COMMISSION ON MARINE RESOURCES

SPECIAL SESSION

March 1, 2019
MDMR 6th Executive Conference Room
1141 Bayview Avenue
Biloxi, Mississippi 39530

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

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

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COMMISSIONER BOSARGE: I would like to call the meeting to order, and welcome everybody to the Special Session.

I think Senator Seymour asked to make a brief statement before we start the meeting and if he would like to go ahead and do that now, that would be great.

JOE SPRAGGINS: Let him walk closer to the mike here so everybody can hear him.

Okay?

COMMISSIONER BOSARGE: Yes, sir.

MIKE SEYMOUR: Members of the Commission, General Spraggins and members of the Department of Marine Resources, thank you for giving me a few moments of y'all's time for this meeting.

Why are we here today?

We are here because of the actions of a few to discuss the termination of a way of life of men and women of this community that has been this way of life since before the United States of America was formed.

I do not believe that the State of Mississippi, neither the legislature nor the Department of Marine Resources have this right.

By the Constitution of the great State of Mississippi, the Bill of Rights, Article 3, Section 12(a) states plainly, and I quote:
“The people have the right to hunt, fish and harvest wildlife, including by the use of traditional methods subject only to the laws and regulations that promote wildlife conservation and management and that preserve the future of hunting and fishing as the legislature may prescribe by general law. Public hunting and fishing shall be a preferred means of managing and controlling wildlife.

“This Section may not be construed to modify any provisions of law relating to trespass, property rights, the regulation of commercial activities, or the maintenance of levies pursuant to Article 11.”

So you see, in the first part of our Bill of Rights, the right to hunt and fish, including by the use of traditional methods, you can trace the use of the net for catching fish to biblical times.

Next, subject only to laws and regulations that promote wildlife conservation and management and that preserve the future of hunting and fishing as the legislature may prescribe by general law. Public hunting
and fishing shall be preferred means of managing and controlling wildlife, as this Section shall not be construed and so on.

On February 27th, 2019, Wednesday, the Senate Ports and Marine Resource Committee met. In this meeting a bill was presented to stop haul seine net fishing from around Cat Island.

In our committee meeting Wednesday, I asked this question:

“So commercial catching quota of speckled trout, fifty thousand pounds, is too much?”

The reply was there was no problem with the amount.

So management of the species is not a problem. This is not a resource issue.

Then the question of conservation was brought up, the destruction of seagrass beds.

If we are to say that this is a conservation necessity for the preservation of the grass beds, then, all forms of human intrusion should be stopped, including motorized boat propellers, trawls, boards used in shrimping.

Where would we, then, wind up?

We are approaching a slippery slope that when we
start down, we might not be able to stop and get back up.

There is a problem. The issue of illegal catches and reporting can and should be addressed by law enforcement.

The issues of uncontrollable freshwater, river floods, opening of the Bonnet Carre should be addressed by this Commission, with regards to management of the species.

Are we here today to address an issue, or to take the livelihood of one group and give to another?

Thank you.

JOE SPRAGGINS: Thank you, sir.

COMMISSIONER BOSARGE: Mr. Seymour, I appreciate your statement there. Out of all our senators and representatives -- and I don’t say I keep tabs, but I notice -- you attended meetings way more than anybody else I have seen. You are pretty adapt at issues at hand and, from the commercial sector, I appreciate your statement there.

I think you touched on it pretty good and hopefully we can work as a unit here as a Commission to make sure that we don’t bias ourselves in any one direction and that we conserve the resources of the State of Mississippi for the people, for all the people of the State of Mississippi.
So thank you, sir.

MIKE SEYMOUR: Thank y'all for giving me the time.

JOE SPRAGGINS: Are you going to stick around?

MIKE SEYMOUR: I'm going to get out and let y'all do y'all's business.

JOE SPRAGGINS: Well, you are more than welcome to stay here, sir.

MIKE SEYMOUR: Well, I will sit over there and listen.

JOE SPRAGGINS: All right.

COMMISSIONER BOSARGE: Thank you, Senator Seymour.

All right. Next up on the agenda is the approval of the agenda.

Do we have any modifications, or changes, to the agenda, or do we have a motion to approve the agenda?

COMMISSIONER GOLLOTT: Mr. Chairman, Richard Gollott. I will make a motion that we approve the agenda as presented to us.

COMMISSIONER BOSARGE: All right. We have a motion.

Do we have a second for that motion?

COMMISSIONER HAVARD: I’ll second it,

Commissioner Havard.
COMMISSIONER BOSARGE: Seconded by Commissioner Havard.

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 would be Executive Director’s report, Mr. Joe.

JOE SPRAGGINS: Yes, sir, and just put this all under one deal here. What we are looking at this morning, one of the things was to discuss the Bonnet Carre, with an update of what is happening with the Bonnet Carre and the possible update of what it could do to the fisheries in Mississippi.

What I would like to do, sir, is just have a discussion on this.

Joe Jewell has put some information together and so has Dr. Paul Mickle, and I would like to discuss this and the fact of whether or not we think there is an issue with the Bonnet Carre coming in, once it starts to move into the Sound.

Right now, I think there were fifty-eight gates
as of this morning, and, then, I think they are opening more today.

   Am I right, Joe?

   Is that correct?

   JOE JEWELL: It’s not quite that many.

   JOE SPRAGGINS: It was fifty-eight, what they announced last night.

   JOE JEWELL: Okay.

   COMMISSIONER BOSARGE: Joe, could we have Joe Jewell kind of give us an update because, in all honesty, I know they are opening, but that is about all I know. Would it be okay if we give him time just to give us an update on what it looks like, the duration and the whole nine yards, what he knows?

   JOE SPRAGGINS: Sure, and we have that in the briefing, I think.

   Is that right, Joe?

   Help me.

   JOE JEWELL: Yes. In the presentation that --

   JOE SPRAGGINS: (Interposing) Why don’t you move down here where he can hear?

   JOE JEWELL: You caught me a little off guard this morning, Commissioner Bosarge, but I can give y'all a brief update.

   Of course, the stakeholders meeting was this
week, this Monday where the Corps announced the opening, and the opening occurred this Wednesday. As of that morning, they opened about twenty-eight to thirty gates, but, as Director Spraggins mentioned, they have opened additional gates and they are going to continue to open additional gates until they are estimating about two hundred gates overall to be opened.

That is a little ahead of what happened in 2018, but they specifically mentioned, at the press briefing at the stakeholders meeting, that they are anticipating this to be on the level of the 2018 opening. It is going to be open anywhere from four to six weeks. They estimated approximately thirty days, and that is under the current conditions.

Of course, those conditions can change. We have several fronts that are moving in from the West Coast going through the upper and mid Mississippi valleys, but that is sort of the update of where they are at, what they are anticipating and how they are monitoring.

The Lake Pontchartrain Basin Commission is monitoring, the Sierra Club was there and, of course, the Department of Marine Resources was represented there also.

JOE SPRAGGINS: Commissioner, if I might, also I had a long conversation with General Kaiser yesterday and I talked with him about it. He is the general over the
Corps for that area, and I talked to him about what was happening because I expressed concern to him that were we doing everything in our power to make this water, the least amount that we could get out of the Bonnet Carre coming into the Mississippi Sound, and I explained to him about the Morganza.

And I said, all right. Where are we at with it? When are we going to open it? Is it going to open?

I talked about the Old River Basin and asked him what the flow was going into the Old River Basin.

By law -- and he had sent it to me and I can send y'all this information -- thirty percent is allowed to go down to the Old River, and this is going back to 1950 time frame. They used a model of 1950 to say how much could go in that area, about thirty percent.

Now, on a normal basis, thirty percent does not go that way, but they have started moving the water and they have started sending water to the Old River Basin and they are trying to take as much of that thirty percent as possible and send it in that direction.

Now, what this does to us, from my understanding, it gives us about a two hundred mile radius of river that moves the water a little slower. It is still coming to the Bonnet Carre before it is over with,
but it gives us a little bit slower movement to that. 

As far as to when they open the Bonnet Carre is one point two five million cubic feet per second and when that hit, which it happened on Wednesday, they opened it. 

Now, if they want to open the Morganza, it is one point five million cubic feet per second, or when the river level reaches fifty-seven feet because it can damage if they don't. 

They are doing everything. He has assured me they are doing everything in the world they can do to try to help us with this and, if they did divert some more water down to the Old River, that it could cause another issue downstream from there that would cost around nine million dollars to activate another operation. 

They are trying every way in the world to try to help us as much as possible. I wanted you to know that. 

COMMISSIONER BOSARGE: All right. Good deal. 

Continue on. 

JOE SPRAGGINS: Well, what we want to do -- I guess the main reason for this is Commissioner Gollott is the one who had asked me about this and the possibility of having a meeting. 

The question is, number one, is there enough reasoning to look at something with the Bonnet Carre and what we have seen in the past and where we are at with our
science and understanding?

Is this going to cause an issue to cause the fish -- and mainly we are probably talking the speckled trout, Spotted Seatrout -- moving from the area in Louisiana and the marsh and all around the banks and moving them out toward the islands quicker?

I know they are there at this time of the year.

Now, I talked to Dr. Paul Mickle and I know they are in that area around this time, and they automatically start moving at some point in time and move out toward the islands. They are looking for food and looking for other things to be able to spawn, but is this causing them to move quicker is the question and, if so, does the Department of Marine Resources, through the Commission, would y’all like to look at something that has information that we would either maybe limit the amount of fish we can catch around that area at a time because of this, or maybe close the area because of trying to save the species.

I would like to turn this over and kind of move out of this right now and, first, let Dr. Paul Mickle talk just a second and let him give you a briefing of what he knows about the movement of fish and let you have that to start with, sir.

COMMISSIONER BOSARGE: All right. Go ahead.

PAUL MICKLE: I want to make sure the
Commissioners and everybody on the phone can see this image.

Can y'all see the image of Louisiana and the Mississippi Sound up right now, or can y'all open up on the portal the image of 2016 opening item underneath the Executive Director’s report?

COMMISSIONER GUESS: I have it up.

PAUL MICKLE: Okay.

COMMISSIONER BOSARGE: I have it up.

PAUL MICKLE: All right. So I will go ahead and get started and everybody else can work on pulling that up.

This is an image of the 2016 opening. I apologize for the graininess. I started working on this about eleven minutes ago.

It is a simple concept, but it gets complicated very fast, and I want to talk about the biology, of course, and the marine resources that our agency is tasked with, as well as the Commissioners, and the interest of the user groups and the people of Mississippi.

Unfortunately, we have multiple openings and multiple scenarios of the Bonnet Carre opening.

When the Mississippi River gets going like this, you can see it obviously dumps out the main stem on the southern part of the slide there and is actually heavy
laden with sediment, and the same scenario applies for what happens with the Bonnet Carre.

If you will look in Lake Pontchartrain which is the larger body of water directly above New Orleans there, you can actually see the water quality difference of the northern part of the lake and the southern part of the lake, and that is direct result of the Bonnet Carre Spillway opening in 2016.

Now, the 2016 opening is somewhat in the neighborhood with the projected opening for the 2019 opening we are going through right now, so I grabbed this quickly and put it up just to show kind of the anatomy of how the water moves through the Louisiana State waters and into ours.

COMMISSIONER BOSARGE: Dr. Mickle.

PAUL MICKLE: Sure, Steve. Go ahead.

COMMISSIONER BOSARGE: I just want to clarify because I thought Joe said that this opening should be close to what it was in 2018.

In other words, which one is correct here?

JOE SPRAGGINS: Well, 2018, sir, and 2016 were very close to each other. They were almost the same.

PAUL MICKLE: If I had time, I would have probably found the satellite image of 2018. I just didn’t have time, sir.
COMMISSIONER BOSARGE: Okay. Go ahead.

PAUL MICKLE: The point is, it is like a spigot kicking on when the water starts coming at us, but, again, the things that we need to understand are the things that are at risk of being moved, or to have increased, or decreased, mortality, or loss of life for certain species that we are most interested in, is obviously oysters, shrimp, trout, red fish, crab and seagrass, and the movement of water out of the Bonnet Carre Spillway definitely has an impact on movements of these species, as well as mortality rates.

The factors that I emphasize to please keep in your minds that occurs and changes every single opening and varies with every single opening, what happens is the amount of water, the duration of water that comes through the spillway, the temperature of the water.

When it is snow melt, or rain, it varies in the temperature that hits our State waters and, when it reaches us, it obviously affects the reproductive cycles of many species, the movements of those and, again, the mortality rates of these.

The affects of that can be felt for many years to come because you are either removing cohorts, age classes entering these fisheries and things like that.

It's not like it goes away once they shut them
down. We feel the affects of it for years to come.

   Quickly, I will try to wrap up because we need to move on.

   We can discuss anything y'all want, but I just wanted to make the point of when the Bonnet Carre opens -- and look at the slide -- fish in Pontchartrain obviously get trapped because there is still good water that gets trapped in the northern half, or the southern half. It depends on the winds and the fronts that occur after the opening happens, but, again, the water snakes its way out of Pontchartrain and wiggles through north of the Biloxi Marsh, is in direct line of our barrier islands in the western Mississippi Sound, and you can see the water there is actually dirty just south of Bay St. Louis as it comes out of Pontchartrain.

   If you can really focus in on the little dark spot on the northeast corner of the map of Bay St. Louis, you can see the dirty water just south of Bay St. Louis that is being carried out of Pontchartrain and is being flowed toward our barrier islands in the western Mississippi Sound.

   It completely depends on the fronts that we get each year of where that water comes out of Pontchartrain. When we have a lot of northern fronts like last year, the Bonnet Carre sediment-laden water and the fresh water
influx was pushed south because we have predominantly north winds coming behind those fronts pushing that water south.

If we don’t have that scenario, it can be pushed north and potentially even into Bay St. Louis and certain areas.

There are a lot of factors that drive the movement and mortality of the species that we are concerned with.

I just wanted to throw that slide up and make the point that when it is kicked on, it is not the same scenario every year, and we need to take that in mind when we start making recommendations and decisions about the marine resources because it is a burden that unfortunately we are going to have to live with for years to come and we have lived with for years in the past.

In my opinion, we should be doing monitoring which we are currently doing. Marine Fisheries has instigated a really good protocol to do water quality monitoring for the last, I guess, four or five openings.

Joe, you can take it on from there, but the agency, in my opinion, has done a really good job in trying to combat and get the data to justify losses of marine resources and impacts to those resources pre, present and post Bonnet Carre openings.
That is where I will leave it. I will answer any questions, if needed.

COMMISSIONER BOSARGE: I just would like to probably add to your presentation just a little bit. You know, from my experience and especially working down around the mouth of the Mississippi River, when you look at that image, it is a little bit misleading especially down around the mouth of that river.

Freshwater tends to float on saltwater. It goes over the top of it. The two don't just mix instantly, but when you look at that and you see all of that sediment-laden freshwater most people would think, okay, well that is top to bottom, but a lot of times it is not. It is just on the top.

Have you ever seen that, Dr. Mickle?

PAUL MICKLE: Yes, sir. It carries on the top, but it has been justified that it does push fish around in the literature for the most part, but you are right freshwater is less dense than saltwater. It does carry and it becomes carried on top and mixing is actually not as easy as what people think. The freshwater, it takes a lot to mix it up. So there is some definite separation between water quality types.

COMMISSIONER BOSARGE: Oh, yes. When we would trawl, you would be in that brown sediment-laden water,
and, then, you walk to the side of the boat where the wheel wake is and it would be pretty green. So it is just right on top.

Anyhow, I agree with you that it does move fish and move different species, but there are so many variables in weather patterns, rain patterns, fronts, southeasters that, you know, it has been my experience what happens one year in one particular place you can’t guarantee that same scenario is going to happen the next time in the same place. Things change. So we have to take that into consideration.

JOE SPRAGGINS: Commissioner, that is one of the things. I talked with Joe yesterday and Paul, and one of the things we are looking at is we are trying to make sure.

To be able to take science and have enough data to say we know this is going to happen and we know that is going to happen with the fish, I don’t think we have that capability right now. We may in the future because we may do some more research where we can understand this.

I have asked any way in the world can we say what we see as science, and that’s what I want. I want science to tell us that it is, or is not, something that is causing fish to move one way, or the other, and, then, the next thing would be how quick and what amount.
I don’t know that we are going to get that actual from them today because it is something that is not data that they have just actually been keeping forever. I wanted that to be up front to everybody that they are giving you the data that they can come up with at this time, or any information that they can at this time, sir. So I just wanted you to know that.

COMMISSIONER BOSARGE: Thank you.

COMMISSIONER DANIELS: Joe.

JOE SPRAGGINS: Yes.

COMMISSIONER DANIELS: May I chime in with a little bit of real world knowledge from what we saw in 2016?

JOE SPRAGGINS: Sure.

COMMISSIONER DANIELS: Whenever they opened in 2016, we very quickly started seeing fish on the east side of the Biloxi Marsh that had been tagged in the middle of Lake Pontchartrain which that is a very rare occurrence for us to catch a tagged fish that has moved all the way from in the middle of Lake Pontchartrain.

That told us that those fish did get pushed to the east and whatever bearing that may have on this, it is real world experience that I have seen in the past.

I’m not talking about we caught one fish. I mean, we caught quite a few of them and whenever we turned
those tags in, you could see that they had moved from all
the way in there out ahead of that water out to the east
side of the marsh and around Cat Island and whatnot.

I know for a fact that it moves them.

JOE SPRAGGINS: Okay, and also what Commissioner
Bosarge said, the winds and all have a whole lot to do
with what is happening.

COMMISSIONER DANIELS: Absolutely.

JOE SPRAGGINS: And I have talked to the
scientists about what was going on with that and,
otherwise, if we get a north wind at the right times when
the water is coming into the marsh area, or wherever,
moving it out into the Sound, that the more north wind we
get the better off it is because it moves it quicker. We
understand that and, if a south wind comes in, it causes
it to hold back and hold it, but that is more so for, I
would think, our oysters and, if we are worried about our
fish at this point.

If y'all don't mind in the essence of time, if I
could turn it over to Joe Jewell to let Joe give you a
little briefing on what me and him had talked about
earlier.

Joe, you know the briefing that you gave me.

Those slides aren’t up, though, are they?

JOE JEWELL: They are not.
JOE SPRAGGINS: Can you give any insight to this, though, your insight to it?

COMMISSIONER GOLLOTT: Mr. Chairman, can I say something while Joe is getting ready?

COMMISSIONER BOSARGE: Yes, sir.

COMMISSIONER GOLLOTT: One of my concerns about this is if I remember right, the Bonnet Carre pushed a lot of speckled trout in around Cat Island and piled those fish up in there the last time.

Since the Commission just raised the size limit to try to get our SPR’s up, I would hate to see one incident knock us back down to where we were.

You know, what I wanted to do is consider putting some kind of a limit, or closing it down for a certain period of time, so we don’t lose what gains we have made with the SPR, Spawning Potential Ratio.

Would anybody address some of that?

JOE SPRAGGINS: Dr. Mickle, this morning we talked about that to the fact about the fish coming here and they do stay here and it could help that.

Would you address that?

PAUL MICKLE: Yes. We have seen evidence of large fish that we usually don’t see on our islands when Bonnet Carre’s don’t open up. So that gives a little bit of inference, or direction, that these fish are around.
They originally may have come from Louisiana waters and they have stayed the length of the summer, and obviously they are reproducing all summer long because that is their reproductive season which is well documented.

So any fish that we discuss here today that could potentially cross state lines into our waters and stay long enough to spawn, we obviously are going to see a biological bump from that. That is just the inference from what we see.

COMMISSIONER BOSARGE: Yes, and I agree that these fish do -- when the weather is right and all the conditions are right, we get fish pushed this way and we probably need to do something to try to protect them, but, at the same time, we need to make sure that what we do is justified I guess is what I'm trying to say.

In other words, do we just prematurely do something just in case, or do we wait until this happens? In other words, there are a lot of variables in this.

COMMISSIONER DANIELS: Steve, I agree with you on that. I raised that concern the other day, and one of the things that has been brought up is possibly monitoring the fish.

I may not know enough about that, but that seems
really tough to me.

My question would be do we have a way to monitor the water?

In my opinion, it is going to be two or three weeks before this water gets over to this western part of the Sound, or possibly Cat Island.

Through satellite imagery, or through our boats that are out there, can we just keep an eye on where this water is at?

JOE JEWELL: This is Joe Jewell. I can address some of those questions.

We do have established stations out there that we monitor for oysters, shrimp, crab and finfish, and we have water quality stations out there.

We have fixed structures out there that monitor annually throughout the year, and, then, we have a couple of temporary deployments that we do to target the freshwater inflow.

Currently the conditions over in the western Mississippi Sound, there is a lot of freshwater intrusion from the Pearl River already. So we are already seeing low salinities that is typical when you have the Pearl River in flood stage, or above flood stage.

It is going to be a little difficult, once we start moving into the major impacts from the freshwater
intrusion through Lake Pontchartrain and Lake Borgne.

It is true it takes anywhere from ten to fourteen days, depending on the flow rate through the Bonnet Carre, for us to start seeing those impacts.

We started monitoring the marine resources in the west Sound and the physical parameters earlier this week and we will continue that prior to the freshwater intrusion, during the freshwater intrusion and a little ways after the freshwater intrusion to determine the impacts on those marine resources.

So a couple of other things to sort of put some umbrella over all the comments that were made -- I appreciate all of those and all of those are pretty accurate -- Spotted Seatrout is a species that we are talking about right now. They are primarily estuarine dependent. They are born in a certain estuarine system and they, for the most part, stay in that estuarine system most of their lives.

Now, the comments about Lake Pontchartrain and Spotted Seatrout being caught in the eastern Biloxi Marsh areas, that is absolutely true. We typically see that, as they are forced out of their native habitats.

What traditionally we think happens -- there is not a lot of scientific evidence out there, but we think once they are pushed over into the western Mississippi
Sound and the state waters of Mississippi, they become permanent residents, so we do see that increase.

Most of the comments everybody is saying, y’all are saying exactly what we typically see during these types of events.

I had a few more slides just as information. I have really gone over it all.

The comparison between the 2016 and 2018 season, they are very, very similar, as far as the millions of cubic feet of water per day that come through, the gates that were opened.

I just referenced 2018 because the Corps of Engineers referenced 2018 at their stakeholders meeting on Monday. So I apologize for that confusion.

COMMISSIONER BOSARGE: Joe.

JOE JEWELL: Sure.

COMMISSIONER BOSARGE: I did have one question.

The life cycle of these Spotted Seatrout, you know, right now they have been up the rivers for the last month, or so, and as the water warms up and the time goes on, these fish move out around the islands to spawn.

So those fish out of Lake Pontchartrain because they are in that lake, where do those fish go to spawn?

PAUL MICKLE: Pontchartrain actually has a lot of SAV, or submerged aquatic vegetation, in it and a lot
of productive habitats.

   I don’t know if y’all still have that slide up, but it is a quite large body of water, and there is a lot of reproduction actually being sustained in the lake itself.

   There is a large crab fishery in Lake Pontchartrain year round. It is vast enough and it has a production level high enough to sustain the entire life cycle of multiple species.

   COMMISSIONER BOSARGE: So those fish don’t leave the lake to spawn is what you are saying, Paul?

   JOE JEWELL: For the most part, they don’t.

   PAUL MICKLE: For the most part. In biology, everything bends, or breaks, a rule here and there.

   JOE JEWELL: Steve, if you look at that picture, you will see the Lake Pontchartrain species are pretty much estuarine dependent on Lake Pontchartrain, but there is a Lake Borgne species, and, then, as you move on down into the Chandelier Sound, there is a population of Spotted Seatrout that are dependent on those areas.

   They move in and out of the estuarine system very similar to the way the Spotted Seatrout move in and out of the estuarine system here along the northern Mississippi Gulf Coast in Mississippi state waters.

   It is true. Now, I don't know if you have been
watching the weather reports, but this February is the second warmest February we have had on record and that is reflected in the water temperatures, also.

We do anticipate those trout probably moving out of the estuarine systems a little bit earlier than they normally do, and, then, as Dr. Mickle said, they move out into the deeper lower estuarine systems on the islands and they start spawning.

They traditionally spawn all the way through about mid summer, but right around now through April are their peak periods for spawning.

COMMISSIONER GOLLOTT: Mr. Chairman, can I say something?

COMMISSIONER BOSARGE: Yes, sir.

COMMISSIONER GOLLOTT: One of my concerns is if we don’t do something -- this will be a good learning experience for us to get a lot of data on what happens when they open the spillway, but, if we don’t do something, you know, they could get in there and wipe out a whole lot of trout and put us back. We have got to have some kind of mechanism to slow the catch down and don’t just ravage the speckled trout that we have been trying to build here. So we need something to, you know, put a limit on these trout, or something.

COMMISSIONER BOSARGE: I’m sorry. You cut up
right there, Richard.

Can you say that again?

COMMISSIONER GOLLOTT: Yes. I said we need something to protect the trout and, you know, we just don't want to -- when we find out something, we don't want it to be too late and we have done netted a lot of these fish and sold a lot of fish that should have been kept in the water to protect the species.

COMMISSIONER BOSARGE: Yes, sir, and, you know, what to do to be fair to everybody is, I guess, the question.

You know, I had a conversation I think with Representative Moran and with Mr. Joe yesterday about different scenarios and both of them -- Senator Moran expressed to me a total closure and, I mean, that is kind of extreme, but I guess if it was ever a fairness involved, that would be fair for everybody, but that is extreme, Commissioner Gollott.

I just want to make sure that everybody is onboard, if that is what we need to do.

JOE SPRAGGINS: Sir, we have a couple of ideas that we would like to pop up to you here in just a minute, but I think someone was trying to chime in, and I cut them off. I'm sorry.

COMMISSIONER DANIELS: No. Go ahead. I will
wait.

I personally would be in favor of a daily limit instead of a complete closure, but I would like to see that water monitoring, first. I don’t think we need to close it down now weeks ahead of this potential impact.

JOE SPRAGGINS: Could y’all possibly look at your slide where it says the Bonnet Carre and hit that, and, then, bring it up?

I think you will see what they call a preferred motion and an alternate motion, and these are things that we are talking about that the DMR has looked it and said, hey, this may be a possibility of a way of looking at something.

One thing we need to make sure that we keep in mind one hundred percent is that whatever we do, it is going to be across the board. It is not going to be just commercial fishermen. It is not going to be just recreational. It is going to be across the board that everyone must take a cut one way, or the other, if we don't close the whole thing. I just wanted to bring that out.

Have you been able to pull that up yet, any of you?

COMMISSIONER BOSARGE: Yes, sir. Steve has got it.
COMMISSIONER GUESS: Natalie has it up.

JOE SPRAGGINS: Any other Commissioners have it?

COMMISSIONER DANIELS: Yes, sir.

JOE SPRAGGINS: Mark?

COMMISSIONER HAVARD: Yes, sir. Go ahead.

JOE SPRAGGINS: All right. The preferred, as we are looking at it, says to exercise Commission authority under the Mississippi Code 49-15-304 to make an exception and grant a variance to the Title 22, Part 7, Chapter 8, Recreational Bag, Possession and Size Limit, to modify the recreational daily bag limit for Spotted Seatrout to ten per person per day to properly manage in accordance with the establishment of the SPR for recreational Spotted Seatrout, due to the anticipated influx of Spotted Seatrout into the Mississippi Sound following the opening of the Bonnet Carre Spillway, and Chapter 9, Commercial Size, Possession and Catch Limit, to establish a daily commercial catch limit for Spotted Seatrout at no more than three hundred pounds per vessel per day to ensure that the first period quota is not met within the first few months of the quota period, due to the anticipated influx of the Spotted Seatrout into the Mississippi Sound following the opening of the Bonnet Carre Spillway starting March the 1st.

What we are looking at, Commissioners, is that
number one, we could do a variance that we have done
before, and under the variance, it would be that we would
limit the number, and we just put numbers.

   When we said ten, that could be a different
number. We just put a number in there as a stakeholder
there and where it says three hundred pounds, it could be
a different number there, too.

   What we are looking at is being able to make
sure that we do not mess with the SPR to the point of
where we are now. We have talked about that several
times.

   Also, commercial fishermen, one of the reasons
that we do a first season and a second season is to make
sure that we have -- the idea of that is that we have
enough commercial fishing going on all during the time to
be able to have fish in our markets and in our
restaurants, and we want to be able to do that, and they
help us very much with that.

   The idea was to basically limit that down a
little bit to the point to where we wouldn’t meet the
quota too quickly.

   That is just something we are bringing up. That
is the first one. We would like you to look at that and
tell me your thoughts on it, sir.

   COMMISSIONER BOSARGE: Yes, sir. You know, I
looked at it and me, I’m trying to kind of look at how we came to these numbers and the science and making sure it is fair to everybody.

Some of my concerns on the recreational side would be we have made this a very public issue and within reason.

In other words, everybody knows what has happened to Cat Island in the past, and my concern is that once the word gets out that, okay, we’ve got another spillway opening, you guys get ready because there are going to be fish at Cat Island, are we actually doing any good to -- in other words, I know the effort is going to increase. It is bound to increase, with the word of mouth and social media.

By going to ten fish, is that going to make a difference?

You see what I’m saying, Mr. Joe?

I think that Matt and them have made presentations in the past where they said, you know, you would have to get down to five to make any difference, so that would be one of my concerns.

Maybe Joe can address that.

I’m just trying to figure the science.

JOE SPRAGGINS: Yes, sir, and, once again, when I said the ten and the three hundred, the two numbers
there are just put in there as a line item right now to
work off of, and it is not a guarantee one way, or the
other, that this is what the department is asking for.

Matt is not in here, I don’t think either.

Joe, can you address what he is asking there?

JOE JEWELL: Commissioner Bosarge, you are
absolutely correct. During our modeling of the Spotted
Seatout data that was available, for any significant
impacts to be made on the SPR by the recreational fishery,
it would certainly have to be down in the five, or six,
range to have a significant impact on the SPR.

I also want to point out for Commissioner
Daniels’ convenience that the March 1st, 2019, start date,
that can be altered, too. The Commission can pretty much
vary any of the data, or figures, that are here.

COMMISSIONER DANIELS: Joe, that data that y'all
run in that model, though, I mean, that is based on a
long-term period.

Correct?

That is not necessarily geared towards a short-
term immediate closure like this?

JOE JEWELL: That’s correct.

COMMISSIONER DANIELS: The influence on the SPR
probably, I'm assuming, would not be the same on a short-
term closure as it would on what you are running for a
long-term change?

JOE JEWELL: That’s correct. It doesn’t account for pulsing like will occur here.

I also want to point out, there is no data that suggests that all these fish are going to go to Cat Island.

We have actually had openings where the majority of the fish went south into Chandelier Sound, or Breton Sound.

We have had indications where there were increased populations in Bay St. Louis.

We are not quite sure what is going to happen. It depends on the intensity of the flow, both the volume and the velocity, and the weather patterns are going to have a big impact.

COMMISSIONER DANIELS: We've got a lot of reefs out there that could them up, if we get a big pocket of clean water up towards the north, or they could possibly push -- you know, back in 16, it got real good at Ship Island. They may push further east. We just don’t know until this water moves, and that is why I have expressed concern and let’s wait and see what this water does, before we go putting a closure and alteration on it.

JOE JEWELL: And that is a good point to make.

I also want to point out that in the Marine
Fisheries monitoring of this event, we do monitor the
MODIS satellite image. Dr. Mickle had that up earlier.

I think if the Commissioners would remember back
in 18, when I gave the update presentation on the impacts
of the opening, we used a lot of satellite imagery in that
presentation that showed the water as it moved out of the
Lake Pontchartrain Basin and transgressed through Lake
Borgne and into the Mississippi Sound, the western
Mississippi Sound.

All of that will be available. We will be
monitoring the physical parameters out there in the
environment and, also, the marine resources themselves.

JOE SPRAGGINS: One thing I want to bring up,
too, and I think it is pertinent at this time, is that we
have changed the way commercial fishermen are allowed to
fish with their nets. That was changed in the last
Commission meeting to where we went to the way the haul
seine is designed and what a haul seine is.

A gill net is not legal in that area anyway, and
only the haul seine net is legal, and my understanding, we
don’t have an abundance of commercial fishermen with haul
seines at this time.

That number that we are looking at, when we say
three hundred pounds per vessel per day, is that realistic
because, I mean, it would be fine if you had fifteen, or
twenty, fishermen out there, but there are not that many out there.

Should we limit it that low, too, if we do something?

That is another thought.

COMMISSIONER GOLLOTT: Excuse me, but shouldn't we manage this thing to the worst case scenario to see? I mean, the worst thing in the world would be to set the SPR back.

JOE SPRAGGINS: If that is the case, shut it down.

COMMISSIONER BOSARGE: Yes.

COMMISSIONER GOLLOTT: Or go five fish because it is worth somebody going fishing for five fish. There are people that go fishing. That is enough to eat.

JOE SPRAGGINS: Do you mind if I ask a question?

COMMISSIONER GOLLOTT: No. Go ahead.

JOE SPRAGGINS: Mr. Martin Young, you are here and I trust you for a lot of things. You are up front with me all the time.

Do you mind, Commissioners, if I ask him to give us an idea of what he would normally catch at this time of year around Cat Island?

COMMISSIONER BOSARGE: No, sir, I don't, Mr. Joe. We haven't made it to the commercial side, but that
was going to be my point, too. On the commercial side, there is no effort there. The effort is decreased on that end. There is a lot less effort.

I was going to ask Joe where we are on the first part of the season, as far as the quota goes, but, anyhow, I would like to hear from Mr. Martin Young, also, if the rest of the Commissioners don't mind.

JOE SPRAGGINS: I don't know if he wants to say that, or not, sir.

MARTIN YOUNG: Well, the only thing I would say to that is --

JOE SPRAGGINS: (Interposing) Step up here so they can hear, sir.

MARTIN YOUNG: The only thing I would have to say to that is I have fished my whole life and you don't get two years the same regardless.

A lot of what y'all are saying is true. Fish go south. They go east. They go west. I mean, there is no two years the same.

JOE SPRAGGINS: Okay, and the only reason I was asking that is if you normally would go out there on a day like this and using a commercial legal haul seine which I know you have one, and on a day in March, if you normally could catch three to five hundred, or eight hundred, or a thousand -- I don't know what the number is, and I'm not
trying to pinpoint you on that.

The point I’m saying is if you would normally
catch five hundred pounds, then, okay, three hundred.
Limit it down to one thing.

If you were normally catching two thousand,
then, no, that is a little different.

MARTIN YOUNG: As good as it was last year, I
couldn’t put a number on what I was going to catch on a
trip. You can’t do it. It is impossible.

JOE SPRAGGINS: All right. I wasn’t trying to
pinpoint you.

MARTIN YOUNG: Last year, we towed the nets we
had. So it is impossible regardless.

With the seine like I’m fishing, you could run
into a problem and have the biggest school of fish you
ever had and lose it just like that. They are gone. You
don’t get none of them.

JOE SPRAGGINS: Yes, sir. Okay.

MARTIN YOUNG: I mean, that is a question that’s
really not got an answer.

JOE SPRAGGINS: Okay.

MARTIN YOUNG: That’s why it’s fishing. I’ve
heard a lot of recreational people and commercial alike.
That’s why they call it fishing, not catching.

JOE SPRAGGINS: Yes, sir.
Sorry about that. I wasn't trying to put you on the spot. I was just trying to get something to work off of data of how do we come up with a number to say what is commercial.

You know, we can kind of look at -- we can ask the CCA and others about what is your normal catch when they go out, and they will probably say you the same thing that it depends on what is going on.

JOE JEWELL: Mr. Young, I would like to make a follow-up question.

MARTIN YOUNG: Yes, sir.

JOE JEWELL: So how reasonable would it be for you to estimate that you have three hundred pounds? I mean, what would be the consequences if --

MARTIN YOUNG: (Interposing) In the seine?

JOE JEWELL: No.

If we set the limit at three hundred pounds per day for the commercial people, what would be the consequences if you misestimated and you caught three hundred and twenty?

Are you reasonably sure, as a fisherman with a haul seine net, that you could meet that three hundred pounds and not be over?

MARTIN YOUNG: Well, my first concern would be I would be terribly upset to be fishing for three weeks.
Just like right now. A perfect example. I ain't caught two hundred pounds of fish in three weeks. So I would sure hate to lose a thousand pounds of fish, if I finally caught them. I mean, I'm in it for a living.

RYAN BRADLEY: He is asking us could you weigh those fish on your boat and be accurate?

MARTIN YOUNG: That's what you are wanting to know, could I actually get it down to three hundred pounds?

JOE SPRAGGINS: Or close.

JOE JEWELL: Or close.

MARTIN YOUNG: Put a pair of hanging scales on the boat on a boom.

JOE SPRAGGINS: I guess the point is, I don't think we are trying to do anything to -- we would have to make a variance in there. It would have to be something in there, you know, to allow for a number that would be a difference because I don't think you could actually come up with that, just like you couldn't anything else on most of it.

JOE JEWELL: Steve, to answer your question and it will support some of Mr. Young's statement, so far we have no poundage reported. Of course, we are not reported by the 10th of the last month for last month, but we typically don't see a lot of Spotted Seatrout landings

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yet. Like I said, they are up in the upper estuary systems right now in deep water.

   We don’t typically start seeing those until the water significantly warms, somewhere around the first couple of weeks of March.

   So I hope that answers y’all’s question.

JOE SPRAGGINS: And I think Mr. Johnny Marquez wanted to say something.

JOHNNY MARQUEZ: Thank you, Director Spraggins.

   I just wanted to mention, you know, we are talking about putting some restrictions in for a special circumstance and I’m in favor of that. I mean, the whole idea is to protect the resource, but I think we are blaming a little bit between the discussions of long-term goals for speckled trout when we talk about lowering the bag limit, for example, that a lot of fishermen don’t catch their bag limit, so you really have to have a drastic reduction.

   What we are talking about here is a case where we think there is going to be a big influx of fish, and it would be easy for everybody to go out and catch their limit and do damage to the resource. So it seems to me that it’s not the same thing.

   If you are talk about reducing to a bag limit of ten, you do have some impact. These aren’t, you know,
normal circumstances. You don’t necessarily have to go to five fish to have that protective measure in this short period of time.

The other thing was that I thought that there had been some discussion. Some of the concern is that it pushes a lot of big fish out of the lake and that these are big breeder fish that we want to protect.

So another item that, you know, the Commission may want to consider is having some sort of slot limit put in place. I mean, it’s the springtime when we normally catch big fish anyway, and that may be another tool in the toolbox to consider is capping the number of big fish that the recreational angler can keep.

I appreciate the opportunity to comment.

JOE SPRAGGINS: Thank you, sir.

COMMISSIONER BOSARGE: I guess maybe just to answer, you know, what you said, ten fish, my concern there is not so much the bag limit as it is the number of fishermen. In other words, that is going to be a real hot spot and it is going to be a lot of folks out there, a lot of pressure.

Where the fifteen fish bag limit for a hundred fishermen might not have been bad, but if you go to ten and you’ve got a thousand fishermen, here is your problem. It’s the number, plus the effort.
Anyhow, that was my concern.

COMMISSIONER GOLLOTT: Well, we’ve got to keep in mind this is a temporary thing we are looking at, too. This is not a long-term thing. We are just trying to protect the fishery while the Bonnet Carre is open. Then, everything can go back to normal.

COMMISSIONER HAVARD: This is Commissioner Havard. I’m listening to all this discussion, and we are kicking a ball back and forth that is all good points and it’s not about a user group being benefitted more than the other. It’s not about how you catch them, at this point.

It’s about the resource. What’s right for the resource, in order to help us achieve a goal that we all have spent time putting effort into to make this resource grow and to reach this SPR number.

We all know that there is going to be congregations of fish, lots of fish. It’s no different than when the river rises in the river delta. All the deer have to go to these islands. They are trapped. We could go in there and take care of the whole population, if we wanted to, but, instead, man steps in place and says, you know what guys, if we want to hunt deer next year, we need to shut down hunting season temporarily, in order to provide for every user group in the near future. That’s the right thing to do for the resource.
Everybody has got a voice on this panel, except the resource and we’ve got to figure out, do we want to set this goal, do we want to achieve this goal, or are we just setting goals that if they happen, if we achieve them, great; if not, great.

There should be no bias to one user group, or the other. It’s all about the fish. What is right to keep the resource moving in the right direction.

And yes, do recreational guys go out there and catch their limit three and four times a day during these times?

Absolutely they do.

Do commercial guys do something?

Sure they do.

You know, everybody takes advantage of the unfortunate circumstances for the fish, where they are running to try to find water that will support their life for the next several weeks.

You know, as far as monitoring these fish to know when they come in, we have enough ears and eyes on the ground from our enforcement guys. They can see the boats out there. They can see how many people are catching fish. The congregation of boats, you know, it's double, or it might even been triple, or quadruple, the number of boats that are normally out there, and, then,
when enforcement sees that going on, it is as simple as enforcement working with the scientists.

The scientists go out there and set a gill net, or whatever they need to, to confirm that the fish are there in numbers, and we talk and we make a decision to shut it down, or it is too hard to enforce making multiple trips, you know, for the recreational guys.

There are potentially eighty thousand licensed fishermen out there that are targeting these fish. There is no way for our thirty-six enforcement officers to catch every hole that is in these river systems, so in my mind, it's a simple explanation.

What is right for the fish?

If it's right for the fish and it helps us get closer to our goal, let's shut it down. It might only be shut down for a day. It might be shut down for two weeks. We will determine that.

Let the scientists and the enforcement officers work together and determine when the fish start spreading back out and going back to their natural habitat.

If they lay eggs while they are here, great. That means there are more fish in our waters. If some of the fish become permanent residents, great, but the bottom line is guys, we’ve got to focus on the SPR goal that we all agreed to set in place, and how do we help the
resource. That's where I'm at.

JOE SPRAGGINS: Any other Commissioners?

COMMISSIONER BOSARGE: No, sir.

I believe we all are in agreement that we need to watch this very carefully, make sure that we make a decision timely, at the right time, and when and if this event occurs, have a plan in place to take care of it.

I think that's where Commissioner Gollott is coming from.

Am I wrong, or am I right, Commissioner Gollott?

COMMISSIONER GOLLOTT: That's correct. I just want to be prepared and not let the resource get knocked down and have to start all over again trying to build our SPR's up. We have in put in too much time and too much sacrifice to get these SPR's up now.

I would rather see it closed down for recreational and commercial for the period of time that this thing is open and make sure that we are protecting the resource.

JOE SPRAGGINS: Sir, before we make any type of motion, or anything, we have one public comment, if you don't mind. I just wanted to let you know.

COMMISSIONER DANIELS: I'm sorry. I got disconnected, but I'm back in now.

COMMISSIONER BOSARGE: All right, Ronnie. Good
to have you back.

We were just discussing -- I don’t know where you left off -- you know, what we need to do. I think that we need to probably monitor this situation, but we need to be prepared to move at the time there is a need to move, and I think that is kind of about where we left off. Commissioner Gollott said he was in agreement with that.

I think we have one public comment. Somebody wants to speak.

JOE SPRAGGINS: Yes, sir. It’s Mr. Ryan Bradley, sir, and if you are ready for him, he is ready.

COMMISSIONER BOSARGE: Yes, sir, I guess so.
Go ahead, Mr. Bradley.

RYAN BRADLEY: Commissioners, that you for your time today.

With all due respect here on this matter, a couple of things I wanted to point out was that this here statement that these fish come into Mississippi waters and they become permanent residents, it would be my opinion that that may be a little bit of conjecture there.

I would argue that these fish will leave our state waters just as soon as this spillway subsides.

I would argue that we should be thankful for any influx of trout into our waters and that we should be able
to capitalize on these fish when they come into our waters and that there is no threat from the commercial industry from overfishing.

We have a very small quota of fifty thousand pounds. It is relatively small to the recreational sector landings which, from the MRIP, data indicate anywhere from one to two to three million pounds annually.

More specific, I'm looking here at the motion that has been presented citing the Commission's authority to make an exception and to grant a variance.

I would like for the record to reflect that this perceived authority under 49-15-304 to make an exception and grant a variance without following the Administrative Procedures Act is currently pending review in the Chancery Court on a similar matter.

In this 49-15-304, it does not state anywhere that the Commission is exempt from following the Administrative Procedures Act.

We are very concerned about the violation of fundamental constitutional rights to due process that would normally allow the general public to have ample opportunity to weigh in on a proposal such as this which would allow the public a twenty-five day public comment period, the right to a public hearing if so requested, the right to request an economic impact study, and the
consideration of less restrictive alternatives, all of which will be required to be noticed in the Administrative Bulletin with the Secretary of State.

I would like to ask the counsel for the DMR, what is the case law that affirms the Commission’s exemption to promulgate regulatory changes without regard for the APA?

The APA already gives exemptions for emergency measures for eminent peril to public health, safety, or welfare.

I don’t believe that we have met the threshold here that public health, safety, or welfare, is the concern.

I do appreciate the Commission’s intent to conserve the marine resources which is a very admirable cause, but I would argue that if we really wanted to protect the Spotted Seatrout, then, perhaps we should set a total allowable catch for the recreational sector.

Also, there is no notice in this motion as to when this variance would be lifted.

That would be our argument there is that we appreciate what you are trying to do here. We respect the intent here is conservation, but I think this sets a dangerous precedent of closing areas off, making regulatory changes without following the Administrative
Procedures Act, and that is our primary concern here today.

So with that being said, I will leave that there.

Commissioners, thank you for your time.

COMMISSIONER BOSARGE: All right, Mr. Bradley. The goal here is to try to protect our resource. I do echo some of your concerns with this 49-15-304.

Mr. Joe, you and I spoke I think yesterday and just, you know, to clear the air to make sure that we can do what we are doing using the statute that we are citing, would it be possible to get an Attorney General's opinion, you know, to make sure because there is a question as to whether we can do what we are doing, using this statute that we're citing.

You know, you had told me yesterday that you felt like we needed to start doing Attorney General's opinion to make sure that we are following the letter of the law.

Is that a possibility?

JOE SPRAGGINS: I think that's very much a possibility, sir, and there are two things I would like to address on this.

Number one, hopefully we can have enough time to
do that. I don’t think we are talking about having to
close anything today, so I think that we have time to look
at that, and I will ask Sandy. She is sitting here.

   Is that possible to get it in the next week, or
something like that, that we could possibly get an
Attorney General’s opinion?

   SANDY CHESNUT: Typically not. It usually takes
about thirty days.

   JOE SPRAGGINS: Could we ask in an emergency
situation because of what is happening?

   SANDY CHESNUT: We can certainly request it.

   JOE SPRAGGINS: Okay.

   COMMISSIONER BOSARGE: We would get some clarity
to it, and I think that we are all in agreement that we
need to watch what is going on. I think that we all maybe
if we could come out of this meeting maybe with a plan as
to whether we are going to change bag limits and change
trip limits, or we are just going to shut it down when and
if this comes, I think that would maybe be a step forward
in the right direction, but I think that we need to just
do our monitoring and due diligence and have a plan in
place when and if it should happen and one part of that
plan to be sure that we have the authority to do what we
want to do using this statute.

   COMMISSIONER GOLLOTT: Excuse me. You know
Attorney General’s opinion is just an opinion and, as far as I’m concerned, Sandy's opinion is as good as the Attorney General’s opinion. She works for him.

What is your opinion, Sandy, on this?

SANDY CHESNUT: I am confident we do have the authority. The authority is even provided by the Administrative Penalties Act itself. When there has been a specific agency statute that is in conflict, the agency statute applies.

The statutory construction in and of itself supports the fact that this is an exception to the due notice under the Administrative Penalties.

They give this to agencies when they are dealing with the resource, or a matter that needs immediate action.

JOE SPRAGGINS: If I could add one other thing, too. Senator, the conversation we had the other day and I think several of the senators in the state are under this understanding -- and tell me if I’m wrong, but the constitution allows that to happen because it gives us to conserve the resources.

Is that correct, sir?

MIKE SEYMOUR: Exactly.

JOE SPRAGGINS: And that is what the senators --

MIKE SEYMOUR: (Interposing) The constitution
over -- there ain't no procedures act that is above the constitution.

JOE SPRAGGINS: What I'm saying, sir, is that the constitution by Senator Seymour and a couple of the other senators, they think the constitution gives us the right already to be able to do what we are talking about here, even to the point of closure, or anything else, and, once again, we could cite that with the Attorney General and ask for that, too, if we needed to, and I don't have a problem asking the Attorney General, but I think that if we are looking at legislation and we are looking at the lawyers from our own Attorney General, they agree that we think that we can possibly do this with no problem.

I have no problem. If we can get it done in the time frame, before we could have any issues, I have no problem asking for that.

COMMISSIONER BOSARGE: Yes, sir, and Mr. Joe, just doing a little bit of research, me, you know, back in 2005, there was House Bill Number 1288 introduced and it was an amendment to 49-15-304 where in there it -- where now the Rule says the Commission may make exemptions to and grant variances from any rules, or regulations, adopted by the Commission.

Then, they added in this language in this bill, including adopting rules to create emergency limits for
commercial and sport fishing, when acts of God, or man, require the Commission to adopt such rule.

That House Bill failed and it was my understanding that it failed because it did not meet Administrative Procedures Act.

That's why I say I would really love to have an Attorney General's opinion, and, then, maybe we can move forward.

Let's clear the air. Let's get everything straight. Let's get a plan in place, and make sure that what we do we are doing correctly.

COMMISSIONER GOLLOTT: Let me say something to the rest of the Commissioners.

You know, I have sat here for years now listening to preaching, we've got to be safe, we've got to take the conservative route.

What I would like to do is make a motion that we give General Spraggins, the Director, the authority to close it down, if he sees it getting out of hand, until we can have another meeting and get the Commission together to see what they want to do, just as a precautionary measure.

COMMISSIONER BOSARGE: All right, Commissioner Gollott.

Commissioner Gollott has a motion on the table.
Do we have a second for Commissioner’s Gollott’s motion?

COMMISSIONER HAVARD: I’ll second his motion.

This is Commissioner Havard.

COMMISSIONER BOSARGE: All right. Any further discussion?

I do have a little bit of problem with -- I like the way it is set up, now, to where this Commission with the five people, each have a voice and we have a decision. You know, we can all get together and try to come up with a decision, instead of giving Director Spraggins the authority.

COMMISSIONER GOLLOTT: Well, it’s going to take several days --

COMMISSIONER BOSARGE: (Interposing) That being said, any further discussion?

COMMISSIONER GOLLOTT: It’s going to take several days for General Spraggins to get everything together, and we just want to protect the resource until it can be brought together.

If he closes it, he is to immediately bring the Commission together to have a meeting on this.

COMMISSIONER BOSARGE: And your idea would be a complete closure.

Correct?
COMMISSIONER GOLLOTT: Correct, everything.

COMMISSIONER BOSARGE: Okay. All right.

We have a motion and a second.

Any further discussion?

(No response.)

COMMISSIONER BOSARGE: All those in favor aye.

(Commissioner Bosarge, Commissioner Gollott, Commissioner Guess, Commercial Havard in favor.)

COMMISSIONER BOSARGE: Opposed like sign.

(Commissioner Daniels opposed.)

COMMISSIONER BOSARGE: Motion carries.

JOE SPRAGGINS: Commissioners, I can tell you that we will not close this without your consent. I will tell you anyway on top of that. I will talk to you before I do that.

COMMISSIONER BOSARGE: All right. Thank you, Mr. Joe.

Is there anything else we need to do on this agenda item?

JOE SPRAGGINS: I think what we are going to do here, sir, for my understanding, if I could get clarity, we are going to go back and ask for the Attorney General to give us an opinion, if he can, as quickly as possible as to whether, or not, we can do this correctly under procedures that we are trying, and I will do that with
everything in my power to try to get it pushed as quick as possible through to get that.

The other part of that is that if it comes to a point because of science that we, through monitoring from our Marine Patrol going out seeing how many people are fishing and the amount that they are catching, or through science that we can prove something different about the movement of the fish, then, that would be the only time that we would come up with a motion to be able to try to close this area at any time at all.

That is what I wanted to make sure we are understanding the same way.

Is that correct, Commissioners?

COMMISSIONER HAVARD: Yes, sir.

COMMISSIONER BOSARGE: Yes, sir.

COMMISSIONER GOLLOTT: Yes, sir.

COMMISSIONER GUESS: That sounds good to me.

COMMISSIONER DANIELS: I’m just not in favor of a complete closure. I could see a drastic limit reduction, but a complete closure, I don’t know that I can agree with that a hundred percent.

JOE SPRAGGINS: I understand.

COMMISSIONER GUESS: It sounds like to me that we are going to be having another call here in the next week, or two, once we see how the movement of water is,
for further discussion because obviously there are so many variables still up in the air, but at least giving General Spraggins the ability to make a decision and call another meeting, if they are seeing something out in the water, it sounds good to me.

    COMMISSIONER BOSARGE: All right.
    JOE SPRAGGINS: All right, sir.
    We do have one more item on the agenda, if y’all want to move to that.
    COMMISSIONER BOSARGE: Yes, sir.
    JOE SPRAGGINS: It is to discuss the trip tickets. We don’t have any slides, or anything, on it.
    Sir, if you don’t mind, I would like to defer this to Commissioner Gollott. He is the one that had brought this up to me and wanted to put it on the agenda.
    If you don’t mind, I would defer it to him.
    COMMISSIONER BOSARGE: All right. Go ahead.
    COMMISSIONER GOLLOTT: Until just a few months ago, this was a voluntary thing, and I have had several calls from processing plants which generate a lot of jobs and a lot of money in our State, and apparently Marine Patrol, for the first time in over fifty years, has decided they have authority in these processing plants.
    To my knowledge, Marine Patrol has nothing in these processing plants to look at, or take pictures of,
or harass the people.

We do have a department in our agency that takes care of the health end of this thing, and they are the only people that go in. They can go in once a month. They can go in unannounced. They can go in anytime and check these plants.

We haven’t had any problems in years with having to write tickets in these plants, or getting these plants back in shape. They have done a real good job for years.

What I would like to do is bring this law back to a voluntary basis because we haven’t had any problems. We do not need Marine Patrol in these processing plants.

COMMISSIONER HAVARD: Richard, I would like to talk to that just a little bit.

The Commission put something in place that will help us measure the catch in Mississippi. We agreed that, hey, that’s the right thing to do. It gives us an idea, a pretty good idea what the catch is each year.

The trip tickets do have to be reported by the 10th of the following month, and I’m not understanding -- the enforcement guys, from my understanding, are not going in writing any tickets. They are just trying to make sure that everyone is following the policy that we as whole have put in place and, if they did not monitor that, there is no one else that is monitoring that.
Why put something in place, if nobody is going to monitor it?

We are wasting everybody's time by doing that. So somebody has got to put eyes on these things and, like I said, I don't think the enforcement is going in there writing any tickets. They are just saying, hey, guys, we've got a process in place that we put in place that is in place for many different reasons and one of the reasons is to make sure that we've got adequate numbers of what is going on in our state.

Where is the problem?

COMMISSIONER GOLLOTT: Excuse me. The problem is we have someone in our agency that has the responsibility to go in and check this. They check the health. They check to make sure there is toilet paper in the restrooms and stuff like that.

They can ask for these trip tickets anytime they want to.

Enforcement is doing more than just asking for the trip tickets. They were wanting invoices where they caught this guy switching shrimp from one local processor to another local processor because he had ran out of his brand and his customers wanted his brand, so he bought the product and was switching it into his boxes which is legal, but, see, Marine Patrol doesn't know all of these
things, and they really don't need to be in these processing plants.

We didn't have any problems for the last sixty years, when Marine Patrol wasn't in these plants asking any questions.

Why should they go in there and start harassing these people, now?

One of the processors -- they went to one processing plant the other day and he talked to them, gave them all the information.

They went to the next processor and the people wasn't there, so they started harassing his help for invoices and stuff.

This is just unacceptable. We don't have but about three, or four, processors in Mississippi. They do a great job. They were doing a great job before we passed mandatory trip tickets and they will still do a great job after we get rid of it.

Like I say, this is just a matter of trusting the people and depending on the person that we have -- I mean, there are not but three, or four, plants.

The person that is in charge of that with the agency here can handle all of this.

Why should we have several people popping in and out of these processing plants?
COMMISSIONER HAVARD: Richard, I deal with auditors every week. None of the auditors are welcome here. I hate it when they show up, but there are rules and laws that have been put in place that are above me that I have to follow, and the reason they are coming in to audit me is to make sure I'm following the law that someone put in place.

It is no different what widgit we are selling, or what widgit we are talking about, it’s a law, and the last time I checked, Game Wardens that work for the Mississippi Wildlife and Fisheries and the Department of Marine Resources Officers have the most authority in the whole State of Mississippi, as far as enforcement goes.

These guys are not out of line by checking on the policy that has been put in place, or law that has been put in place.

Like I said, if I could keep auditors out of here, there ain’t the first one would ever step in here. I promise.

COMMISSIONER BOSARGE: Commissioner Havard.

COMMISSIONER HAVARD: Yes, sir.

COMMISSIONER BOSARGE: With all due respect, you weren't there when all this was put in place and, actually, it was Commissioner Gollott and me kind of butting heads when we put this in place.
The whole problem right now with the trip ticket system is proprietary information, that the information that these fishermen submit is proprietary information. It is their information that they are giving to the state. In every other state that I know of and even the Federal government, that proprietary information is confidential and it’s not allowed to be given out. The trip ticket, that’s where we have the problem now in Mississippi is that we have gone from it being proprietary information to it being allowed to be accessed by Marine Patrol --

COMMISSIONER HAVARD: (Interposing) Which has the authority to do.

COMMISSIONER BOSARGE: Actually looking at individuals and what individuals are catching, and, then, taking that information and using it as an enforcement tool. It was never intended for that. Whenever we put it in place, it was made clear it was never intended for that use. That information is for aggregate only.

In other words, if Marine Patrol needs that information, it should only be given to them in aggregate where they can't go out and pick out individual people and use that as an enforcement tool.

Therefore, I'm with Commissioner Gollott on
this. I think that if this is the way this information is
going to be used, then, we need to abolish the trip ticket
system and go back to the way we were.

COMMISSIONER HAVARD: I don’t think that this is
being used as an enforcement tool. I think it is a tool
in the bag that they have the authority to look at.

COMMISSIONER GOLLOTT: I’m sorry, Mark. You are
not listening to the person that is representing the
processors. I am that person.

You haven’t talked to these processors and how
Marine Patrol is coming in and what they are doing.

COMMISSIONER HAVARD: Well, if it is an
enforcement issue and they are doing something out of
line, then, it is way above us. You know, that needs to
go to --

COMMISSIONER GOLLOTT: (Interposing) I don’t
think so.

COMMISSIONER HAVARD: -- the FBI, or somebody.

COMMISSIONER GOLLOTT: I’m sorry. We set the
policies and Marine Patrol carries them out.

COMMISSIONER HAVARD: Then, we are not following
the policies that you guys set. You are not following the
policies, and I have no problem whatsoever --

COMMISSIONER BOSARGE: (Interposing) The
problem is when the information -- and I think Joe because
Joe is over that trip ticket system, it changed -- the way the information was given out changed here how -- Joe, are you still there?

    JOE JEWELL: I am, Commissioner.

    COMMISSIONER BOSARGE: And how long ago was it when it changed, the process changed as to how the information was given out?

    JOE JEWELL: Well, I’m unsure of what you mean by given out, but traditionally Marine Fisheries manages the HACCP and sanitation programs and all the records and documentation for the oyster industry and the crab industry through our Commission regulations.

    We don’t do that for shrimp.

    On a voluntary basis, we do it for the sanitation inspection, if they allow us to. We don’t do their HACCP records inspection. That is through a contract through the Health Department is my understanding.

    Now, we did work with Director Spraggins and Marine Patrol and created a folder, or a portal, that has all of that information of the dealers and processors, their landings and all that information a year, or so, ago.

    Is that correct?

    I don’t think it was quite a year, but we did do
that, if that is what you are referring to. That happened a few months ago where we allowed access by Marine Patrol to all that information. That’s correct.

COMMISSIONER BOSARGE: The ability for Marine Patrol to go in and look at individuals and individual’s catch, and, then, for us to go in and do administrative penalties. Fine one of them ten thousand dollars.

You know, in other words, this is where this has all gone south.

That information -- in other words, if those fishermen were doing wrong -- the way it works in every other state I have been in -- and the quota was exceeded, then, that amount was subtracted from the next year’s quota. That’s the way that takes place.

In any other state, even me right now, if I want to go, or even Ronnie Daniels, if he wants to go -- I don’t know if you have to fill out any landings report for NOAA -- I can’t even hardly get my own data from NOAA without a string of red tape because that is proprietary information and they really don’t like releasing it.

And that’s where we are, now. I don’t -- it was never intended -- I’m like Richard, my phone is ringing off the hook. These guys are like, hey, man. I mean, we have to report our catch thirty days. We keep up with everything for thirty days, and, then, turn it in. If we
miss anything at all, we stand a chance of getting fined.  
In other words, they are up in arms. They are ready to say, hey, I'm sorry. I didn't sign up for this.

COMMISSIONER HAVARD: But, Steve, real quick. If I miss anything at all, I get charged for it for the IRS to the State to anywhere. I'm required to follow this policy and procedure, and I have no problems with them when they are here because I'm doing everything right.

COMMISSIONER BOSARGE: That's correct.

COMMISSIONER HAVARD: Well, that's the same. What are you in?

COMMISSIONER GOLLOTT: Mark.

COMMISSIONER BOSARGE: This is this guy's income. This is his personal information. It would be like you and your tax returns. If you were working on people's tax return, you couldn't just give that information out anywhere. That is the way this information is. It is considered proprietary information because --

COMMISSIONER HAVARD: (Interposing) As a law enforcement officer, I have to give them whatever they want, and the Marine Resources Officers are no different that any other officer.

COMMISSIONER GOLLOTT: Yes, they are, Mark.

Let me explain to you what the difference is.
The people coming in to audit your sales company know what they are doing. Marine Patrol knows nothing about these processing plants.

They didn’t go to General Spraggins and say, hey, we have probable cause on X plant. They just went to all these plants and started asking for information and wanting to take pictures in these plants.

We didn’t let the Federal Government take pictures in these plants because of proprietary things.

You are comparing apples and oranges. When someone comes in and audits your business, they know exactly what they are doing. They do this for a living.

Marine Patrol doesn’t run these processing plants and know nothing about them. There are lot of things in these processing plants -- just like they didn’t know that switching domestic product from one box to another is legal, and there are no regulations on shrimp.

COMMISSIONER HAVARD: Well, it doesn’t matter.
COMMISSIONER GOLLOTT: Yes, it does matter. You’re not the one that is being -- how would you like Marine Patrol to come in and audit your sales company?

COMMISSIONER HAVARD: They are the law. They can do whatever --

COMMISSIONER GOLLOTT: (Interposing) It’s all right for them to audit you and see who you sold and all
that kind of stuff, when they don’t know nothing about your business?

    COMMISSIONER HAVARD: Sure. It's law enforcement.

    JOE SPRAGGINS: Commissioners, if I might speak just a quick second. I mean, the issue that I’m understanding when we change any rule -- and Joe, you or Chief, or any of them, please chime in and tell me if I'm wrong -- is that whenever the Marine Patrol was given access, they were not given the access -- my understanding was that if Joe Spraggins was a commercial fisherman and he went out and he sold fish to someone and he got two dollars and sixty-five cents a pound for them, nobody in this agency, except for Fisheries, was allowed to see that, that the Marine Patrol was not allowed to see that, or anybody else allowed to see that.

    They were only allowed to see where the fish were sold at and the quantity.

    Am I wrong on that?

    JOE JEWELL: I think the price you are correct on, but they have access to all the business information, the addresses and all of that. Those are in that spreadsheet.

    JOE SPRAGGINS: But my understanding is that whenever we sat down and looked at this, that Marine
Fisheries had said that this is something you cannot do and that is give out the price, and that’s because we don’t want one person knowing what the other person gave for it and, you know, that’s not right and it shouldn’t be.

If I got two dollars and twenty-five cents a pound for it and you got two dollars and eighty-five cents a pound, that’s your business. That’s not mine.

And that is what I was told that is the only thing Marine Patrol could not have access to.

Is that true, or not?

JOE JEWELL: I’m going to let Sandy answer that for you.

JOE SPRAGGINS: And I’m asking this because I want to know, all right, because I want to know, too.

SANDY CHESNUT: I’m going to make a suggestion here.

Why don’t you give your legal team a few days to do some research?

We will come back and give you statistics on every state, how they use the trip tickets, how NOAA uses the trip tickets, and we will just lay it all out.

COMMISSIONER GOLLOTT: Let me say this, and I agree with you, Sandy, a hundred percent.

The shrimp industry has a problem with Marine
Patrol reading an ordinance, or a law, and changing it from the way it has been enforced for the last fifty years, and this is going on now, and they object to it very strongly.

JOE SPRAGGINS: Mark, has to go off.

Mark, are you still with us?

COMMISSIONER HAVARD: I am. I have a quick question, guys.

If they are interpreting the law differently, we need to know. I don't even think it is our position to know. It's an enforcement issue. So we need to go above maybe to the Attorney General's office and say, hey, look, they are interpreting this law the wrong way, and let the AG's office figure out, are they going beyond their boundaries, because it doesn’t matter the way it was done fifty years ago.

What is the law today and are they in the parameters of the law today?

If they are, we don't have a problem. If they aren’t, we have a problem.

COMMISSIONER GOLLOTT: Mark, we have a problem because the Department of Marine Resources is the ones that makes the laws and makes the ordinances, and we tell Marine Patrol how to carry them out, or the agency how to administer them.
So we are the bottom line here and I'm sorry, but, if you read your law, you will find out that's true.

COMMISSIONER DANIELS: Could I say something here?

COMMISSIONER BOSARGE: Yes. Go ahead, Ronnie.

COMMISSIONER DANIELS: Yesterday was the first I have heard about this.

Is there anyway we could just table this until the meeting in a couple weeks and give Sandy some time to do a little research?

I would like to know more about it. I don't feel comfortable making a decision to rescind anything, whenever I have only known about it for about twenty-four hours.

COMMISSIONER GOLLOTT: I think that's what we just did, wasn't it, Sandy, or do you need a motion on that?

JOE SPRAGGINS: I think she would need a motion. Sandy, would you state what you said again?

SANDY CHESNUT: We are going to research the trip ticket programs of other states and the Federal government and present the results back to the Commission.

JOE SPRAGGINS: Commissioner Bosarge, is that okay with you?

COMMISSIONER GOLLOTT: Excuse me. Do it on all
laws, in other words, on different things.

It’s just like this crabbing thing in Bay St. Louis. For years, the crabbers have been able to sell their crabs to anybody that comes along, and, then, the Marine Patrol took the position that they had to go through a dealer.

Well, we had to go back and change an ordinance so the crabbers could sell their crabs, and it is getting worse.

In other words, they are steady reading things and changing them, and I don’t think they have the authority to change anything.

I think, if they want to change the way something is enforced, they are going to have to go through the Commission.

COMMISSIONER HAVARD: I would totally agree with that, Richard. If something is being treated the wrong way, we need to research it.

I would make a motion that we ask the Attorney General’s office to come back with some interpretations of the law and the laws of the other states and let us discuss what is going on in our surrounding Gulf states.

COMMISSIONER GOLLOTT: Do you not know that Sandy is working for the Attorney General, and the Attorney General is so far from the seafood industry,
Sandy would know a lot more about the seafood industry than the Attorney General will.

JOE SPRAGGINS: Mark, I guess what he is asking is would it be okay if our legal came back with that, and, then, if we need, we can go to the Attorney General?

COMMISSIONER HAVARD: Yes.

JOE SPRAGGINS: Could you modify it with something to that affect?

COMMISSIONER HAVARD: Sure.

COMMISSIONER BOSARGE: And maybe I’m wrong, but wouldn't you have to cite specific laws, Mark?

COMMISSIONER HAVARD: Yes, that's correct.

So if somebody will draw up that motion, I will be glad to make it.

RYAN BRADLEY: I would like to make one comment.

JOE SPRAGGINS: Yes, real quick. I am very sorry because I did leave you out.

Mr. Ryan Bradley had asked to make a comment, before we did anything on this.

Could we do that before the motion, if that is all right, sir?

COMMISSIONER BOSARGE: Yes, sir.

Go ahead, Mr. Bradley. Make it quick.

RYAN BRADLEY: Thank you Commissioners. Ryan Bradley, Mississippi Commercial Fisheries United.
I would like to speak in support of what Mr. Gollott is saying here.

Specifically one of the concerns that I have with the trip ticket system is the unlawful release of confidential information, and I would really be interested in seeing clarity on when this data is released. If it includes the value, or not, I think is irrelevant.

I have seen first hand an instance where Spotted Seatrout landings for every fisherman and dealer that dealt in Spotted Seatrout, that information was released, which dealer and which fisherman and how many they caught, and that is proprietary information.

Being in the industry, you don't want your competition knowing anything about what you caught, especially not the price and not even how many pounds it was that you dealt in. It is nobody's business.

I don't have an issue with the agency using it for resource management purposes, but it is a big concern from the industry when proprietary confidential data is released and it is very harmful to the industry.

I'll leave that there. Thank you.

COMMISSIONER BOSARGE: Yes, and I agree with you. It's the same thing, you know, if you get to know some of those processors, some of them will let you in their plants and some of them won't because the way they
run their peelers and the way they run their operation is
their edge over their competition as to whether they make
money and the competition doesn't.

If everybody knows how they are able to do what
they do and their way, well, anyhow, it takes away their
competition, their edge.

Yes, there is some proprietary information
inside those processing plants, too, which I'm sure
Commissioner Gollott is very aware of.

Mark, I'm trying to back up here because we had
a -- Sandy, you actually made a suggestion there, and I
think Commissioner Gollott put that in the form of a
motion.

Is that correct?

COMMISSIONER GOLLOTT: Yes, I'll make that
motion.

COMMISSIONER BOSARGE: Say it again, Sandy, for
you to check with the different states and the Federal
government on how they release their trip ticket
information.

Would that be correct?

SANDY CHESNUT: That's correct.

COMMISSIONER BOSARGE: Okay. So Commissioner
Gollott made that motion.

Do we have a second for that motion?
COMMISSIONER DANIELS: I'll second that.

COMMISSIONER BOSARGE: Okay. Commissioner Daniels seconded.

All those in favor aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed like sign.

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

All right, now, Commissioner Daniels you had a motion that I believe basically said that you would like to cite specific laws and have the Attorney General give his opinion as to the interpretation of those laws.

Is that correct?

COMMISSIONER DANIELS: That was a motion by Commissioner Havard. Not me.

COMMISSIONER BOSARGE: I'm sorry.

Commissioner Havard?

COMMISSIONER HAVARD: I would like for Sandy to look at any variances in the interpretation of laws that are taking place by the marine enforcement officers and advise us.

COMMISSIONER BOSARGE: Okay, and that would be in the form of a motion.

SANDY CHESNUT: Okay. I will make a statement here. That is a very broad request.
JOE SPRAGGINS: Can we do something on that?
Is it only to trip tickets, or is it for other things we are looking at?

COMMISSIONER HAVARD: Let's make it trip ticket specific.

JOE SPRAGGINS: Okay.

Would that help?

SANDY CHESNUT: Yes, that helps.

COMMISSIONER GOLLOTT: Let me say this. One of the problems that I see is if an officer reads and interprets a law different than another officer, you might get two different interpretations out of the same agency.

I think, if there are any changes to be made in the way a law is enforced, it needs to go before Sandy and Joe Spraggins, or the Commission even.

Like I say, I would like to see things stay the same. People are used the laws the way they are.

We are not having any problems in seafood processing, or these processing, or these fishermen. They are not having any shrimp problems.

Why should we go in there and start changing everything?

COMMISSIONER HAVARD: Richard, I'm just making this motion based on your comments about different interpretations.
So if you want to take this motion and modify it, I am very good with that.

COMMISSIONER GOLLOTT: Well, how else could we modify it to not make it so broad, Sandy, that it would bury you?

JOE SPRAGGINS: Just trip tickets only would help.

SANDY CHESNUT: Yes.

COMMISSIONER DANIELS: Excuse me. I'm going to have to excuse myself. I've got somewhere that I've got to walk into here in about the next five to ten minutes. Would that be okay with y'all?

COMMISSIONER BOSARGE: We will speed this up because this is probably the last thing we have here.

COMMISSIONER DANIELS: All right.

COMMISSIONER BOSARGE: Commissioner Gollott, do you want to take that motion over and you will make the motion?

COMMISSIONER GOLLOTT: Well, I'm following Sandy's, and I have just asked her if there is any other way that we could help her with it, and I'm waiting for her answer.

SANDY CHESNUT: The only way we can limit it is to specify the particular regulations you want me look at.

COMMISSIONER GOLLOTT: Okay. Well, let's just
do trip tickets, and, then, we will come back with
something, if we need it.

SANDY CHESNUT: Okay.

COMMISSIONER BOSARGE: So you want to rescind
the motion?

COMMISSIONER GOLLOTT: It's the same motion.

SANDY CHESNUT: Yes.

JOE JEWELL: No one has seconded it yet, though.

COMMISSIONER GOLLOTT: I'll second the motion.

JOE SPRAGGINS: Before we go any further, what
is the motion?

JOE JEWELL: The motion is to cite specific
variances in trip ticket laws that Marine Patrol is
making.

Is that correct?

JOE SPRAGGINS: Is that correct everyone?

COMMISSIONER HAVARD: The variances and the
interpretations.

JOE SPRAGGINS: And havard made the motion and
Gollott seconded.

Is that correct?

COMMISSIONER GOLLOTT: Yes.

COMMISSIONER HAVARD: Yes, sir.

SANDY CHESNUT: Let's repeat that motion one
more time.
What you are asking for is a variance between the regulation and how it is being enforced?

COMMISSIONER HAVARD: Yes, because apparently from what I'm hearing, there is some interpretations of the law out there that are not in line with the way the law was intended, or worded. There are some different interpretations. So I would like to get some clarification on those variances.

JOE SPRAGGINS: And this is trip ticket only?

COMMISSIONER HAVARD: Yes, sir.

COMMISSIONER BOSARGE: Commissioner Gollott, would you be okay with citing --

COMMISSIONER GOLLOTT: (Interposing) Yes.

Let's cross this bridge, and, then, we will come back and cross some more if we need to.

SANDY CHESNUT: I mean, we can take a look at it. It is still going to be a difficult assignment, but we will see what we can come up with.


JOE SPRAGGINS: Official motion, please somebody read it so I understand.

COMMISSIONER GOLLOTT: Sandy is the only one that read it and understand it.

SANDY CHESNUT: Take a look at any variances between the regulation and how it is being enforced, in
regards to Title 22, Part 9.

JOE SPRAGGINS: Which is trip tickets.

SANDY CHESNUT: In regards to the trip tickets.

COMMISSIONER HAVARD: Yes, ma’am. That’s the motion that we intended.

JOE SPRAGGINS: That’s the motion by Mark.

COMMISSIONER BOSARGE: We have a motion and a second.

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.

JOE SPRAGGINS: That concludes the Executive Director’s side of it, unless you’ve got something else.

COMMISSIONER BOSARGE: No, sir.

Next up would be Commissioners report.

Do we have anybody that would like to say anything?

(No response.)

COMMISSIONER BOSARGE: Hearing none, we will move on to other business.

Is there any other business?
(No response.)

COMMISSIONER BOSARGE: Hearing none, next up will be public comment.

Do we have anyone that would like to do public comment, Mr. Joe?

JOE SPRAGGINS: No, sir. They have already addressed the public comments.

COMMISSIONER GOLLOTT: Mr. Chairman, I make a motion we adjourn.

COMMISSIONER BOSARGE: Hearing none, do we have a motion to adjourn?

COMMISSIONER GOLLOTT: You've got one.

COMMISSIONER DANIELS: I'll make that motion.

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

COMMISSIONER GUESS: I'll second it.

COMMISSIONER BOSARGE: All right. Seconded by Natalie.

All those in favor aye.

(All in favor.)

COMMISSIONER BOSARGE: Adjourned.
CERTIFICATE

I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above and foregoing is a true and correct transcription of the audio recording of the March 1, 2019, Special Session of the Commission on Marine Resources, 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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