels might be.

Currently at the Federal level, the sharks are managed in two different groups, a small coastal complex and a large coastal complex, and we have both species in our waters, but, instead of managing them as a complex, they are starting to look at the species individually because what we are finding is the life history characters for the individual species need to be taken into consideration to properly manage them.

As they start taking those steps to look at them individually, you will have better understanding of what needs to be done to manage a particular species.

Here in the Sound, by far one of the biggest nursery areas that we have on the Gulf Coast. It has got some of the greatest diversity. We are really unique with those barrier islands. So we've got some of the greatest species diversity anywhere right here in our waters.

I would say from our past survey work, seventy to seventy-five percent of the sharks that we encounter are juveniles and only very few are adults, and so fishing done in our waters is really affecting the juvenile population.

We can look further into this. I am a member of
the Mississippi Stock Assessment Panel with DMR, and this is something that we can definitely delve into.

COMMISSIONER BOSARGE: All right. Thank you.

JILL HENDON: Thank you.

JOE JEWELL: Commissioner Bosarge, I do want to make one final comment on the sharks. The Commission did ask us to follow up on non-compliant species and that does include shark, but the presentation that we are going to give to the Commission, K-5, really addresses only the finfish portion of it.

We delayed the shark because we want to consult with the experts and ensure that we provide the most accurate information to the Commission for them to make a decision on.

So that should be in the next couple of months, or so, we will come back with a presentation that is just on sharks.

COMMISSIONER BOSARGE: All right. When I figured since we had Dr. Franks up here, he is well known, and Ms. Hendon, I had seen your name on a lot of different literature so you are also well known.

JIM FRANKS: Yes. I thought she would be the person you should hear from.

COMMISSIONER BOSARGE: All right. We had a couple of folks that wanted to speak on public comment on
JIM FRANKS: Thank you.

COMMISSIONER BOSARGE: Yes, sir. Thank you.

Kyle Johnson.

KYLE JOHNSON: Good morning. I’m Kyle Johnson. I’m not going to say everything that Jim Franks just said, but there are definitely Tarpon here in these waters, and I would love to see some protection on them and us to make the right move to conserve this fish because it really is -- it’s like nothing you have ever caught. I mean, I would never want to kill one, and I would hate to see some killed just for a picture, or social status, or anything like that.

If the Commission, or the staff, wants any footage, pictures, videos, between me and Captain Jerry Mchugh back there, we have footage for days to give you an idea of just how many Tarpon really are in these waters.

I mean, a lot of people might say they are not, but they are just not looking, or not looking in the right spots, and I just really commend the Commission on hearing Dr. Franks and hearing out this Tarpon and I look forward to some regulations on them in our waters to protect these fish. Thank you.

COMMISSIONER BOSARGE: Thank you.

All right. Up next is Mr. Mark McDonald.
MARK McDONALD: My name is Mark McDonald. I do Ambush Fishing Charters out of Long Beach. I worked on the Tarpon project with Jeremy and Kyle and Mr. Jim. I would like to just thank Mr. Jim for that presentation. That was wonderful.

I just want to share my support for their regulation being put in place to kind of mirror Florida, or the other states that are doing something to protect these fish because I really feel like they need protection.

I hope we can get y'all’s support in moving something forward on that. Thank you.

COMMISSIONER BOSARGE: Thank you.

I've got several requests here. One is a break for a restroom break.

COMMISSIONER HAVARD: I have a motion.

COMMISSIONER BOSARGE: I'm sorry. Mark does have a motion on the table.

COMMISSIONER GOLLOTT: I will second Mark’s motion, Mr. Chairman.

COMMISSIONER BOSARGE: And Mark’s motion was to have the staff look at Tarpon and look at what the other states are doing and what we may could do to mimic it. Is that basically the motion?

COMMISSIONER HAVARD: That's correct.
JOE JEWELL: My recollection of the motion was for the staff to come back with regulatory recommendations for a Notice of Intent.

The only thing I would ask for is, Mark, if you have some idea of what timeline you want?

COMMISSIONER HAVARD: I would like to do it as quick as possible.

JOE JEWELL: So just amend the motion to say for the staff to come back at the March meeting with regulatory information for the Commission to proceed with a Notice of Intent.

COMMISSIONER HAVARD: As Joe stated, I would like to add that to my motion.

COMMISSIONER BOSARGE: All right. We have to amend the motion, and we have a motion and we have a second by Commissioner Gollott.

Any further discussion?

(No response.)

COMMISSIONER BOSARGE: All those in favor aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed like sign.

(All opposed.)

COMMISSIONER BOSARGE: Motion carries.

All right. Now, we are going to take a ten-minute break.
MEETING STANDS IN RECESS

COMMISSIONER BOSARGE: I would like to call the meeting back to order.

Are you ready, Ms. Chesnut?

You want to back up to that?

SANDY CHESNUT: Yes, we can go back. I have had a chance to look at that decision.

COMMISSIONER BOSARGE: All right.

So what have you learned, Ms. Chesnut?

SANDY CHESNUT: The decision that was handed to me was a 1998 AG’s opinion.

The question presented was may the Commission on Marine Resources, by its regulations, provide for criminal penalties different from those set out by the legislature for violations of the Commission’s Marine Fisheries regulations, and the AG’s office answered no, that they cannot do that, and the answer is still no.

The Commission does not have the authority to establish criminal penalties different than what is set out in the statute.

The second question that was asked is whether the Commission has the authority to provide for administrative non-criminal sanctions for violations of its fisheries ordinances.

The answer to this was also no in the AG’s 1998
opinion. However, in 2005, the legislature specifically granted that authority to the Commission through the Administrative Penalties Act in 49-15-401.

COMMISSIONER BOSARGE: So...?

SANDY CHESNUT: If you would like for me to read you --

COMMISSIONER BOSARGE: (Interposing) Well, no. I think I'm understanding. Basically, you are saying that the Attorney General said that no, we can't do that, and the legislature kind of overrode his decision and gave CMR the authority.

SANDY CHESNUT: That's correct, and it happens quite often.

COMMISSIONER BOSARGE: So which would be the -- I mean, here again I wish I was an attorney.

Who holds the most power, the legislature, or the Attorney General?

SANDY CHESNUT: It's important to remember that the criminal penalties are different from the civil penalties. The penalties that are imposed under the Administrative Penalties Act are civil penalties, so there is no overlap there.

The legislature has provided for the criminal penalties, and our Administrative Penalties Act, our regulations that we promulgated under the statutory
authority of the Administrative Penalties Act provides civil penalties.

Of course, the legislature has more authority than the AG opinion. AG's opinions are advisory and they are not like a court decision.

COMMISSIONER BOSARGE: All right. So I guess so we can move on with this, I would like to just see that we continue on with the wishes of the Commission and repeal that Paragraph 105, Title 22, Part 20, Chapter 21, Paragraph 105 where it reverts back to the language it originally was.

JOE JEWELL: We can do that now. That was the original motion in January, and we will just proceed with that.

COMMISSIONER BOSARGE: Correct. Thank you. No, it doesn't need a motion. That was the motion that was originally... All right. We will move on. Up next will be Office of Marine Patrol, Chief Davis.

KEITH DAVIS: Good morning. I will be real brief with the report this month to save time.

I would like to point out that there were two significant cases made for oyster violations. We had one case in Hancock County and one case in Jackson County where individuals were recreationally harvesting oysters both in a closed season and in restricted waters.
We had one commercial crab violation where an individual was crabbing north of CSX and we also witnessed him crabbing south of CSX, and, then, go north of the bridge and did not separate his harvest.

Besides those significant impacts, are there any other questions about the report?

COMMISSIONER BOSARGE: I'm trying to get mine to come up.

KEITH DAVIS: While you are getting it to come up, Mr. Chairman, I did want to point out that there were two calls received that we assisted on. One was a dead sturgeon and one was a dead dolphin and, obviously, those were turned over to IMMS and GCRL.

Other than that, the last thing I would like to report to you is last month we hired seven individuals and, obviously, we are not going to identify those individuals because we are going to put some of them in an undercover capacity to deal with our recreational violators who are catching and selling their catch illegally.

If you hear about Marine Patrol officers fishing, we are. We are going to go out and fish the banks and try to get conversation with individuals and try to cut down on some of the recreational sold catch.

COMMISSIONER BOSARGE: I'm old school. This is...
our first meeting where we didn't get paper copies of
everything. So we are catching up with technology.
I see where failure to complete trip tickets,
eight.
What was this about?
Do you recall?
KEITH DAVIS: Yes, sir. That has been amended.
The fisherman was caught with a trout line and his tags
were torn off, or frayed, from just over usage. He has
come and received new tags and the officer amended his
citation to a warning. So that has been handled.
COMMISSIONER BOSARGE: That was one of my
questions that I remember looking at.
We haven’t had any more late filings of trip
tickets?
KEITH DAVIS: I’m sorry. You are correct. We
did some commercial fishermen who failed to report their
Red Fish catch, and those citations were taken through the
criminal court.
I know there have been a lot discussions about
Administrative Penalties, but, on these particular cases,
they not only met the thresholds that the Commission
considered in the Spotted Seatrout cases, so those cases
were taken through the criminal courts.
COMMISSIONER BOSARGE: So this was unreported
landings.

Is that what you are saying?

KEITH DAVIS: Yes, sir.

COMMISSIONER BOSARGE: All right, and I know that we closed our Red Fish season early before the quota was met. I’m pretty sure I’m correct on that.

Joe, I know you are on a side conversation there, but the Red Fish season, did it close before we filled the quota?

KEITH DAVIS: I am being told that you are right. It was closed early.

COMMISSIONER BOSARGE: And the reason for that, in other words, before we filled the quota?

Do we know?

JOE JEWELL: The quota was not met. It was closed early.

KEITH DAVIS: I’m confused.

COMMISSIONER BOSARGE: That was just a question. I just wondered if there was --

JOE JEWELL: (Interposing) My understanding is we were requested to close it.

COMMISSIONER BOSARGE: Okay.

JOE SPRAGGINS: Was there a reason that we closed it early?

Maybe I’m just missing something myself.
JOE JEWELL: I’m not aware of the reason. We were requested to close it early.

JOE SPRAGGINS: By who?

KEITH DAVIS: I was just informed that Marine Patrol wasn’t the reason why it was closed, but it was closed early. We provided the numbers of what the investigation entailed and I’m not sure why the season was closed.

COMMISSIONER BOSARGE: So we still have some of the quota left?

JOE JEWELL: There is about five, or six, thousand pounds that were not caught in that segment.

JOE SPRAGGINS: Is there a second season on that that we can add that to, or is this something...

JOE JEWELL: I will let counselor Chesnut answer that.

SANDY CHESNUT: By regulation, if the quota is not met in one period, you can add that to the next period.

JOE JEWELL: The question is that was the last period that it is open and they left five, or six, thousand pounds.

I think what Director Spraggins is asking is can they add it to 2019?

SANDY CHESNUT: Yes, they can.
COMMISSIONER BOSARGE: All right. So will there be another season for Red Fish?

JOE JEWELL: That is not my understanding. My understanding is that -- you are right. I wasn’t listening. There was about five, or six, thousand pounds left on the table because of that early closure.

I think what Director Spraggins was asking is can they attach that to the 2019 season?

I don’t think you would extend the season. For instance, if the first quarter is twenty thousand pounds and if they don’t reach it, it carries over to the next one.

So I think the Commission has the authority and you would have to so move, make a motion to add that onto this year’s quota.

COMMISSIONER BOSARGE: When you say this year's quota, I'm a little confused. That will be the --

JOE JEWELL: (Interposing) Well, there are sixty thousand pounds for this year's quota.

COMMISSIONER BOSARGE: Correct.

JOE JEWELL: I don’t know the exact number, but we were short five, or six, thousand pounds. So it will be sixty-five thousand pounds.

COMMISSIONER BOSARGE: For next year’s quota?

JOE JEWELL: 2019, this year's quota.
JOE SPRAGGINS: When does that season start, Joe?

JOE JEWELL: January 1.

JOE SPRAGGINS: The 2019?

JOE JEWELL: Correct.

JOE SPRAGGINS: So right now we are talking, it closed for the 2018 season with five thousand left. Is that what we're saying?

JOE JEWELL: Yes.

JOE SPRAGGINS: All right. So what you are saying is that we could go back right now. I mean, as far that goes, we could add it to the first session of the January 1.

We get twenty thousand, twenty thousand, twenty thousand.

Is that correct?

JOE JEWELL: Yes.

JOE SPRAGGINS: And it goes January 1 to what date?

JOE JEWELL: Red Drum, it goes through December 31st. It is in three segments. January 1 through April the 30th, May 1st through August 31st and September 1 through December 31st.

JOE SPRAGGINS: So, I guess, the question I'm asking is if we wanted to add five thousand pounds, could
we add it to the first one, or would we add it equally as portions over the three sections?

    JOE JEWELL: The Commission can choose to do either one of those options. I would recommend that they do it proportionately like the quota is now which is twenty, twenty, twenty because, if they don’t meet the quota in the first two segments, it can roll over.

    SANDY CHESNUT: To be clear, the regulation currently provides that it is added to the next time period. However, we can always utilize the authority, statutory authority to make an exception to make it even over the three periods, if you would like.

    COMMISSIONER BOSARGE: All right. I would like that, if we could.

    SANDY CHESNUT: You would like to make it even over the three periods?

    COMMISSIONER BOSARGE: Correct.

    SANDY CHESNUT: Okay. Pursuant to statutory authority 49-15-305, you make a motion to take the unused quota from 2018 and evenly apply them to the three periods in 2019.

    Is that correct?

    JOE JEWELL: I do have that number in front of me. I have all the tickets.

    COMMISSIONER BOSARGE: How long have we got for
the next one?

JOE JEWELL: The quota was sixty thousand pounds for last year and, when we stopped, it landed at fifty-five thousand three hundred and one pounds. Right at five thousand pounds.

COMMISSIONER BOSARGE: I tell you what, Joe, instead of us deciding this right now, let’s you and I talk about this and talk about which would be the best way that we want to add it. We just know that we need to have a discussion on this. Let's don’t make any decisions on it right now.

JOE JEWELL: Okay.

COMMISSIONER BOSARGE: Thank you.

All right, Chief. I didn't mean to get you in the middle of all of that.

I don't think I have any further questions on anything in this report. Thank you, Chief.

KEITH DAVIS: Thank you.

COMMISSIONER BOSARGE: Next will be Office of Coastal Resources Management, Jan Boyd.

JAN BOYD: Good morning Mr. Chairman, Commissioners, Director Spraggins, Ms. Chesnut.

We have one action item and one land acquisition overview for you this morning, and Jennifer Wilder will be our first presenter.
JENNIFER WILDER: Good morning. My name is Jennifer Wilder, and I will be presenting a request for a permit extension by the City of Diamondhead.

The location is in Rotten Bayou near the south end of Devil's Elbow in Diamondhead. It is in the General Use District, and the agent is James Chiniche.

This is a list of the original dredging and excavation impacts that were permitted in 2014 by the Commission.

On March 18th, 2014, the project was presented to the Commission; was approved as recommended.

In August of 2018, a permit modification was issued to change ownership from Hancock County Board of Supervisors to the City of Diamondhead.

On January 31st of this year, the City of Diamondhead has requested a permit extension so they can continue working toward getting their Corps of Engineers permit, and, then, complete the project once that is received.

Based upon departmental review and evaluation, the staff recommends the Commission approve the applicant's request for a two-year permit extension.

Any questions?

COMMISSIONER BOSARGE: Any questions?

(No response.)
COMMISSIONER BOSARGE: Do we have a motion?
COMMISSIONER GUESS: I'll make a motion.
COMMISSIONER BOSARGE: And your motion would be to...?
COMMISSIONER GUESS: Extend the permit.
COMMISSIONER BOSARGE: All right. Accept the staff's recommendation?
COMMISSIONER GUESS: Yes.
COMMISSIONER BOSARGE: All right. We have a motion.

Do we have a second for that motion?
COMMISSIONER HAVARD: I'll second the motion.
COMMISSIONER BOSARGE: Any further discussion?
(No response.)
COMMISSIONER BOSARGE: All those in favor aye.
(All in favor.)
COMMISSIONER BOSARGE: Opposed like sign.
(None opposed.)
COMMISSIONER BOSARGE: Motion carries.
Thank you.
JENNIFER WILDER: Thank you.
COMMISSIONER BOSARGE: Mr. Jan, is that the only item you have?
JAN BOYD: No, sir. We have a land acquisition update. Ayesha is going to present that.
AYESHA GRAY: Good morning Mr. Chairman, Commissioners, Director Spraggins, Ms. Chesnut.

This is an update on the project, the Grand Bay Land Acquisition and Habitat Management Project. This is a project that is funded by the National Resources Damage Assessments. This is money coming from Deep Water Horizon Oil Spill.

This project has been presented multiple times at the Mississippi Restoration Summit, and I am just giving you an overview of the project, and, then, the latest update.

The project occurs in the Grand Bay area where we have several areas of conservation interest. Of course, there is the Grand Bay National Estuarine Research Preserve located there. There is the outline in red.

There is also the Grand Bay National Wildlife Refuge. This is the U.S. Fish and Wildlife Service refuge. That area is outlined in green.

There is also a larger acquisition boundary which is the U.S. Fish and Wildlife Service, and that area is in light blue hash.

COMMISSIONER BOSARGE: I looked at this and I was kind of in my own mind picturing.

So what we have in red is actually what encompasses Grand Bay NERR?
AYESHA GRAY: Yes.

COMMISSIONER BOSARGE: That is owned by the State?

AYESHA GRAY: It is a mixture of private and State holdings and also Federal property.

COMMISSIONER BOSARGE: So it falls -- everything that is in red, even if the State doesn't own it, it falls under the guidelines of the Grand Bay NERR?

AYESHA GRAY: Yes. It is considered within the NERR boundary, although that doesn't necessarily change the private property rights that are in that area.

It does affect whether a private owner might be able to get a permit from the DMR to do something. It would be under consideration that it was part of the NERR.

COMMISSIONER BOSARGE: I looked at the guidelines and, of course, the red outline, and I know this is over in my neck of the woods, and I was just curious if we had actually acquired all of those lands because I know there are some privately owned lands within that boundary that you have in there, so that was my reason for asking the question.

AYESHA GRAY: Yes. Sure.

COMMISSIONER BOSARGE: Thank you.

AYESHA GRAY: This area of southeastern Mississippi, y'all know is the top of the Grand Bay
Estuary. This is some of the largest contiguous marshland that exists in the State of Mississippi, and it is also rather unique because it has an entire upland area that is naturally a wetlands savanna.

This area is the largest area of natural emergent marshlands and has these wetlands pine savannas to the uplands.

We know that estuaries and these marshlands function as important nursery habitat for a lot of fish, commercial and recreational fishing. So it is really important for fish and shellfish in this area.

The function of these estuary marshlands is supported by the wetland pine savannas. Wetland pine savannas have been impacted mostly through lack of fire, but also invasive species.

The aim of this project is to restore the wetland pine savannas. This project is a long-term partnership between the refuge, the Mississippi DEQ, the Grand Bay NERR, the Secretary of State’s office and the Mississippi Trustee Implementation Group, what we call the TIG.

To restore this area, we are going to both acquire land in this area and, also, manage that land. We are going to manage it through mechanical clearing, through herbicide treatments for invasive species and
through prescribed fire.

You can see from these two photographs the difference. In 1968, a lot of this area was open pine savanna, and that was because it was regularly burned by a lot of private owners, and, then, in 2016, you can see that large parts of it have become overgrown.

In addition, the Grand Bay NERR is going to conduct scientific monitoring of these areas so that we can document the change because of these restoration activities. We are going to look at a composition of vegetation communities, and we are going to do that both by on-the-ground surveys and also using UAV to do aerial photography service.

This is the current project. These are the planning, the management activities, monitoring, acquisition. All of that is currently underway as part of Phase One of this project.

What you can see here on this picture is the hashed areas that are green, the existing project area of Phase One.

The hashed areas that are kind of a different color, that is an adjacent project that is funded by NFWF funds. So we are actually leveraging other projects in the area so that we can more bang for our buck by spending these monies on the ground.
Then, the pink area shows in this first Phase One there was a land acquisition. The land acquisition was completed in December. About fifteen hundred acres that were in private holdings have been added to the refuge and the NERR and those parcels are delineated in pink.

COMMISSIONER BOSARGE: A question that you may not be able to answer.

AYESHA GRAY: Yes, sir.

COMMISSIONER BOSARGE: Just out of curiosity, about what per acre did we wind up paying for those acres?

PAUL MICKLE: Chairman Bosarge, the land acquisition process involves all those groups a couple of slides ago, and Secretary of State’s office along with DEQ proffer all land deals negotiations, and I know by law and the TIG agreement, they have to pay yellow book.

COMMISSIONER BOSARGE: I’m sorry.

Yellow book approval?

PAUL MICKLE: Yellow Book appraisal.

COMMISSIONER BOSARGE: And I’m just curious as to what that was.

Do you happen to know just an average?

PAUL MICKLE: I’m not sure. I can get back with you on that number.

COMMISSIONER BOSARGE: All right. Thank you.
AYESHA GRAY: You will notice just one other thing I want to point out is that the areas of this project we have put in very visible places. The project is going to occur right around the building of the Grand Bay NERR and also adjacent to Highway 90.

Our intent with that was to make a project where we were making big changes on the ground that were visible to our community so they can see this money at work and, also, so that we can have outreach opportunity through the Grand Bay NERR to talk to our community about what is going on.

We believe that this project is going to be a tremendous benefit to Mississippi coastal habitats and it gives us vast opportunities for science and outreach that we are going to be working on leveraging the NERR grant to do that.

That's all I have. If you have any questions.

COMMISSIONER BOSARGE: That area is that savanna longleaf yellow pine and coming from old school commercial fishermen where we had boats built out of wood, and that longleaf old growth pine, these trees don't have a limb until you get to the very top and they are straight as an arrow. So there was always boat building material in their heart.

Anyhow, it is nice that those are protected.
There is not a lot of that old growth pine left.

AYESHA GRAY: There is an ample seabank that exists in these areas, and so what we find is that upon burning, putting them back into a burn cycle that goes every two to three years, that the longleaf pine actually come up naturally.

COMMISSIONER BOSARGE: Yes. That’s amazing. Any further questions?

JOE SPRAGGINS: I just want to tell you she had two babies about a year ago.

How big were they?

AYESHA GRAY: A pound and a half and a pound and fifteen ounces.

JOE SPRAGGINS: And where are they at, now?

AYESHA GRAY: They are big girls now. They are fifteen pounds and seventeen pounds.

JOE SPRAGGINS: Miracles.

AYESHA GRAY: They are. Thank you.

COMMISSIONER BOSARGE: Thank you.

Up next is Office of Finance and Administration. I think Mr. Joe is going to going to do this for Shavay.

JOE SPRAGGINS: Yes. She had to go to the doctor. She had a little ailment this morning, so she asked me to do this, just to give you a quick idea of what
we had on the 31st of January.

At the end of January, our State Revenue was four point four million. Total Agency Revenue was seventeen point nine million.

Our State Net Income was three hundred and eighty-two thousand. Total Agency Net Income was four point five million.

You can see there, after seven months of fiscal year 2019, we have seventy-six point eight percent of our Operating Budget remaining. The Tidelands Budget has fifty-five point eight percent remaining.

Just to give you an idea, if you see the little deficits that popped up awhile ago, the DFA still owes us a million and sixty-five thousand dollars for the State Appropriation Fund. They will get that toward the end of the year, end of the fiscal year which is June, and, then, it will show that and the transfer will come in.

Then, also, we have our NFWF and the Federal funds. A lot of times we are behind getting paid there because we do it, and, then, get paid. So it is about a million and something on that. Three hundred and fifty-nine thousand NFWF and Federal, one point two million, or right at one point three.

We are doing very well overall, unless you have any questions, sir.
COMMISSIONER BOSARGE: The only question I have is Shavay had mentioned at the last meeting that the audit was complete and that she was --

JOE SPRAGGINS: (Interposing) And the are getting me reports of it, right now. So I will get y’all one. Each one of you will have one.

COMMISSIONER BOSARGE: Okay. That was my question.

JOE SPRAGGINS: Since they have got the reports coming to me, as soon as I get them in my hand, I will get them to you.

COMMISSIONER BOSARGE: Thank you, sir.

All right. Next is Public Affairs, Charmaine.

CHARMAINE SCHERMUND: Good morning Commissioners, Director Spraggins, Ms. Chesnut.

The Mississippi Department of Marine Resources was mentioned seventeen times in local, state and national media, since the January CMR meeting.

Popular news items included Blue Crab aquaculture at the Gulf Coast Research Lab and a missing boater.

Marine Patrol taught one boat-and-water safety class and certified twenty-two students. So far in fiscal year 19, officers have taught eleven classes and certified two hundred and thirty-two students.
Marine Patrol also participated in Harper McCaughan Elementary School's Career Day on January 30th. Various departments and programs within MDMR took part in the agency's Capitol Day last week in Jackson. Our employees were able to talk with legislators and visitors in the Capitol about the agency and our efforts to enhance, protect and conserve Mississippi's Marine Resources.

The Shellfish Bureau's growing area evaluation for the FDA Program Element Evaluation Report received an outstanding evaluation and is in compliance with all program elements of the Mississippi Shellfish Program Growing Area Classification Element from National Shellfish Sanitation Program guideline.

Shrimp and Crab Bureau Biological Coordinator, Jason Saucier, presented information on Mississippi's successful derelict crab trap removal and recycling program, including side scan retrieval at the Southeast Aquatic Resources Partnership's Coastal Committee derelict crab trap removal workshop on February 12th and 13th.

Shrimp and Crab Bureau Scientist Jeremy Timbs' first publication was issued is the Journal of Shellfish Research for his study “Assessment of the Relationship of Stock and Recruitment in the Atlantic Surfclam.”

Finfish Scientist Trevor Moncrief contributed
the newest publication from the NFWF Reef Fish Project which compares Red Snapper reproductive characteristics over a multi-decadal scale, and it was published in the January 2019 American Fisheries Society’s Bulletin.

Trevor also discussed his career, when he served as featured keynote speaker at the Gulf Coast Research Laboratory Marine Education Center’s Hurricane Bowl on February 1st.

COMMISSIONER BOSARGE: That’s good.

JOE SPRAGGINS: One quick thing, y’all had asked her to come back at this meeting, and we are looking at the cleanup area for the Gulf that Chief Davis and them are doing, that they wanted to implement, and I think you had asked that.

We looked at some things and Charmaine and them are still looking at it. We had a bunch of ideas for buckets. It may not be the right thing because of the accessibility of how to do it.

So they have gone back now and they are looking at some baskets, or other things, or some bags, or anything we can do.

I ask you, if you don’t mind, if they could come back to you next meeting and tell you what we have for that.

I think we are starting this, what, in the
springtime, Chief?

KEITH DAVIS: Yes, sir. I apologize. I forgot. You threw me off with the closing of Red Fish season.

Yes, sir. We are going to deploy the Operation Cleanup Mississippi Gulf Coast on the opening day of the season which is May 31st.

As he said, we are looking at a lot of different considerations for providing containers, but what came up in our discussions is we want to ensure the boaters are actually using it and our review of the cost is substantial, like, thirteen dollars a bucket, so that is pretty high.

We are trying to find the best case scenario to provide to you and, hopefully, we can have something next month, but we have time.

JOE SPRAGGINS: The biggest thing is somebody to use it and not just take it and put their tools in it and put it in their garage. We are trying to find out what that would be.

Then, a bucket may be too big for a lot of boats and it may take up too much space, so we are looking at a lot of different ways of going at it, but I just wanted to let you know they were working on it.

COMMISSIONER BOSARGE: You know, when you talk about buckets, to me I think of -- a lot of folks, you
know, when you need a five-gallon bucket, well, Lowe’s sells five-gallon buckets.

Would it be possible to -- I mean, I’m sure not in that short amount of time, but to partner with somebody like Lowe’s where they put our logo on their bucket and we --

KEITH DAVIS: (Interposing) Yes, sir. I think all options are on the table. We looked at several different things.

In discussions with the Executive Director, it did come up that in order for them to be effective -- for instance, the lid. Charmaine pointed out that the lids, you know, if they don’t close the lids all the way, the lids blow out and they become part of the problem on putting stuff in the water. We just want to take all of those things into consideration.

The buckets that you are talking about at Lowe’s, we did look at those and the lids are a little bit hard to get on and off of the container.

We just want to make sure we provide you with the best option possible at the most reasonable cost.

COMMISSIONER BOSARGE: I agree. A lot of us probably don’t think of it quite that in depth, but I agree with you. You know, these folks now, it’s not like that old twenty-five horse motor when you are putting
along. You are getting up and going. It will pick a five-gallon bucket up and take it off, too. We don’t need to add to the problem.

Thank you, Charmaine.

CHARMAINE SCHERMUND: Thank you.

COMMISSIONER BOSARGE: Up next is Office of Marine Fisheries, Mr. Joe Jewell.

JOE JEWELL: Thank you, Commissioner. I also want to echo Chief Davis’ comment. The Red Drum did catch me a little off guard. Now my memory is starting to jog a little more.

I think it was wise for you to delay action and have some conversation because the data that I gave you is correct. It’s a little over fifty-five thousand pounds, but we need to go back and review the trip tickets that we have to ensure that. It may be that we reached the sixty thousand pounds. We just don’t know that right now. We will get back with you on that.

COMMISSIONER BOSARGE: Good.

You are going to have to speak into that mike just a little bit more.

JOE JEWELL: I’m going to have to lean down a little bit.

The first agenda item for Marine Fisheries is an update on the Oyster Task Force. As you may recall, the
Oyster Task Force met on February 5\textsuperscript{th}, and just an overview of the findings of this meeting.

The Oyster Task Force held its inaugural meeting on February 5\textsuperscript{th} with the following goals:

- Review of the standard operating procedures.
- Election of officers which included the Chair and Vice Chair.

The following items were discussed by the task force as part of the agenda:

- The 2019 cultch plant update. Mr. Erik Broussard gave that.
- The Bonnet Carre Spillway update. Mr. Broussard gave that.
- Proposed legislation, and I presented that to the task force.

The task force motion reports, I will read those into the minutes.

First, the motion was to accept the task force standard operating procedures. This passed unanimously, nine to zero, the voting members.

The task force motioned and adopted to support House Bill 1261 and Senate Bill 2285 that increases the shell retention fee from thirty cents to a dollar a sack. Motion passed eight to one.

The task force motioned and adopted opposition
to House Bill 1262 and Senate Bill 2783 which would allow limited leasing of public oyster reefs. That motion passed unanimously nine to zero.

Then, finally, the task force motioned and adopted that the task force representative to the CMR present the adopted motions in two and three above.

So the task force adopted those as their position statements, and, then, of course, our chairman delegated me to give the presentation today. I appreciate that honor, but they also wanted the Commission to know that they clearly oppose the private leasing of public oyster reefs and that they supported the tag increase.

Are there any questions?

COMMISSIONER BOSARGE: No, sir.

JOE JEWELL: Okay. With that being said, there was sort of a break in the agenda. Item two, the Gear Task Force, the final adoptions of part five and eight was moved to K-9, so that would mean up next is an update on the Charter-For-Hire Task Force meeting by Ms. Carly Somerset.

CARLY SOMERSET: As Joe said, similar to the Oyster Task Force, I am just giving you an update on our most recent meeting.

The Charter-For-Hire Task Force was held here on February 13th at 6:00 p.m. This meeting was actually a
joint meeting with the Gulf Council’s For-Hire Reporting Workshop.

Emily Ulstein, part of council staff, has been holding public workshops in each state to provide information about upcoming reporting requirements for all Federally permitted for-hire captains, so she presented first, and, then, we started the task force meeting.

There were at least thirty in attendance, not including DMR staff, so I was really glad to see the good turnout.

This presentation provides a summary of the discussion on the agenda items above and any actions, or recommendations, that resulted from the Charter-For-Hire Task Force meeting.

Emily gave a presentation on Federal for-hire reporting. She provided quite a bit of information, so I’m just going to provide some highlights and some main points that she made.

Vessels with Federal Reef Fish and/or Coastal pelagic permits will be required to report species retained and discarded, and the goal of these new requirements is to get a better understanding of species, more accurate models and more informed management decisions.

There are penalties if there is a failure to
report regularly which results in a loss of fishing
privileges during the season, and, then, revocation of
Federal permits until all reports are turned in.

Vessels will choose reporting devices equipment
for approved vendors. I believe there are three currently
and possibly more that will come on line in the future.

The reporting program will be implemented in two
phases. Phase one is a hail out, or electronic reporting,
and she gave a tentative date of August 15th. Phase two
GPS tracking, a tentative date of October 1st, and this was
pushed back due to the government shutdown.

We also discussed the Mississippi for-hire
reporting survey. I believe you have all seen this list
before. It is a logbook that is built in house to record
targeted species, and Brian’s team, the IT, was very
helpful and provided just a mockup, an example of what
this might look like and just some of the information that
could be reported; date of trip, license number, number of
fish caught, number of anglers, hours fished, and, then,
species targeted.

One other thing that came from this discussion
was a lot of captains were most interested in collecting
data on where fish are harvested. That specifically being
Spotted Seatrout, whether they are in Mississippi, or
Louisiana, waters.
Another agenda item discussed was regarding compliance when fishing for, or retaining, sharks. We just reminded them that any vessel that has an active HMS permit has to follow Federal regulations for sharks no matter where they are fishing. This includes length and bag limits, the shark endorsement.

If your vessel does not have an active HMS permit, shark regulations are dictated by where you are fishing. In State waters within three miles, your vessel falls under State regulations, or, if in Federal waters which is beyond three miles, you are prohibited from fishing for, or retaining, sharks and any other species regulated by the HMS permit.

Lastly, additional recommendations that came out of the meeting. There was a motion for the chairman of the task force to come before the Commission in March to advocate for keeping state shark regulations at status quo.

Any questions?

COMMISSIONER BOSARGE: Thank you, Carly.

CARLY SOMERSET: Thank you very much.

JOE JEWELL: Next on the agenda is recommendations for the development of fish tagging program. Mr. Wade Hardy will be giving that presentation.

WADE HARDY: Good morning Commissioners,
Director Spraggins, Ms. Chesnut.

Today I will be talking about recommendations for development of the fish tagging program.

At the January 20, 2019, CMR meeting, the following motion was made regarding recommendations for a tagging program in Mississippi coastal waters.

The motion was for Marine Fisheries to bring back a format of a possible tagging program for Spotted Seatrout, Red Drum and potentially other species as noted by the staff.

This presentation will outline the procedures involved in managing the program.

I am going to present two options. The first option is for DMR to manage the program and with this option, we would first need to secure annual funding. We would then initiate and manage a tag and recapture program targeting Spotted Seatrout, Red Drum and other species as necessary.

We would recruit up to two hundred Mississippi anglers for-hire and private to participate, and we would provide enough tags for thirty-five hundred Spotted Seatrout and Red Drum combined each year.

Tagging activities will only occur in Mississippi State waters.

There will be some staffing requirements...
involved with this option. We would designate two Fisheries scientists to manage the program, and they would be responsible for recruiting volunteer anglers into the program, they would obtain all tagging supplies and promotional materials, distribute the tagging packets to the anglers, create a reward system for participating anglers, and perform all data analysis and produce annual reports at the end of each project period. The approximate annual cost for this option would be forty-eight thousand six hundred dollars.

Option B is for GCRL to manage this tagging program and with that we would add Spotted Seatrout and Red Drum to their existing sport fish tag-and-release program funded through a U.S. Fish and Wildlife Service Sport Fish Restoration grant.

This option would be more cost effective, as GCRL already has an infrastructure in place and that infrastructure includes the reporting platforms, the data bases and the proper staff.

Lastly, all tagging data and angler reporting would flow through one entity as in GCRL and would help to minimize confusion among anglers when they reported tagged fish.

The approximate annual cost for this option would be around fourteen thousand dollars.
I will take any questions.

COMMISSIONER BOSARGE: I have just a couple, unless Commissioner Havard has some.

So our funding, where do we come up with that fourteen thousand dollars?

JOE SPRAGGINS: I have it in Tidelands Funds that I could give, and I’m not sure that is the exact number of what we would be talking about, but we could work with GCRL in house, and I do have a little extra in there.

COMMISSIONER BOSARGE: Would it be possible to include some commercial fishermen in that tagging program?

WADE HARDY: I’m not sure about that.

Joe, do you have anything on that?

JOE JEWELL: Any individual is available to participate in the program. They are not excluded from the program.

Then, I do want to add to Director Spraggins, we also had sport fish money available. We had the money to fund the fourteen thousand in Federal funds.

COMMISSIONER BOSARGE: This was Commissioner Daniels’ request, I believe, if I remember correctly, and he’s not here. So I don’t know just which way to go with this, but in an effort, we would need a motion from this Commission to proceed with this?
JOE JEWELL: Proceed with option A, or B. From a financial perspective, option B is the more cost effective because it is an existing program.

COMMISSIONER BOSARGE: Yes. I think that that is very wise. If there is an existing program and they are willing to do it, then, yes. There is no sense in duplicating.

COMMISSIONER GUESS: That’s what I was fixing to say was that I would like to make a motion to go with plan B, if Gulf Coast Research Lab is onboard, to pursue that option.

COMMISSIONER BOSARGE: And in there, do we need to make it -- you said the commercial fishermen could be, but I would like to add it at least in the language somewhere that some of these commercial hook-and-line guys, in other words, could also be involved in that tagging process.

JOE JEWELL: Can y'all move the slide show back to Option B, please? So that can actually be part of the motion, also.

COMMISSIONER GUESS: So the motion would be to pursue Option B and add commercial fishermen to the program, to be able to participate in the program.

JOE JEWELL: That the program be available for
both commercial and recreational fishermen.

COMMISSIONER BOSARGE: Correct.

Any further questions?

(No response.)

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

COMMISSIONER HAVARD: I’ll second the motion.

COMMISSIONER BOSARGE: We have a motion and a second.

All those in favor aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed like sign.

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

WADE HARDY: Thank you.

COMMISSIONER BOSARGE: Yes, sir. Thank you.

JOE JEWELL: Thank you, Wade.

Next up is an assessment of the species for consideration for compliance with Federal guidelines. Mr. Trevor Moncrief is going to give that presentation and please recall, as I stated a little bit earlier in the meeting, that this does not include sharks. We are going to come back with information, once we have coordinated more closely with GCRL and some of the other scientists.

COMMISSIONER BOSARGE: Trevor, what is this that
you were recognized for, this piece of literature that you have done?

    I mean, it is kind of impressive.

TREVOR MONCRIEF: That was actually a mistake. That was a publication by Nancy Brown Peterson who is a part of the NFWF project as well, reef fish.

    My publication was on Vermillion Snapper that came out earlier this year.

COMMISSIONER BOSARGE: Well, that's good. Congratulations.

TREVOR MONCRIEF: Thank you. I appreciate that intro, Joe.

    Once again, we are going to bring up the assessment of species for consideration. It is going to cover finfish species.

In the January 2019 CMR meeting, the following motion was made regarding State and Federal compliance. The motion was for staff to come back next month with an assessment of species for consideration for compliance with Federal guidelines.

    This presentation will outline the specific changes to ensure compliance in Mississippi’s fisheries.

    To keep everyone informed about our State water designation, the territorial line for State and Federal waters is three miles south of the barrier islands. It
follows the curvature of those islands.

This line does not include reef fish which is nine nautical miles south, and it is two hundred nautical miles south for Red Snapper currently for the EFP.

We want to go specifically into some of these finfish non-compliant numbers.

Spanish Mackerel, the State regulation is fourteen inches. Federal regulation is twelve inches.

Cobia is no take because we have it established as game fish species, and, then, in Federal waters it is two per person, thirty-three inches fork length.

Red Drum, sixty thousand pounds annually out here in our State. No take. There is a moratorium on that fishery in the Federal side.

Hogfish is currently twelve inches in our State waters. We don’t normally see this fish here. It is fourteen inches in Federal waters.

Moving to the recreational side, Red Drum, right now we have a three per person bag limit. Size limit of eighteen to thirty inches. One over thirty inches. Once again, the Federal fish is in moratorium.

Vermillion Snapper is a twenty in aggregate bag limit. In the Federal waters it is a ten per person within a twenty reef fish bag limit.

Red Grouper is four in aggregate currently in

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State waters. Federal waters is two per person.

Hogfish, the same on the commercial side. It is twelve inches for State waters, and fourteen inches for Federal waters.

Spanish Mackerel, we currently have no minimum size limit in our State. In Federal waters, it is a twelve inch minimum size limit.

Swordfish, there is currently no regulations written right now in our State regulations, but in Federal waters it is forty-seven inches lower jaw fork length.

Remember, some of these species we don’t see often in the State waters, like Red Grouper, Hogfish, Swordfish, things of that nature.

We developed a few options for the Commission to consider and any range in-between these options.

Option One would be status quo. Keep everything the way it is currently.

Option Two would be to have compliance with exceptions. Some of those obvious exceptions would be Red Drum which is currently in a Federal moratorium, but provides a viable recreational and commercial fishery for the State and for other states in the Gulf of Mexico, and Cobia, since it was designated as a game fish per State statute 49-15-76, it cannot be commercially harvested and would take a State statute change to be able to have that.
Option Three would be to comply with all Federal regulations.

With that, I will take any questions.

COMMISSIONER BOSARGE: As you said, there are quite a few species there. Swordfish, we never see. Grouper, I have seen some of the really, really, really immature little Grouper that you see in some of the State waters.

TREVOR MONCRIEF: Yes, sir. We see them every now and then.

COMMISSIONER BOSARGE: To back up, I would like to see some of these brought in compliance, especially the ones that don’t really seem to make a difference, and that is Spanish Mackerel, or course, brought down to twelve inches to meet the Federal guidelines.

Hogfish, is it going to really matter?

In other words, let's look at the ones that make a difference.

Instead of me calling them out, Joe, don’t you think that you could kind of go down here and look at what we actually need to come in compliance with?

I mean, we talked about sharks, but I can see where this needs to have some more discussion.

JOE JEWELL: Sharks, we are going to delay until we get a little more information.
For these regulations in place, actually in a migratory, or transitional, way, some of these fish can be found here in Mississippi waters, so it is very difficult for us to determine what is important to the Commission, or not.

For instance, Swordfish, in a drought period when there is high salinity, they can come on the back of the islands. You can find them just south of the islands.

Does the Commissioner consider those significant enough to establish regulations on?

Now, Hogfish, it is very rare that you will find them in our waters because they are kind of depth dependent.

Spanish Mackerel is found here local, and they are both commercial and recreational.

COMMISSIONER BOSARGE: So to comply with the Federal guidelines, just like you said with Swordfish, I personally have never seen, or heard, of Swordfish in state waters, but, if it did happen to occur, then, yes, we need to stay with the Federal guidelines on that.

JOE JEWELL: Can we go back one slide where the species are listed, please?

Of course, Cobia is a game fish and it is already affected by State statute.

Red Drum, we are one of only two states that
have a commercial take.

If you are asking me, the commercial ones, there is probably no adjustment on, unless you want to increase the size of Hogfish.

Now, the recreational, the same here. I would maintain the current State regulations.

Vermillion Snapper, that is a little of a gray area. Which direction do you want? The Federal regulations are certainly more stringent than the State regulations.

Red Grouper, again, that is not something you would ever commonly catch here in the Mississippi State waters.

COMMISSIONER BOSARGE: And that's my point. It is hard. There are enough regulations out there, now. It is hard enough to -- I mean, I have an app on my phone that gives you State regulations versus Federal regulations. I know a lot of these folks probably have the same thing. It is hard enough just making sure that you are abiding by the rules where there is one set of rules versus two. I'm with you.

JOE JEWELL: The ones that you could consider are Spanish Mackerel and Swordfish.

Now, Swordfish is not common, but Swordfish is a very nice fish that I would think you would have
regulations because it eventually is in that category the Tarpon is in.

JOE SPRAGGINS: Joe, I think what the Commissioner is asking, like, on the Commercial side, why are we more stringent on the State side for Spanish Mackerel?

JOE JEWELL: Well, that would be the only species that I would recommend you take some look at, and I would recommend that whatever you take that it is equal in commercial and recreational, and that if you are going to comply with the Federal which is twelve inches, I would recommend that we go both twelve inches for commercial and twelve inches for recreational.

COMMISSIONER BOSARGE: I agree. I agree.

JOE JEWELL: You can motion for the Staff to do that and we will be glad to proceed with that. We would have to modify Title 22, Part 7.

COMMISSIONER BOSARGE: And Hogfish, that’s not--in other words, that is not going to make a difference. So let’s go ahead and get them the same where when we look at one regulation, it’s the same.

JOE JEWELL: I would say we can modify Hogfish to comply with Federal regulations.

We will modify Spanish Mackerel to comply with the minimum Federal regulations for both commercial and
recreational.

   Swordfish is sort of a judgement call.
   COMMISSIONER BOSARGE: I say yes on that.
   JOE JEWELL: Yes. Absolutely. We will do that, too.

   So if someone will make a motion for those three species and we would need for the staff to prepare a Notice of Intent for the March meeting for compliance with Federal regulations on Hogfish, Spanish Mackerel both commercial and recreational, and Swordfish.
   COMMISSIONER GUESS: I will make the motion that we are in compliance with the Federal regulations for commercial and recreational for Spanish Mackerel, the Hogfish and Swordfish.
   COMMISSIONER BOSARGE: We have a motion.
   Do we have a second for that motion?
   COMMISSIONER HAVARD: I’ll second the motion.
   COMMISSIONER BOSARGE: We have a motion and a second.

   Any further discussion?
   TREvor MONCRIEF: The last thing I will say is that these Federal regulations do pop up on us and we have that sixty-day turnover for State regulations, so there is going to be times where we are federally non compliant until we get the regulation changed.
COMMISSIONER BOSARGE: I agree.

JOE SPRAGGINS: And, also, this is to go out for a Notice of Intent, not to actually change anything right now.

JOE JEWELL: That’s correct. We will come back in March with the proposed Notice of Intent.

COMMISSIONER BOSARGE: Any further discussion?

(No response.)

COMMISSIONER BOSARGE: All those in favor aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed like sign.

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

Thank you, Trevor.

TREVOR MONCRIEF: Thank you.

JOE JEWELL: Next up for the Commission's consideration, if you will recall back in the January meeting, some discussion was made on giving the CMR emergency management response to environmental conditions.

We had some discussion between staff and legal counsel and I think legal counsel is going to address this issue.

SANDY CHESNUT: So at the January meeting, the motion was made for department staff to present a proposed Notice of Intent for the Commission to take emergency type
measures in response to environmental conditions.

The Commission currently has several authorities along those lines. This is 49-15-38 in reference to oysters and 49-15-64.1 in reference to shrimping.

Also, under the Administrative Procedures Act, a regulation can become effective immediately if it confers benefit, or removes a restriction on the public, or if it is an eminent peril to public health, safety, or welfare.

There actually may be situations that would fit under those. There actually may be situations that come up that we could simply do an exception to an established regulation under 49-15-304, and we would have to evaluate those on a case-by-case basis.

So at this time what we would have to do is just propose legislation for the 2020 session to grant the Commission the authority to modify all fisheries programs in response to environmental conditions, and we can work on those. We usually start working on those around August, or September.

COMMISSIONER BOSARGE: So if I understand you correctly, what we were asking for, really we already have.

SANDY CHESNUT: You have it in a lot of instances, but not all instances. You have it in reference to oysters and shrimp and in those other
situations that may fit into other regulations, but if we want an all encompassing statute like wildlife does have kind of an all encompassing statute, then, we would need to propose that at the next legislative session.

COMMISSIONER BOSARGE: So we would not be -- we need to cancel our Notice of Intent?

SANDY CHESNUT: Yes. At this time, we can’t do a Notice of Intent.

COMMISSIONER BOSARGE: And that’s kind of the way -- when I looked at your presentation, that is kind of what I came away with.

Do we want to get in on this discussion?

(No response.)

COMMISSIONER BOSARGE: All right.

So, Joe, do we need a motion to suspend our Notice of Intent?

JOE JEWELL: To withdraw the Notice of Intent. You are within the Administrative Procedures Act timeline to withdraw it. The Commission can motion to withdraw the original Notice of Intent, and we can take care of that today, or tomorrow.

SANDY CHESNUT: There actually wasn’t a Notice of Intent filed. No Notice of Intent has been filed. It was just to be brought back for consideration at this meeting. So we can’t do a Notice of Intent.
COMMISSIONER BOSARGE: So what would our motion be, Ms. Chesnut, or do we even need a motion?

SANDY CHESNUT: You really don’t even need a motion.

COMMISSIONER BOSARGE: Joe, are you all right with that?

JOE JEWELL: Yes, sir.

I’m looking up the motion. Give me just a second.

COMMISSIONER BOSARGE: No pressure.

JOE JEWELL: It was not a Notice of Intent. Counselor Chesnut is correct. Although, if you will give me a few minutes to examine it closer.

COMMISSIONER BOSARGE: All right. Good deal. Something real easy.

The next item.

JOE JEWELL: Next up for the Commission's consideration is the 2019 Red Snapper update, and that will be given by Mr. Trevor Moncrief.

TREVOR MONCRIEF: Good morning again, Commissioners.

I'm just going to talk about 2019 EFP for Red Snapper.

EFP is an exempted fishing permit. EFP's are permits issued by NOAA that allow harvest of certain
species that would otherwise be not allowed under Federal regulations.

Typically, these permits are used for scientific purposes, and 2019 will be the second year of the approved EFP for State Red Snapper management.

A little bit of information about Mississippi's EFP. A revised EFP has been submitted to NOAA by all states and approved for the 2019 recreational Red Snapper season.

Mississippi’s EFP allows the State to control harvest for both the State For-Hire and private recreational components of the recreational sector.

Federally permitted for-hire vessels are federally managed under Mississippi's EFP.

The purpose is to determine if a recreational Mississippi landed annual catch limit can be accurately attained, and to gather region-specific scientific data that is currently limited on Red Snapper in the Gulf of Mexico.

For our data collection, MDMR will once again utilize the Tails n’ Scales Program to collect data on Red Snapper harvest, angler effort, and biological samples in Mississippi state and federal waters out to two hundred nautical miles.

We will look back at what the ACL will be from
last year, including into this year.

In 2018, Mississippi’s harvest for the two components was a hundred and thirty-seven thousand nine hundred and forty-nine pounds. That is with the private recreational having a hundred thirty-five thousand one hundred and forty-nine pounds, and the State For-Hire being twenty-eight hundred pounds.

Due to an increase in the overall Gulf ACL for the Red Snapper fishery, Mississippi’s 2019 allocation will be a hundred and fifty-one thousand five hundred and eighty-four pounds. This split makes the private recreational have a hundred and forty-eight thousand five hundred and seven pounds, and the State For-Hire at three thousand seventy-seven pounds. This is accounting for the State Fore-Hire overage in 2018 of four hundred and thirty-five pounds, so their allocation would then be two thousand six hundred and forty-two pounds.

I know there are a lot of numbers I am throwing out.

As last year, a required ten percent buffer will be applied to ensure Mississippi does not exceed its ACL, and to ensure that Mississippi will manage to the ACT.

Potential Red Snapper Season.

The recreational season will begin Memorial Day weekend, May 24th, and end Labor Day, September 2nd.
This is eighty-one days, and is projected to meet out ACT as listed in Mississippi’s Red Snapper EFP.

Additionally, we request to have the ability to set a mid-season closure, as we did in 2018 as y’all are familiar, to ensure that our ACL is not met before Labor Day. This request will allow the Red Snapper season to be closed for a brief time to project harvest and ensure Mississippi stays within its ACL.

The mid-season closure would occur from July 8th through July 28th and, once again, this closure will allow MDMR staff to analyze all data from the first segment of the season and be able to run projections based on harvest up to this date and, once again, this will potentially get us to Labor Day as planned.

What will be required is a motion granting the Executive Director authority to manage Mississippi’s 2019 recreational Red Snapper season, under the guidelines established in the Mississippi EFP granted by NOAA.

COMMISSIONER BOSARGE: All right, and I was trying to remember.

Did the percentages change from this year to last year for each state?

JOE SPRAGGINS: It didn’t change, sir. What it was they increased the allocation accordingly, and right now we are at three point five five, our percent of it.
There is a meeting coming up at the end of April, or in April.

JOE JEWELL: Beginning of April.

JOE SPRAGGINS: Yes, for the Feds to adopt that.

COMMISSIONER BOSARGE: I’m trying to get back to where MRIP said we were.

What did MRIP say our landings should be?

Do you remember?

PAUL MICKLE: Mr. Chairman, are you requesting what Mississippi’s MRIP landings were?

COMMISSIONER BOSARGE: Yes. I was looking. I remember in 2016 -- you know, when we you talk about MRIP data, I’m thinking in 2016 it said our landings -- they estimated our landings at about a hundred and fifty-one thousand pounds.

PAUL MICKLE: I think it was actually a hundred and eighty thousand.

Since then, we have been certified. The Tails n’ Scales Program is actually superceding MRIP now for landings.

COMMISSIONER BOSARGE: Correct. By the time our landings came in, we were nip and tuck with what MRIP had actually said we were going to be, and I was wondering how it was this past year.

TREVOR MONCRIEF: With the new FES calibration,
the estimates that are coming out are closer to a million
pounds, plus it in there with Louisiana, so it is not
reflective of what we are gathering with Tails n' Scales.

COMMISSIONER BOSARGE: I don't think that that
data hasn't been actually accepted yet.

All right. Do we have a motion?

COMMISSIONER HAVARD: I'll make a motion that we
move forward by giving Executive Director authority to
manage the 2019 recreational Red Snapper season under the
guidelines established in the MS EFP granted by NOAA.

COMMISSIONER BOSARGE: We have a motion.

Do we have a second for that motion?

COMMISSIONER GUESS: I'll second it.

COMMISSIONER BOSARGE: Any further discussion?

(No response.)

COMMISSIONER BOSARGE: All those in favor aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed like sign.

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

TREVOR MONCRIEF: Thank you.

COMMISSIONER BOSARGE: Thank you.

JOE JEWELL: Our next presentation will be give
by Chief Science Officer, Dr. Paul Mickle, and it is a
request by the Commission for an oyster depuration
feasibility study.

PAUL MICKLE: Good morning Commissioners.

Today I will be presenting the Oyster Depuration Feasibility Study.

I would like to say I really enjoyed studying and collaborating with scientists all around the world at your request, versus seagrasses, Spotted Seatrout over the years and, now depuration. I want to say that I have actually really gotten into this one and that there is a mountain of information I boiled down because of time.

Feel free to ask questions, and I will try to answer them, but it is actually a really intriguing methodology of actually depurating oysters and what our state has been through in the history of this.

If you remember, your motion request was to direct staff to come back with a presentation which includes an oyster depuration feasibility study.

I will present that, along with the past efforts, hurdles and strategies that we have seen in our state, as well as internationally.

Remember that depuration is a very simple concept of being able to harvest oysters from restricted areas, areas that we can’t get open to the FDA Federal Regulations and allow them to be depurated, or cleaned up, in various, many, many types of methodologies to actually
depurate oysters, and, then, you can actually let them hit the markets.

That is the overall concept. A very simple concept, but, of course, it gets very complicated very fast.

If you remember back in September Ruth Pasadas from Marine Fisheries gave a wonderful presentation of the background of the depuration process, as well as the regulatory structure behind depuration.

I am going to continue that with a Mississippi-based feasibility model which I have adopted from what other models have done around the world and present to you exactly if this is possible, how would it be done, and, then, additional strategies upon that.

Internationally, there has been a lot of interest in depuration. Nationally there has been interest and interest for over fifty years here in Mississippi which I will go into briefly.

Operations around the world range from Spain, Australia, Italy and New Zealand. They have all had successful depuration facilities.

In America, Hawaii, Washington State, parts of New England and briefly in Louisiana they had a fairly successful depuration facility as well.

Mississippi, like I said, has had a long
interest in depuration because we have large areas that are prohibited from harvest, whether they are restricted, or prohibited, and also we have small tidal swings that we all know about.

South Florida has got four-and-a-half, or five, foot. New England, they’ve got like seven, or eight, foot tides.

We just have weak tides in Mississippi, so you can see water quality is always an ongoing issue as far as FDA regulations and getting approved areas.

You can see the interest that this Commission has shown in depuration because of just where Mississippi is and how the tidal complex runs.

Here is actually the feasability model. These are the start-up costs that really deal with a terrestrial based depuration facility, using UV sterilization process.

You can see here it costs about two hundred thousand dollars to actually buy all the stuff and it gets really complicated on really starting up. Going from a single boat, a boat engine, it is all in there. Cages. Refrigeration capabilities. Depuration tanks. All these different things, and this is the per unit cost for producing under a million oysters depurated per year.

Obviously, all of this would go up if you start compartmentalizing increasing in size.
COMMISSIONER BOSARGE: How many oysters did you say per year?

PAUL MICKLE: Just around a million to depurate and that actually comes out to be about thirty-six hundred sacks. A million oysters adds up to thirty-six hundred sacks.

Here is the true budget itself. I must cite Dr. Chen from Hawaii. I got on the phone with him. He called me at 10:00 o'clock my time; 5:00 o'clock his time. So the next day I called him at 10:00 o'clock my time; 5:00 o'clock his time. I did get him back, but he was gracious to give us this model.

The top left number, that million, that is the number of oysters. If you change that, it changes every single number in this model because you are either scaling up, or scaling down, and there are price points. Once you get up above a million, or a little bit more, you've got to buy more tanks, you've got to hire more people and, if you get less than that, all those different things.

It is not as simple as it looks up there, but believe when I say they studied this very closely and they were gracious to give me the models so I could adjust it for all Mississippi prices, what it costs to do business in Mississippi and discussions that I have had with local folks here on the Coast.
This is the model that I am presenting here today. At a million oysters depurated per year, you are still fifty-seven thousand in the hole from production costs of making a profit. If you go to one point three one million oysters, you break even.

Obviously, no one wants to go into business on breaking even, but, once you get around two million oysters, then, you are making about a hundred thousand dollars a year which I consider that a pretty viable business. I don’t know relative comparison, but that’s more than...

COMMISSIONER GOLLOTT: Is that about seventy-two thousand sacks?

PAUL MICKLE: If you get two million oysters, that will be seventy-two hundred sacks. So that would be around a hundred thousand dollars.

I think that is why we haven’t had a depuration facility really take hold in Mississippi just because of these high start-up costs and the unknowns of doing it.

That is why these feasibility studies are so valuable.

I want to present here very quickly a land-based depuration facility which I presented in the previous two slides and, also aquatic-based wet storage strategy which is quite different from what I have spoken about up to
this point, but, again, what I have seen with this strategy alongside a land-based strategy really works.

I am complicating things, but, again, these are two separate strategies.

The first one on the left is having that land based, the building, the boat, everything. Depurating oysters on land using the equipment.

The aquatic based is very different. That is actually doing private leasing. You are leasing areas in restricted areas. We have lots of areas in the Mississippi Sound that are restricted. You lease areas in those, and, then, you actually move them into approved areas and within fourteen days you are legally allowed to harvest.

You don't have to change any regulations. You just start leasing bottoms. There is a high startup cost with cultch once you begin, but, once you have cultch planted your private lease areas and you start cultivating them very cheaply once you purchase the cultch it becomes very feasible. That's why I mention it here today.

From these light green areas, or yellow areas, you can grow oysters in private leases there at only five dollars an acre, and, then, move them to approved areas and, in fourteen days, you can harvest. You don't need the building. You don't need
the UV. You don’t need to manipulate any of the regulations. You can do this right now today.

That is kind of why I have this list for y'all to look at. If you want to come back, or have side conversations, please feel free because I have run the numbers on a lot of these.

The land-based depuration is expensive. The high startup costs, annual permits and the regulatory testing costs about nine thousand dollars just to do all your own water testing at the depuration facility itself. There is high equipment costs, large staff requirements, constrained by the size of the facility, and you are also constrained by the amount of oysters, and you really have no control over the amount of oysters that you might need, if you want to scale up very quickly.

The aquatic based of leasing in restricted areas and also leasing approved areas and moving them around, you have high startup costs, but you have extended startup time. I would say probably two years before you ever had an oyster hit the market for you, but, again, bottom leasing if very cheap. Five dollars an acre. The equipment costs are low. Small staff requirements. Currently no regulatory change is needed. You can do this today. Low operational costs and, again, you control the constant supply of oysters.
If you know anyone that does private leasing, they know exactly what they have got on their leases and you can actually build your business model of your expenses, by what you know you’ve got out there.

Again, from what Director Spraggins mentioned at the beginning of the meeting of the very optimistic environment on capitol hill of people wanting to look at ensuring oysters with an off-bottom and on-bottom, that, again, just makes the business plan even more user friendly and more profitable.

Those are two recommendations that I give. I think a mixture between these two strategies would be very successful. You would have your leasing operations going on. You would have you land-based depuration facility coming online. Again, you have high startup costs with both, but when oyster supplies change in the land-based depuration scenario, you can move over to aquatic based.

Another really interesting thing is these conditionally-approved areas, sometimes we go through droughts, or low-rain areas, and we can actually get those open like we did with Biloxi Bay for the first time in fifty-seven years, if you remember. A couple of years ago, we got Biloxi Bay open.

Let’s say you are leasing areas in there and you get it open, you don’t even need to relay. You can
harvest straight out of the conditionally approved, and that is even better.

It does get very complicated very quickly, but with these strategies I think the business plan is quite viable, but, again, why we haven't seen it is obviously the regulatory side and, again, I think the startup costs are very high, but all businesses nowadays at some level have fairly high startup costs.

Both of these you can build on very slowly, but, again, you are going to be spending money for a couple of years without ever having an oyster hit the market.

That is pretty much what I have to bring to you today. If you want to get into the numbers here, feel free to. If you want to sit down with me, I can pull up the model and we can run different scenarios on what you think you can grow in an acre, or how many oysters are in restricted areas now to do the land-based operation. All those different scenarios can be played out, but, again, we all want the oyster industry to come back. I think these are very viable options.

Like I said, one has high startup costs, but very low operational costs. I just want to make that very clear. Private leasing has worked in a lot of areas in the world and I think it is favorable in Mississippi, especially with a feasibility study for aquatic-based wet
storage which is actually depuration.

COMMISSIONER BOSARGE: I'm sure Commissioner Gollott has probably got some questions.

Back up a couple of slides.

PAUL MICKLE: This one?

COMMISSIONER BOSARGE: Yes, sir.

If I'm following you correctly, you were talking about leasing the bottom and moving oysters out of a restricted area.

I thought we couldn't do that.

PAUL MICKLE: Well, you can. No one is saying that you can't because you can relay from restricted and conditionally approved to approved.

Now, restricted is a sixty-day depuration period. Conditionally approved is a fourteen-day period. So, again, the time is shorter, but you can legally do it, and you can see Pascagoula Reef, the relay that we did this past year is exactly that scenario.

COMMISSIONER BOSARGE: You are saying that you could go somewhere in Jackson County and lease the bottom for five dollars an acre and move oysters off of the closed...?

PAUL MICKLE: Sure. Let's just take a scenario. You and I want to start a business.

COMMISSIONER BOSARGE: I'm trying to follow you...
here and I’m following you, but I want to make sure that I understand.

PAUL MICKLE: I appreciate the question.

I say you and I go into business. Let’s lease ten acres in the conditionally approved right here. We would apply for a permit, come to the Commission. You have to go to the Army Corps of Engineers and get your permit to be able to put cultch on the bottom.

There are historical reefs in these areas. There are non-historical reefs. You can lease it for five bucks an acre from the Secretary of State. Then, you can lease another couple of acres south of the island where it is approved.

COMMISSIONER BOSARGE: All right.

PAUL MICKLE: So we have spent roughly twenty dollars on two acres. Four acres total. Two to grow oysters. Two to depurate oysters.

Now, we go spend some money on some cultch and go put it out, whether it catches spat, or we expose the spat to seed, we grow oysters for a year, or two years, in our first leased area behind the island.

Then, when they are grown up, we relay them out to the open area. In fourteen days, we can take them and let them hit the market.
All you need is a boat and some tongers to move them, and you don't have to have a facility, or anything.

If there is a drought in the fall and DMR actually does the sampling and gets this area approved, you haven't spent a single dollar on doing any of that water sampling. If it becomes open, we go out and harvest our oysters in the conditionally approved without even relaying. We let them hit the market right there.

That is the better scenario because you are going to have loss. You are going to have some mortality with all the transplant, in other word, transferring from one area to another.

Does that play out a little bit better in your mind?

COMMISSIONER BOSARGE: Yes, it does.

Have you got some questions?

COMMISSIONER GOLLOTT: I don't have a lot of questions because I have done this personally and I knew it was feasible. I just didn't have the figures down where you could look at them.

It would be great if we could get some kind of coop, or something, for the fishermen to get involved with this and they can take a make a living tonging, or dredging, oysters and using this depuration system.

PAUL MICKLE: That's right.
COMMISSIONER GOLLOTT: Paul, thank you. I appreciate it. I would like to have the numbers to look at up close, but the bottom line is it is very feasible. Right?

PAUL MICKLE: Yes, sir.

Commissioner Gollott, I can send you this model and, if you change this number, the number of oysters that you want to depurate per year, it changes all of this and shows you what you are going to make. Absolutely, feel free.

COMMISSIONER BOSARGE: And would this business fall within the MDA?

PAUL MICKLE: FDA.

COMMISSIONER BOSARGE: No. No. I'm sorry. Mississippi Development Authority.

PAUL MICKLE: I'm sorry.

COMMISSIONER BOSARGE: Would this type of business be a business that MDA would fund?

PAUL MICKLE: I'm not really sure. With granting someone to start a business, there are a lot of State laws on startups.

Now, there are tax breaks and things that I know MDA does, and you are getting way out of my lane as a scientist, but, again, there are a lot of commercial fisheries interest in Washington on doing sustainable new
types of fisheries, and I can see monies being brought to
that of no-interest loans, or certain types of bonds for
someone to go out to lower the risk from the private
sector to start this.

Looking at other areas of the nation and the
world, it usually takes one, or two, fairly large business
interests that come in and either invest, or start up
slowly, but, again, I really think it is a viable
combination between these two methods, and I would really
love to see this take off in Mississippi to have that.

We are growing oysters on these leases. We are
moving them around. Water quality is increasing. The
operational costs are low, and you have a steady supply of
oysters all year round, not just in spring and fall.

These approved waters, you can harvest all year
round. That’s why the off-bottom business plan is so
good.

COMMISSIONER GUESS: I wanted to say I think MDA
does have a program.

Is anyone here in the audience from MDA by
chance?

(No response.)

COMMISSIONER GUESS: Through your business
plans, they will purchase the equipment, and you basically
pay them back, but if the business fails, then, they get
the equipment back, but that would be pretty huge for this type of project.

PAUL MICKLE: (Interposing) That is interesting, yes.

COMMISSIONER BOSARGE: And we’ve got our old Executive Director there.

PAUL MICKLE: I would like to see him stand at this podium. I don’t think I have ever seen that.

COMMISSIONER BOSARGE: Thank you, Paul.

COMMISSIONER HAVARD: Paul, I have one quick question.

PAUL MICKLE: Sure.

COMMISSIONER HAVARD: You talked about relays, and we relayed a bunch of oysters out of the Pascagoula area.

PAUL MICKLE: Yes, sir.

COMMISSIONER HAVARD: And, then, we asked you guys to come back every couple of months and let us know survival rates, after we did the relay.

Have we done any dives to see how successful that relay was?

JOE JEWELL: That was Marine Fisheries and you requested that we come back, but you have also given a ninety-day timeline for that, and we plan to have that on the March agenda.
As a note, we have done dives on that and done some dredging on it.
An analysis is almost done, and we are going to have that on the agenda for March.
COMMISSIONER HAVARD: That will be great.
Thanks.
COMMISSIONER BOSARGE: All right. Thank you.
JOE JEWELL: So our final agenda item is Mr. Rick Burris is going to update y'all on the Gear Task Force recommendations for final adoption. I think it was moved from K-2 to K-9.
Rick.
RICK BURRIS: Good afternoon Mr. Chairman,
Commissioners, General Spraggins, Ms. Chesnut.
As Joe said, today I want to present to the Commission the final adoption of the regulatory changes to Title 22, Parts 5 and 8.
As you recall, these changes were recommended by the Gear Type Task Force. It was voted on in the January 22nd meeting.
On the 24th of January, the CMR held a special session and passed the Notice of Intents for both Title 22, Parts 5 and 8.
On the same day, those Notice of Intents were filed with the Secretary of State's office.
On the same day, those public notices about those Notice of Intents were posted on the MDMR web page. The legal notice appeared in the Sun Herald on January 26th, and a public hearing was held on February 14th.

At the public hearing, there was a total of nineteen in attendance. Six were from the public. Thirteen were MDMR employees.

The public comment period was January 24th through February 18th which is a total of twenty-five days.

To date, five public comments have been received. Three of those were oral comments, one was an email comment and one was a written comment.

Out of the five, four supported the proposed changes, none opposed the proposed changes, and we have one miscellaneous comment.

Here is a summary of the public comments, the three oral comments that were received at the public hearing.

First, we have Mr. F. J. Eicke from CCA Mississippi. He commends the Gear Task Force as a positive move to clarify the ambiguity that had existed in defining methods of fishing, and CCA lends its support to the proposed regulatory changes. The proposed changes should allow MDMR enforcement to effectively monitor
methods of fishing that will be in the best interest of sustaining our marine resources.

Then, Steve Shepard from the Mississippi Chapter of the Sierra Club. Mr. Shepard, as well as the Sierra Club, supports the changes.

Ralph Humphrey thanks the MDMR for making these changes. It is a positive step and a step in the right direction.

We have one email comment submitted by Don Balius noting that haul seine was not included in Title 22, Part 5, Chapter 4, Subsection 101.08, and we will address that when we get to the language.

We did have a written comment submitted by CCA supporting the recommended changes to Title 22, Parts 5 and 8.

There is a picture of that here. I believe you have that in your packet, and I will read that into the record.

The date is February 14th, 2019.
The subject line reads:
“Position on proposed regulatory changes to Title 22, Parts 5 and 8.
“Coastal Conservation Association of Mississippi commends the work of the Gear Type Task Force as a positive
move to clarify the ambiguity that had existed in defining methods of fishing. With the work of the Task Force now adopted by the Commission on Marine Resources and out for public comment, we lend our support to the regulatory changes proposed. “Defining entanglement and entrapment, as well as haul seine as a specific type of seine with a definition reflecting concerns that did come to public notice, has been needed to establish guidelines for commercial net fisheries, together with the definition of gill net continuing to require biodegradable material as stated in other sections of the regulations that fits into these guidelines as a net that entangles, these changes should allow MDMR enforcement staff to effectively monitor methods of fishing that will, we believe, be in the best interest of sustaining our marine resources.” Now, I will read the changes into the record
beginning with Title 22, Part 8, Chapter 4 (Definitions).

We first added the definition of entanglement to Section 116, and it reads:

“Entanglement. A method in which fish are primarily ensnared, or entangled, by the gills, or other boney projections through interaction with gear.”

We, then, added Entrapment, Section 117, and it reads:

“Entrapment. A method in which fish are primarily surrounded and confined, not entangled by the gills, or other boney projections, within a space through interaction with gear.”

The subsequent definitions had to be renumbered. I won’t read those into the record, but it goes all the way to 124 where we added “Haul Seine”, and it reads:

“Haul Seine. A net set vertically in the water column and pulled by hand, or by power, to capture fish by entrapment through encircling and confining fish within itself, the shore, or bank, as a result of mesh size and construction. Haul
seines shall be constructed of a
mesh size not to exceed fifteen
sixteenths bar and one inch and
seven eighths stretch and shall
not be constructed of monofilament.”

Again, subsequent definitions had to be
renumbered all the way to 156.

Those are the changes to Title 22, Part 8. What
will be required is a motion to proceed with final
adoption of the regulatory changes to Title 22, Part 8,
Chapter 4, regarding the addition of new definitions
developed by the Gear Type Task Force.

COMMISSIONER BOSARGE: All right. Do we have
any questions, or do we have a motion?

COMMISSIONER HAVARD: I’ll make a motion that we
move forward with the motion as written.

COMMISSIONER BOSARGE: All right. We have a
motion.

Do we have a second for that motion?

COMMISSIONER GUESS: I'll second it.

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

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

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

COMMISSIONER BOSARGE: Motion carries.

RICK BURRIS: I will now read into the record changes to Title 22, Part 5, Chapter 4, Commercial Net Closure Areas and Gear Size Restrictions.

I will begin with Section 100 where it reads:

“It shall be unlawful for any person, firm, or corporation, to catch, take, or carry away, any saltwater fish by, or with, any gill nets, trammel nets, purse seines, seines -- we add “haul seines” -- fish traps, except permitted eel traps, or any other like contrivances, in the territorial waters of the State of Mississippi within twelve hundred feet of any public pier, or any pier owned and operated by hotels, or motels, for the use of their patrons and guests for swimming and fishing, or any harbor within twelve hundred feet of the shoreline of Deer Island.”

Section 101:

“It shall be unlawful for any person, firm, or corporation, to catch, take, or carry away, any saltwater fish by,
or with, any gill nets, trammel nets, purse seines, seines -- and we add "haul seines" -- fish traps and other like contrivances except permitted eel traps in the following areas of the State of Mississippi."

The next change will be in Section 101.08.

Again, we received a public comment addressing the inclusion of haul seine in Section 101.08 and, after review, we concurred with the inclusion because it does comply with Section 25-43-3.1 07 of the Administrative Procedures Act, so I will now read that into the record.

Section 101.08:

"It shall be unlawful for any person, firm, or corporation, to use at any time trammel nets, gill nets, seines -- we add "haul seine" -- or any other like contrivances in excess of twelve hundred feet in length. Except when fishing gill and trammel nets between October 15 through December 15 of each year, nets must be of a mesh size of one and one-half inch square, three-inch stretch, or larger, and it shall be unlawful for any boat to use more
than one such net. Between October 15 through December 15 of each year, gill and trammel nets must be of a mesh size of one and three-fourths inch square, three and one-half inch stretch, or larger, and it shall be unlawful for any boat to use more than one such net.”

The next section is 101.10 where it reads: “It shall be unlawful for any person, firm, or corporation, to leave a gill net, trammel net, purse seine, seine -- we add “haul seine” -- or any other net like contrivance governed by the restrictions set forth in this Part unattended in the waters of this state.”

We, then, removed, and at least one person shall be required to stand by within one boat length of the boat using said net, at all times the net is in the water.

Then, it continues to read: “It shall further be unlawful for any person, firm, or corporation, to use, or have in their possession, a gill net, trammel net, seine -- we added “haul seine” -- or like contrivance,
on the waters of this state without a
visible buoy attached every one hundred
feet clearly marked with the license
number, or owner's full name, thereon."
What will be required is a motion to proceed
with final adoption for the regulatory changes to Title
22, Part 5, Chapter 4, regarding the inclusion of haul
seine regulation and modification to language in
Subsection 101.08 and 101.10.

COMMISSIONER GOLLOTT: Mr. Chairman, what
exactly is this changing?
I think I understand, but spell it out for me,
what the law is now and what it will be, after we pass
this.

RICK BURRIS: Well, before there was no
definition of an actual haul seine, so that has been
defined and it is placed in the regulation where they can
and can’t be used.

JOE JEWELL: The short answer, Commissioner
Gollott, is the task force established the three
definitions of haul seine, entanglement and entrapment,
and that is what the changes in 8 will incorporate, and,
then, the changes in 5 put those definitions into the
regulations.

COMMISSIONER BOSARGE: And these are the same
exact changes that we asked for in Notice of Intent?

RICK BURRIS: Yes, sir, with the exception of 101.08 where we went back and added “haul seine”. It was a slight oversight and we didn’t see it. So we added haul seine to Section 101.08.

COMMISSIONER BOSARGE: Wait a minute, now.

JOE JEWELL: So the Notice of Intent went out for those two regulations, as the Commission passed, but subsequent to that, we received a comment that noted in Section 101.08 that haul seine was not included. It was appropriate that it should be included because that was the intent of the task force and the Commission. It was just an oversight on our part.

What will have to happen, should the Commission vote and approve this, I will have to submit a modified final adoption that includes that language in there for the Administrative Bulletin.

COMMISSIONER BOSARGE: Okay, Joe, but this -- in other words, this has been a long ongoing -- and now we have changed some of the language. We have inserted some language that is a change what we originally agreed to.

JOE JEWELL: Just one section.

COMMISSIONER BOSARGE: I know one section, but still one, or two, words changes the whole meaning of something and, in all honesty, I did not know that we had
changed anything from what the Gear Task Force originally intended.

   JOE JEWELL: What the Gear Task Force gave direction to and was presented to the Commission was to change all appropriate sections to include that language. It was an oversight on our part by not including 101.08.

   COMMISSIONER GUESS: They just forgot to put “haul seine” in the sentence.

   COMMISSIONER BOSARGE: Yes, but it makes a big difference.

   For instance, in 100, basically, by inserting haul seines in there, if I read this correctly, it outlaws haul seines within twelve hundred foot of the shoreline of Deer Island.

   RICK BURRIS: That was in the original Notice of Intent. The only thing we added was in 101.08 where it defined the length of a haul seine, twelve hundred foot. This is the only thing that was not in the Notice of Intent.

   COMMISSIONER BOSARGE: Say it again, Rick. I'm sorry.

   RICK BURRIS: The only thing that was not in the Notice of Intent is 101.08 which is right here where we added the words “haul seine”, and it just defines the
length at twelve hundred foot.

These two sections, 100 and 101 were in the Notice of Intent.

COMMISSIONER BOSARGE: So why are we separating this?

Originally, it was one Notice of Intent to make these changes.

Correct?

JOE JEWELL: That’s correct.

COMMISSIONER BOSARGE: So, now, we have two Notices of Intent.

JOE JEWELL: No. No. We originally had two Notice of Intents. There was one for Part 5. It was one separate Notice of Intent, and that is where we incorporated the definitions into the regulations, and, then, we had a separate Notice of Intent which is Part 8 where we actually inserted the definitions for those in there.

As you recall at the task force meeting, what was requested by the task force at the very end was for the staff to come forward to the Commission with proposals to put all these in the appropriate sections.

They didn’t identify the sections. They allowed us to do that, and it was our oversight to not include it into 101.08.
We got that public comment, and so we consulted with legal and under the Administrative Procedures Act we were allowed to put that in without modifying the current Notice of Intent.

However, we will have to modify the final adoption, if the Commission proceeds.

COMMISSIONER BOSARGE: So this was in the recommendation from the Gear Task Force?

RICK BURRIS: The motion from the task force requests the staff to look at Title 22, Part 5, Chapter 4, and make necessary recommendations as discussed regarding haul seine definitions.

We were inserting haul seine where it was appropriate, and it was an oversight on 101.08 where we missed it on the first Notice of Intent.

COMMISSIONER BOSARGE: All right. Just as long as we are good.

RICK BURRIS: Yes, sir.

COMMISSIONER BOSARGE: I didn’t realize that this was a change from what we originally intended. Okay. All right. I’m good with it.

COMMISSIONER GUESS: I’ll make a motion.

COMMISSIONER BOSARGE: And your motion is...?

COMMISSIONER GUESS: I make a motion to proceed with the final adoption for regulatory changes to Title
22, Part 5, Chapter 4, regarding the inclusion of haul seine in regulation and modification to language in Subsections 101.08 and 101.10.

COMMISSIONER BOSARGE: All right. We have a motion.

Do we have a second for that motion?

COMMISSIONER HAVARD: I’ll second the motion.

COMMISSIONER BOSARGE: Any further discussion, Joe?

I see you with your finger on the button. Is there something you need to say?

JOE JEWELL: I was just going to say if y’all pass this motion, I was going to ask the Executive Director and you to stick around because I need a signature.

COMMISSIONER BOSARGE: Do what?

JOE JEWELL: I was going to ask you and Executive Director Spraggins to stick around after the meeting so I can get y’all’s signature.

COMMISSIONER BOSARGE: All right. Any further discussion?

(No response.)

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

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

COMMISSIONER BOSARGE: Motion carries.

RICK BURRIS: Thank you.

COMMISSIONER BOSARGE: Thank you.

JOE JEWELL: That concludes Marine Fisheries.

COMMISSIONER GUESS: I'm going to go ahead and make a motion that we go into closed session to discuss the need for executive session to discuss the pending litigations and personnel matters.

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

Do we have a second for that motion?

COMMISSIONER GOLLOTT: I'll second the motion.

COMMISSIONER BOSARGE: We have a motion and a second.

All those in favor aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed like sign.

(No one opposed.)

COMMISSIONER BOSARGE: Motion carries.

MEETING STANDS IN RECESS

COMMISSIONER BOSARGE: I would like to call the meeting back to order.

We will let counselor Chesnut give you an update on the closed session.
SANDY CHESNUT: Yes, sir.

At 12:25, the motion was made by Commissioner Guess, seconded by Commissioner Gollott to go into closed session to discuss the need for executive session to discuss pending litigation and personnel matters.

Commissioners present were Steve Bosarge, Richard Gollott, Mark Havard, Natalie Guess. Legal counsel were present, Sandy Chesnut and Kim Papania. The Executive Director was present, Joe Spraggins.

At 12:37, a motion was made by Richard Gollott and seconded by Mark Havard to go into executive session to discuss pending litigation and personnel matters.

Those matters were discussed. No motions were made during the executive session.

At 1:09, a motion was made by Commissioner Gollott to end the executive session. That motion was seconded by Commissioner Guess.

COMMISSIONER BOSARGE: All right. Thank you, ma'am.

Next up on the agenda is other business.

Just one second.

Is there anything that needs further discussion under other business?

(No response.)

COMMISSIONER GOLLOTT: Don't you need a motion,
Mr. Chairman?

COMMISSIONER HAVARD: We have one more bit of information that we want to talk about other business. At this time, we want to lift the ban, the net ban that we have around Cat Island. It’s haul seine.

COMMISSIONER BOSARGE: I guess maybe to simplify it would be just to rescind the order.

SANDY CHESNUT: If I could just clarify, the motion that was made by Commissioner Havard in December, I think it was, or January -- I’m not sure -- pertained to Title 22, Part 5, Chapter 4, Paragraph 101.04, and that was to start the net ban around those islands listed in that regulation on February 1st, instead of waiting until May 15th.

What Commission Havard, I think, is trying to do is to go ahead and lift that ban so the haul seiners that meet the legal definition now can go back to fishing around those islands listed.

In order to meet the definition of a variance, the net ban would not close on May 15th, as currently stated in regulation, but it would extend nineteen days which is the number of days it has been closed. So that closure would not take affect until June 2nd.

COMMISSIONER BOSARGE: All right.

COMMISSIONER HAVARD: That sounds great.
COMMISSIONER BOSARGE: Joe, I see you shaking your head, and this is Fisheries.

JOE JEWELL: Once again, I’m a little confused. I do have the December motions. There are actually two of them.

One was net fishing on Cat Island, and Commissioner Gollott motioned no new nets can be introduced into the fisheries. That passed three to two.

Then, motion thirteen was to form a half-mile zone around Cat Island for no finfish nets for commercial fishing, except brill nets, cast nets and shrimp nets, and that motion was withdrawn.

JOE SPRAGGINS: Joe, I think we are talking about -- what we are looking at, we made the motion back in December, or either January -- I’m not sure exactly what date -- that we would put a temporary moratorium of sixty days that was on net fishing, and we used the same criteria that was under the 15 May to 15 September criteria, the same criteria they had there.

What they are saying now is they would like to go ahead and relieve that ban that we had, that temporary ban, starting on the 19th day of this month which is today, and, then, carry it nineteen days additionally at the end. Instead of it being 15th of May, it would go to June for a closing date in that same area.
Then, it would start on 3 June going back to the same thing it has traditionally been from 15 May to 15 September.

JOE JEWELL: That is what is sort of confusing me.

I do have the motion here. It was in January. It was by Commissioner Havard. It says to exercise the Commission’s authority under 49-15-304 to make an exception and grant a variance to Title 22, Part 5, Chapter 4, to make a start date change for closed season to begin February 1st. As soon as the Gear Task Force gets in place and get established and, at that point in time, it could be sooner than sixty days. It could be thirty days. At that point in time, we will open back up the closed season.

I understand all of that, but when we get to the point where we are adding on, or subtracting, nineteen days is what I’m sort of confused on.

Are we backing up the May 1st start date, or are we adding to the end of the season, the nineteen days, or are we subtracting those?

SANDY CHESNUT: That closure, the one-mile closure would not take affect until June 2nd. That adds in those nineteen days that it has been closed from February 1st to February 19th. That is what makes their action a
variance.

There is already established a hundred and twenty-four day closure by that regulation. If we close it the 1\textsuperscript{st} to the 19\textsuperscript{th}, and, then, we close it back on May 15\textsuperscript{th} to September 15\textsuperscript{th}, that would be an additional closure.

So to keep it within the definition of a variance, we have to take that closure start date into June to make sure that it is only closed a hundred and twenty-four days.

JOE SPRAGGINS: What is amounts to is the nineteen days that have been closed this month, instead of being closed May 15\textsuperscript{th} to September 15\textsuperscript{th}. It will now be closed June the 3\textsuperscript{rd} through September 15\textsuperscript{th}, and that will give back those nineteen days that they are talking about.

MATT HILL: The principal is right, but, if you do that, the math isn't there. If you are moving it back, you would have to move back the actual closing date from September 15\textsuperscript{th} for nineteen days.

If you go from May 15\textsuperscript{th} and move it back to the 19\textsuperscript{th}, you are shortening the closure date. So we need to keep the closure date at the same time.

JOE SPRAGGINS: Matt, what you are not seeing in this -- and I think I understand your confusion -- is number one, 15 May to 15 September is a hundred and twenty-three days.
We are saying that at no time will we take more than a hundred and twenty-three days of that net season off of them.

To do that, the net season normally opens up on the 1st of February and ends on May the 15th.

So what we are doing, now, since we closed down nineteen days to start with, we are going to give them those nineteen days of net season on the end which will turn around and make that from a hundred and twenty-three, minus nineteen, that they will have if you start on June the 3rd and go to September the 15th, and, then, you take the nineteen that we have already taken from them, then, that is where the hundred and twenty-three comes in.

MATT HILL: Yes, sir.

JOE SPRAGGINS: The idea is not to punish the fishermen because of what we did.

MATT HILL: I agree with that, and, also, one of the things is all islands. I think we need to say the areas listed in 101.04. I believe that is what we would need specifically to say. It's not all the islands, but you would still have the twelve hundred foot closure around Deer Island that has already been placed in the regulations. I think you need to specify the actual which I believe is 101.04.

JOE SPRAGGINS: Is that the one that starts 1
February?

MATT HILL: That starts May 15th through September 15th and that lists the closure areas.

JOE SPRAGGINS: I guess the point I'm getting at is we are not worried about that at this point. We need to go back.

What is the one that starts 1 February and ends May 15th?

MATT HILL: That is just the Spotted Seatrout season.

JOE SPRAGGINS: We just need to open Spotted Seatrout season now, on the 19th day of February and extend it to June the 2nd, and I think that will eliminate all the issues that we have.

JOE JEWELL: That makes more sense because we don't actually have a net season. Spotted Seatrout opens on February the 1st and you can use whatever gear. You are just restricted in certain areas with nets. So that makes sense to me now. I was confused.

JOE SPRAGGINS: Out of fairness to the fishermen, since we have taken all their day, you want to do it tomorrow?

COMMISSIONER BOSARGE: Yes.

SANDY CHESNUT: But Spotted Seatrout wasn't closed. The season wasn't closed. Spotted Seatrout
season has been open. They just haven't been able to fish around those islands listed in 101.04 like Matt was saying.

JOE JEWELL: They just couldn't use haul seines, nets.

SANDY CHESNUT: So this action that they are taking today only applies to Title 22, Part 5, Chapter 4, Paragraph 101.04.

MATT HILL: That's correct, and that is for all species. That is not just dealing with Spotted Seatrout. So I think what the motion needs to state is specifically Title 22, Part 4, Chapter 4, 101.04, and we need to leave Spotted Seatrout out, and that will allow for all species to get around Cat Island.

SANDY CHESNUT: Yes.

MATT HILL: Okay.

JOE JEWELL: That makes sense.

COMMISSIONER BOSARGE: That all makes sense. Let's have somebody state it in the correct fashion.

JOE SPRAGGINS: I just wanted to ensure that we are not doing anything other than opening the season as we would have on February the 1st to February the 19th, the time that we closed, and we closed that for netting only is what it was.

Right?
JOE JEWELL: That’s right.

MATT HILL: For all species. Not just Spotted Seatrout.

JOE SPRAGGINS: That’s right, but, if all species would have opened February the 1st, that’s what we need to correct.

MATT HILL: So the closure would be to be extended for nineteen days past September the 15th. So beginning tomorrow, the net season around Cat Island shall be open for all species and shall not be closed again until when?

COMMISSIONER BOSARGE: One hundred and twenty-four days.

MATT HILL: For one hundred and twenty-four days.

JOE SPRAGGINS: June the 2nd, Matt.

MATT HILL: June the 2nd. It will be June the 2nd. The closure will being June the 2nd and run through September 15th.

JOE SPRAGGINS: That makes more sense.

MATT HILL: Change the beginning closure date.

JOE SPRAGGINS: While we are talking about this, this means since the change in the haul seine has been adopted today, that would be what a haul seine is considered as, what was adopted today by the Commission.
MATT HILL: Okay. Change beginning closing date to June 3rd, and closure shall run through September 15th.

SANDY CHESNUT: Do you see anything else, Matt?

MATT HILL: This covers it.

JOE SPRAGGINS: Matt, do we have to put anything in there about the new adopted net, or not?

MATT HILL: If y'all are in agreement that it goes into affect tomorrow, I do not believe we would need to put that in there.

JOE SPRAGGINS: Any of the fishermen that are here, I just want you to understand that because I don’t want you going out and using a net that wasn’t approved.

JOE JEWELL: That’s correct. Just one little point of clarification, this would go into affect tomorrow. The final adoption of the regulatory changes to Parts 8 and 5, once I file them today, will take thirty days from today, and, then, those are in affect.

JOE SPRAGGINS: We understand that Joe, but the Commission has agreed to go ahead and use the rules that were passed today for the definition of a haul seine, entanglement and entrapment, so that will be also what law enforcement will be working off of starting tomorrow morning with this rule right here.

COMMISSIONER BOSARGE: Yes, Chief Davis.

KEITH DAVIS: I would like to point out that
Marine Patrol, any fishermen that want to come by and let us voluntarily look at their nets to make sure that they have the proper gear, we would be willing to do that.

COMMISSIONER BOSARGE: Thank you, sir.

We have a motion, I think, by Commissioner Havard.

Correct?

COMMISSIONER HAVARD: That’s correct. I make the motion as written.

COMMISSIONER BOSARGE: Do we have a second for Commissioner Havard’s motion?

COMMISSIONER GUESS: I'll second it.

COMMISSIONER BOSARGE: Seconded by Commissioner Guess.

Any further discussion?

(No response.)

COMMISSIONER BOSARGE: All those in favor aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed like sign.

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

All right. Next up is public comment, and we have a lot of public comments to go.

Mr. F. J. Eicke.

JOE SPRAGGINS: I don't know if he is here, or
not.

COMMISSIONER BOSARGE: He is gone.

All right. Next up will be Thao Vu.

THAO VU: Good afternoon Commissioners, General Spraggins and counselor Chesnut.

My name is Thao Vu. I am the Director of the Mississippi Coalition for Vietnamese-American Fisher Folks and families.

I am here on behalf of my constituents. Some of them are sitting in the back, some fishermen, some fisher folks, and we would like the agency here and the Commission to consider reopening the oyster reefs for harvesting.

Last year in 2018-2019 season, there was a quota set. However, according to MDMR, less than three thousand sacks were harvested in the seven days, and the last day was very inclement weather, so many of the boats were not able to go out and harvest.

We would like to have the opportunity to have particularly the agency and the Commissioners discuss this and reopening the reefs.

The fishermen are here. There are some letters they have signed. I'm holding over fifty letters, as well as a letter from our organization, and some of them will stand up and speak about this, how urgently they need to
do the work.

They greatly need to work. They are seriously struggling. They have been for the past several years, and last year was just the worse year ever, less than three thousand sacks.

Can you imagine, when they used to have a six-, or seven-month season to help raise funds for their families.

These hardworking fishermen, they greatly, greatly need to work. They are not asking for a handout. They just need an opportunity to work and do what they know best.

Thank you.

COMMISSIONER BOSARGE: Thank you.

Next up is Mr. James Sandrum (phonetic).

JAMES SANDRUM: I would just like to say --

COMMISSIONER BOSARGE: (Interposing) State your name, please.

JAMES SANDRUM: James Sandrum.

COMMISSIONER BOSARGE: Yes, sir.

JAMES SANDRUM: I am more fortunate than these other folks. My wife works, and I just try to make enough money to maintain my boat, and I can’t even do that.

This cutting us off on the oyster reefs, it really hurts us bad.
We had a few days of bad weather, and, then, we only make a short reason like that, we are forced to go out there and risk somebody’s safety over trying to make enough money to get by on, and y'all cut us on them sites.

The rest of that reef is dead more, or less, but St. Joe is still holding on. As bad as it has been abused hauling all them oysters off of it and all, it is still holding on.

I think knocking some of that stuff down and all, would help the reef myself. You know, them oysters get so big they die, and that's all they are doing. They are sitting there dying, and they are saying, well, that's the only seed they have.

Well, there were no small oysters harvested. They were checking for the size of oysters, and I don't know of anybody that got a ticket for small oysters.

The DMR, they do a good job. They check and they give you a ticket and make you go dump them, if they are too small, or whatever.

I don't see why we can't get a little extension on that and let us work that a little to try to get up a little more so we can buy licenses and stuff like that.

Louisiana license, that is a lot of money and gear. I have a lot of work I need to do to my boat and I just don't have the money for it and everything I made

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with the boat went back in the boat.

Like I said, my wife works and supports us.

These other fellows don’t have that and my deckhands, they are about to starve to death really.

Well, thanks.

COMMISSIONER BOSARGE: Thank you, sir.

Next up is Mr. James Miller aka Catfish.

JAMES MILLER: James Miller, commercial fisherman all my life.

We have a good stock down there in Bay St. Louis down there at St. Joe, plentiful oysters.

I don’t know if we have met our quota yet. I don’t think we have, but being a fishermen, I feel like we deserve a little bit more shot down there to clean that place up a little with the muscles.

Big oysters, plentiful big oysters, they are dying down there without harvesting them.

So we’ve got a little opportunity to get a good water sample, or something. Maybe y’all might need to reopen and cap it at twenty-four hundred sacks. We sure could sure them, before the season ended.

It has been terrible since 2009, the oil spill.

I’m struggling. I’m holding my composure without chewing people out because I think that we could do a lot of things differently with our disaster money we
got from BP, and it is not helping me out at all; a little bit, but not much.

If you think we are being paid by them, we are not. They have given us the least that they can give us, and we are not getting rich I promise you.

Maybe y'all need to take into consideration and let us harvest the twenty-four hundred sacks because it would sure would help us with license and buying gear and getting ready for the season.

Another issue I have, I know it's not on the agenda, but we are just not moving fast enough for these oysters.

I don't know what we are doing with our money, the BP money and our staff here. I just think we can move swiftly, and I have been approached. They are worrying about raising an oyster in a cage.

I wasn't raised on a oyster in a cage. I was raised with a dredge, not no tongs neither, and I really have PTSD, Post-traumatic Stress Disorder over it because a seven-day season is nothing.

I made forty thousand dollars a year in 2000 to 2009 every year, six-month season.

I will show you my taxes. It is crazy that I'm making less than ten thousand dollars a year on a State reef today, after the oil spill.
We know we had a tragedy out there. Well, let’s try to fix our problems.

You are not moving quick enough for me. I mean, I’m not wanting y’all to be at the speed of light, but I think things can be a little different with that money and work a little harder toward the fishermen.

I know everybody wants the cage, you know, to grow oysters up off the bottom. That is good. Don’t get me wrong, but I’m a dredge fishermen. I was born and raised on it, and the steam stocking days at Weems’ factory and boat loads of oysters. My daddy steamed stocked, and it’s just a tragedy today.

I love y’all and if y’all could open that season and give us a little bit more time down there, that sure would be appreciated.

Thank y’all for listening.

COMMISSIONER BOSARGE: Thank you, Catfish. Good to see you again.

JAMES MILLER: Yes, sir.

COMMISSIONER BOSARGE: Kay Nguyen.

THAO VU: They had to leave, but I can --

COMMISSIONER BOSARGE: (Interposing) You are going to have to come speak in the mike..

THAO VU: Mr. and Mrs. Nguyen had to leave earlier, but I am just basically summarizing their letter
that I gave a copy to Mr. Jewel here.

It says:

“Dear Department of Marine Resources.

“I am a hardworking oyster harvester
and longstanding resident of the
Mississippi Gulf Coast.

“I, as numerous other commercial
fishermen, strongly recommend that
the MDMR reopen the Western Sound
oyster reefs for harvesting, since
the 2018-2019 season quota has not
been met.

“According to MDMR, approximately
less than three thousand sacks have
been harvested in 2018-2019 season.

“My family, like many other
commercial fishermen, are experiencing
significant financial hardship and
really need to work.

“We highly recommend that MDMR reopen
the reef for another two weeks. To
reiterate, MDMR should reopen the
public reefs, or consider
compensating the commercial fishermen
for loss of income due to the
insufficient harvesting days.

“Thank you in advance for your consideration.”

That is the letter that they signed.

COMMISSIONER BOSARGE: Okay.

Mr. Tran, state your name, please.

THAO VU: I will interpret for him. His name is Mr. Tun Tran (phonetic).

He has been an oyster harvester for over thirty years, and he greatly recommends that the Commissioners and the agency reopen the oyster reefs for harvesting. He greatly needs to work right now.

COMMISSIONER BOSARGE: All right. Thank you.

That concludes our public comment.

I don't know if procedurally we can -- is there anything we need to do at this point in the meeting?

COMMISSIONER GOLLOTT: Mr. Chairman, let me ask Joe a question, please, sir.

COMMISSIONER BOSARGE: Yes, sir.

COMMISSIONER GOLLOTT: Joe, St. Joe, or Biloxi Bay, would any of them pass the fecal coliform count so we could open it up, if we desired to?

JOE JEWELL: Currently, right now the information we have available is really for the Western Sound and the answer is no.
The management criteria for the river stage is ten point five. The Pearl River right now is a little over eleven.

If the Commission decided to take action, we couldn't open the areas because of the management criteria.

If the Commission decided to open the area, we would just open when we met the management criteria.

COMMISSIONER BOSARGE: I’m going to have to ask Ms. Chesnut, at this point in the meeting, procedurally, can we legally do anything like that?

SANDY CHESNUT: If someone makes a motion and it passes, yes.

JOE JEWELL: I will give y’all a little information because of the statements weren’t quite accurate.

The Commission passed a motion back in September and it was thirty percent by area.

We reached about fifty percent of the quota which is somewhere around thirty-five hundred sacks we have right now, and about fifty percent for the overall quota and about fifty percent on St. Joe, that area.

COMMISSIONER BOSARGE: So if we were to entertain the motion to give the Executive Director the authority to open the season back up, we would still use
the management plan which is the thirty percent per area.

JOE JEWELL: Correct.

COMMISSIONER GOLLOTT: Mr. Chairman, I would like to make that motion that we give the Executive Director the authority to check the reefs and, if they are manageable and we can open them and meet the health criteria, that he do so.

COMMISSIONER BOSARGE: And this would be for the Western Sound?

COMMISSIONER GOLLOTT: Yes, sir.

COMMISSIONER BOSARGE: We have a motion on the floor.

Do we have a second for that motion?

(No response.)

COMMISSIONER BOSARGE: I will actually second that motion.

I think it is probably a long shot that we will get any weather to actually be able to open it, but as long as we stay within our thirty percent management criteria, then, I'm okay with it.

JOE JEWELL: And we are expecting somewhere around --

JOE SPRAGGINS: (Interposing) Could we put a time limit on this thing because you just left it wide open.
Could you put a time limit as to when you want to do this by the end of March, or whatever?

COMMISSIONER GOLLOTT: Joe, what do you think would be -- yes, I imagine the end of March would be enough time.

JOE SPRAGGINS: I just don’t want to get the --

COMMISSIONER BOSARGE: (Interposing) Yes, it does get warmer.

JOE JEWELL: Open areas in the Western Sound that have not met the quota and extend until March 30th, once it meets the management criteria.

COMMISSIONER BOSARGE: Correct.

SANDY CHESNUT: Joe, will you take a look at the motion, please?

JOE JEWELL: I would say that where it says “that have not met”, it should be “once they meet the quota in accordance with the management plan, not to exceed March 30th of 2019”.

When it say, “Motion to give the Executive Director the authority to open oyster reefs in the Western Sound”, it next should say, “Once they have met the quota and in accordance with the management criteria”.

SANDY CHESNUT: You are opening based on the fact they haven’t met the quota.

Right?
JOE JEWELL: Well, on two factors. One, they have not met the quota, and two, the areas currently can’t be opened because of the management plan.

SANDY CHESNUT: Right.

JOE JEWELL: So you could say that they have not met the quota -- oh, I see what you are saying. Then, in the second sentence, say, “and once the management criteria has been met”.

That last sentence should say, “and once the management criteria has been met.”

SANDY CHESNUT: I’m sorry. We were working on this, and that authority is granted to the Executive Director until when?

JOE JEWELL: March 30th.

SANDY CHESNUT: March 30?

JOE JEWELL: Not to extend past March 30th, 2019.

COMMISSIONER BOSARGE: Commissioner Gollott, does that meet your standards?

COMMISSIONER GOLLOTT: Yes. That’s fine.

COMMISSIONER HAVARD: Commissioner Bosarge.

COMMISSIONER BOSARGE: Yes, sir.

COMMISSIONER HAVARD: Erik Broussard, while we are talking about this, do you want to comment on this proposed motion, give us some of your thoughts?

ERIK BROUSSARD: I would say Joe covered most of
it.

Just to recap, the season was open for nine days. There is still fifty percent of the quota that was originally adopted by the Commission in September.

If I remember, it was contingent on having the relay in December which we had.

It was brought back up in December and the motion failed.

COMMISSIONER HAVARD: From a scientific standpoint, do you think it is the right thing to do?

ERIK BROUSSARD: Well, if I remember correctly, in September, we presented thirty percent as an option and we were comfortable with that. The resource is depleted. There is no question about that.

COMMISSIONER HAVARD: Thank you.

JOE SPRAGGINS: Erik, while you are there, a question, and this is one of the statements that some of the gentlemen had made.

Do we have oysters dying out there because they are getting too big?

ERIK BROUSSARD: We haven’t seen any of that at this point through our sampling.

JOE SPRAGGINS: I’m just curious. I just wanted to make sure. That was the statement made.

ERIK BROUSSARD: Sure.
JOE SPRAGGINS:  All right.

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

COMMISSIONER BOSARGE:  We have a motion on the floor and we have a second.
  All those in favor aye.
  (Commissioner Bosarge, Commissioner Gollott, Commissioner Guess in favor.)

COMMISSIONER BOSARGE:  Opposed like sign.
  (Commissioner Havard opposed.)

COMMISSIONER BOSARGE:  Motion carries, three to one.
  All right. I think that pretty well winds it up.

Is there any other business?
  (No response.)

COMMISSIONER BOSARGE:  Hearing none, or seeing none, I ask for a motion to adjourn.

COMMISSIONER GOLLOTT:  I make that motion, Mr. Chairman.

COMMISSIONER BOSARGE:  We have a motion.
  Do we have a second?

COMMISSIONER HAVARD:  I’ll second the motion.

COMMISSIONER BOSARGE:  Motion and a second.
  All those in favor aye.
(All in favor.)

COMMISSIONER BOSARGE:  Opposed like sign.

(No one opposed.)

COMMISSIONER BOSARGE:  Motion carries.

Meeting adjourned.

(Whereupon, at 1:51 o’clock, p.m., the February 19, 2019, meeting of the Commission on Marine Resources was concluded.)

CERTIFICATE

I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above and foregoing is a true and correct transcript of the February 19, 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 the cause.

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