

COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

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

Commission Members:

Steve Bosarge, Chairman

Ronald Daniels

Richard Gollott

Natalie Guess

Mark Havard

Also Present:

Joe Spraggins, Executive Director DMR

Sandy Chesnut, Esq., Assistant Attorney General

Lucille Morgan, CSR 1251

COURT REPORTER

(228) 396-8788

1 COMMISSIONER BOSARGE: All right. Let's see if
2 we can get this started. Everybody get a chance to get a
3 seat and get settled down.

4 I would like to welcome everybody to the
5 regularly scheduled March meeting of the Commission on
6 Marine Resources.

7 To start it all off, we are going to ask
8 Commissioner Gollott to lead us in The Pledge of
9 Allegiance.

10 (Pledge of Allegiance recited.)

11 COMMISSIONER BOSARGE: Next we will observe a
12 moment of silence just to reflect on where we are in this
13 great nation.

14 (Moment of silence observed.)

15 COMMISSIONER BOSARGE: All right. Thank you.
16 Next up on the agenda is the approval of
17 minutes.

18 If it's okay with the rest of the guys, we've
19 got some changes and stuff we want to make, if we could
20 just table that until the next meeting.

21 If I could get a motion for that?

22 COMMISSIONER GOLLOTT: I'm sorry, Mr. Chairman.
23 would you explain?

24 COMMISSIONER BOSARGE: Yes, sir. I think Ms.
25 Lucille's sister has had some health problems and she has

1 been doing all she can do, and we had some changes we want
2 to make and we didn't quite get them all in.

3 If we could go ahead and give us a little more
4 time to make the edits and get them up for approval at the
5 next meeting?

6 COMMISSIONER GOLLOTT: Okay.

7 So you want to table approval of the minutes?

8 COMMISSIONER BOSARGE: Yes, sir.

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

11 COMMISSIONER BOSARGE: We have a motion.

12 Do we have a second for that motion?

13 COMMISSIONER DANIELS: I'll second it.

14 COMMISSIONER BOSARGE: We've got a couple of
15 seconds, so we will take Commissioner Daniels' second.

16 COMMISSIONER BOSARGE: We've got a motion and a
17 second.

18 All those in favor aye.

19 (All in favor.)

20 COMMISSIONER BOSARGE: Opposed like sign.

21 (None opposed.)

22 COMMISSIONER BOSARGE: Motion carries.

23 Next up is approval of the agenda.

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

1 (No response.)

2 COMMISSIONER BOSARGE: Seeing none, do we have a
3 motion to approve the agenda?

4 COMMISSIONER GOLLOTT: I'll make that motion,
5 Mr. Chairman.

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

8 COMMISSIONER HAVARD: I'll second the motion.

9 COMMISSIONER BOSARGE: Seconded by Commissioner
10 Havard.

11 All those in favor aye.

12 (All in favor.)

13 COMMISSIONER BOSARGE: Opposed like sign.

14 (None opposed.)

15 COMMISSIONER BOSARGE: Motion carries.

16 Now, next up is the Executive Director's report.

17 JOE SPRAGGINS: Yes, sir. Just a couple of
18 things.

19 Number one, we are live streaming today on
20 Facebook. This is something new that we are starting and
21 I think you will see. He is putting it up here now. This
22 is a live stream on Facebook. People that are not able to
23 come can watch it on Facebook, if they would like to, and
24 they don't have to have an account, I don't think, to do
25 that. They can just kind of log in through our account.

1 That is something that we have different today.

2 One other thing. I would just like to make an
3 announcement that I just found out that Lucille's grandson
4 -- his name is Grant Morgan -- he got the first academic
5 appointment to the United States Air Force Academy for the
6 State of Mississippi this month. We appreciate her. I
7 tell you what, that is an amazing feat there, and tell him
8 congratulations and wish him the best.

9 LUCILLE MORGAN: Thank you.

10 JOE SPRAGGINS: Also, I didn't get a chance. We
11 just got the latest deal on the Bonnet Carre. So I just
12 wanted to give you an update real quick on it. It just
13 came in this morning, and I didn't have time.

14 As we stand right now, the total bays that are
15 open is a hundred and ninety-six. They closed a few.

16 Is that correct, Joe?

17 JOE JEWELL: Yes.

18 JOE SPRAGGINS: They closed about ten bays.
19 They had it up to two hundred and six. They are down to a
20 hundred and ninety-six.

21 So we are around two hundred and seven thousand
22 cubic feet per second coming across now which is holding
23 the same thing we were at two hundred and six, but it is
24 just a little bit more water. Being able to close bays
25 and not open more is a good sign.

1 However, we have been given some reports that it
2 could be even getting worse and we just don't know because
3 of all the water from Nebraska and everywhere else coming
4 down.

5 Once that happens, we will keep an eye on it as
6 much as possible as we can and we will keep you updated as
7 much as possible as we can.

8 Right now it's at the level -- Joe, tell me if
9 I'm wrong, but I think around 2016 now is what we are
10 looking at, and we realize what happened in 2016 and we
11 were okay. It wasn't as bad as we thought it was going to
12 be, basically like 2018.

13 Let's see what happens, and we will keep you
14 abreast of what is going on there as much as we get any
15 information on it.

16 COMMISSIONER BOSARGE: Does it look like they
17 will be able to close all the gates before this next, I
18 guess, crest you would say comes, Joe?

19 You see what I'm saying?

20 Are they going to choke this thing on back and
21 be able to close it, or is it going to continue to stay
22 open, or do you know?

23 JOE JEWELL: Well, they are avoiding making any
24 predictions now. The original prediction was for it to be
25 open the entire month of March. So they are staying to

1 that prediction that they did. They are not going to
2 release any information out into the future, until they
3 get more control over the variability into the river.

4 COMMISSIONER BOSARGE: All right, and one other
5 question.

6 Is this the only spillway open?

7 JOE JEWELL: Correct. That is the only spillway
8 open. Of course, there are three of them.

9 COMMISSIONER BOSARGE: Correct.

10 JOE JEWELL: There is Bonnet Carre, Morganza and
11 Caernarvon. Of course, Caernarvon has no impact on us at
12 all.

13 COMMISSIONER BOSARGE: All right. Thank you.

14 JOE SPRAGGINS: I think it has to get to one
15 point five million cubic feet per second before they can
16 open up the Morganza area, so that is what they are
17 looking at.

18 The other thing is, too, that we had some good
19 word yesterday that it looks like the Pearl is coming
20 down, so that it better. It is down to around twelve feet
21 now.

22 Is that right?

23 JOE JEWELL: That's correct.

24 JOE SPRAGGINS: So there is an opportunity that
25 it might get below where we think it was, you know, below

1 flood stage.

2 Things aren't looking as bad as they could, but,
3 then, I don't want to say too much because you know how
4 that happens.

5 COMMISSIONER BOSARGE: Yes, sir.

6 JOE SPRAGGINS: One other thing, is Carly here?

7 JOE JEWELL: She is at Gulf States in New
8 Orleans.

9 JOE SPRAGGINS: All right. I just wanted to let
10 you know that one of our scientists, Ms. Carly Somerset,
11 she received an award, American Fisheries Society and the
12 Mississippi Chapter, and she received a Fishery
13 Conservation Award this year.

14 Please let her know that we appreciate her and
15 thank her very much for that.

16 Now, let's see. I think one other thing that --

17 COMMISSIONER GOLLOTT: (Interposing) Can I say
18 something, Mr. Chairman?

19 COMMISSIONER BOSARGE: Yes, sir.

20 COMMISSIONER GOLLOTT: I messed up here. I
21 would like to modify the agenda and add HACCP and
22 Sanitation to the Marine Fisheries.

23 would that be okay?

24 COMMISSIONER BOSARGE: I went too fast for you
25 there, Commissioner Gollott?

1 COMMISSIONER GOLLOTT: Yes. I was sleeping.

2 COMMISSIONER BOSARGE: Ms. Chesnut, I'm going to
3 have to refer to you.

4 JOE SPRAGGINS: Can we do other business, if
5 not?

6 SANDY CHESNUT: I'm sorry?

7 COMMISSIONER BOSARGE: Commissioner Gollott is
8 requesting that we go back to approval of the agenda and
9 actually add something to the agenda.

10 SANDY CHESNUT: Yes. He can make that motion.

11 COMMISSIONER BOSARGE: Okay. All right.

12 Commissioner Gollott, could you make that motion
13 one more time for us?

14 COMMISSIONER GOLLOTT: That we add HACCP and
15 Sanitation under Marine Fisheries, Mr. Joe Jewell.

16 COMMISSIONER BOSARGE: All right. So we would
17 add it --

18 COMMISSIONER GOLLOTT: (Interposing) K-7.

19 COMMISSIONER BOSARGE: Yes. I'm trying to get
20 to the second page. Yes, sir. We will put it in K-7.

21 All right. We have a motion.

22 Do we have a second for that motion?

23 COMMISSIONER DANIELS: I'll second his motion.

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

1 All those in favor aye.

2 (All in favor.)

3 COMMISSIONER BOSARGE: Opposed like sign.

4 (None opposed.)

5 COMMISSIONER BOSARGE: Motion carries.

6 So we have amended the agenda to add K-7.

7 All right. Continue on.

8 JOE SPRAGGINS: A couple other things real
9 quick. The Peer Review, you know, we had some questions
10 about the paperwork on it.

11 I think Sandy sent it out to each one of you.
12 If you get a chance, please review that and let us know if
13 there are any changes you would like to make on it as to
14 how we are going to do the Peer Review, as to the
15 structure of how we do it from inside here. If you could
16 do that and just give us some kind of information,
17 whatever you would like to.

18 I know you had some issues that you were looking
19 at, at one time.

20 COMMISSIONER BOSARGE: Yes, sir.

21 JOE SPRAGGINS: We won't bring it up this
22 meeting, but, if you can get it back to us, if you have
23 anything on it.

24 If you didn't get it, let us know. We will
25 resend it to you.

1 I know y'all have been busy and everything is
2 happening.

3 One last thing on that, and, then, we will go
4 back into the other couple of things I have.

5 When you asked for the authority, in other
6 words, whether we had the authority to do some things, we
7 asked for an AG's opinion.

8 Sandy, would you brief that to them real quick?

9 SANDY CHESNUT: Yes. As a result of the special
10 session we had on March the 1st, we sent up an AG's opinion
11 request, basically, on the 49-15-304 authorities and the
12 constitutional authorities that Senator Seymour spoke
13 about at that meeting, and that opinion request is going
14 to be in committee today and they said, if there are no
15 changes coming out of committee, that we should receive it
16 Friday, or Monday. If there are changes, it will take
17 longer to get it back.

18 As soon as we get that back, we will send that
19 out.

20 COMMISSIONER BOSARGE: Sandy, speak into that
21 mike just a little bit more. I know I'm having a hard
22 time hearing you. I don't know about the rest of the
23 folks.

24 SANDY CHESNUT: Sorry about that.

25 The opinion request goes to committee today at

1 the AG's office and, if there are no changes, they can get
2 that back to us Friday, or Monday.

3 If there are changes, of course, it will take
4 longer to get it back.

5 As soon as we get it back, we will send that out
6 to everyone.

7 COMMISSIONER BOSARGE: All right. Great.

8 Thanks for the update.

9 JOE SPRAGGINS: Now, as far as the employment
10 contracts and procurement update, if we can on the slide
11 there, we have one new employee and that is Jennifer Stout
12 who is a Coastal Resources Management Administrative
13 Assistant and she was just hired on the 18th of this month.

14 On the next slide, you will see the contracts
15 that we have.

16 We have the reverse auction for the two boats,
17 and, then, the Necaise Brothers contract was signed the
18 other day and that is for the invitation, and it had been
19 signed, a hundred percent GOMESA for the outfalls, the
20 outfalls that we are fixing on the beach. That is four
21 point three million. That went out on approval and I
22 think, as a matter of fact, they started this week.

23 Currently advertised, we have some procurement
24 requests for, as you can see, Coastal Zone and Resource
25 Management interns. We have interns from several

1 different agencies. We had quite a few people put in for
2 the intern slots this year, and we ought to be able to
3 have something done on that shortly.

4 The other thing, looking down here, we have a
5 Botanist, and, then, obviously the request for
6 qualifications and this is for architect engineering and
7 certification for a bulkhead program that we are working
8 on. That is the alternative bulkheads that we had
9 approved to do, and we are going to be able to go out for
10 that.

11 Then, two reverse auctions. The cultch, we have
12 two different types, and those auctions are closed now. I
13 don't know if it has here who won them, but they are
14 basically -- I want to say it was thirty-eight dollars a
15 cubic yard for putting out limestone.

16 Is that right, Joe?

17 JOE JEWELL: Yes.

18 JOE SPRAGGINS: And it was right at sixty
19 dollars for the shells.

20 Is that correct?

21 JOE JEWELL: Right.

22 JOE SPRAGGINS: And the shell is the four
23 hundred thousand dollar project there, and most of that is
24 going to go over to the east and be put in the area back
25 to replenish what we took out when we did the oyster

1 relay.

2 Is that correct, Joe?

3 JOE JEWELL: That's correct, the shell portion.

4 JOE SPRAGGINS: We made the vow that we would
5 replace it and we are. We are trying to put that back so
6 we will have that cultch back in there.

7 Any questions on any of the employments, or
8 anything, sir?

9 COMMISSIONER BOSARGE: No, sir.

10 JOE SPRAGGINS: Okay. I don't know if we have a
11 slide on this next one, but the only two things, we only
12 have a couple of bills left open in the legislature, and
13 the one that is for off-bottom license, it has passed the
14 House. It passed the Senate. It is going to the
15 governor.

16 We will be able to put the same fee that we have
17 for someone that does tonging, or dredging, for oysters.
18 Now, we will have an off-bottom license for their boat,
19 the same fee. So that is going through.

20 The other one is still alive and it went to the
21 House and back to the Senate and probably will go into
22 committee meeting sometime this week and conference, and
23 that is about the leasing of the bottoms for oyster reefs.

24 Both of those are the two that made it through
25 everything, all the other fights in the Senate and the

1 House.

2 Other than that, sir, that's all I have.

3 COMMISSIONER BOSARGE: All right. Sounds good.
4 Next up is Commissioners report.

5 Actually, I had a little something I wanted to
6 speak about. I wanted to talk about a couple of reef
7 zones that the State is procuring, or in the process of
8 procuring.

9 I know that it has been a long process, some of
10 which I was involved in, in the early stages, but have
11 kind of been left out of it since, and I just wanted to --
12 I've got some material here that I wanted to give the rest
13 of the Commissioners, just so they could be looking at it.

14 I think we are going to have probably a special
15 meeting on it coming up?

16 JOE SPRAGGINS: Yes, sir, we would like to do
17 that. It is probably going to be an hour, or so, meeting.
18 We would like to call a special meeting for it and maybe
19 the Peer Review Committee at the same time.

20 COMMISSIONER BOSARGE: All right. That sounds
21 good, and all I want to do is just pass this out where you
22 folks will have it where you can kind of get a look at
23 what is going on.

24 (Document handed to Commissioners by
25 Commissioner Bosarge.)

1 COMMISSIONER BOSARGE: I don't know if any of
2 the rest of you Commissioners are even aware that it is
3 going on.

4 All right. That's just some -- to give you an
5 idea of where they are and some of the -- it's very
6 productive trawl bottom there and, if you look at the -- I
7 know you guys don't have the pictures, but I just wanted
8 to make these guys up here aware of it.

9 If you look at the one with all the dots, that's
10 electronic logbook data. That is just points collected
11 off of the industry, shrimp trawlers in the industry, and
12 it will kind of give you an idea of some of the trawling
13 grounds for the shrimpers that are within those bottoms
14 that are going to be -- that are proposed to be artificial
15 reefs.

16 All right. That's all I wanted to do is just
17 make you aware of it.

18 All right. Up next -- is there any more
19 Commissioners who want to report anything?

20 (No response.)

21 COMMISSIONER BOSARGE: Up next will be Office of
22 Marine Patrol, Chief Davis.

23 KEITH DAVIS: Good morning.

24 The report is pretty straight forward this month
25 again, not a whole lot of activity, with the exception of

1 twenty-nine citations issued for courtesy, just notifying
2 individuals about the litter campaign.

3 Any questions on the report?

4 COMMISSIONER BOSARGE: No, Chief. I don't see
5 any.

6 KEITH DAVIS: The other thing is we are prepared
7 to discuss this morning a little bit -- Commissioner Guess
8 asked us to look at giving out sanitation devices.

9 In our meetings with Director Spraggins, he
10 actually caught this in Title 22, Part 10, Section 100
11 where it identifies what a vessel is. It says:

12 "shall mean any boat, barge, or
13 other vehicle, operating in marine
14 environment from the largest
15 supertanker to the smallest
16 recreational craft."

17 So our discussions were if we gave out buckets
18 to individuals with Bay boats up to a supertanker, what
19 will be do for kayakers and things like that?

20 So the fairness of it is that it may be a better
21 approach just to educate more and what our plans are, if
22 you will agree to this, is this. During the month of
23 April, we will have outreach events across the Coast and
24 we will put these out in the media circuit on where Marine
25 Patrol will be, and what we will be talking about is

1 actually identifying what the law is and what is required,
2 and we will have stickers that are required by State Law
3 that we will hand out, and these can also be picked up in
4 our foyer. The normal DMR rule, the notice is actually
5 printed on that (indicating).

6 In our discussions with Director Spraggins, this
7 is not about writing a bunch of tickets, but just last
8 week in the Philippines, there was a whale that was
9 beached dead with eighty pounds of plastic in its stomach.

10 This is a very important issue and we do take it
11 serious, but I would ask you to reconsider on the buckets.

12 I have talked to several guys about putting
13 buckets on their boats, and a lot of them have said that
14 it wouldn't do them any good.

15 That's our report to you. If that is what you
16 want to see us do, we will certainly look into it further,
17 but I just think that in fairness, if we're not giving it
18 to the kayakers and we're not giving it to the paddle
19 boarders, it's just not fair.

20 COMMISSIONER GUESS: No. I understand. I
21 didn't know that we would be issuing them to everyone, or
22 if they were able to be picked up at certain locations
23 during education pieces, but, I mean, I understand.

24 KEITH DAVIS: The other thing is looking at the
25 cost of them. we looked at everything from department

1 stores. I won't mention which ones. We looked at
2 department stores all the way up to a professional bucket
3 that is made for fishing, and those were somewhere between
4 thirteen and twenty dollars apiece, and the ones in the
5 department stores are like four to five dollars, but the
6 lids are not as secure.

7 If we give the cheaper buckets and the lids fly
8 off, then, DMR becomes a part of the problem. So we
9 looked at all of those avenues as well.

10 I think the education route and telling the
11 public what they are required to have is the better route
12 to go with.

13 COMMISSIONER GUESS: Do we offer them suggested,
14 or recommended, trash buckets, I mean, to kind of direct
15 them to where they can get sanitary buckets?

16 KEITH DAVIS: We can do that during the events,
17 and we can have some different types on hand to share with
18 individuals what is required.

19 COMMISSIONER GUESS: Okay. I appreciate you
20 looking into it.

21 JOE SPRAGGINS: One thing about it, Chief and
22 them are looking at this as an education thing more than
23 anything to be able to just go out and get the people to
24 understand that you have got to carry something onboard.
25 You need to make sure that it is marked in the way that

1 it's done. It is an educational process, and I think it's
2 great. I think it's fantastic because, if we save one
3 piece of trash, we have done our job, but I think we will
4 save a lot of it. I think if they do what I know that
5 they are capable of, it will be a great operation for us.

6 KEITH DAVIS: The last thing I want to add to
7 that is I have been in several events, since we made this
8 announcement, and there are a lot of organizations that
9 are interested in participating.

10 I was contacted last week by an organization out
11 of Gulfport that is wanting to participate in this effort.

12 As I said, since January 1st of this year, we
13 have issued twenty-nine courtesies, just identifying, hey,
14 this is a problem. You need to get it fixed.

15 As far as we know, all of those have taken heed
16 of those warnings, and we will be doing it, of course.

17 All of you are invited, during the month of
18 April, to participate in those outreach events.

19 COMMISSIONER GUESS: Okay. Thank you.

20 COMMISSIONER DANIELS: Chief, a quick question.
21 You said the ordinance is printed on that ruler.

22 So does that work, as opposed to having the
23 other sticker?

24 If they've got that ruler on there, they are
25 covered?

1 KEITH DAVIS: If you have the ruler, the actual
2 sticker is in the corner of the ruler, so yes, sir
3 (indicating).

4 COMMISSIONER DANIELS: Okay. I didn't realize
5 that.

6 COMMISSIONER BOSARGE: And just looking down
7 through the report, I see three dead dolphins in the
8 report.

9 KEITH DAVIS: Yes, sir. Those were all handled
10 by IMMS, obviously, but there were three reports of dead
11 dolphins during the month.

12 COMMISSIONER BOSARGE: That's a lot.

13 Any other questions?

14 (No response.)

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

17 KEITH DAVIS: Thank you.

18 COMMISSIONER BOSARGE: All right. Up next is
19 Office of Coastal Resources Management, Mr. Jan Boyd.

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

22 We have one action item for your consideration
23 this morning, and Greg Christodoulou will be presenting
24 that.

25 GREG CHRISTODOULOU: Good morning everyone.

1 This is a permit request by the City of Ocean
2 Springs. It is located on Front Beach in Ocean Springs.

3 This is a living shoreline project. It is in
4 the General Use District. The agent is Allen Engineering.

5 The project's purpose is four; reduce beach
6 erosion, create some marsh and oyster habitat along the
7 existing outfall structure in that location, improve the
8 water quality around that outfall, and mitigate upstream
9 flooding.

10 Here is just a description of the project. This
11 is a living shoreline project, kind of an alternative to
12 more hardened shoreline protection.

13 This particular project involves four tenths of
14 an acre for beach renourishment and marsh creation.

15 Now, there will also be some deployment of
16 oyster balls, or reef balls, around the outfall structure
17 to help attract some attaching organisms, filtering
18 organisms, oysters, barnacles, muscles, that sort of
19 thing, to help improve the water quality around these
20 outfalls.

21 The applicant was required to request a variance
22 from the Coastal Program from Chapter 8, Section 2, Part
23 111.0.1, which says:

24 "Permanent filling of Coastal wetlands
25 because of potential adverse and

1 cumulative environmental impacts is
2 discouraged.”

3 And the applicant has justified the variance
4 based on Chapter 8, Section 2, Part 1.E.2.c.i:

5 “The impacts on Coastal wetlands will
6 be no worse than if the guidelines
7 were followed.”

8 Basically, this is replacement -- part of this
9 project is replacement of the existing sand beach that is
10 in that location and, also, the area that is not going to
11 be beach right now is unvegetated waterbottoms, and that
12 is going to be replaced with some productive marsh
13 habitat.

14 Here is an aerial imagery of the project. The
15 yellow thumbtack marks the location.

16 You can see that that section of beach is
17 probably the most heavily eroded along the Front Beach
18 shoreline.

19 The reason for that is the sediment tends to
20 move in this direction and you have this little spit of
21 land here that kind of helps starve that particular
22 section (indicating).

23 Here is a diagram of the proposed project. Have
24 a beach renourishment area here, and this is going to be
25 the marsh sill. This sill is going to be composed of like

1 a geotextile fabric that will hold the sediment in place,
2 but also serves as a planting medium for the marsh that
3 they are going to use to plant this area, and, then, you
4 have the oyster balls that will be deployed here at the
5 end of this existing outfall structure.

6 This is a pilot project, so the hope is if this
7 is successful, it can be utilized in other areas,
8 especially along Front Beach and maybe in other locations
9 as well.

10 Notification of the project did appear in the
11 Sun Herald and on the DMR website.

12 We received no public comments.

13 DEQ is currently reviewing the project.

14 Archives and History has no objections.

15 Wildlife, Fisheries and Parks wants best
16 management practices be properly implemented, monitored
17 and maintained.

18 Secretary of State's office had no comment.

19 Based on staff's findings, we think the project
20 is consistent with the Coastal Program because it restores
21 sand beach in this location to allow for greater public
22 access and, also, it creates marsh habitat which is
23 expected to reduce erosive forces and increase the aquatic
24 productivity in the area.

25 The staff recommends approval of the variance

1 request and permit, contingent on water quality
2 certification from the DEQ.

3 COMMISSIONER BOSARGE: Do we have any questions?
4 (No response.)

5 COMMISSIONER BOSARGE: I had one, Greg.
6 That outfall, that would be a street drainage
7 outfall?

8 GREG CHRISTODOULOU: Yes, it's a street drain.
9 It drains from the street.

10 COMMISSIONER BOSARGE: And you would think that
11 that would actually bring a lot of sediment with it at
12 times. Instead of deteriorating, you think it would be
13 building, at least I would.

14 GREG CHRISTODOULOU: It does to a small degree,
15 but the problem is you are going to get more from that
16 migration of the sand and, with that little spit that is
17 out there which it is privately owned -- it's not part of
18 the City -- it kind of blocks it, and you are also getting
19 a lot of actual sheet flow runoff from the street and from
20 the sidewalk that runs along the seawall as well.

21 One of the big problems that Ocean Springs has
22 found is with the streets and the sidewalks right there,
23 when you get these heavy rains, you get a lot of this sand
24 that is actually blowing offshore and so you have erosion.
25 You are losing sand from the beach that way, as well as

1 from erosion.

2 COMMISSIONER BOSARGE: Yes, that sand is easily
3 moved. Definitely.

4 Any further questions?

5 JOE SPRAGGINS: That is a natural shoreline type
6 deal that they are doing.

7 Is that right?

8 GREG CHRISTODOULOU: Yes, it is a living
9 shoreline type of thing.

10 JOE SPRAGGINS: And they've got another one also
11 over there that is being done by DEQ that they've got
12 funds.

13 COMMISSIONER BOSARGE: That's good. It will be
14 good to see how it turns out.

15 All right. Do we have a motion?

16 COMMISSIONER GUESS: I'll make the motion.

17 COMMISSIONER BOSARGE: All right, and your
18 motion would be to accept the staff's recommendations?

19 COMMISSIONER GUESS: Yes.

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

22 Do we have a second for that motion?

23 COMMISSIONER HAVARD: I'll second the motion.

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

1 Any further discussion?
2 (No response.)
3 COMMISSIONER BOSARGE: All those in favor aye.
4 (All in favor.)
5 COMMISSIONER BOSARGE: Opposed like sign.
6 (None opposed.)
7 COMMISSIONER BOSARGE: Motion carries.
8 Thank you, Greg.
9 GREG CHRISTODOULOU: Thank you.
10 COMMISSIONER BOSARGE: Up next will be Office of
11 Finance and Administration, Ms. Shavay.
12 SHAVAY GAINES: Good morning Director Spraggins,
13 Commissioners, Ms. Chesnut.
14 I will be presenting financials for the month
15 ending February 28th, 2019.
16 At the end of February, our State Revenue was
17 four point seven million. We are still awaiting transfer
18 from State Treasury for a million for appropriations.
19 Our Agency Revenue totaled nineteen point five
20 million.
21 Our State Net Income was a negative one hundred
22 and four thousand, and our Agency Net Income was four
23 point one million.
24 After eight months of fiscal year 2019,
25 Operating Funds had seventy-three percent of our budget

1 remaining, and our Tidelands Trust Fund had fifty-one
2 point five percent of our budget remaining.

3 Any questions?

4 JOE SPRAGGINS: The negative is because it
5 hasn't been paid by the State yet.

6 Right?

7 SHAVAY GAINES: Exactly. That is the one
8 million that we are waiting on from the treasury which
9 will affect that balance, and, then, we usually get it
10 maybe May, or June. They usually true it up by the end of
11 the fiscal year.

12 COMMISSIONER BOSARGE: All right. Sounds good.

13 Any questions?

14 (No response.)

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

17 SHAVAY GAINES: Thank you.

18 COMMISSIONER BOSARGE: Up next will be Sonja
19 Slater to talk about Tidelands.

20 SONJA SLATER: Good morning.

21 I'm following up on my Tidelands presentation I
22 did a couple of months ago.

23 Per your request, you wanted to know how the
24 funds have been expended for 2019, so we are just going to
25 do a real quick overview of 2019's Tidelands Funds.

1 Basically, our Public Access Funds, they were
2 awarded four point three million. Three point seven
3 million of that went to the cities and municipalities, and
4 four hundred and seventy-five thousand of that went to the
5 Board of Supervisors in Jackson and Harrison Counties and
6 Hancock County, and, then, seventy-five thousand of it was
7 spent on a project that we would consider to be a
8 miscellaneous project because it's a nonprofit
9 organization which is the Maritime Seafood Museum. They
10 received seventy-five thousand.

11 So the Public Access Projects for fiscal year
12 19, there were seventeen and they awarded four point three
13 million dollars.

14 The other half of the funds are awarded through
15 the DMR and the Director, and they are for managed
16 projects.

17 In FY19, we had four point five million to
18 administer. We administered two point two million to the
19 DMR for DMR projects that are handled in house. Three
20 hundred and twenty-seven thousand went to the universities
21 for research projects. Three hundred and forty-one
22 thousand went to five different miscellaneous projects.
23 One point one million went towards the payment of our
24 bond, and we still have one point six million left to
25 award that has not yet been awarded.

1 Our Miscellaneous Projects under the Managed
2 Projects were the YMCA, Lynn Meadows. We gave the City of
3 Biloxi money, Jackson County and Hancock County. The
4 reason why those three agencies are not back under Public
5 Access is because they were paid for out of Managed
6 Project Funds.

7 Any questions?

8 JOE SPRAGGINS: Before anybody hits me up for
9 the one point six, it is already there. We are just
10 waiting on the price to come in on a couple of projects.
11 That's the reason it hasn't been awarded.

12 COMMISSIONER BOSARGE: Any questions?

13 (No response.)

14 SONJA SLATER: Thank y'all.

15 COMMISSIONER BOSARGE: Thank you.

16 All right. Next up is Public Affairs, and I
17 think Mr. Joe Spraggins is going to take care of it.

18 JOE SPRAGGINS: Ms. Charmaine and Francesca are
19 up at the Boston Seafood Show and they are representing us
20 up there. So I will take care of this for us.

21 Also, we got approved in our budget for our
22 appropriations next year right at ten point eight million
23 for Tidelands. So we got a little bit extra.

24 COMMISSIONER BOSARGE: It went up.

25 JOE SPRAGGINS: Yes.

1 COMMISSIONER BOSARGE: All right. That's good.
2 That is always good.

3 JOE SPRAGGINS: Mississippi Department of Marine
4 Resources was mentioned nineteen times in local, state and
5 national media since our last meeting.

6 Most popular was Bonnet Carre announcement and
7 Red Snapper season.

8 Marine Patrol taught four boat-and-water safety
9 classes and certified eighty-five students. So far in
10 fiscal year 19, officers have taught fifteen classes and
11 certified three hundred and seventeen students

12 Marine Patrol gave a presentation to the Boy
13 Scout Troop 425 and participated in Career Days at Pass
14 Christian Middle School, D'Iberville High School, North
15 Bay Elementary School and Central Elementary School.

16 Fisheries and Marine Patrol took part in the
17 Biloxi Boat Show February 22 through 24 at the Coast
18 Convention Center.

19 The Artificial Reef Bureau manned the public
20 outreach booth and shared insight on fishing reefs and
21 fishing management.

22 Fisheries volunteers from the Finfish Bureau and
23 Seafood Technology Bureau, along with Marine Patrol,
24 presented at the kids' area of the boat show, sharing
25 educational information.

1 The Fisheries Office also participated in
2 Mississippi American Fisheries Society meeting in Jackson.
3 At the meeting, that is where Carly received her award, so
4 we appreciate that.

5 Also, Mr. Eric Gigli of the Finfish Bureau
6 presented his master's research, "The Effects of
7 Incubation Salinity on Egg Quality Traits and Early
8 Development of Spotted Seatrout". That must be a heck of
9 a paper there. He did this at the world Aquaculture
10 Society Conference in New Orleans on March 8th and 9th.

11 Jason Rider gave a presentation on his program
12 of Off-Bottom Oyster Aquaculture at Aquaculture America
13 2019.

14 Seafood Technology Bureau's Jessica Rankin
15 passed the State Standardization Evaluation and has
16 accomplished the training, standardization and
17 certification for State Shellfish Standardization Officers
18 administered by the Food and Drug Administration, Office
19 of State Cooperative Programs, Division of Shellfish
20 Sanitation. Jessica also gave an oyster dissection
21 demonstration to students at Harrison Central High School.

22 Looks like we have been in a lot of things going
23 on. Very busy, sir.

24 COMMISSIONER BOSARGE: Yes.

25 COMMISSIONER DANIELS: Joe, if I may, I would

1 like to say thank you to everybody from the department
2 that came out for the kids' program at the Biloxi Boat
3 Show. It was a huge success and everybody that donated
4 their time did a phenomenal job. There were a lot of
5 thank you's going around for that.

6 COMMISSIONER BOSARGE: All right. Good deal.
7 Good deal. It sounds like everybody has been busy.

8 Mr. Joe, some of that was a tongue twister. I'm
9 glad that was you and not me.

10 Up next will be Office of Marine Fisheries, Mr.
11 Joe Jewell.

12 JOE JEWELL: Thank you. I would also like to
13 congratulate Ms. Lucille. We have been friends for quite
14 a number of years, and that is quite an honor for her
15 grandson and her family. Congratulations.

16 On the Marine Fisheries agenda, we have seven
17 items now. First up is Final Adoption of Title 22, Part
18 20. I will be making that presentation this morning.

19 As you may recall, the Commission passed the
20 Notice of Intent on February the 19th, 2019. The Notice of
21 Intent was filed with the Secretary of State's office on
22 February the 20th. On February the 20th, it was posted on
23 the DMR web page. The legal notice appeared in the Sun
24 Herald on February the 22nd.

25 The public comment period was from February the

1 21st to March the 18th. That is a total of twenty-six days.
2 We have received no public comments.

3 If you will recall, we made the regulatory
4 change that included all endorsements to the language and
5 added section 105, and we are now undoing those changes
6 and reverting back to the way this language appeared prior
7 to the implementation date of November the 16th of 2018.

8 So the regulation will now read, in Chapter 21,
9 under Penalties, the original language in 104 will be:

10 "Suspension or revocation of
11 licenses, or permits -- we will
12 strike out the language 'or
13 endorsements' -- may be commenced
14 in addition to seeking administrative
15 penalties".

16 And, then, it will strike out the Section 105
17 that was previously added.

18 What would be required is a motion to move
19 forward with the final adoption.

20 COMMISSIONER BOSARGE: All right.

21 Do we have any questions?

22 (No response.)

23 COMMISSIONER BOSARGE: Do we have a motion?

24 I'll make a motion that we proceed with Final
25 Adoption of regulatory changes to Title 22, Part 20,

1 Chapter 21, regarding the removal of the endorsement
2 language in section 104 and the deletion of section 105.

3 Do we have a second for that?

4 COMMISSIONER GOLLOTT: I'll second it.

5 COMMISSIONER GUESS: Can I just make one
6 comment?

7 COMMISSIONER BOSARGE: Yes. I'm sorry.

8 COMMISSIONER GUESS: So this is still going back
9 to we still need to come up with particular penalties for
10 specific actions.

11 Right?

12 We are going back, but we still haven't figured
13 out what is going to be -- this is just the in-between.

14 Right?

15 JOE JEWELL: Well, I think legal may need to
16 chime in, but I think what we are doing is we are going
17 back to the starting point.

18 The Commission's will was to withdraw it, but we
19 had exceeded that thirty-day adoption period, and so the
20 most efficient way to do it is to refile it as it was
21 before all the changes happened to it.

22 So what we are doing effectively is going back
23 to the starting point, and, then, we will consider all of
24 that.

25 COMMISSIONER GUESS: Okay.

1 COMMISSIONER BOSARGE: That's correct.

2 COMMISSIONER GUESS: I'll second it.

3 COMMISSIONER BOSARGE: Commissioner Gollott had
4 seconded it.

5 COMMISSIONER GUESS: Oh, I'm sorry.

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

8 Any further discussion?

9 (No response.)

10 COMMISSIONER BOSARGE: All those in favor aye.

11 (All in favor.)

12 COMMISSIONER BOSARGE: Opposed like sign.

13 (None opposed.)

14 COMMISSIONER BOSARGE: Motion carries.

15 JOE JEWELL: Thank you, Commissioners.

16 Next up for your consideration is Notice of
17 Intent for Title 22, Part 7, Federal Regulations for
18 Spanish Mackerel, Hogfish and Swordfish. Mr. Trevor
19 Moncrief will be doing that presentation.

20 COMMISSIONER GUESS: I'm sorry, Joe. Before you
21 go real quick, what is our plan of action moving forward?

22 JOE JEWELL: What is going to happen after this
23 meeting, we will do the filing notices for this. It will
24 be filed today, tomorrow. Thirty days from that filing
25 date, it will become effective and it will revert back to

1 what it was in the original language.

2 So from that point forward, the Commission will
3 have to consider -- I think what was up for original
4 consideration was a penalty matrix.

5 COMMISSIONER BOSARGE: Right.

6 JOE JEWELL: So at that point once -- I would
7 recommend that once it becomes finalized -- and it should
8 be finalized before the April Commission meeting -- that
9 the Commission direct staff to come up with, or work with
10 legal to come up with a penalty matrix for consideration.

11 JOE SPRAGGINS: Joe, if I'm not mistaken, we
12 talked about Ryan Bradley, I think, and his group were
13 going to get with our legal.

14 JOE JEWELL: He was part of that process.

15 SANDY CHESNUT: But I think that was before.

16 JOE JEWELL: That's correct.

17 SANDY CHESNUT: That was the original plan, but
18 Mr. Bradley represented at the last meeting that his role
19 in this is done. So, if they want to be a part of it,
20 that's fine. If not, we will just go with whatever the
21 Commission instructs us to do.

22 JOE JEWELL: And I would say that instruction
23 come after this becomes final.

24 SANDY CHESNUT: Okay.

25 JOE JEWELL: We reinitiate the starting point,

1 and, then, we will take some direction.

2 COMMISSIONER BOSARGE: And I think most of it
3 was -- as far as for me, it was getting to a point to
4 where we are not judge and jury here, this panel.

5 In other words, to set up a penalty matrix, but
6 also a class of violations. There are a lot.

7 If you look at other states and the way other
8 states do it, it is pretty well spelled out. In other
9 words, it is spelled out. When somebody does something
10 wrong, it is spelled out what class violation that is and
11 what the penalty for that violation will be.

12 If we are going to go down this road, that is
13 the way I would rather see it, instead of this group
14 trying to decide what that violation was and what class of
15 violation it was and what the penalty should be for that
16 violation. Anyhow, that's where I would like to see it
17 go.

18 JOE JEWELL: Are there any more questions?

19 COMMISSIONER DANIELS: Is there a reason why we
20 have to wait until this is finalized before we can start
21 working on this?

22 JOE JEWELL: I don't think there is. The
23 Commission can start developing a process now, if they so
24 choose.

25 COMMISSIONER DANIELS: I think we've already --

1 haven't we already started working a little bit on that?

2 JOE JEWELL: My only preference to the process
3 is before you start modifying the current regulation, that
4 we wait until it is finally adopted, so we don't get in
5 that situation that we were when it started back in
6 August.

7 COMMISSIONER DANIELS: Okay.

8 COMMISSIONER BOSARGE: All right. Okay, Joe.
9 Continue on.

10 JOE JEWELL: Mr. Trevor will be up here giving
11 the next presentation.

12 TREVOR MONCRIEF: Good morning Commissioners,
13 Executive Director, Ms. Chesnut.

14 This is going to be on the Notice of Intent for
15 Federal Compliance for Spanish Mackerel, Hogfish and
16 Swordfish.

17 A brief background. In the February 2019 CMR
18 meeting, the following motion was made regarding state and
19 federal compliance. It was for the staff to prepare a
20 Notice of Intent to bring back at the March meeting to
21 bring State commercial and recreational limits into
22 compliance with Federal regulations for Spanish Mackerel,
23 Hogfish and Swordfish.

24 This presentation will outline the specific
25 changes to ensure compliance in these selected fisheries.

1 The changes for this will take place in Title
2 22, Part 7, Chapters 8 and 9.

3 We will go over the Chapter 8 changes first. It
4 is going to be in 102. It will start out with 102.14. We
5 include Spanish Mackerel (*Scomberomorus maculatus*). It
6 will be twelve inches fork length.

7 We go down to 102. We change the subjects after
8 that. So 102.15, we included the scientific name for
9 Spanish Mackerel for consistency in the regulation.

10 We go all the way down to 102.25 where Hogfish
11 (*Lachnolaimus maximus*) changes from twelve to fourteen
12 inches fork length, and, then, we add in 102.28 which is
13 Swordfish (*Xiphias gladius*) and it is forty-seven inches
14 as measured from the tip of the lower jaw to the fork of
15 the tail. That is the lower jaw fork length.

16 In Chapter 9 which is Commercial Size,
17 Possession and Catch Limits, 100. So 100.06, Spanish
18 Mackerel (*Scomberomorus maculatus*), we changed from
19 fourteen, strike through, to twelve inches fork length.

20 Then, 100.23, Hogfish, we added the scientific
21 name (*Lachnolaimus maximum*), and strike through twelve and
22 it is changed to fourteen inches fork length.

23 What will be required is a motion to proceed
24 with a Notice of Intent for regulatory changes to Title
25 22, Part 7, Chapters 8 and 9, regarding changes to Spanish

1 Mackerel, Hogfish and Swordfish size limits for Federal
2 compliance.

3 COMMISSIONER BOSARGE: All right.

4 Any questions?

5 (No response.)

6 COMMISSIONER BOSARGE: Trevor, when we started
7 all of this, we talked about also looking at sharks.

8 Is it coming up?

9 TREVOR MONCRIEF: Yes. It will be on the
10 agenda.

11 COMMISSIONER BOSARGE: Okay. All right. Good
12 deal.

13 COMMISSIONER HAVARD: At this time, I would like
14 to make a motion to proceed with Notice of Intent for
15 regulatory changes to Title 22, Part 7, Chapters 8 and 9,
16 regarding changes to Spanish Mackerel, Hogfish and
17 Swordfish size limits for Federal compliance.

18 COMMISSIONER BOSARGE: All right. We have a
19 motion.

20 Do we have a second for that motion?

21 COMMISSIONER GUESS: I'll second it.

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

24 Any further discussion?

25 (No response.)

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

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

5 COMMISSIONER BOSARGE: Motion carries.
6 Thank you, Trevor.

7 TREVOR MONCRIEF: Thank you.

8 JOE JEWELL: Next up on the agenda will be the
9 Pascagoula Oyster Relay. That presentation will be done
10 by Mr. Charlie Robertson.

11 CHARLIE ROBERTSON: Good morning everyone.

12 Charlie Robertson with the Shellfish Bureau.

13 I am pleased to give you a brief update on the
14 Pascagoula Oyster Relay and Assessment.

15 Just a little bit of background on this issue.
16 During the December 2018 Commission meeting, the
17 Commission made a motion for the staff to come back within
18 ninety days with the potential funding options and plans
19 for a cultch plant for the Pascagoula reefs in the area
20 that the relay was done and, also, for staff to do an
21 assessment of the survival, or the mortality, of the
22 relayed oysters.

23 Just briefly. I think Director Spraggins had
24 alluded to it earlier regarding the cultch plant for the
25 Pascagoula relay. We are in the process of the final

1 approval processes of securing the funds to do the cultch
2 plant.

3 Right now, those funds will be coming from the
4 Bonnet Carre Disaster Fund which is the same fund that
5 funded the relay.

6 As it stands right now, we are looking at an
7 eighty acre area that we identified as the most heavily
8 fished area during the relay that we are going to put only
9 oyster shell in.

10 The cultch plant for that area, we are kind of
11 designing it to be a little lighter than we normally
12 would. So we will put about half of the normal cultch
13 material that we do during traditional deployments.

14 The barges. As you guys know in that area it is
15 pretty shallow. So we will expect the barge to be loaded
16 pretty light and be as delicate to that area as possible
17 during the deployment process.

18 Looking at the mortality estimates from the
19 relayed oysters, our staff, we went out about three weeks
20 post deployment of the oysters into the relay deployment
21 area.

22 We conducted two rounds of one-minute dredge
23 tows at seven different locations. They were randomly
24 selected within that deployment area.

25 In considering the Commission's primary goal of

1 doing this assessment, we considered that the Commission
2 was most interested in looking at the mortality from the
3 oysters as a result of stress from the relay. Therefore,
4 we were looking at just the recently dead oysters.

5 A recently dead oyster would be an oyster that
6 exhibits characteristic white inside the shell, with
7 little to no fouling. It may also be hinged as well, or
8 have meat, or tissue, still intact inside of the oyster.

9 If you look at the table to the right, you will
10 notice in the smallest size class that we didn't recover
11 any individuals in that small size class, just the time of
12 the year and when we typically see spat sets, we wouldn't
13 expect to see any oysters in that size class.

14 Moving to the next size class up, the ten to
15 twenty-four millimeter size class range, that's the larger
16 spat. We saw forty-seven percent mortality in that size
17 class.

18 Then, moving on down, we saw a slight decrease
19 in mortality as the oysters increase in size which is what
20 we would have hypothesized going into this.

21 Looking at the market size class, we saw a
22 seventeen percent mortality in that size class.

23 So considering all of the size classes of
24 oysters as a whole, we saw twenty-one percent mortality of
25 the oysters that were relayed from this relay event.

1 Then, I think some of the factors that
2 influenced the survival of oysters during this relay, if
3 you guys remember, the temperatures were pretty cold
4 during that time. The water temperatures were also very
5 cold. These things were beneficial to the oysters during
6 the relay because, when it's colder, they can withstand a
7 lot more stress and also the handling techniques through
8 the harvest.

9 The Commission chose tonging only and the hand
10 dredge only harvest techniques, and I think those were a
11 little bit more delicate in handling the oysters which
12 probably helped them survive a little bit more, and also
13 the contractors did a really good job in coming up with
14 methods for handling the loading and unloading process of
15 the oysters that really, I think, contributed to the
16 overall success and survival of the oysters from this
17 relay.

18 I think with that, that concludes my
19 presentation.

20 I'm glad that the Commission took interest in
21 looking at these issues. I think it is important for the
22 efficient and effective management of these kinds of
23 programs.

24 with that, any questions?

25 COMMISSIONER HAVARD: Yes. I have one question.

1 Twenty-one percent of mortality, is that an
2 acceptable percentage, or were you guys expecting less, or
3 more?

4 TREVOR MONCRIEF: This is the first time that we
5 have actually looked at this, as far as I'm aware of, the
6 mortalities from a relay event.

7 Obviously, when you are handling oysters this
8 much there is going to be some mortalities.

9 In my experience with the previous relays, I
10 think we have seen probably a little bit more mortality.
11 I think this would be relatively low, in my opinion, but I
12 don't have any data to really back that assumption up, but
13 I expected it to be a little bit higher than twenty
14 percent.

15 COMMISSIONER HAVARD: Very good.

16 Do you guys have plans to go back in ninety days
17 and recheck these reefs?

18 CHARLIE ROBERTSON: It will probably be a little
19 bit more than ninety days, but we do have plans. This
20 area is part of the assessment area that we will conduct
21 our normal square meter assessments during the summer, and
22 this area will be included in that assessment.

23 So we will have some hard numbers with the
24 square meters which is a little bit different sampling
25 method, but I think it's a little bit more refined

1 assessment. We will have better detail of what oysters we
2 actually have on the bottom still in that area.

3 COMMISSIONER HAVARD: Sure. I agree. Good job.

4 COMMISSIONER BOSARGE: I'm just curious. Is
5 there -- maybe I should address this to Joe.

6 Is there -- not so much in this state, but in
7 Louisiana, they do a lot of moving oysters.

8 Is there a set standard for what they consider,
9 you know, loss of dead oysters from moving them?

10 I'm just curious.

11 Do you know that, Joe?

12 JOE JEWELL: I don't think there is. I don't
13 think I know of any state that has a standard, a minimum
14 standard of mortality rate when we they do relays.

15 Like Charlie said, this was one of the first
16 ones we actually did some pretty intensive documentation
17 of the mortality rate almost immediately after the move,
18 so this is really sort of a first.

19 A lot of the estimates that we do are based on
20 sort of a cursory field observation once we are out there,
21 and we do a little bit of laboratory analysis on the
22 samples that we get, but nothing as intensive, or as
23 thoroughly, that we did on this one.

24 We do have plans in the future to continue that
25 and conduct those types of assessments once we relay.

1 COMMISSIONER BOSARGE: That's good. It gives us
2 some baseline data. All right.

3 Any more questions?

4 (No response.)

5 COMMISSIONER BOSARGE: Thank you, Charlie.

6 CHARLIE ROBERTSON: Thank y'all.

7 JOE JEWELL: Next up is Tarpon recommendations,
8 modifications to Title 22, Part 7, and Mr. Trevor will be
9 doing that one, also.

10 TREVOR MONCRIEF: Good morning again.

11 This presentation will cover some Tarpon
12 recommendations, specifically to Title 22, Part 7.

13 Background. In the February 2019 CMR meeting,
14 CMR made a motion regarding Tarpon, announced for the
15 staff to come back with some recommendations, possibly
16 some potential regulations at the March meeting.

17 This presentation will provide potential
18 regulation options for the CMR's consideration.

19 A little bit about Mississippi's Department of
20 Fisheries. This was given in detail by Mr. Jim Franks
21 last month, which we were all happy to have him here.

22 Juveniles inhabit marsh, creeks and canals along
23 the Coast. There is a potential for angler
24 misidentification of these individuals. If they are cast
25 netting for bait, or anything else, they don't recognize

1 what species they are.

2 Adults have been rarely caught/reported in the
3 last decade. Those studies have shown a migratory pattern
4 south of the barrier islands.

5 when we say rarely caught/reported, those
6 numbers are well below usually twenty, or thirty, per
7 year.

8 Then, with more information becoming public
9 about Tarpons specifically in these meetings, there is a
10 potential increase in fishing pressure for the species now
11 that people recognize that they are south of our islands.

12 If we look at some of the other states' size and
13 bag limits, for us currently we have no size, or bag,
14 limit.

15 Florida has a no take, and, then, a tag is
16 required for take overall. Looking down there at the
17 asterisks, they also have an additional provision where
18 any fish that is caught over forty inches isn't allowed to
19 be taken out of the water.

20 If we look at Alabama, they have a minimum size
21 limit of sixty inches and a tag required for take as well.
22 If we look at the asterisk at the bottom, the tag cost is
23 sixty-one dollars per tag.

24 Louisiana currently has no size, or bag, limit.

25 Texas has a size limit of eighty-five inches and

1 one per person.

2 In Federal waters, since this is a coastal
3 species, there are no regulations on Tarpon.

4 Some management options. Some things to
5 consider for the Commission.

6 Size limit of seventy-five inches fork length.
7 That was calculated specifically using information from
8 our previous State record that is on file.

9 Bag limit, one per vessel per day. That is
10 similar to Texas.

11 Then, some additional catch requirements so we
12 can also take into account that Florida provision where
13 any Tarpon over forty inches that is not intended to be
14 harvested must remain in the water at all times, and that
15 helps curb a little bit of release mortality, post-release
16 mortality of these larger individuals.

17 Any tag requirements to be considered must be
18 approved through the Mississippi Legislature.

19 Then, any of these options could be configured a
20 different way, given the Commission's choice.

21 The regulations themselves will be housed in
22 Title 22, Part 7, Chapter 8, and, if we move forward with
23 the exact options that were listed on the previous slide,
24 it will be in 100.21:

25 "It shall be unlawful for recreational

1 fishermen to possess more than one
2 Atlantic Tarpon (*Megalops atlanticus*)
3 per vessel per day.”

4 Down to 102. 102.28 would list:
5 “Atlantic Tarpon (*Megalops atlanticus*)
6 seventy-five inches fork length.”

7 Then, that provision for the catch requirement
8 will be in 105, and it will state:

9 “It shall be unlawful for any
10 fisherman to remove an Atlantic
11 Tarpon (*Megalops atlanticus*) over
12 the length of forty inches from
13 the water, unless the intent is to
14 harvest within the limits defined
15 in Sections 100 and 102 of this
16 chapter.”

17 If you wish to move forward with the options as
18 they are, what will be required is a motion to proceed
19 with a Notice of Intent for regulatory changes to Title
20 22, Part 7, Chapter 8, regarding the size limit, bag limit
21 and catch requirements for Atlantic Tarpon.

22 COMMISSIONER BOSARGE: Trevor, just trying to
23 wrap my head around all of this, we had one presentation
24 on this from Jim Franks and that was one of the
25 presentations that was not given to us as Commissioners.

1 we had one chance to look at it, and it would be nice to
2 have just a little more information before we dive into
3 making regulations.

4 I'm all for protecting Tarpon, but me, I don't
5 know much about it.

6 I guess some questions I've got is do we know
7 anything about the stock?

8 TREVOR MONCRIEF: Across the Gulf of Mexico, as
9 Mr. Jim Franks stated last month, there is no directed
10 commercial fishery, nor is there a really targeted harvest
11 for recreational fishery.

12 when you speak about sport fish, this is really
13 one of those where it is targeted mainly by the
14 recreational sector as a catch-and-release fishery.

15 COMMISSIONER BOSARGE: And by setting the fork
16 length at seventy-five inches, basically you're -- I guess
17 that is almost saying that it would be no take, if that's
18 the State record.

19 In other words, I'm just trying to make sure we
20 get some of this correct.

21 TREVOR MONCRIEF: Yes. So essentially the only
22 time an individual could keep a Tarpon would be if it was
23 over the State record that was previously defined which
24 would be seventy-five inches.

25 COMMISSIONER HAVARD: There is no table value

1 there. There is no commercial value, or recreational
2 value.

3 All they would be doing would be killing a fish
4 to take a picture, if you allowed fish to be kept under
5 seventy-five inches.

6 We just stand the chance to have a big economic
7 impact with growing this sport fish in our waters.

8 Like Dr. Jim Franks said, before we had Tarpon
9 clubs. We had Tarpon places to stay. It was a big Tarpon
10 fishery at one time, and I dare to say that it was
11 probably the second largest in the southeast at one time.

12 COMMISSIONER BOSARGE: Yes, and I think he said
13 back in the thirties mostly. A lot of changes since then.

14 Yes, I'm all for trying to take care of Tarpon.
15 Just make sure that we don't go way too restrictive on it.

16 Like I say, it appears to me that if you are
17 going to go seventy-five inches, you might as well say no
18 take.

19 Is that correct?

20 COMMISSIONER HAVARD: You know, the only reason
21 seventy-five inches came up was just in case it was a
22 State record, that it was a true trophy fish is why we put
23 that in place, but there is no value in keeping the fish,
24 killing the fish.

25 COMMISSIONER BOSARGE: Oh, I agree. I agree.

1 JOE JEWELL: That's correct. The reasoning for
2 that, of course, other states have done a very similar
3 program, but any fish that is taken, it would be a trophy
4 fish and if you take under seventy-five inches, you
5 haven't broken a record. So there would be no purpose in
6 establishing a rule that is less than that regulatory
7 process.

8 The only purpose you would want to do if you are
9 trying to maintain, or sustain, that fishery is to have a
10 regulation that is at that level, or above.

11 Both of y'all are right. Y'all hit it right on
12 the head. You want to establish that fishery and you want
13 to establish a bar so high that it recovers. So
14 essentially it is almost a no take.

15 You would have to catch a fish so large it would
16 have to be a State record, and it would be almost
17 impossible in our waters.

18 So the answer to both of y'all's question is
19 yes.

20 COMMISSIONER BOSARGE: All right.

21 MATT HILL: It necessarily wouldn't be a State
22 record. It would be a possible State record just because
23 the same fish is seventy-five inches, but it would give
24 them the opportunity to bring that fish in and, also, the
25 research that Trevor and Dr. Franks and everybody, we have

1 talked with a lot.

2 The tag requirement is a very viable option. It
3 is just something that will have to go through the
4 legislature. So this would be a temporary conservation
5 method until we can possibly put this in front of the
6 legislature, and that would also make people think a
7 little bit more.

8 At that point, you may want to consider dropping
9 the size limit some, if you want to be a little less
10 restrictive, but there would also be a tag required that
11 the fisherman would have to think about it a little bit.
12 He is going to have to pay a little money and he can get
13 one a year.

14 So there are some other things that we can add
15 to this, as we move through the process, but we don't have
16 the ability as a department to initiate a tag.

17 COMMISSIONER BOSARGE: And the restriction of
18 not removing the fish from the water, is that going to be
19 an issue?

20 MATT HILL: I don't believe it's an issue. We
21 talked to Florida. They say they are very successful with
22 it. They say most people, that's about the size limit
23 that they want to remove, if it's just for a picture, a
24 picture opportunity and put it back in the water.

25 You have a very select group of people that

1 target these fish, and usually they are pretty proficient
2 at that do and they are very mindful when they take these
3 fish in and out of the water, how important it is to get
4 them back in there, and we watched a few things.

5 I think education outreach is going to be
6 extremely important, if something like this goes into
7 place.

8 COMMISSIONER BOSARGE: Yes. I mean, I recall
9 Dr. Franks saying they caught three in one day, I believe,
10 some of those guys.

11 Personally, I don't know that I have ever laid
12 eyes -- I have seen pictures, but, as far as physically
13 seeing one up close, no, and I've got a lot of hours.

14 JOE SPRAGGINS: The only one that I've ever seen
15 was in the channel out here last year, and it floated up
16 there and that was it.

17 COMMISSIONER BOSARGE: I have seen them in
18 different states, but never in Mississippi.

19 COMMISSIONER DANIELS: I can attest. They are
20 there. I have seen them there.

21 COMMISSIONER BOSARGE: I don't doubt it. If
22 they caught three in one day, yes, they've go to be there.
23 Definitely. All right.

24 COMMISSIONER HAVARD: So at this time, I would
25 like to make a motion to proceed with the intent of

1 regulatory changes to Title 22, Part 7, Chapter 8,
2 regarding the size limit, bag limit and catch limits of
3 the requirements for Atlantic Tarpon.

4 COMMISSIONER BOSARGE: All right. We have a
5 motion.

6 Do we have a second for that motion?

7 COMMISSIONER DANIELS: I'll second that motion.

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

10 Any further discussion?

11 (No response.)

12 COMMISSIONER BOSARGE: All those in favor aye.

13 (All in favor.)

14 COMMISSIONER BOSARGE: Opposed like sign.

15 (None opposed.)

16 COMMISSIONER BOSARGE: Motion carries.

17 Thank you, Trevor.

18 TREVOR MONCRIEF: Thank you.

19 JOE JEWELL: Next up for the Commission's
20 consideration is Recommendations for the viability of a
21 Species-Specific State Commercial Shark Fishery. Matt
22 Hill.

23 MATT HILL: Good morning.

24 I will try to be as brief as possible. I think
25 there are a few other questions that need to be answered

1 before we go down this road.

2 Commissioner Bosarge brought up one of them a
3 little earlier that I would like to touch on, once we get
4 to the end.

5 This is a presentation based on the
6 recommendations for the viability of a species-specific
7 state commercial shark fishery.

8 A motion was made in the January CMR meeting for
9 staff to look at the viability of establishing a species-
10 specific commercial state shark fishery.

11 This presentation will describe the Mississippi
12 shark fishery findings from current monitoring and
13 potential options for a state commercial shark fishery for
14 the CMR to consider.

15 A little bit about Mississippi's shark fishery.
16 Historically, it has been a multi-species fishery divided
17 into two management groups. These two groups included the
18 small coastals which consisted of Atlantic Sharpnose,
19 Finetooth, Bonnethead and Blacknose, and large coastals
20 including Blacktip, Spinner, Bull, Lemon, Nurse, Silky and
21 Tiger.

22 when we begin to look at the commercial harvest
23 of these species, there has been no state season on record
24 of a commercial state season on record since 2010 for
25 various reasons.

1 A little bit about the makeup of the sharks
2 found within the Mississippi Sound.

3 First, we will look at the juveniles found in
4 the Mississippi Sound in the left-hand column which
5 includes Atlantic Sharpnose, Blacktip, Spinner, Bull,
6 Bonnethead, Finetooth, Blacknose, Scalloped Hammerhead and
7 occasionally we have some other species that roam through
8 the area, but here are the main ones.

9 Some of the fishery independent species
10 composition from 2018. The top graph on the right, this
11 is from the Gulfspan Species Richness. This is more of a
12 juvenile-based survey, but you can see the lion's share
13 that come from this sampling are Atlantic Sharpnose,
14 followed by Blacktip and Finetooth.

15 There is also a Mississippi Shark Monitoring
16 Species Richness Program. This includes both juveniles
17 and adults. This is targeted for both age classes and,
18 again, we see almost the same breakdown, Atlantic
19 Sharpnose, Blacktip, Finetooth, and, then, it begins to
20 drop off pretty sharply after that, when we are talking
21 about numbers.

22 Little bit about the mean catch per unit effort
23 trends. On the top left we see the Shark Sportfish Study
24 and the CPUE of the dominant species of Atlantic
25 Sharpnose, Blacktip and Finetooth.

1 Overall there is a decline. However, we do not
2 consider it a significant decline. You have peaks and
3 valleys in all fisheries.

4 When you look at this overall, it is a pretty
5 stable fishery, with a slight decline towards the latter
6 years.

7 On the Gulfspan survey which I also said is more
8 of a juvenile-based survey, it is a little bit more
9 erratic, but, if you put everything together, it is a
10 fairly stable fishery, with an accidents-like uptick in
11 the juveniles when we get to the later years.

12 There is also a Sportfish Handline Study and,
13 again, the dominant species is Atlantic Sharpnose,
14 Blacktip and Finetooth, and besides the uptick from 2011
15 to 2013, Atlantic Sharpnose, it is a very stable fishery,
16 a very stable catch per unit effort that we have seen over
17 the years.

18 A little bit about the Federal commercial shark
19 regulations.

20 You do have a Directed Shark Permit that is
21 issued from the HMS. This allows fishermen to target non-
22 smoothhound sharks.

23 It is a limited access fishery. Persons wishing
24 to enter this fishery may only obtain these permits by
25 transferring the permit from a permit holder who is

1 leaving the fishery.

2 There is also what we call an incidental shark
3 fishery. It's a permit-based harvest number. It is not
4 even across the board. The permit dictates how many --
5 when you are talking incidental, what incidental is for
6 each vessel.

7 This does allow fishermen who fish for other
8 species to retain a certain number of non-smoothhound
9 sharks. Again, it is a limited-access fishery, with
10 persons wishing to enter this fishery may only obtain
11 these permits by transferring the permit from a permit
12 holder who is leaving the fishery.

13 when we talk about trip limits -- and, again,
14 the incidental shark permit is variable. However, the
15 directed shark permit from HMS is forty-five large coastal
16 sharks, other than sandbar, per vessel per trip.

17 A few commercial shark management options to
18 consider:

19 Status Quo. Allow harvest in Federal waters for
20 Federal permit holders only.

21 State season. Allow harvest in State and
22 Federal waters from Federal permit holders.

23 State season with shark endorsement which would
24 be attached to the State harvester's license. This is
25 similar to Louisiana, and it would introduce a State shark

1 endorsement which allows individuals to harvest sharks
2 within State waters during the Federal/State season for
3 sharks.

4 Some additional considerations the CMR may want
5 to consider, when making some of these decisions:

6 Possibly have the same length as the Federal
7 season, same bag limit of forty-five large coastals per
8 vessel per day.

9 The one that seems most appealing to the staff
10 would be size and bag limits same as the recreational
11 fishery.

12 We would include small coastal sharks as well.

13 You can only choose to do certain species. So
14 we would have limited access to the species you would be
15 able to harvest.

16 Any other options considered by the Commission.

17 When I was talking about putting the cart before
18 the horse, this all began with the compliance for the
19 recreational shark fishery, and I do want to point out and
20 if the Commission so desires, I think this is an
21 appropriate time. A resolution was introduced and passed
22 by our Federal For-Hire Task Force pertaining to both the
23 recreational and the commercial shark fishery, and the
24 Chairman of that task force is here and, if the Commission
25 so desires, he would like to present that resolution to

1 you before we begin the questions and talks about some of
2 our options.

3 COMMISSIONER BOSARGE: And that would be Mr.
4 Clarence Seymour?

5 MATT HILL: Mr. Clarence Seymour.

6 COMMISSIONER BOSARGE: Yes, sir. He has asked
7 for public comment so, if you would like to take that now,
8 that's fine with me.

9 MATT HILL: I think it would be appropriate to
10 do it now.

11 CLARENCE SEYMOUR: Thanks for having us today.
12 Clarence Seymour, Charter Boat SYL here in
13 Biloxi, Chairman of the Federal For-Hire Task Force. I
14 will go ahead and get started with this.

15 "At the duly convened meeting of the
16 Mississippi Charter For-Hire Task Force
17 on February 13th, 2019, the task force
18 voted unanimously to have Charter For-
19 Hire Chairman, Clarence Seymour, to make
20 a public comment to the Mississippi
21 Commission on Marine Resources.

22 "As chairman of the Charter For-Hire Task
23 Task Force, I, Clarence Seymour, on behalf
24 of the task force, the for-hire industry
25 requests the Commission to keep recreational

1 state shark regulations status quo.”

2 Any questions on that?

3 COMMISSIONER BOSARGE: Yes.

4 I’m just wondering if you can give us some
5 background and reasoning?

6 CLARENCE SEYMOUR: My twenty-one years of
7 charter fishing has basically been Federal offshore
8 pelagic reef and State Red Fish, sharks, King Mackerel,
9 Cobia.

10 we basically discussed this because we were kind
11 of trying to compare Mississippi with Louisiana and
12 Alabama. We are kind of lacking some oil rigs nowadays.
13 We are lacking a lot of structure and some days that shark
14 could be part of the category that we possibly would need
15 for clients. They actually enjoy the small coastal sharks
16 more than anything.

17 Back in the day when I first started, Mr. Joe
18 Fountain with the Baja 31, a well-known charter boat
19 captain, his clients loved small coastal Atlantic
20 Sharpnose.

21 There are a lot of people that still come today
22 and ask us, “Can we still do the shark fishing?”

23 “Yes, sir, we will try it, if you want. We will
24 go do whatever.”

25 All in a nutshell basically -- status quo was

1 basically -- I was self-regulating myself actually for at
2 least eighteen, or nineteen, years, of a three shark small
3 coastal per person. I knew -- I mean, four is too many.
4 Basically the whole fleet was using three as limits for
5 years. I wouldn't have a clue the last time somebody kept
6 four per person.

7 COMMISSIONER BOSARGE: And the reason for
8 keeping them?

9 CLARENCE SEYMOUR: They eat them.

10 COMMISSIONER BOSARGE: They eat them?

11 CLARENCE SEYMOUR: They love them. Especially
12 folks in North Mississippi, they come down to shark fish,
13 and the Blacktip is a pretty good fare. We send it to the
14 local restaurants for Mickey to cook and The Fillin
15 Station. So it is quite a resource.

16 COMMISSIONER BOSARGE: My concern has always
17 been just how many fish we are taking out because this is
18 the nursery area for those sharks.

19 CLARENCE SEYMOUR: Oh, most definitely. That's
20 why I think for the guys to self-impose a three bag limit
21 per person was pretty ingenious in the day because I
22 remember in our charter boat meetings with Tom Becker and
23 Jim Twiggs when they were in charge and involved back in
24 the day, it was pretty important.

25 COMMISSIONER BOSARGE: And do you see -- you

1 know, as things go and this becomes more of a tourist
2 destination and the charter for-hire fleet growing, I see
3 this maybe becoming a problem down the road where we are
4 taking too many small sharks.

5 CLARENCE SEYMOUR: Right.

6 You are talking about at the limit of twenty-
7 four, or twenty-seven, inches on small coastal and large,
8 the thirty-seven fork?

9 COMMISSIONER BOSARGE: There is a big difference
10 between what we are allowing here in the state and what
11 the -- I mean, twenty-seven up to fifty-four.

12 CLARENCE SEYMOUR: That's fifty-four, yes.

13 COMMISSIONER BOSARGE: That's a big gap.

14 CLARENCE SEYMOUR: I personally don't like to
15 keep a fifty-four. It don't hardly fit in my ice chest.

16 COMMISSIONER BOSARGE: Well, I mean, that's a
17 pretty good fight when you get to a fifty-four inch shark.

18 CLARENCE SEYMOUR: I recommend -- as an industry
19 leader, I would say a stock assessment. Let's give this a
20 little breathing time.

21 COMMISSIONER BOSARGE: I see Mr. Jim Franks. He
22 is still back in the back of the room there and he has
23 done a lot of research on sharks. I would like to have
24 somebody's opinion on it, other than you and I.

25 CLARENCE SEYMOUR: Yes, sir. Totally.

1 COMMISSIONER BOSARGE: Somebody with hopefully a
2 lot more knowledge than what we have.

3 Mr. Franks, if you wouldn't mind?

4 CLARENCE SEYMOUR: Thank you.

5 JIM FRANKS: well, as I told you the last time
6 when I was here --

7 COMMISSIONER BOSARGE: (Interposing) Mr.
8 Franks, you will have to step to the mike. I'm sorry.
9 Our young lady here can't keep the minutes.

10 JIM FRANKS: Commissioners, Executive Director
11 Spraggins, you asked me a similar question when I was here
12 last month.

13 COMMISSIONER BOSARGE: Yes, sir.

14 JIM FRANKS: And my comment was that I think --
15 I sort of liked what Seymour has said, the Captain who
16 just spoke. Perhaps there is definitely some need for an
17 assessment to really determine the viability of a state
18 specific commercial shark fishery and taking the
19 recreational fishery as well.

20 we have a lot of work that has been done at the
21 laboratory on assessing and understanding the shark
22 populations in our coastal waters. Most of those, of
23 course, are juveniles, but it seems to me the self-imposed
24 bag limit that has been expressed by Captain Seymour seems
25 to be reasonable at this time, but I do think a broader

1 assessment of our local shark population, the multiple
2 species that do occur in the Mississippi Sound, and those
3 species that might be available for harvest. I think that
4 probably is a good idea to go forth and look at those
5 species on an individual basis and try to develop some
6 sort of an assessment of those stocks.

7 The laboratory would be more than welcome to
8 help in that assessment.

9 COMMISSIONER BOSARGE: I'm trying to follow what
10 you are saying.

11 You are saying to continue on with the twenty-
12 seven inch and even to consider a State season?

13 JIM FRANKS: I'm saying that perhaps the DMR
14 staff and the fishery staff and our research personnel
15 could get together and discuss this further and come up
16 with some ideas, as far as the needs for an assessment,
17 and present that information to the Commission.

18 If you feel there isn't enough information at
19 this point to justify consideration of a fishery managed
20 by the State, then, I think perhaps there is a need to
21 evaluate what we have to a further extent to come up with
22 some good recommendations for you to consider.

23 COMMISSIONER BOSARGE: I agree. If this is and
24 it is the nursery ground for these fish, then, by all
25 means we need to be sure we are protecting those fish in

1 these nursery grounds.

2 JIM FRANKS: That's correct, and I do think this
3 self-imposed limit that Captain Seymour spoke about, I
4 think that was a wise conservation effort. It allows
5 their business to proceed. At the same time, it is a
6 protective measure for the sharks, but I think probably a
7 more detailed assessment of these species would be in
8 order.

9 COMMISSIONER BOSARGE: All right. Thank you,
10 Mr. Franks.

11 JIM FRANKS: You're welcome.

12 COMMISSIONER BOSARGE: I think Marcus Drymon is
13 also here in the audience. I believe he is the expert on
14 sharks.

15 JIM FRANKS: Sure.

16 COMMISSIONER BOSARGE: Thank you, Mr. Franks.

17 COMMISSIONER HAVARD: I think Dr. Marcus Drymon
18 just came back from meeting with the HMS in DC last week
19 and he can probably give us a good perspective on kind of
20 what is going on with our fishery and the opportunity that
21 we have because we don't have the regulations that match
22 the Federal, or whatever case we might go.

23 Dr. Marcus, would you like to speak on this just
24 a moment?

25 From what I understand, the HMS is willing to

1 come down here at any time to meet with us and tell us all
2 about sharks in our area and their perspective.

3 MARCUS DRYMON: Good morning, y'all. Thanks for
4 giving me a chance to speak. My name is Marcus.

5 Like Commissioner Havard said, I'm one of the
6 representatives on the HMS Advisory Panel for sharks that
7 are a highly migratory species, and I have spoke with them
8 preemptively just to kind of get their thoughts on what
9 they think about an action like this, just kind of picking
10 their brains.

11 Of course, my thought on it is that the sharks
12 in this area, particularly the small coastal sharks, but
13 also species like Blacktip, have recovered well in
14 accordance with management that has been enacted over the
15 past couple of decades.

16 I certainly feel like there is room for harvest.
17 I think a sustainable harvest of some of these species is
18 absolutely possible.

19 We have had recent stock assessments both for
20 Gulf of Mexico Blacktip and Atlantic Sharpnose as recently
21 as 2013 and I contributed data from this area, the
22 northern Gulf of Mexico, to those assessments.

23 It is important to remember that while areas of
24 Mississippi Sound certainly function as nursery grounds
25 for these species, they are highly migratory obviously, so

1 it is important to consider the entirety of their range,
2 the entire northern Gulf of Mexico.

3 Interestingly, we note that they make very
4 distinct inshore-offshore migrations.

5 Particularly these Atlantic Sharpnose sharks,
6 they are inshore certain times of the year, but, then,
7 they very clearly move offshore, and this has implications
8 for how those species can be managed.

9 Just like the folks at GCRL, we have had a long-
10 term fishery independent monitoring program for the past
11 fifteen years and we have been able to document many of
12 these movements inshore and offshore.

13 Again, all this data goes to HMS to contribute
14 to the assessments for these species.

15 I think it is notable that HMS can come down at
16 any time just to answer questions from you guys because it
17 is kind of a complicated issue with regards to the Federal
18 versus the State fishery.

19 I will point out -- this is just kind of an
20 interesting tidbit -- that fifty-four inch fork length
21 restriction was based on Sandbar sharks, and that is a
22 species that we don't tend to see, certainly not the
23 adults, in the Mississippi Sound, but we do see a lot of
24 Blacktips, and there won't be a whole lot of Blacktips
25 that reach fifty-four inch fork length size.

1 The dominant shark that we heard spoken about
2 earlier, the Sharpnose shark, that is an extremely healthy
3 stock. It's a small coastal shark that grows relatively
4 rapidly, compared to other sharks, and, thus, can
5 withstand a higher level of harvest.

6 Certainly limited take of species like Sharpnose
7 sharks for consumption because they certainly are edible
8 seems very reasonable.

9 Of course, I'm happy to provide any data that we
10 have, any long-term trends and catch per unit effort for
11 any of these species, distributions by sex, seasonal
12 movements, anything like that.

13 I'm just here to offer anything that you guys
14 would like to see.

15 COMMISSIONER BOSARGE: Good. Thank you.

16 COMMISSIONER HAVARD: Thank you.

17 MARCUS DRYMON: Thank you.

18 MATT HILL: I would just to say that these are
19 some of the same things that our staff has looked at.
20 Fifty-four inches, that is a fairly large animal,
21 especially when you are talking about a Blacktip shark and
22 it was based on a species that we don't commonly see.

23 what we have done is try to analyze as much data
24 as we could and just see if there is some viable harvest,
25 possibly not under the regulations that we currently have,

1 but there may need to be some modifications to the
2 regulations.

3 As they say, they are self-imposed. Well, maybe
4 those need to be the actual regulations, but we do
5 believe, as I believe Jim and Marcus both said, there is
6 an opportunity to continue to harvest sharks at some level
7 in the Mississippi Sound and we just need to figure out
8 what that level is.

9 COMMISSIONER BOSARGE: And I would like to see
10 if there is a possibility for a commercial fishery, but a
11 very limited fishery, yes.

12 MATT HILL: And I think what we have heard from
13 the commercial industry, it's not obviously forty-five
14 large coastal sharks per vessel. I don't think that is on
15 anybody's mind.

16 what is on their mind and what we have thrown
17 out there is some type of incidental catch and something
18 to be in line with whatever we come up with for the
19 recreational size and bag limit. So, if those become
20 reduced in the future, they will basically have an
21 incidental permit based on whatever the recreational size
22 and bag limits are which will be minimal.

23 Obviously, they are minimal now, in my opinion,
24 in some degree, but, if we just hash that out first, that
25 compliance issue first and see what we are going to do

1 with that, I think that would give us a starting point for
2 some type of limited commercial fishery.

3 COMMISSIONER BOSARGE: Which compliance issue
4 are you talking about?

5 MATT HILL: We are talking about the Federal --
6 I mean, obviously we are not in Federal compliance with
7 the shark fishery recreationally. We are commercially,
8 but we are not recreationally.

9 COMMISSIONER BOSARGE: Well, it appears that
10 most of the charter boat fleet would like to leave it
11 where it's at.

12 MATT HILL: That is correct -- not necessarily
13 leave it where it's at. They would like to -- from the
14 task force meeting, they just would like the opportunity
15 to continue to harvest them, maybe not at the levels that
16 our regulations allow them to harvest, but, if we need to
17 drop the bag limit, if we need to adjust the size limit,
18 based on things from our meetings with GCRL and possibly
19 Marcus, and come up with a compromise.

20 COMMISSIONER BOSARGE: That's what I would like
21 to see you do, come back with a compromise to this
22 Commission that -- okay. I see Paul. I'm going to catch
23 you Paul. Give me just a second -- anyhow, maybe some
24 recommendations for size and bag limits, and, then, very,
25 very limited commercial fishery.

1 MATT HILL: Yes, sir.

2 COMMISSIONER BOSARGE: All right. Paul.

3 PAUL MICKLE: Thank you, Mr. Chairman. I just
4 wanted to provide some information about the tools that
5 you have available to you as a Commission to kind of
6 simplify.

7 This is a complicated issue. These are multiple
8 species and multiple life histories, those big migratory
9 patterns. There are multiple user groups that we have
10 discussed here today.

11 The for-hire sector, as the Chairman mentioned,
12 he is absolutely right. It is finally growing. The
13 charter fleet is growing again. It has been knocked back
14 since Katrina and it has been hard to really get that
15 sector back, that inshore for-hire fleet back and it is
16 finally coming back with the good economy that we are
17 enduring right now.

18 I just have to mention. I'm sitting here
19 thinking that you have the stock assessment panel which is
20 built with GCRL scientists, as well as DMR scientists.
21 They are the purveyors of the tools that you have to look
22 at all the data because we talked about two separate
23 places where data exists, not to mention multiple data
24 sets within each place of the Mississippi State Extension
25 Center, as well as GCRL, to kind of control that and to

1 bottle it up to present to you in a very organized manner.

2 I would recommend that the Stock Assessment
3 Panel be tasked with looking at species. Exactly what you
4 just said, Chairman, to look at these different species,
5 to come back and potentially look at the Stock Assessment
6 priorities list that you identified two years ago of
7 species that you would like to see in the stock
8 assessments that come out.

9 There are limited funds for these. That is why
10 we spend time on prioritizing, or asking you to prioritize
11 the species list, but, just to bottle it up very quickly,
12 as kind of my spin on it, these are juvenile sharks that
13 we are looking at, multiple species. They migrate
14 offshore in the wintertime and coming back in is more of a
15 component, but stock assessments have multiple tools to
16 look at this, but to boil it down to a conservation-based
17 strategy using the best available science is looking at
18 escapement rates, looking at what type of harvest you can
19 see by each sector to look at what that identified
20 sustainable harvest level is, and, then, the user groups
21 come to the table and the equity goes through as far as
22 harvest.

23 I like what the Federal Government does on a
24 Gulfwide basis, but I think Mississippi, in a way, can
25 lose out because our Mississippi Sound is so productive.

1 I truly believe that a state fishery can exist at a
2 sustainable level.

3 when you are looking at a stock Gulfwide with
4 lower areas of production, I think we are missing out on
5 some things. I feel like I have to say that.

6 A nice scientific-based approach using stock
7 assessment metrics is a very good tool to use here, and I
8 recommend that the Stock Assessment Panel be that tool.

9 Thank you.

10 COMMISSIONER BOSARGE: All right. Matt.

11 MATT HILL: I completely agree with that.

12 I have had that conversation with Reid and I
13 believe we can come together and use our historical
14 knowledge of the fishery, how it is growing, what we see
15 on both the recreational and commercial side, blend that
16 with the scientific metrics that can possibly come out of
17 working with Marcus and Reid and go through the Stock
18 Assessment Panel and come up with some regulations that
19 will allow the fishery to continue to exist at a
20 sustainable level.

21 COMMISSIONER BOSARGE: And what would be your
22 suggestion for a first step?

23 MATT HILL: I believe we need to gather all this
24 data up and we should convene a Stock Assessment Panel
25 meeting within the next month and begin hashing this out

1 and possibly come back within possibly three months with
2 some preliminary recommendations on what we see.

3 JOE JEWELL: So one of the recommendations that
4 I would make, Commissioner Bosarge, is that we work with
5 Dr. Drymon and Dr. Franks and get some of their input and
6 some of their data that they mentioned here today, and,
7 then, work with that and make some suggestive
8 recommendations for regulatory input for the Commission to
9 consider, and that will give us time to reevaluate the
10 Stock Assessment Panel, maybe convene the panel and see
11 what we have that we can consider because the Commission,
12 as Dr. Mickle pointed out, would have to reevaluate that
13 species list that they prioritized a few years ago.

14 If the Commission wants to consider a species of
15 shark that they want to consider targeting for commercial
16 fishery, we might be able to work with the Stock
17 Assessment Panel and identify several that we have enough
18 data to complete a stock assessment on.

19 COMMISSIONER BOSARGE: And I'm with you as far
20 as working with the Stock Assessment Panel, but, if I
21 remember correctly, that is a long drawn-out procedure.

22 Correct?

23 JOE JEWELL: It is.

24 COMMISSIONER BOSARGE: That's my point. When
25 you say long drawn-out, you are talking a year, or so.

1 I mean, if -- I know that Mississippi State, as
2 well as USM, have done most of this work.

3 JOE JEWELL: Well, sort of the way that I
4 itemized that the way that I did is if they have enough
5 data that we feel comfortable making some very species-
6 specific seasonal recommendations for the Commission to
7 consider, y'all could probably implement some rules pretty
8 quick because it is a nursery area and we want to try and
9 protect that juvenile class of fish.

10 So that's why I say just give us a little bit
11 more time. I would prefer y'all not take any action.
12 Just give us general direction to come back and present
13 more information that y'all can make an assessment on.

14 COMMISSIONER BOSARGE: That's what I say. We
15 will leave it at status quo for now and have you guys
16 meet, get together and see what kind of information they
17 have, see what we can pull together, Dr. Mickle, without -
18 - I mean, they should have pretty much a stock assessment
19 done.

20 JOE JEWELL: They've got a lot of data. They
21 don't have a stock assessment. We would have to get
22 together and convene that panel.

23 First step first, we will meet with Dr. Drymon
24 and Dr. Franks and see what type of information that we
25 could have to put it in our management approach first.

1 The next couple of months, we will come back before
2 the Commission, and, then, in the interim, that will give
3 us the opportunity to convene the panel, see what type of
4 data and see if we can do a stock assessment on certain
5 species.

6 COMMISSIONER BOSARGE: All right. That will
7 work.

8 MATT HILL: And I would like to encourage the
9 Commission, even if we cannot do a full stock assessment,
10 peer reviewed stock assessment, we could possibly -- I
11 mean, we have made decisions before based on conservation
12 measures, based on the best data that we have available at
13 that time, and we can present that as that data, and that
14 will be the best that we can do.

15 If the data is not there, it's not there. We
16 have data for stock assessments all the time and, to me,
17 you might as well not do them.

18 If it's going to be another data-poor stock
19 assessment, then, we should make some educational
20 professional decisions based on the data that we do have
21 in front of us, or based on conservation.

22 COMMISSIONER BOSARGE: Yes. I mean, you know,
23 there is a lot of information. Especially Dr. Glenn
24 Parsons up at Ole Miss, he has done a lot of work. There
25 is a lot of work done on sharks here in Mississippi.

1 MATT HILL: Yes, sir.

2 Thank you.

3 COMMISSIONER BOSARGE: Thank you.

4 JOE SPRAGGINS: Sir, do we need a motion on this
5 to have the staff to come back and do this?

6 JOE JEWELL: Commissioner Bosarge --

7 COMMISSIONER BOSARGE: (Interposing) If you
8 want it in the form of a motion, Joe, that's --

9 JOE JEWELL: (Interposing) That is
10 traditionally the way we do that, at the direction of the
11 Commission.

12 COMMISSIONER BOSARGE: I'll make a motion that
13 the staff --

14 JOE JEWELL: Within ninety days.

15 COMMISSIONER BOSARGE: -- collect all the data
16 from the various agencies to look at the viability of a
17 commercial shark fishery for Mississippi.

18 All right. I have a motion.

19 Do we have a second for that motion?

20 COMMISSIONER HAVARD: I'll second your motion.

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

23 Any further discussion?

24 (No response.)

25 COMMISSIONER BOSARGE: All those in favor aye.

1 (All in favor.)

2 COMMISSIONER BOSARGE: Opposed like sign.

3 (None opposed.)

4 COMMISSIONER BOSARGE: Motion carries.

5 JOE JEWELL: Next up for consideration by the
6 Commission is the State Saltwater Fishing Records. It
7 will be presented by Mr. Jonathan Barr.

8 JONATHAN BARR: Up for consideration, we have a
9 State Finfish record. This is a new entry. So this will
10 be up for both the conventional tackle and also the Youth
11 Fishing Records.

12 It is a Sand Perch, *Diplectrum formosum*.
13 Contrary to its name, it is not a perch. It is one of the
14 smaller members of the Seabass family.

15 Like I said, it is a new record, two point four
16 ounces. The angler is Mr. Julien Barr.

17 That is the Sand Perch. These things are very
18 vibrant and colorful when you first pull them out of the
19 water. Beautiful fish (indicating photograph).

20 There is Mr. Julien and his trophy (indicating
21 photograph).

22 As required, a motion to adopt this new State
23 record.

24 COMMISSIONER HAVARD: I love to see those kids
25 catch fish and get involved, and somebody had to take him

1 fishing. So that is even better.

2 At this time, I would like to make a motion to
3 adopt the new State Record.

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

6 Do we have a second for that motion?

7 COMMISSIONER DANIELS: I'll second that motion.

8 COMMISSIONER BOSARGE: Yes, that's a good
9 looking young man there. He looks a lot like you.

10 JONATHAN BARR: He's good looking.

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

13 All those in favor aye.

14 (All in favor.)

15 COMMISSIONER BOSARGE: Opposed like sign.

16 (None opposed.)

17 COMMISSIONER BOSARGE: Motion carries.

18 Congratulations.

19 JONATHAN BARR: Thank you.

20 COMMISSIONER BOSARGE: Now, K-7, HACCP and
21 Sanitation.

22 JOE JEWELL: Commissioner Gollott, I'm all ears.

23 COMMISSIONER GOLLOTT: Okay.

24 JOE JEWELL: I know a little bit about HACCP and
25 Sanitation.

1 COMMISSIONER GOLLOTT: After reviewing Title 22,
2 Parts 17 and 21, I would like to make a motion for the
3 staff to review all regulations that contain language
4 describing HACCP and Sanitation responsibilities and come
5 back to the Commission in April with a NOI that makes a
6 clear distinction between the HACCP and Sanitation roles
7 of the Seafood Technology Bureau, of the role of law
8 enforcement and seafood processing plants.

9 COMMISSIONER BOSARGE: All right.

10 JOE JEWELL: Can I ask for a little more
11 clarification because those two regulations that you
12 mentioned are our plant inspections, as I understand.

13 Is that correct?

14 COMMISSIONER GOLLOTT: Correct.

15 JOE JEWELL: Okay. So those roles are pretty
16 well defined in there. Our plant inspectors are trained
17 and certified by the FDA. There are certain processes,
18 roles, procedures that they go through when they do this
19 inspection.

20 Is there any specific thing that you are
21 requesting that they do, or provide?

22 COMMISSIONER GOLLOTT: Well, the way I
23 understand it, I have heard from some processors that
24 enforcement is wanting to come in and inspect plants now,
25 and that is just totally against everything that has been

1 carried out for the last seventy years that I'm aware of,
2 and I would just like for you to come back with some clear
3 guidelines.

4 Does that make sense?

5 COMMISSIONER BOSARGE: I guess as to who can do
6 what?

7 COMMISSIONER GOLLOTT: Who is doing what.

8 JOE JEWELL: So you want guidelines to -- you
9 want us to describe the current procedures, or do you want
10 us to establish new procedures between the roles of
11 Seafood Technology and Marine Patrol?

12 COMMISSIONER GOLLOTT: Well, what it should be
13 currently, yes, and what it has been for the last decades.

14 Does that make sense, Joe?

15 JOE JEWELL: A little bit.

16 So you want to make a clear distinction between
17 the roles and responsibility of Seafood Technology and the
18 roles and responsibility of Marine Patrol?

19 COMMISSIONER GOLLOTT: Exactly.

20 KEITH DAVIS: Excuse me, Mr. Chairman. I don't
21 know that that is Fisheries' role. I think our attorneys
22 need to be involved in that.

23 We have worked with both of our attorneys to get
24 Attorney General's opinion from your last meeting.

25 JOE SPRAGGINS: Sir, if I could, can we make

1 that an Executive Director deal, that we bring it back to
2 you from the Executive Director?

3 That includes all agencies, all departments.

4 COMMISSIONER BOSARGE: Commissioner Gollott.

5 COMMISSIONER GOLLOTT: Yes, I guess that would
6 be all right. Yes, work with it.

7 COMMISSIONER BOSARGE: So the motion would be
8 the same, other than to ask the Executive Director to
9 clarify it?

10 Am I following you?

11 COMMISSIONER GOLLOTT: Yes. The Executive
12 Director can get with Fisheries and see how it has been
13 done in the past and everything.

14 COMMISSIONER BOSARGE: All right.

15 We will give her just a minute, and she is going
16 to put the motion up on the screen for us.

17 JOE JEWELL: Should it be staff, or the
18 Executive Director?

19 JOE SPRAGGINS: If you are going to put staff in
20 there, should you put it Executive Director come back with
21 that for you because if it is going to be staff, we will
22 work with the staff. I can promise you that.

23 COMMISSIONER BOSARGE: Just add Executive
24 Director.

25 JOE JEWELL: So, in reading the motion, I think

1 I agree with Chief Davis. I think this is probably
2 something legal needs to review.

3 COMMISSIONER GOLLOTT: Well, the industry wants
4 it carried out the way it has been done for years and not
5 add new language into the ordinances, or rules. So keep
6 that in mind, please.

7 JOE JEWELL: Yes, sir.

8 COMMISSIONER BOSARGE: All right.

9 Is that clear enough for you, Commissioner
10 Gollott?

11 The motion is okay?

12 COMMISSIONER GOLLOTT: Yes.

13 COMMISSIONER BOSARGE: All right. So we have a
14 motion.

15 Do we have a second for the motion?

16 COMMISSIONER DANIELS: I'll second his motion.

17 COMMISSIONER BOSARGE: All right. We have a
18 motion and a second.

19 Any further discussion?

20 (No response.)

21 COMMISSIONER BOSARGE: All those in favor aye.

22 (All in favor.)

23 COMMISSIONER BOSARGE: Opposed like sign.

24 (None opposed.)

25 COMMISSIONER BOSARGE: Motion carries.

1 JOE JEWELL: If there are no other questions,
2 that concludes Marine Fisheries.

3 COMMISSIONER BOSARGE: Thank you, Mr. Joe.

4 All right. Next up is other business.

5 Does anybody have any other business to bring
6 before the Commission?

7 (No response.)

8 COMMISSIONER BOSARGE: Seeing none, do we have
9 any public comments, Mr. Joe?

10 JOE SPRAGGINS: No, sir, we have no further ones
11 that I see.

12 COMMISSIONER BOSARGE: Well, this has been a
13 quick meeting. Good deal.

14 All right. Hearing none, do we have a motion to
15 adjourn?

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

18 COMMISSIONER BOSARGE: All right.

19 Do we have a second for that motion?

20 COMMISSIONER HAVARD: I'll second the motion.

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

23 COMMISSIONER BOSARGE: Motion carries. Thank
24 you.

25 (Whereupon, at 10:52 o'clock, a.m., the March

1 19, 2019, meeting of the Commission on Marine Resources
2 was concluded.)

3 C E R T I F I C A T E

4
5 I, Lucille Morgan, Certified Shorthand Reporter, do
6 hereby certify that the above and foregoing is a true and
7 correct transcript of the March 19, 2019, meeting of the
8 Commission on Marine Resources, as taken by me at the time
9 and place heretofore stated in the aforementioned matter
10 in shorthand, with electronic verification, and later
11 reduced to typewritten form to the best of my skill and
12 ability; and, further, that I am not a relative, employee,
13 or agent, of any of the parties thereto, nor financially
14 interested in the cause.

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17 _____
18 COURT REPORTER
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