

COMMISSION ON MARINE RESOURCES

SPECIAL SESSION

March 1, 2019  
MDMR 6<sup>th</sup> 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

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

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

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

9           Okay?

10          COMMISSIONER BOSARGE: Yes, sir.

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

15          why are we here today?

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

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

23          By the Constitution of the great State of  
24 Mississippi, the Bill of Rights, Article 3, Section 12(a)  
25 states plainly, and I quote:

1           “The people have the right to hunt,  
2           fish and harvest wildlife, including  
3           by the use of traditional methods  
4           subject only to the laws and regulations  
5           that promote wildlife conservation and  
6           management and that preserve the future  
7           of hunting and fishing as the  
8           legislature may prescribe by general  
9           law. Public hunting and fishing shall  
10          be a preferred means of managing and  
11          controlling wildlife.

12          “This section may not be construed to  
13          modify any provisions of law relating  
14          to trespass, property rights, the  
15          regulation of commercial activities,  
16          or the maintenance of levies pursuant  
17          to Article 11.”

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

22          Next, subject only to laws and regulations that  
23          promote wildlife conservation and management and that  
24          preserve the future of hunting and fishing as the  
25          legislature may prescribe by general law. Public hunting

1 and fishing shall be preferred means of managing and  
2 controlling wildlife, as this section shall not be  
3 construed and so on.

4 On February 27<sup>th</sup>, 2019, wednesday, the Senate  
5 Ports and Marine Resource Committee met. In this meeting  
6 a bill was presented to stop haul seine net fishing from  
7 around Cat Island.

8 In our committee meeting wednesday, I asked this  
9 question:

10 "So commercial catching quota of  
11 speckled trout, fifty thousand pounds,  
12 is too much?"

13 The reply was there was no problem with the  
14 amount.

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

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

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

24 where would we, then, wind up?

25 we are approaching a slippery slope that when we

1 start down, we might not be able to stop and get back up.

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

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

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

11 Thank you.

12 JOE SPRAGGINS: Thank you, sir.

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

20 I think you touched on it pretty good and  
21 hopefully we can work as a unit here as a Commission to  
22 make sure that we don't bias ourselves in any one  
23 direction and that we conserve the resources of the State  
24 of Mississippi for the people, for all the people of the  
25 State of Mississippi

1 So thank you, sir.

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

4 JOE SPRAGGINS: Are you going to stick around?

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

7 JOE SPRAGGINS: well, you are more than welcome  
8 to stay here, sir.

9 MIKE SEYMOUR: well, I will sit over there and  
10 listen.

11 JOE SPRAGGINS: All right.

12 COMMISSIONER BOSARGE: Thank you, Senator  
13 Seymour.

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

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

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

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

23 Do we have a second for that motion?

24 COMMISSIONER HAVARD: I'll second it,  
25 Commissioner Havard.

1 COMMISSIONER BOSARGE: Seconded by Commissioner  
2 Havard.

3 Any further discussion?

4 (No response.)

5 COMMISSIONER BOSARGE: All those in favor aye.

6 (All in favor.)

7 COMMISSIONER BOSARGE: Opposed like sign.

8 (None opposed.)

9 COMMISSIONER BOSARGE: Motion carries.

10 All right. Next up would be Executive  
11 Director's report, Mr. Joe.

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

18 what I would like to do, sir, is just have a  
19 discussion on this.

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

25 Right now, I think there were fifty-eight gates

1 as of this morning, and, then, I think they are opening  
2 more today.

3 Am I right, Joe?

4 Is that correct?

5 JOE JEWELL: It's not quite that many.

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

8 JOE JEWELL: Okay.

9 COMMISSIONER BOSARGE: Joe, could we have Joe  
10 Jewell kind of give us an update because, in all honesty,  
11 I know they are opening, but that is about all I know.

12 would it be okay if we give him time just to  
13 give us an update on what it looks like, the duration and  
14 the whole nine yards, what he knows?

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

17 Is that right, Joe?

18 Help me.

19 JOE JEWELL: Yes. In the presentation that --

20 JOE SPRAGGINS: (Interposing) why don't you  
21 move down here where he can hear?

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

25 Of course, the stakeholders meeting was this



1 week, this Monday where the Corps announced the opening,  
2 and the opening occurred this Wednesday. As of that  
3 morning, they opened about twenty-eight to thirty gates,  
4 but, as Director Spraggins mentioned, they have opened  
5 additional gates and they are going to continue to open  
6 additional gates until they are estimating about two  
7 hundred gates overall to be opened.

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

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

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

23 JOE SPRAGGINS: Commissioner, if I might, also I  
24 had a long conversation with General Kaiser yesterday and  
25 I talked with him about it. He is the general over the

1 Corps for that area, and I talked to him about what was  
2 happening because I expressed concern to him that were we  
3 doing everything in our power to make this water, the  
4 least amount that we could get out of the Bonnet Carre  
5 coming into the Mississippi Sound, and I explained to him  
6 about the Morganza.

7 And I said, all right. where are we at with it?  
8 when are we going to open it?

9 Is it going to open?

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

12 By law -- and he had sent it to me and I can  
13 send y'all this information -- thirty percent is allowed  
14 to go down to the Old River, and this is going back to  
15 1950 time frame. They used a model of 1950 to say how  
16 much could go in that area, about thirty percent.

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

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

1 but it gives us a little bit slower movement to that.

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

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

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

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

17 COMMISSIONER BOSARGE: All right. Good deal.  
18 Continue on.

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

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

1 science and understanding?

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

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

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

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

24 COMMISSIONER BOSARGE: All right. Go ahead.

25 PAUL MICKLE: I want to make sure the

1 Commissioners and everybody on the phone can see this  
2 image.

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

7 COMMISSIONER GUESS: I have it up.

8 PAUL MICKLE: Okay.

9 COMMISSIONER BOSARGE: I have it up.

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

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

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

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

23 When the Mississippi River gets going like this,  
24 you can see it obviously dumps out the main stem on the  
25 southern part of the slide there and is actually heavy

1 laden with sediment, and the same scenario applies for  
2 what happens with the Bonnet Carre.

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

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

15 COMMISSIONER BOSARGE: Dr. Mickle.

16 PAUL MICKLE: Sure, Steve. Go ahead.

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

20 In other words, which one is correct here?

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

23 PAUL MICKLE: If I had time, I would have  
24 probably found the satellite image of 2018. I just didn't  
25 have time, sir.

1 COMMISSIONER BOSARGE: Okay. Go ahead.

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

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

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

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

25 It's not like it goes away once they shut them

1 down. We feel the affects of it for years to come.

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

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

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

22           It completely depends on the fronts that we get  
23 each year of where that water comes out of Pontchartrain.  
24 When we have a lot of northern fronts like last year, the  
25 Bonnet Carre sediment-laden water and the fresh water



1 influx was pushed south because we have predominantly  
2 north winds coming behind those fronts pushing that water  
3 south.

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

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

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

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

21           Joe, you can take it on from there, but the  
22 agency, in my opinion, has done a really good job in  
23 trying to combat and get the data to justify losses of  
24 marine resources and impacts to those resources pre,  
25 present and post Bonnet Carre openings.

1           That is where I will leave it. I will answer  
2 any questions, if needed.

3           COMMISSIONER BOSARGE: I just would like to  
4 probably add to your presentation just a little bit.

5           You know, from my experience and especially  
6 working down around the mouth of the Mississippi River,  
7 when you look at that image, it is a little bit misleading  
8 especially down around the mouth of that river.

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

15           Have you ever seen that, Dr. Mickle?

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

24           COMMISSIONER BOSARGE: Oh, yes. When we would  
25 trawl, you would be in that brown sediment-laden water,

1 and, then, you walk to the side of the boat where the  
2 wheel wake is and it would be pretty green. So it is just  
3 right on top.

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

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

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

21           I have asked any way in the world can we say  
22 what we see as science, and that's what I want. I want  
23 science to tell us that it is, or is not, something that  
24 is causing fish to move one way, or the other, and, then,  
25 the next thing would be how quick and what amount.

1 I don't know that we are going to get that  
2 actual from them today because it is something that is not  
3 data that they have just actually been keeping forever.

4 I wanted that to be up front to everybody that  
5 they are giving you the data that they can come up with at  
6 this time, or any information that they can at this time,  
7 sir. So I just wanted you to know that.

8 COMMISSIONER BOSARGE: Thank you.

9 COMMISSIONER DANIELS: Joe.

10 JOE SPRAGGINS: Yes.

11 COMMISSIONER DANIELS: May I chime in with a  
12 little bit of real world knowledge from what we saw in  
13 2016?

14 JOE SPRAGGINS: Sure.

15 COMMISSIONER DANIELS: Whenever they opened in  
16 2016, we very quickly started seeing fish on the east side  
17 of the Biloxi Marsh that had been tagged in the middle of  
18 Lake Pontchartrain which that is a very rare occurrence  
19 for us to catch a tagged fish that has moved all the way  
20 from in the middle of Lake Pontchartrain.

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

24 I'm not talking about we caught one fish. I  
25 mean, we caught quite a few of them and whenever we turned

1 those tags in, you could see that they had moved from all  
2 the way in there out ahead of that water out to the east  
3 side of the marsh and around Cat Island and whatnot.

4 I know for a fact that it moves them.

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

8 COMMISSIONER DANIELS: Absolutely.

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

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

23 Joe, you know the briefing that you gave me.  
24 Those slides aren't up, though, are they?

25 JOE JEWELL: They are not.

1           JOE SPRAGGINS: Can you give any insight to  
2 this, though, your insight to it?

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

5           COMMISSIONER BOSARGE: Yes, sir.

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

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

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

17           would anybody address some of that?

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

21           would you address that?

22           PAUL MICKLE: Yes. We have seen evidence of  
23 large fish that we usually don't see on our islands when  
24 Bonnet Carre's don't open up. So that gives a little bit  
25 of inference, or direction, that these fish are around.

1           They originally may have come from Louisiana  
2 waters and they have stayed the length of the summer, and  
3 obviously they are reproducing all summer long because  
4 that is their reproductive season which is well  
5 documented.

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

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

17           In other words, do we just prematurely do  
18 something just in case, or do we wait until this happens?

19           In other words, there are a lot of variables in  
20 this.

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

25           I may not know enough about that, but that seems

1 really tough to me.

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

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

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

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

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

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

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

24 It is going to be a little difficult, once we  
25 start moving into the major impacts from the freshwater



1 intrusion through Lake Pontchartrain and Lake Borgne.

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

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

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

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

23 what traditionally we think happens -- there is  
24 not a lot of scientific evidence out there, but we think  
25 once they are pushed over into the western Mississippi

1 Sound and the state waters of Mississippi, they become  
2 permanent residents, so we do see that increase.

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

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

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

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

15 COMMISSIONER BOSARGE: Joe.

16 JOE JEWELL: Sure.

17 COMMISSIONER BOSARGE: I did have one question.

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

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

24 PAUL MICKLE: Pontchartrain actually has a lot  
25 of SAV, or submerged aquatic vegetation, in it and a lot

1 of productive habitats.

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

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

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

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

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

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

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

25 It is true. Now, I don't know if you have been

1 watching the weather reports, but this February is the  
2 second warmest February we have had on record and that is  
3 reflected in the water temperatures, also.

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

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

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

14 COMMISSIONER BOSARGE: Yes, sir.

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

25 COMMISSIONER BOSARGE: I'm sorry. You cut up

1 right there, Richard.

2 Can you say that again?

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

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

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

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

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

25 COMMISSIONER DANIELS: No. Go ahead. I will

1 wait.

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

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

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

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

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

24 COMMISSIONER BOSARGE: Yes, sir. Steve has got  
25 it.

1 COMMISSIONER GUESS: Natalie has it up.  
2 JOE SPRAGGINS: Any other Commissioners have it?  
3 COMMISSIONER DANIELS: Yes, sir.  
4 JOE SPRAGGINS: Mark?  
5 COMMISSIONER HAVARD: Yes, sir. Go ahead.  
6 JOE SPRAGGINS: All right. The preferred, as we  
7 are looking at it, says to exercise Commission authority  
8 under the Mississippi Code 49-15-304 to make an exception  
9 and grant a variance to the Title 22, Part 7, Chapter 8,  
10 Recreational Bag, Possession and Size Limit, to modify the  
11 recreational daily bag limit for Spotted Seatrout to ten  
12 per person per day to properly manage in accordance with  
13 the establishment of the SPR for recreational Spotted  
14 Seatrout, due to the anticipated influx of Spotted  
15 Seatrout into the Mississippi Sound following the opening  
16 of the Bonnet Carre Spillway, and Chapter 9, Commercial  
17 Size, Possession and Catch Limit, to establish a daily  
18 commercial catch limit for Spotted Seatrout at no more  
19 than three hundred pounds per vessel per day to ensure  
20 that the first period quota is not met within the first  
21 few months of the quota period, due to the anticipated  
22 influx of the Spotted Seatrout into the Mississippi Sound  
23 following the opening of the Bonnet Carre Spillway  
24 starting March the 1<sup>st</sup>.  
25 what we are looking at, Commissioners, is that

1 number one, we could do a variance that we have done  
2 before, and under the variance, it would be that we would  
3 limit the number, and we just put numbers.

4 when we said ten, that could be a different  
5 number. we just put a number in there as a stakeholder  
6 there and where it says three hundred pounds, it could be  
7 a different number there, too.

8 what we are looking at is being able to make  
9 sure that we do not mess with the SPR to the point of  
10 where we are now. we have talked about that several  
11 times.

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

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

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

25 COMMISSIONER BOSARGE: Yes, sir. You know, I



1 looked at it and me, I'm trying to kind of look at how we  
2 came to these numbers and the science and making sure it  
3 is fair to everybody.

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

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

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

17           You see what I'm saying, Mr. Joe?

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

22           Maybe Joe can address that.

23           I'm just trying to figure the science.

24           JOE SPRAGGINS: Yes, sir, and, once again, when  
25 I said the ten and the three hundred, the two numbers

1 there are just put in there as a line item right now to  
2 work off of, and it is not a guarantee one way, or the  
3 other, that this is what the department is asking for.

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

5 Joe, can you address what he is asking there?

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

12 I also want to point out for Commissioner  
13 Daniels' convenience that the March 1<sup>st</sup>, 2019, start date,  
14 that can be altered, too. The Commission can pretty much  
15 vary any of the data, or figures, that are here.

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

19 Correct?

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

22 JOE JEWELL: That's correct.

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

1 long-term change?

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

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

7 we have actually had openings where the majority  
8 of the fish went south into Chandelier Sound, or Breton  
9 Sound.

10 we have had indications where there were  
11 increased populations in Bay St. Louis.

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

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

24 JOE JEWELL: And that is a good point to make.  
25 I also want to point out that in the Marine

1 Fisheries monitoring of this event, we do monitor the  
2 MODIS satellite image. Dr. Mickle had that up earlier.

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

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

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

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

23 That number that we are looking at, when we say  
24 three hundred pounds per vessel per day, is that realistic  
25 because, I mean, it would be fine if you had fifteen, or

1 twenty, fishermen out there, but there are not that many  
2 out there.

3 should we limit it that low, too, if we do  
4 something?

5 That is another thought.

6 COMMISSIONER GOLLOTT: Excuse me, but shouldn't  
7 we manage this thing to the worst case scenario to see?

8 I mean, the worst thing in the world would be to  
9 set the SPR back.

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

12 COMMISSIONER BOSARGE: Yes.

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

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

17 COMMISSIONER GOLLOTT: No. Go ahead.

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

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

24 COMMISSIONER BOSARGE: No, sir, I don't, Mr.  
25 Joe. We haven't made it to the commercial side, but that

1 was going to be my point, too. On the commercial side,  
2 there is no effort there. The effort is decreased on that  
3 end. There is a lot less effort.

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

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

10 MARTIN YOUNG: well, the only thing I would say  
11 to that is --

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

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

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

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

1 trying to pinpoint you on that.

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

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

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

10 JOE SPRAGGINS: All right. I wasn't trying to  
11 pinpoint you.

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

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

18 JOE SPRAGGINS: Yes, sir. Okay.

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

21 JOE SPRAGGINS: Okay.

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

25 JOE SPRAGGINS: Yes, sir.

1           Sorry about that. I wasn't trying to put you on  
2 the spot. I was just trying to get something to work off  
3 of data of how do we come up with a number to say what is  
4 commercial.

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

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

11          MARTIN YOUNG: Yes, sir.

12          JOE JEWELL: So how reasonable would it be for  
13 you to estimate that you have three hundred pounds?

14          I mean, what would be the consequences if --

15          MARTIN YOUNG: (Interposing) In the seine?

16          JOE JEWELL: No.

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

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

24          MARTIN YOUNG: well, my first concern would be I  
25 would be terribly upset to be fishing for three weeks.



1           Just like right now. A perfect example. I  
2           ain't caught two hundred pounds of fish in three weeks.  
3           So I would sure hate to lose a thousand pounds of fish, if  
4           I finally caught them. I mean, I'm in it for a living.

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

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

10          JOE SPRAGGINS: Or close.

11          JOE JEWELL: Or close.

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

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

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

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

3 we don't typically start seeing those until the  
4 water significantly warms, somewhere around the first  
5 couple of weeks of March.

6 So I hope that answers y'all's question.

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

9 JOHNNY MARQUEZ: Thank you, Director Spraggins.

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

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

24 If you are talk about reducing to a bag limit of  
25 ten, you do have some impact. These aren't, you know,

1 normal circumstances. You don't necessarily have to go to  
2 five fish to have that protective measure in this short  
3 period of time.

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

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

14 I appreciate the opportunity to comment.

15 JOE SPRAGGINS: Thank you, sir.

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

22 where the fifteen fish bag limit for a hundred  
23 fishermen might not have been bad, but if you go to ten  
24 and you've got a thousand fishermen, here is your problem.  
25 It's the number, plus the effort.

1           Anyhow, that was my concern.

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

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

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

16           We all know that there is going to be  
17 congregations of fish, lots of fish. It's no different  
18 than when the river rises in the river delta. All the  
19 deer have to go to these islands. They are trapped. We  
20 could go in there and take care of the whole population,  
21 if we wanted to, but, instead, man steps in place and  
22 says, you know what guys, if we want to hunt deer next  
23 year, we need to shut down hunting season temporarily, in  
24 order to provide for every user group in the near future.  
25 That's the right thing to do for the resource.

1           Everybody has got a voice on this panel, except  
2 the resource and we've got to figure out, do we want to  
3 set this goal, do we want to achieve this goal, or are we  
4 just setting goals that if they happen, if we achieve  
5 them, great; if not, great.

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

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

12           Absolutely they do.

13           Do commercial guys do something?

14           Sure they do.

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

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

1 when enforcement sees that going on, it is as simple as  
2 enforcement working with the scientists.

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

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

13 what is right for the fish?

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

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

21 If they lay eggs while they are here, great.  
22 That means there are more fish in our waters. If some of  
23 the fish become permanent residents, great, but the bottom  
24 line is guys, we've got to focus on the SPR goal that we  
25 all agreed to set in place, and how do we help the

1 resource. That's where I'm at.

2 JOE SPRAGGINS: Any other Commissioners?

3 COMMISSIONER BOSARGE: No, sir.

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

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

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

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

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

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

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

25 COMMISSIONER BOSARGE: All right, Ronnie. Good

1 to have you back.

2 We were just discussing -- I don't know where  
3 you left off -- you know, what we need to do. I think  
4 that we need to probably monitor this situation, but we  
5 need to be prepared to move at the time there is a need to  
6 move, and I think that is kind of about where we left off.

7 Commissioner Gollott said he was in agreement  
8 with that.

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

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

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

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

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

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

24 I would argue that we should be thankful for any  
25 influx of trout into our waters and that we should be able



1 to capitalize on these fish when they come into our waters  
2 and that there is no threat from the commercial industry  
3 from overfishing.

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

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

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

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

19 We are very concerned about the violation of  
20 fundamental constitutional rights to due process that  
21 would normally allow the general public to have ample  
22 opportunity to weigh in on a proposal such as this which  
23 would allow the public a twenty-five day public comment  
24 period, the right to a public hearing if so requested, the  
25 right to request an economic impact study, and the

1 consideration of less restrictive alternatives, all of  
2 which will be required to be noticed in the Administrative  
3 Bulletin with the Secretary of State.

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

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

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

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

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

21 That would be our argument there is that we  
22 appreciate what you are trying to do here. We respect the  
23 intent here is conservation, but I think this sets a  
24 dangerous precedent of closing areas off, making  
25 regulatory changes without following the Administrative

1 Procedures Act, and that is our primary concern here  
2 today.

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

5 Commissioners, thank you for your time.

6 COMMISSIONER BOSARGE: All right, Mr. Bradley.  
7 The goal here is to try to protect our resource.  
8 I do echo some of your concerns with this 49-15-  
9 304.

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

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

21 Is that a possibility?

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

25 Number one, hopefully we can have enough time to

1 do that. I don't think we are talking about having to  
2 close anything today, so I think that we have time to look  
3 at that, and I will ask sandy. She is sitting here.

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

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

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

11 SANDY CHESNUT: We can certainly request it.

12 JOE SPRAGGINS: Okay.

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

25 COMMISSIONER GOLLOTT: Excuse me. You know

1 Attorney General's opinion is just an opinion and, as far  
2 as I'm concerned, Sandy's opinion is as good as the  
3 Attorney General's opinion. She works for him.

4 what is your opinion, Sandy, on this?

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

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

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

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

22 Is that correct, sir?

23 MIKE SEYMOUR: Exactly.

24 JOE SPRAGGINS: And that is what the senators --

25 MIKE SEYMOUR: (Interposing) The constitution

1 over -- there ain't no procedures act that is above the  
2 constitution.

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

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

17           COMMISSIONER BOSARGE: Yes, sir, and Mr. Joe,  
18 just doing a little bit of research, me, you know, back in  
19 2005, there was House Bill Number 1288 introduced and it  
20 was an amendment to 49-15-304 where in there it -- where  
21 now the Rule says the Commission may make exemptions to  
22 and grant variances from any rules, or regulations,  
23 adopted by the Commission.

24           Then, they added in this language in this bill,  
25 including adopting rules to create emergency limits for

1 commercial and sport fishing, when acts of God, or man,  
2 require the Commission to adopt such rule.

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

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

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

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

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

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

23 COMMISSIONER BOSARGE: All right, Commissioner  
24 Gollott.

25 Commissioner Gollott has a motion on the table.

1           Do we have a second for Commissioner's Gollott's  
2 motion?

3           COMMISSIONER HAVARD: I'll second his motion.  
4 This is Commissioner Havard.

5           COMMISSIONER BOSARGE: All right. Any further  
6 discussion?

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

13           COMMISSIONER GOLLOTT: well, it's going to take  
14 several days --

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

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

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

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

25           Correct?



1 COMMISSIONER GOLLOTT: Correct, everything.

2 COMMISSIONER BOSARGE: Okay. All right.

3 We have a motion and a second.

4 Any further discussion?

5 (No response.)

6 COMMISSIONER BOSARGE: All those in favor aye.

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

9 COMMISSIONER BOSARGE: Opposed like sign.

10 (Commissioner Daniels opposed.)

11 COMMISSIONER BOSARGE: Motion carries.

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

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

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

20 JOE SPRAGGINS: I think what we are going to do  
21 here, sir, for my understanding, if I could get clarity,  
22 we are going to go back and ask for the Attorney General  
23 to give us an opinion, if he can, as quickly as possible  
24 as to whether, or not, we can do this correctly under  
25 procedures that we are trying, and I will do that with

1 everything in my power to try to get it pushed as quick as  
2 possible through to get that.

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

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

13 Is that correct, Commissioners?

14 COMMISSIONER HAVARD: Yes, sir.

15 COMMISSIONER BOSARGE: Yes, sir.

16 COMMISSIONER GOLLOTT: Yes, sir.

17 COMMISSIONER GUESS: That sounds good to me.

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

22 JOE SPRAGGINS: I understand.

23 COMMISSIONER GUESS: It sounds like to me that  
24 we are going to be having another call here in the next  
25 week, or two, once we see how the movement of water is,

1 for further discussion because obviously there are so many  
2 variables still up in the air, but at least giving General  
3 Spraggins the ability to make a decision and call another  
4 meeting, if they are seeing something out in the water, it  
5 sounds good to me.

6 COMMISSIONER BOSARGE: All right.

7 JOE SPRAGGINS: All right, sir.

8 We do have one more item on the agenda, if y'all  
9 want to move to that.

10 COMMISSIONER BOSARGE: Yes, sir.

11 JOE SPRAGGINS: It is to discuss the trip  
12 tickets. We don't have any slides, or anything, on it.

13 Sir, if you don't mind, I would like to defer  
14 this to Commissioner Gollott. He is the one that had  
15 brought this up to me and wanted to put it on the agenda.

16 If you don't mind, I would defer it to him.

17 COMMISSIONER BOSARGE: All right. Go ahead.

18 COMMISSIONER GOLLOTT: Until just a few months  
19 ago, this was a voluntary thing, and I have had several  
20 calls from processing plants which generate a lot of jobs  
21 and a lot of money in our State, and apparently Marine  
22 Patrol, for the first time in over fifty years, has  
23 decided they have authority in these processing plants.

24 To my knowledge, Marine Patrol has nothing in  
25 these processing plants to look at, or take pictures of,

1 or harass the people.

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

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

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

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

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

19 The trip tickets do have to be reported by the  
20 10<sup>th</sup> of the following month, and I'm not understanding --  
21 the enforcement guys, from my understanding, are not going  
22 in writing any tickets. They are just trying to make sure  
23 that everyone is following the policy that we as whole  
24 have put in place and, if they did not monitor that, there  
25 is no one else that is monitoring that.

1           why put something in place, if nobody is going  
2 to monitor it?

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

11           where is the problem?

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

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

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

1 things, and they really don't need to be in these  
2 processing plants.

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

6 why should they go in there and start harassing  
7 these people, now?

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

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

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

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

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

24 why should we have several people popping in and  
25 out of these processing plants?

1           COMMISSIONER HAVARD: Richard, I deal with  
2 auditors every week. None of the auditors are welcome  
3 here. I hate it when they show up, but there are rules  
4 and laws that have been put in place that are above me  
5 that I have to follow, and the reason they are coming in  
6 to audit me is to make sure I'm following the law that  
7 someone put in place.

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

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

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

20           COMMISSIONER BOSARGE: Commissioner Havard.

21           COMMISSIONER HAVARD: Yes, sir.

22           COMMISSIONER BOSARGE: With all due respect, you  
23 weren't there when all this was put in place and,  
24 actually, it was Commissioner Gollott and me kind of  
25 butting heads when we put this in place.

1           The whole problem right now with the trip ticket  
2 system is proprietary information, that the information  
3 that these fishermen submit is proprietary information.  
4 It is their information that they are giving to the state.

5           In every other state that I know of and even the  
6 Federal government, that proprietary information is  
7 confidential and it's not allowed to be given out.

8           The trip ticket, that's where we have the  
9 problem now in Mississippi is that we have gone from it  
10 being proprietary information to it being allowed to be  
11 accessed by Marine Patrol --

12           COMMISSIONER HAVARD: (Interposing) which has  
13 the authority to do.

14           COMMISSIONER BOSARGE: Actually looking at  
15 individuals and what individuals are catching, and, then,  
16 taking that information and using it as an enforcement  
17 tool. It was never intended for that.

18           Whenever we put it in place, it was made clear  
19 it was never intended for that use. That information is  
20 for aggregate only.

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

25           Therefore, I'm with Commissioner Gollott on



1 this. I think that if this is the way this information is  
2 going to be used, then, we need to abolish the trip ticket  
3 system and go back to the way we were.

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

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

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

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

16 COMMISSIONER GOLLOTT: (Interposing) I don't  
17 think so.

18 COMMISSIONER HAVARD: -- the FBI, or somebody.

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

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

24 COMMISSIONER BOSARGE: (Interposing) The  
25 problem is when the information -- and I think Joe because

1 Joe is over that trip ticket system, it changed -- the way  
2 the information was given out changed here how -- Joe, are  
3 you still there?

4 JOE JEWELL: I am, Commissioner.

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

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

13 We don't do that for shrimp.

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

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

24 Is that correct?

25 I don't think it was quite a year, but we did do

1 that, if that is what you are referring to. That happened  
2 a few months ago where we allowed access by Marine Patrol  
3 to all that information. That's correct.

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

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

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

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

21 And that's where we are, now. I don't -- it was  
22 never intended -- I'm like Richard, my phone is ringing  
23 off the hook. These guys are like, hey, man. I mean, we  
24 have to report our catch thirty days. We keep up with  
25 everything for thirty days, and, then, turn it in. If we

1 miss anything at all, we stand a chance of getting fined.

2 In other words, they are up in arms. They are  
3 ready to say, hey, I'm sorry. I didn't sign up for this.

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

9 COMMISSIONER BOSARGE: That's correct.

10 COMMISSIONER HAVARD: Well, that's the same.  
11 what are you in?

12 COMMISSIONER GOLLOTT: Mark.

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

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

24 COMMISSIONER GOLLOTT: Yes, they are, Mark.

25 Let me explain to you what the difference is.

1           The people coming in to audit your sales company  
2 know what they are doing. Marine Patrol knows nothing  
3 about these processing plants.

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

8           we didn't let the Federal Government take  
9 pictures in these plants because of proprietary things.

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

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

18          COMMISSIONER HAVARD: well, it doesn't matter.

19          COMMISSIONER GOLLOTT: Yes, it does matter.  
20 You're not the one that is being -- how would you like  
21 Marine Patrol to come in and audit your sales company?

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

24          COMMISSIONER GOLLOTT: (Interposing) It's all  
25 right for them to audit you and see who you sold and all

1 that kind of stuff, when they don't know nothing about  
2 your business?

3 COMMISSIONER HAVARD: Sure. It's law  
4 enforcement.

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

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

19 Am I wrong on that?

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

24 JOE SPRAGGINS: But my understanding is that  
25 whenever we sat down and looked at this, that Marine

1 Fisheries had said that this is something you cannot do  
2 and that is give out the price, and that's because we  
3 don't want one person knowing what the other person gave  
4 for it and, you know, that's not right and it shouldn't  
5 be.

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

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

11 Is that true, or not?

12 JOE JEWELL: I'm going to let Sandy answer that  
13 for you.

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

16 SANDY CHESNUT: I'm going to make a suggestion  
17 here.

18 why don't you give your legal team a few days to  
19 do some research?

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

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

25 The shrimp industry has a problem with Marine

1 Patrol reading an ordinance, or a law, and changing it  
2 from the way it has been enforced for the last fifty  
3 years, and this is going on now, and they object to it  
4 very strongly.

5 JOE SPRAGGINS: Mark, has to go off.

6 Mark, are you still with us?

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

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

17 what is the law today and are they in the  
18 parameters of the law today?

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

21 COMMISSIONER GOLLOTT: Mark, we have a problem  
22 because the Department of Marine Resources is the ones  
23 that makes the laws and makes the ordinances, and we tell  
24 Marine Patrol how to carry them out, or the agency how to  
25 administer them.



1           So we are the bottom line here and I'm sorry,  
2 but, if you read your law, you will find out that's true.

3           COMMISSIONER DANIELS: Could I say something  
4 here?

5           COMMISSIONER BOSARGE: Yes. Go ahead, Ronnie.

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

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

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

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

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

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

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

25           COMMISSIONER GOLLOTT: Excuse me. Do it on all

1 laws, in other words, on different things.

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

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

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

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

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

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

23 COMMISSIONER GOLLOTT: Do you not know that  
24 Sandy is working for the Attorney General, and the  
25 Attorney General is so far from the seafood industry,

1 Sandy would know a lot more about the seafood industry  
2 than the Attorney General will.

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

6 COMMISSIONER HAVARD: Yes.

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

9 COMMISSIONER HAVARD: Sure.

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

12 COMMISSIONER HAVARD: Yes, that's correct.

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

15 RYAN BRADLEY: I would like to make one comment.

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

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

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

22 COMMISSIONER BOSARGE: Yes, sir.

23 Go ahead, Mr. Bradley. Make it quick.

24 RYAN BRADLEY: Thank you Commissioners. Ryan  
25 Bradley, Mississippi Commercial Fisheries United.

1 I would like to speak in support of what Mr.  
2 Gollott is saying here.

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

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

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

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

21 I'll leave that there. Thank you.

22 COMMISSIONER BOSARGE: Yes, and I agree with  
23 you. It's the same thing, you know, if you get to know  
24 some of those processors, some of them will let you in  
25 their plants and some of them won't because the way they

1 run their peelers and the way they run their operation is  
2 their edge over their competition as to whether they make  
3 money and the competition doesn't.

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

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

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

14 Is that correct?

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

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

21 would that be correct?

22 SANDY CHESNUT: That's correct.

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

25 Do we have a second for that motion?

1 COMMISSIONER DANIELS: I'll second that.

2 COMMISSIONER BOSARGE: Okay. Commissioner  
3 Daniels seconded.

4 All those in favor aye.

5 (All in favor.)

6 COMMISSIONER BOSARGE: Opposed like sign.

7 (None opposed.)

8 COMMISSIONER BOSARGE: Motion carries.

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

13 Is that correct?

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

16 COMMISSIONER BOSARGE: I'm sorry.

17 Commissioner Havard?

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

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

24 SANDY CHESNUT: Okay. I will make a statement  
25 here. That is a very broad request.

1           JOE SPRAGGINS: Can we do something on that?  
2           Is it only to trip tickets, or is it for other  
3 things we are looking at?

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

6           JOE SPRAGGINS: Okay.  
7 would that help?

8           SANDY CHESNUT: Yes, that helps.

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

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

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

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

21           Why should we go in there and start changing  
22 everything?

23           COMMISSIONER HAVARD: Richard, I'm just making  
24 this motion based on your comments about different  
25 interpretations.

1           So if you want to take this motion and modify  
2 it, I am very good with that.

3           COMMISSIONER GOLLOTT: well, how else could we  
4 modify it to not make it so broad, sandy, that it would  
5 bury you?

6           JOE SPRAGGINS: Just trip tickets only would  
7 help.

8           SANDY CHESNUT: Yes.

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

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

15          COMMISSIONER DANIELS: All right.

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

19          COMMISSIONER GOLLOTT: well, I'm following  
20 sandy's, and I have just asked her if there is any other  
21 way that we could help her with it, and I'm waiting for  
22 her answer.

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

25          COMMISSIONER GOLLOTT: Okay. well, let's just



1 do trip tickets, and, then, we will come back with  
2 something, if we need it.

3 SANDY CHESNUT: Okay.

4 COMMISSIONER BOSARGE: So you want to rescind  
5 the motion?

6 COMMISSIONER GOLLOTT: It's the same motion.

7 SANDY CHESNUT: Yes.

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

9 COMMISSIONER GOLLOTT: I'll second the motion.

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

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

15 Is that correct?

16 JOE SPRAGGINS: Is that correct everyone?

17 COMMISSIONER HAVARD: The variances and the  
18 interpretations.

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

21 Is that correct?

22 COMMISSIONER GOLLOTT: Yes.

23 COMMISSIONER HAVARD: Yes, sir.

24 SANDY CHESNUT: Let's repeat that motion one  
25 more time.

1           what you are asking for is a variance between  
2 the regulation and how it is being enforced?

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

9           JOE SPRAGGINS: And this is trip ticket only?

10          COMMISSIONER HAVARD: Yes, sir.

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

13          COMMISSIONER GOLLOTT: (Interposing) Yes.  
14 Let's cross this bridge, and, then, we will come back and  
15 cross some more if we need to.

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

19          COMMISSIONER GOLLOTT: Okay. Just do your best.

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

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

24          SANDY CHESNUT: Take a look at any variances  
25 between the regulation and how it is being enforced, in

1 regards to Title 22, Part 9.

2 JOE SPRAGGINS: Which is trip tickets.

3 SANDY CHESNUT: In regards to the trip tickets.

4 COMMISSIONER HAVARD: Yes, ma'am. That's the  
5 motion that we intended.

6 JOE SPRAGGINS: That's the motion by Mark.

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

9 Any further discussion?

10 (No response.)

11 COMMISSIONER BOSARGE: All those in favor aye.

12 (All in favor.)

13 COMMISSIONER BOSARGE: Opposed like sign.

14 (None opposed.)

15 COMMISSIONER BOSARGE: Motion carries.

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

18 COMMISSIONER BOSARGE: No, sir.

19 Next up would be Commissioners report.

20 Do we have anybody that would like to say  
21 anything?

22 (No response.)

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

25 Is there any other business?

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

(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.

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

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.

---