COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, May 21, 2019
9:00 a.m.
Bolton Building Auditorium
1141 Bayview Avenue
Biloxi, Mississippi 39530

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

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

Lucille Morgan, CSR 1251
COURT REPORTER
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COMMISSIONER BOSARGE: I would like to call the meeting to order and welcome everybody to our regularly scheduled May meeting of the Commission on Marine Resources.

We've got a few folks I would like to recognize; one being Senator Mike Seymour. I appreciate you taking the time out of your day to come join us.

We have some other special guests also with Coast Crime Stoppers, Lori Massey.

Also, with the Coastal Mississippi Regional Tourism Board, we have Erin Rosetti and Anna Roy.

Thank you. We appreciate you guys taking your time to come and see us.

Next up would be The Pledge of Allegiance, and I will ask Commissioner Daniels to lead us in that.

(The Pledge of Allegiance recited.)

COMMISSIONER BOSARGE: Next up on the agenda is a moment of silence. We need to take the time and think about things. We have lost a comrade in arms here in Biloxi, and I think we've got one in Auburn, Alabama. I wonder a little bit what this world is coming to.

I have been out of this country and I thank God every day for the privilege to be here in this country.

So let's take a moment of silence.

(Moment of silence observed.)
COMMISSIONER BOSARGE: All right. Thank you.

Up next is approval of the minutes of the April 16th meeting.

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

COMMISSIONER GOLLOTT: Mr. Chairman, I would like to make a motion that we accept the minutes of the last meeting as written.

COMMISSIONER BOSARGE: Okay. Commissioner Gollott, turn your mike on, please.

COMMISSIONER GOLLOTT: Okay. Thank you.

COMMISSIONER BOSARGE: There you go.

We have a motion by Commissioner Gollott.

Do we have a second for that motion?

COMMISSIONER HAVARD: I will second the motion.

COMMISSIONER BOSARGE: We have a motion and a second.

All those in favor aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed like sign.

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

Next up on the agenda will be the Executive Director's report.

JOE SPRAGGINS: Approval of the agenda.
COMMISSIONER BOSARGE: I'm sorry. Approval of the agenda, yes, sir.

We have a couple of items on the agenda. We get our information about ten days out from the meeting, and D2 and D3 have got a lot of information that I know me for one haven’t had time to really go through and look at.

If possible, I would like to make a motion that we table those two, D2 and D3, until our next meeting.

COMMISSIONER HAVARD: I think we have done all the background work and we are ready to present it. I think most everybody is familiar with it.

COMMISSIONER BOSARGE: All right.

COMMISSIONER GOLLOTT: Mr. Chairman, I would like to second your motion.

COMMISSIONER BOSARGE: Okay, Commissioner Gollott.

Any further discussion?

COMMISSIONER GOLLOTT: Yes, it has been looked at vaguely, but this is two wide-reaching items on the agenda and I think we do need more time and we are not just going to vote and cram it down somebody’s throat.

It would be a good idea to put them off and let everybody really dig into it and see what they are voting on.

COMMISSIONER BOSARGE: Yes, ma'am.
Our stenographer is asking, Commissioner Gollott, for you to speak into the mike just a little more.

COMMISSIONER BOSARGE: That’s what I saw. I mean, if you look at all the supporting documentation, it is a lot. One of the supporting documents, I think, is fifty-four pages. It is a lot of information.

We have a motion and a second.

Any further discussion?

(No response.)

COMMISSIONER BOSARGE: All those in favor aye.

(Commissioner Bosarge, Commissioner Gollott in favor.)

COMMISSIONER BOSARGE: Opposed like sign.

(Commissioner Daniels, Commissioner Guess, Commissioner Havard opposed.)

COMMISSIONER BOSARGE: I’m sorry. Let’s do this one more time.

JOE SPRAGGINS: By a show of hands.

COMMISSIONER BOSARGE: Yes, show of hands.

All those in favor aye.

(Commissioner Bosarge, Commissioner Gollott in favor.

COMMISSIONER BOSARGE: All those opposed like sign.
COMMISSIONER DANIELS, COMMISSIONER GUESS, COMMISSIONER HAVARD opposed.)

COMMISSIONER BOSARGE: Motion fails.

Agenda stays as is.

Do we have a motion to approve the agenda as written?

COMMISSIONER GUESS: I'll make the motion.

COMMISSIONER HAVARD: I'll second the motion.

COMMISSIONER BOSARGE: So we have a motion to approve the agenda as written.

Any further discussion?

(No response.)

COMMISSIONER BOSARGE: All those in favor aye.

COMMISSIONER BOSARGE: Opposed like sign.

COMMISSIONER BOSARGE: Motion carries.

Next up is the Executive Director's report.

JOE SPRAGGINS: Yes, sir. Thank you very much. I hope Ms. Sandra is doing okay. I know you were out last time and had to go back to Texas, and I hope everything is doing better.

COMMISSIONER BOSARGE: Yes, sir.
JOE SPRAGGINS: She is in our prayers every day.

COMMISSIONER BOSARGE: Thank you, sir. We are making it.

JOE SPRAGGINS: Just a couple of things real quick.

The employment, we will go over a few things on the contracts.

Next slide, of I could.

We've got a couple of new employees, Tiffany Weidner with Fisheries and Katherine Glover also there, and, then, Austin Burmaster in Finfish. I don't know if they are here, or not.

Are any of them here?

(No response.)

JOE SPRAGGINS: I doubt it. They are probably out working, but anyway we are glad to have them.

Then, we have these contracts. If you will look at it, reverse auction to deploy limestone, and we have done the reverse auction for six hundred thousand dollars worth of the Bonnet Carre funds to do that.

Is that the one, Joe, that we just extended?

JOE JEWELL: Yes.

JOE SPRAGGINS: We are going to extend that to 7 June, or is that the one we are extending all the way to September?
JOE JEWELL: I think it’s the one all the way to September.

JOE SPRAGGINS: Yes, that's the one to September, and we are doing that. We asked for an extension. It has gone to Jackson, and the reason for that is because of the Bonnet Carre and the water, to be able to put it out at a good time where it will catch spat when we need to.

The other is we've got a Marine Patrol reverse auction buying three floating boat lifts, and they have already gone out with that. So it should be fine, and it is coming out of the Bond Fund that we do. It really helps save these boats, these new boats and all that we bought. Being able to put them on those portable lifts and move them around, it makes a lot of difference.

One other thing, it's not on there and I apologize, but it just got kind of finalized yesterday. We are going to have a new CFO and thank goodness after nine months. I have been searching for a CFO, and her name is Leslie Brewer and she is a CPA coming with us.

Leslie is not here today, but she is scheduled to come onboard the 3rd of June.

We've got a CPA coming in there. It will be a good deal, and I’m sure Shavay is begging for help. We will be able to get her onboard soon.
With that, the next thing we have on it is The Role of Seafood Technology and Marine Patrol in Seafood Processing Plants by Ms. Sandy Chesnut.

SANDY CHESNUT: Good morning.

I have to say I am presenting this, but there was a lot of cooperation going into this. I have to thank Marine Fisheries’ staff, especially the Seafood Technology Bureau for their help and Marine Patrol for their help as well, and Kim was instrumental in doing a lot of the research.

With that, we will move forward.

The Commission passed a motion in March requesting the Executive Director to review all the regulations containing language describing the HACCP and sanitation and come back to the Commission in April with a Notice of Intent that makes a clear distinction between HACCP and sanitation roles in the Seafood Technology Bureau and the role of law enforcement in the seafood processing plants.

The regulations referenced prior to the motion were Title 22 Part 17 which applies to molluscan shellfish and shellfish, including processing, and Title 22 Part 21 that applies to saltwater crab processing.

There are no regulations that apply specifically to shrimp processing, but to fully analyze the different
roles, there are additional federal and state statutes and regulations that must be included in the review.

Do I need to stop?

JOE SPRAGGINS: The screen, you can barely read it. They were trying to get it where everybody can see it.

SANDY CHESNUT: Okay.

Should I go on, or wait a minute?

JOE SPRAGGINS: Give me just a second.

SANDY CHESNUT: Okay. You got it.

JOE SPRAGGINS: There may not be anything we can do, but that helps a lot right there.

Thank you. Sorry.

SANDY CHESNUT: That’s okay.

The background information in 49-15-15 gives the Commission the authority to regulate all seafood sanitation and processing programs and to enter into a MOU which is a Memorandum of Understanding with the Health Department and Department of Agriculture to implement a seafood sanitation program.

49-15-28 provides for a combined dealer/processor license that entitles the licensee to operate as a wholesale or retail dealer, or a processor.

There are dealers that are not also processors. However, all processors are dealers.
As of Friday, March the 15th, the following were in operation throughout the State of Mississippi, and this is the breakdown. You can see there are sixty-three total dealer/processor licenses, with four of those being inactive.

Even though that is an old number from March, I was told that those numbers fluctuate very slightly from month to month maybe by two, or three.

This is the flow chart that the Seafood Sanitation staff provided for me, showing the oyster dealers/processors inspections, and the MDMR responsibilities are with HACCP and sanitation, and it is broken down as indicated.

The crab inspections. The MDMR has responsibility for sanitation, and there is a sanitation checklist that was included in the support document, and they also are responsible for general inspection of the facility.

The FDA and the Health Department cover the HACCP plans and labeling of product.

It is the same breakdown for the shrimp processing plants.

The MDMR has two employees in the Seafood Technology Bureau, and I have a new respect for their duties because they are very, very busy and they have a
lot to do.

The qualifications for an employee to be a certified inspector are outlined in the NSSP Guide, 2017 revision, and that was also included in the support documents.

The inspections are conducted in accordance with the NSSP Model Ordinance, January 2019. This is a publication that was published by the Food and Drug Administration. It includes twenty-seven inspection categories, with various elements under each category.

For example, under Item 8, Safety of Water, the inspectors are required to check the source of the water supply, the plumbing, cross contamination between potable and non-potable water supplies.

COMMISSIONER BOSARGE: Ms. Chesnut, if I could ask one question?

SANDY CHESNUT: Yes.

COMMISSIONER BOSARGE: How many years has this been going on, with it being this procedure?

SANDY CHESNUT: I would have to defer to the Marine Fisheries staff for that question.

JOE JEWELL: The mandatory requirements came into effect, in 1997.

As people may remember, the HACCP plan came out of the food and poultry industry. It was brought up
before the executive board in ISSC a few years before that, 94 and 95. It started implementation in 1996, but became mandatory in 1997.

COMMISSIONER BOSARGE: And we hired our two Seafood Technology Bureau people at that point in time?

JOE JEWELL: No, sir. The two people that are onboard right now were not part of Marine Fisheries, or employed here at that time.

We originally had four inspectors in the Seafood Technology Bureau and over the years it has evolved down to two. The two inspectors now have been here roughly ten to fifteen years between the two of them. They have been here quite a while, though.

COMMISSIONER BOSARGE: And they have been doing most all of the inspections?

JOE JEWELL: They do all of the HACCP and sanitation inspections for our agency.

COMMISSIONER BOSARGE: With the help of Marine Patrol, if I understand it correctly.

JOE JEWELL: Marine Patrol absolutely assists in that process. They have a role.

COMMISSIONER BOSARGE: Correct.

Continue.

COMMISSIONER GOLLOTT: Joe, over the years, hasn't the processing industry shrunk quite a bit, in the
last twenty years?

    JOE JEWELL: Yes, sir, Commissioner Gollott, especially after Hurricane Katrina, and, then, again, after the BP Oil Spill.

    It has rebounded a little bit, but in a different way. We don’t have those very large seafood processors and dealers that we had prior to Hurricane Katrina.

    I think there were a little over eighty at one point, or close to eighty, and, now, we are down to sixty-three and, as Sandy Mentioned, it fluctuates from month to month.

    After Hurricane Katrina, we never reestablished the industry the way it was prior to Katrina.

    COMMISSIONER GOLLOTT: Thank you.

    SANDY CHESNUT: When the Seafood Technology Bureau inspectors discover critical violations, if the violation is not immediately corrected, they call Marine Patrol for potential seizure of the product and to write any necessary violations. The specific citations issued are determined by Marine Patrol.

    Seizure and disposal of the shellfish for sanitation violations is carried out by the Marine Patrol as directed by the Commission, the Executive Director, the Marine Fisheries Director, Seafood Technology Bureau
Director, or the inspector, and this is pursuant to Title 22 Part 17.

For other than critical violations, the inspectors establish a timeline where those violations must be corrected.

The shuckers and packers are required to have quarterly inspections.

The shippers are required biannual inspections.

The Seafood Technology Bureau inspectors have the authority to do unannounced inspections, but they typically will do a courtesy call prior to going, and this is especially the case where you have processors in the northern part of the state because you want to make sure the right people are there when they go for the inspections.

FDA conducts an evaluation/inspection of randomly selected facilities once a year, and they have contracted with the Health Department to conduct inspections.

There are several ways the Seafood Technology staff have of discovering potential problems: routine inspections, self reporting, other processors reporting, public reporting, Marine Patrol reporting, or when someone gets sick.

Seafood Technology has the authority to initiate
administrative suspension, or revocation of certification and licenses. This goes before the Commission, and this is pursuant to Title 17 as well.

To my knowledge, I think there was one started many years ago, but I don't think anyone has ever been actually processed before the Commission.

MDMR and the Department of Health has an MOU which provides for the sharing of information between the agencies, but this MOU does not limit, or otherwise restrict, the authority of the Office of Marine Patrol to enforce the molluscan shellfish regulations, and I submitted that MOU as supporting documentation as well.

Seafood Technology Bureau does not regulate finfish, or shrimp, products. They do not check receipts, or coolers, for certain seafood products.

They do have the authority to ask for receipts for oysters and crab products, but not for finfish and shrimp products.

Seafood Technology does not have the authority to inspect products from foreign countries, or to inspect for recreationally caught products.

Now, we move on to Marine Patrol role in the processing plants. The background information for that, 49-15-21, provides that Marine Patrol officers shall enforce all laws and regulations for the protection of all
saltwater aquatic life. They are constituted peace officers with full police power and jurisdiction to enforce all laws of the State of Mississippi and all regulations adopted by the Commission.

They can exercise this authority in any county in the State of Mississippi and they shall investigate all persons, corporations and otherwise who are alleged to have violated any laws.

This same statute provides that the application for any license, or permit, from the Commission to catch, fish, take, transport, or handle, or process, any form of aquatic life shall constitute acquiescence and agreement on the part of the owners, captains, crews, employers and dealers, and the agreement that the enforcement officers may exercise the authority granted under the provisions hereof.

97-23-3 is the specific deceptive advertising statute which says that any person who sells something that is deceiving, or misleading, shall be fined not more than five hundred dollars and may be held civilly responsible as well for the damages resulting from the violation.

49-15-303 provides that the Commission has the authority to enter into and authorize the Executive Director to execute contracts, grants and cooperative
agreements with any public, or private, institution, federal or state agency.

The MDMR has entered into a joint enforcement agreement with NOAA, since the JEA’s national inception in 2001. The emphasis in the JEA’s directives have changed over time, as we will see.

In 2009, the GAO report -- the GAO is the Government Accounting Office. They say on their website they are the congressional watchdog of the Federal government.

In 2009, it was the FDA’s turn to come under the microscope of the GAO. The FDA told GAO that it focuses on food safety and undertakes few fraud-related activities.

The FDA examines only about two percent of imported seafood annually, and its primary seafood oversight program does not address economic progress which limits the ability to detect fraud.

COMMISSIONER BOSARGE: Ms. Chesnut, you do understand that that is mainly -- that GAO report is all about imported product and the fraud taking place in other countries by transshipment and the like?

SANDY CHESNUT: I do understand that the report was about imported product, but it is also addressing trying to keep it out of the stream of commerce.
COMMISSIONER BOSARGE: It is all about the imported product and what is taking place in the foreign countries and how that product comes to this country and is not checked, or inspected, enough to be sure that that product does not make it to our place as an adulterated product full of antibiotics.

SANDY CHESNUT: Correct.

COMMISSIONER BOSARGE: Okay.

SANDY CHESNUT: The 2011 GAO report said that the FDA needs to improve the oversight of imported seafood which includes foreign countries and locally, and to better leverage their resources.

In 2013, a Safety and Fraud Enforcement Act was introduced, but it failed to be enacted. Our Southern Shrimp Alliance supported this act.

In 2014, there was a Presidential Task Force established on Combating Illegal, Unreported and Unregulated Fishing and Seafood Fraud. This is referred to as the IUU.

What came out of that is in 2015 the National Ocean Council Committee was established to oversee the implementation of the IUU and the implementation of the Task Force Action Plan which identified fifteen recommendations outlining aggressive steps required by federal agencies.
NOAA and Department of State were named as the co-chairs of the committee.

This has led to a national emphasis on relabeling of seafood and product substitution, and it has required greater cooperation between FDA and NOAA, and between federal agencies and state agencies.

Department of Commerce which NOAA is under is authorized to enforce provisions of these following acts:

- The Magnuson Stevens Act, the Endangered Species Act, as well as the Lacey Act.

All of those acts have a provision that they are to utilize the personnel, services, equipment and facilities of the State agencies.

Five CRF 600.725 provides that it is unlawful for any person to interfere with any authorized officer in the conduct of any search, inspection, or seizure, in connection with the enforcement of these acts.

All Marine Patrol officers are deputized by the Commerce Department to perform duties under the JEA agreement, and this may be hard to see, but it is basically saying they have the authority to act on behalf of the Department of Commerce enforcing Federal Laws.

There is a NOAA publication that states that the JEAs serve as a force multiplier for NOAA and the Office of Law Enforcement, and it strengthens their ability to
effectively respond to numerous enforcement responsibilities.

In 2016, our Division Enforcement Plan which is under the JEA identified five general priorities and one execution priority for TED compliance. So we can see, in 2016, the big emphasis was mostly in TED compliance.

In 2017, the DEP identified two general priorities and three execution priorities, and this is the first year that the JEA identified IUU as a priority and it was elevated to execution priority.

COMMISSIONER BOSARGE: Just so everybody in the audience is clear, IUU is basically when a foreign country takes slave labor, catches fish illegally out of season and imports it into this country.

I’m with you, Ms. Chesnut, but most everything that you are citing has not anything to do with what takes place in this country as much as it is in foreign countries, and there is a big push by a bunch of federal agencies and a bunch of trade agencies to try to stop some of this.

I’m not quite sure how to see it relates to what we are doing here.

SANDY CHESNUT: There is a big push to stop it in the foreign countries, but it does get into this country. The push is if it gets into this country, we
want to stop it where we can, and this is what we are seeing from the JEAs.

In 2018, JEA and DEP identified two general priorities and four execution priorities which included the IUU duties, and specifically this is the provision from the 2018 provision enforcement plan, and it talks about specifically that the agency may document JEA IUU hours when during the course of normal agency inspections at commercial markets, wholesale dealers, processors and all other cold storage facilities.

COMMISSIONER BOSARGE: This would be to look at mostly imported product coming into this country.

SANDY CHESNUT: Yes, sir.

The agency will report the number of inspections conducted and the outcome is sent to OLE for investigation and they determine if it will be a federal offense.

Why is mislabeling important?

Seafood fraud can threaten human health. Species substitution may lead to the consumption of a product that is riddled with contaminants, toxins, or allergens, that can make people sick, including anaphylactic shock which can be fatal.

In a 2013 article, the Southern Shrimp Alliance noted that the 2009 GAO report concluded that the federal government was not adequately addressing seafood fraud,
especially with respect to ninety-one percent of the
seafood that the U.S. imports.

The lack of oversight can harm the health and
finances of consumers and negatively impact the
profitability of U.S. fishermen who play by the rules.

Marine Patrol duties in the seafood processing
plants.

Marine Patrol does not check for sanitation
issues, but they will report anything that may seem to be
a sanitation issue to the Seafood Technology Bureau.

There have been no tickets issued to processors
for HACCP violations that have not been specifically
referred to them by Seafood Technology.

Marine Patrol does routinely check licenses,
coolers for different species of seafood and fish, and
receipts and invoices to match with product on hand and
submitted reports.

There have been cases regarding mislabeling
investigated by NOAA, along with other state agencies.

Alpin Brothers. In February of 2015, owner of a
seafood processing facility pled guilty to a felony count
of making, or substituting, false records in violation of
the Lacey Act. Falsely labeled twenty-five thousand
pounds of foreign raised imported shrimp as wild caught
product of the U.S.
He was issued a hundred thousand dollar fine, three years probation and required to institute a training program to educate staff regarding federal country of origin labeling regulations.

This case was investigated by NOAA with the assistance of the Louisiana Department of Wildlife and Fisheries.

Another one. In September of 2005 -- the sentencing took place in 2005 -- Garcia Shrimp Company violation of Lacey Act. Thirty-five thousand pounds of Mexican shrimp labeled as product of the U.S. A hundred and fifty thousand dollar fine, three years probation with conditions that subjected the company to increased labeling, record keeping and audit requirements.

This case was also investigated by NOAA with assistance from Louisiana.

COMMISSIONER BOSARGE: It was actually Texas Parks and Wildlife, but go ahead.

SANDY CHESNUT: I verified that Louisiana did the investigation. Texas may have had a hand as well.

In summary, the Seafood Technology Bureau has a distinct role regarding sanitation.

Marine Patrol has a distinct role regarding enforcement.

There are no regulations that would prohibit
Marine Patrol from being in the seafood processing plants and, the Sanitation MOU's specifically state that law enforcement's role is not limited, or restricted, by the agreement.

State statutes grant Marine Patrol the authority to enforce seafood laws and regulations and mandates the acquiescence of license holders.

Federal statutes and the NOAA JEA grant Marine Patrol the authority to enforce federal seafood laws and regulations.

The other Gulf States have the same structure. The agency regulatory staff and FDA have responsibility for sanitation and HACCP, and law enforcement has responsibility, under state and federal laws, to check such things as licensing and receipts to verify species on hand such as legal species, or legally or illegally caught, or obtained, species.

It is not that we don't trust our seafood processors, but, as we were reminded by President Ronald Reagan, trust, but verify, and that's what they are doing.

COMMISSIONER BOSARGE: And I guess the point, and we have gone a long ways around and you have given quite a presentation and a lot of information, but I don't think anybody here doubts that marine enforcement has the right to enforce the laws of the State of Mississippi.
I guess the question that I have anyway is do --
in other words, for years and years and years, I think it has been Ms. Ruth Posadas as part of the Seafood Technology Bureau.

Was that under Marine Fisheries, or is it under Marine Patrol, Mr. Joe?

In other words, the inspections, are they under the control of Fisheries, or enforcement?

Who do they answer to?

JOE JEWELL: I’m not quite sure. Right now the Seafood Technology Bureau is a part of the Office of Marine Fisheries and reports through that chain of command and ultimately to me, and, then, to Director Spraggins.

Now, originally the Seafood Technology Bureau, when this agency was first formulated, was a separate office, neither part of Marine Fisheries, nor Marine Patrol. It was its own separate office.

Our first executive director when we moved into this building made the determination, at that time, that it would become a bureau and part of the Office of Marine Fisheries.

So throughout its history, it has been independent at some point and now it is part of Marine Fisheries.

COMMISSIONER BOSARGE: So now what we are
talking about doing would be moving that to enforcement?

SANDY CHESNUT: There is no Notice of Intent on the table to move Seafood Technology to enforcement.

I don’t see a problem with Seafood Technology staying under Fisheries. They have a distinct role in sanitation, where law enforcement has a distinct role in enforcement.

KEITH DAVIS: One of your earlier slides, Ms. Chesnut, shows the different roles. You had a flowchart identifying what Seafood Technology -- I think that is what the chairman is asking about.

COMMISSIONER BOSARGE: Well, where I’m going is what has changed?

SANDY CHESNUT: Well, nothing has changed.

Actually the law enforcement has been in the crab and oyster processing plants for years, as far as I’m aware, and there is no reason why they can’t be in all the plants.

COMMISSIONER BOSARGE: And I can understand enforcement's job in policing and looking, but in those plants -- because I have been in the industry all my life and I’ve got two boats in North Carolina now. So I get to see a lot of different things -- some folks will let you in those plants, some folks won’t, and because of the way they do things especially -- and I will give you an
example of peeling rock shrimp.

There was one plant in Texas -- I won’t go any further than that -- that had an edge on everybody else because he learned what to do with those rock shrimp before he ran them through those machines and he could peel a whole lot more a whole lot easier and a whole lot cheaper.

So I guess my point is -- and I think that's what our concern here is -- if you have a need to go into that plant, state your need up front and do what you need to do.

KEITH DAVIS: Mr. Chairman, if I may, I think counsel has outlined that very clearly in the form of the IOU responsibility that we have.

I couldn’t care less about how you peel shrimp, sir. I don't need to know how to begin to understand the process.

What I am concerned about is imported seafood making it to our restaurants and our businesses.

COMMISSIONER BOSARGE: Yes, sir, I agree with you and probably twenty years ago that was a big problem. I don’t know that it is that much of a problem now.

KEITH DAVIS: Well, excuse me. I don’t know if it is either, and I don't know what happened twenty years
ago, but what I do know is it is our responsibility to ensure that it is not happening.

COMMISSIONER BOSARGE: Agreed, and if you have proof, or you have suspicions, then, look into those suspicions, but just because you have -- in other words, you and all your folks will see things in those plants that they don’t realize is proprietary information.

Do you see what I’m saying?

KEITH DAVIS: No, sir, I don’t. None of our people have -- we are not processors. We are law enforcement officers.

We are not going to go in and see any special process, and, then, take it and open a business.

I really don’t understand your argument there.

JOE SPRAGGINS: Sir, if I might real quick, I don’t think that the issue here is that anybody is trying to change anything that has not been done in the past. I think that is here the same way it has always been. I don’t think anybody is trying to do that.

There were some questions. I think Marine Patrol had gone into to some processors, and there were some questions as to why they were allowed to go in there and if they were allowed to go into the processors.

I think the old issue is that if someone asks them, or if another agency from the federal government, or
anything, asks them to support them in doing something, then, they would need to follow those rules. I think that is all we are talking about right now.

COMMISSIONER BOSARGE: I agree and I am a hundred percent behind you for stopping illegal activity, but we don’t need to get so aggressive that we go on a witch hunt on a hunch.

You see what I’m saying?

In other words, if you’ve got legitimate information, then, go for it because I have been fighting this fight for the better part of my lifetime. I am President of Southern Shrimp Alliance and we fight it hard.

KEITH DAVIS: Yes, sir.

COMMISSIONER BOSARGE: So I am with you a hundred percent, but I also know a lot of processors up and down the Coast and they don’t want people just coming in their plant for no reason.

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

COMMISSIONER BOSARGE: Yes, sir.

COMMISSIONER GOLLOTT: Even the federal government, FDA, when they come to our plants -- and it is all surprise -- they walk. They go to the office and they give you a slip to sign giving them permission to go in
the plant.

They do not just show up in your plant and go through the front door without notification, and I understand that is what our Marine Patrol did. They just went in the plants.

They said, well, we just want to see.

When our agency shows up, there is no objection to you going in. You just need to go to the office and notify the people in charge of the plant and go through them, and you are not allowed to take pictures. The federal government does not do this.

You can shake your head, if you want to. I have talked to the processors and they said that you just showed up, and, then, when it was asked, what are you doing, well, I think the last explanation is you had some attorney that wanted to see the plant.

COMMISSIONER BOSARGE: Anyhow, we just ask that if there is a need for Marine Patrol to go in these plants, be sure to document it. In other words, be sure that there is a reason, be sure that we are doing our job correctly, and be courteous enough to try to follow their protocol, if you can.

JOE SPRAGGINS: Commissioner, if I might, sir, I can promise you Chief Davis and I have had long conversations about this and we have talked about what we
thought, and maybe the perception was that they were doing something, but I can promise you the patrol officers were not in there to try to figure out anything. They were doing something.

If someone asks them to do something and if there is a need from another side of an agency outside the State of Mississippi, or in the State of Mississippi, that they ask for help, then, we, by law, should be able to do that.

COMMISSIONER BOSARGE: I agree.

JOE SPRAGGINS: I don’t think that anyone of them -- I don’t think Chief Davis and them go to any processors anymore. I have talked to the ones that Commissioner Gollott is talking about, and I think we understand, and it was just a misunderstanding and everything is fine.

Our Marine Patrol officers are not trying to go in and just and say, hey, I’m looking at something. I want to do this. They are going only if they have a need and it is only because they have been asked to do it.

COMMISSIONER BOSARGE: Good deal.

COMMISSIONER GOLLOTT: But, sir, don’t we have an agency that can show up in a plant without notification and they always come to the office, when they come to my place and say, hey, we want to inspect, and we send
somebody with them.

We have somebody in our agency already to do that.

Why would Marine Patrol do this?

JOE SPRAGGINS: I think, if you go back and look at the slide that was just presented, that they have no control over shrimp.

Tell me if I’m wrong, Sandy, that he is talking about our Seafood Technology.

SANDY CHESNUT: Correct. They have no role in shrimp.

JOE SPRAGGINS: So, if shrimp is brought up to us for other reasons -- and it is just like what we talked about. It could be anything. It could be that -- he did nothing -- I don’t think there is anything illegal about having Asian shrimp in a processing plant. It’s just a matter of are they are processed correctly and are they done the right way and, if they are sent the right way, then, I don’t know that there is any problem.

COMMISSIONER GOLLOTT: The only thing that a processor is required to do is label it “Country of Origin”.

JOE SPRAGGINS: And I understand that.

COMMISSIONER GOLLOTT: That is basically it.

JOE SPRAGGINS: And that is all. They are just
doing what they are asked to do.

   Chief, I know you have worked hard at this and I know that our officers aren’t trying to do anything and they are not trying to fool anybody. I can promise you that. They are very professional in what they do.

   COMMISSIONER BOSARGE: Like I said, I just say be careful because there is proprietary information in there and, even though you may not intentionally divulge that, because you go to so many different places and you have conversations, there could be things that slip that you don’t realize.

   Just be careful. That is all I ask.

   KEITH DAVIS: Do you mind if I respond to that?

   COMMISSIONER BOSARGE: No, sir.

   KEITH DAVIS: We sit here every month and we talk about fishermen and making sure that these fishermen are compensated fairly.

   The main choke point when it comes to verifying shrimp is just that our fishermen are working hard and we are receiving shrimp into this country and their prices are being driven down.

   Marine Patrol does have a vital role, when it comes to that.

   COMMISSIONER BOSARGE: All right.

   COMMISSIONER GOLLOTT: No, sir. I disagree with
you. I don’t think Marine Patrol has any part in what the price of shrimp is coming into this country, imported or domestic.

I think you just need to make sure that all the laws are kept.

KEITH DAVIS: Certainly we will do that.

If we receive information which we do a lot that I am not going to discuss in this open forum, we are going to follow up on that as per state statute, Mr. Gollott.

COMMISSIONER GOLLOTT: Okay. Thank you, sir.

COMMISSIONER BOSARGE: Thank you.

Next up, Joe.

JOE SPRAGGINS: I’m sorry. Next up is our Trip Ticket Program. We were asked to look into that, and Sandy has got a report for that, also.

SANDY CHESNUT: Again, I have to thank my co-counsel for her assistance in researching a lot of this information and helping me, and we had other outside help as well. We have talked to a lot of the states in gathering the information.

In March, the Commission made a motion requesting legal staff to research the Trip Ticket programs of other states and the federal government and to present the findings to the Commission.

COMMISSIONER BOSARGE: Can I stop you right
there just for a minute?

    SANDY CHESNUT:  Yes.

    COMMISSIONER BOSARGE:  Because I went back to
the minutes of the meeting and the actual motion was for
you to check with the different states.  This is
Commissioner Bosarge.  I was clarifying the motion.
    I said, “Say it again, Sandy, for you to
check with the different states and the
    federal government on how they release their
their trip ticket information.”
    Correct?

    SANDY CHESNUT:  I don't have the motion in front
of me, but I looked at the minutes when I made this slide.
    I think there was a lot of discussion about it.
    You made the motion to request legal staff to
review Title 22 Part 9 to see if there was a variance
between the regulations and how it is enforced.

    COMMISSIONER BOSARGE:  And the second motion
that was made was the motion to cite specific variances in
trip ticket laws that Marine Patrol is making.  That was
the second motion, and here are the minutes from the
meeting (indicating document).

    COMMISSIONER GOLLOTT:  Can I ask you a question,
Sandy?

    SANDY CHESNUT:  Yes.
COMMISSIONER GOLLOTT: Isn’t the intent of the law, the guts of it -- and I have been here for sixteen years so I have been through a lot of exchanges and everything, but it seemed to me, Commissioner Bosarge, when he made the motion -- and I think I seconded it, or I made the motion -- for the trip tickets, it was stated that it would not be used for enforcement.

SANDY CHESNUT: That was the general discussion, yes, and the point of my presentation is if it has been used for enforcement, if it is intended to be used for enforcement and if it has been used for enforcement. So that is the way I went with it.

COMMISSIONER BOSARGE: And just to go a little further because Richard and I are the two that have been here the longest, he and I actually were on opposite sides of the fence with the Trip Ticket Program in that Richard didn’t see a need for it and I did.

We battled that out for quite some time, didn’t we, Commissioner Gollott?

COMMISSIONER GOLLOTT: Yes.

COMMISSIONER BOSARGE: Anyhow, for whatever reason, we wound up with a Trip Ticket System, and I have asked -- I think I need to do it in the form of a motion, but I have asked for the minutes of those meetings and to see because the intent of this Trip Ticket System was for
information to better manage the fisheries and because we did trip tickets in all other states up and down the Gulf and the South Atlantic, I have come to realize that that is proprietary information and that I made sure when we put this in place that the intent was that it would not be used as a tool for enforcement.

I don’t know if anybody has ever gone back and looked.

I actually went last night, but I can’t get back that far to try to find the minutes.

Joe, have you looked?

Have you seen anything?

In other words, I just want to clarify the intent of the Trip Ticket Program.

JOE JEWELL: That discussion has come up internally in Fisheries when listening to what the Commission has requested. We are trying to go back as far as we can.

As my memory recalls, the initial discussions about implementing a complete Trip Ticket Program -- remember, prior to that, we had the Oyster Trip Ticket Program which is a little bit separate and a different format -- was in 2011. I can’t recall that far back exactly when it was. I think it was in mid, late summer.

I do know that the rule went into effect
December 1st, 2011, that implemented the initial Trip Ticket Program. So we say 2012.

That is my recollection. I don't know the details. I could be a little bit off.

COMMISSIONER BOSARGE: I'm sorry. To ahead, Joe.

JOE JEWELL: It was 2011.

COMMISSIONER BOSARGE: I would like to see the minutes of that meeting, please, at some point in time.

SANDY CHESNUT: I will answer this. In 2011, the wording was the same as it is now which deals with the enforcement of the Title 22 Part 9, and the wording is:

“MDMR enforcement personnel are authorized to inspect any and all seafood purchased and/or sales receipts from firms, or individuals, whether licensed or not by the MDMR, to ensure reporting requirements listed in this part. MDMR enforcement officers may not reveal confidential information, except as it applies in violations of the reporting requirements of this part.”

So enforcement has always been a part of Title 22 Part 9.

COMMISSIONER BOSARGE: Correct.
The problem is trip ticket information can be used in a lot of different ways and it can be used not so much on the enforcement side, but on the penalty side, and it can be used to prove that there was wrongdoing done.

The problem we have is can trip ticket information be the only information used to determine guilt for a person.

SANDY CHESNUT: I don’t think it has ever been used just to determine guilt.

COMMISSIONER BOSARGE: Well, let me give you an example.

When we fined the fishermen for turning in their trip tickets late, did those fishermen break any laws?

SANDY CHESNUT: They violated a regulation established by the Commission, yes.

COMMISSIONER BOSARGE: They broke a fishing law?

SANDY CHESNUT: They violated a regulation established by the Commission.

COMMISSIONER BOSARGE: Go ahead with your presentation and I will try to make my point so you can understand why these fishermen are upset.

SANDY CHESNUT: Okay.

In Louisiana, their statute provides that all information obtained shall used for the equitable and efficient administration and enforcement of the laws
pertaining to the fisheries resources of the state and for
conservation and management purposes.

COMMISSIONER BOSARGE: And did you -- by chance, could you actually give us that statement?
In other words, once again, I have no way of researching this.
You have had since March to present this information. We have had about five, or six, days to take it and try to discern it and make sure that it is not biased in any way.

SANDY CHESNUT: And no one requested me for that, but, yes, I can provide you that statute. I am available all the time. All you have to do is call me and I will send you whatever you need.

COMMISSIONER BOSARGE: I understand that, Ms. Chesnut, but please understand from my standpoint we serve at the pleasure of the state here, but we also have -- we have jobs. We have -- in other words, I work just like you.

Your job is to do this. My job is to do the best I can here with the time I have. That is why I asked for a little more time to look at this because my days are pretty busy, but I do want to try to do the best I can to represent our fishermen.

SANDY CHESNUT: I will provide you whatever
information you need.

Texas statute provides that -- it mandates the department to establish the statistical gathering program.

Texas told us that they are authorized to examine the statistical reports and they actually have access to realtime data on their phones.

COMMISSIONER BOSARGE: Okay. Let’s make sure we get this straight, now.

Texas is allowed to look at statistical data. In other words, they are allowed to look at data in a whole.

SANDY CHESNUT: From what I understand, the statistical reports they are actually referring to is the trip ticket data. They refer to it in different terms.

COMMISSIONER BOSARGE: Correct, but it is in aggregate, not in individual.

SANDY CHESNUT: No, sir. They actually have information, access to the realtime data on their phones.

COMMISSIONER BOSARGE: So they can pull up a specific person and look at their trip ticket data on their phone?

SANDY CHESNUT: That is what was reported to us from Texas.

COMMISSIONER BOSARGE: I would have to disagree with you, but go ahead.
KEITH DAVIS: That is correct, Mr. Chairman. I can verify that for her. That is correct. We have seen the system.

SANDY CHESNUT: In Alabama, their code says:

“All records required by this regulation shall be maintained and available for inspection immediately upon the request of a conservation enforcement officer, or other authorized agent.”

In Florida, 68E-5.002 requires that all marine life sold, exchanged, bartered, distributed, or landed, be reported.

“The Commission may revoke, suspend, or deny, the renewal of the license of any wholesale, or retail, dealer for failure to make the required reports, for failure, or refusal, to permit the examination of required reports, or for falsifying such records.”

COMMISSIONER BOSARGE: If I remember correctly – because like I say, I haven’t had a lot of time, but for this information, trip ticket information in Mississippi to be released, that person has to be trained and certified to accept that information.

Correct?
SANDY CHESNUT: Joe, do you know the specific training requirements of the confidentiality laws?

COMMISSIONER BOSARGE: I think that is in state statute. I didn’t have the time to look for it in chapter, but basically we went down and kind of mimicked what the feds did, and that is what it is on the federal side, and I’m pretty sure that is what it is on the state side.

KEITH DAVIS: I think what you are referring to is the keeper has to be -- what you are referring to is you are talking about that confidentiality agreement that they sign, but that is signed in their office. So enforcement has access to the Trip Ticket Program.

If you would let her get through her presentation, I think it will all come together for you.

COMMISSIONER BOSARGE: It states that anybody that receives that information has to be trained and certified to receive that information.

That’s what I say. That’s why I asked for more time, but go ahead.

KEITH DAVIS: If she can get through her presentation, I think it will all come together and you can understand it better.

SANDY CHESNUT: In Florida, the Wildlife Conservation Commission law enforcement is not allowed to
use the trip tickets to make a case, but the officers are allowed to request trip ticket data for review to verify observations in the field either prior to, or during, an investigation of an individual’s fishing activities.

Florida officers frequently request copies of trip ticket data for an individual for these purposes. Law enforcement is also notified in cases of significant delinquency, or non-reporting by seafood dealers with regards to commercial trip tickets.

Because Florida has a MOU with NOAA, federal enforcement officers may also be provided confidential trip ticket data upon request.

COMMISSIONER BOSARGE: Can you back up one second?

When you talk about Federal Trip Ticket System and secretary subject to the data confidentiality provisions of the MSA, could you cite some of those for us?

SANDY CHESNUT: You are going ahead, I think, instead of back.

COMMISSIONER BOSARGE: Oh, I’m sorry. I’m ahead of you. Okay.

SANDY CHESNUT: Of course, we have already gone over Mississippi’s Title 1 part.

I do not have those confidentiality provisions
with me.

Like I said, the focus was on whether it could be used for enforcement, or not. That is the subject of my presentation.

Under Federal Law, the Secretary, subject to the data confidentiality provisions, may disclose information as necessary and appropriate to any other federal, or state, government agency, as long as the agency has procedures to protect such information from unintended, unauthorized disclosure and when such disclosure is necessary to ensure compliance with any law, or regulation, enforced by the Secretary, to assist in any investigative, judicial, or administrative, enforcement proceedings.

NOAA Fisheries. Dealers not submitting complete and accurate electronic reports within the required time frame will be considered out of compliance and may be referred to the NOAA OLE for further action. This was on their website.

There have been numerous examples of trip ticket data being used for enforcement purposes over the years.

In 2009, Golden Eye Seafood, Robert Lumpkins and fifteen others were charged with illegally harvesting and under-reporting striped bass.

They admitted to failing to record and falsely
recording the amount of striped bass the fishermen had harvested.

They were given eighteen months in prison with three years probation and a thirty-six thousand dollar fine and a hundred and sixty-four thousand dollars restitution.

COMMISSIONER BOSARGE: Once again, if you look at this, these fishermen were caught and arrested for fishing violations.

The trip ticket data was used just to verify the illegal act.

SANDY CHESNUT: That’s correct.

In 2018, James Craddock and eleven others pled guilty for federal charges for violating the Lacey Act.

They were charged with filing false reports in connection with the illegally harvested fish.

NOAA conducted an analysis of electronic data and written reports from those vessels. I confirmed with NOAA OLE that trip tickets were reviewed in this investigation.

During the investigation, Craddock made false statements to NOAA concealing the true location of the harvest in his federal vessel trip reports.

Thirty-two co-conspirators were involved, but only twelve were charged and sentenced. Illegally
harvested thirty-one thousand pounds in 2009 and a hundred and two thousand pounds in 2010, with a retail value of one point one million dollars.

The annual trawl quota for North Carolina is a hundred and sixty thousand pounds which means the illegal harvesting of this species reduced the quota available to be caught by honest fishermen.

Four vessels were forfeited. Other assets of a hundred and twenty-four thousand were forfeited. One point two three million in restitution, with the most egregious conspirator paying six hundred and fifty-three thousand seven hundred and ninety-five dollars. Probation from fisheries activities for a total of thirty-eight point five years and eight hundred and fifty hours of community service, with three of them serving six months of home confinement.

COMMISSIONER BOSARGE: And, once again, this is a case where they broke the law, they got caught breaking the law, and the trip ticket data was used to verify what they did.

SANDY CHESNUT: Jessie Lambas. In 2010, he was arrested for falsifying trip ticket information in order to file a BP claim.

His statement in that press release says that Louisiana routinely reviews trip tickets from the
commercial industry to ensure the most accurate data is collected. Inaccurate, or embellished, trip tickets will be investigated by the department’s law enforcement division.

COMMISSIONER BOSARGE: Now, hold up just a minute because that is very misleading. Let me find my information.

That gentleman, he was arrested for falsifying trip tickets, and what actually happened was when he was charged, he was charged with filing false public records, injuring public records and theft by fraud.

It had nothing to do with trip tickets. What he did was he took trip tickets that he was issued in 2008 and submitted them to BP.

The State of Louisiana never had the trip tickets. All they had was the trip tickets that he gave to BP.

The actual article, it says:

“Lambas filed documents showing he caught five thousand six hundred and forty-four pounds shrimp worth more than ten thousand dollars and collected three payments from BP totaling three thousand dollars. Wildlife and Fisheries has no record of those trip tickets.”
That came from houmatoday.com, posted in 8-6-2010, at 10:05 in the morning.

So to be totally honest with you --

KEITH DAVIS: (Interposing) You read the case.

COMMISSIONER BOSARGE: I am trying to do my homework.

KEITH DAVIS: Yes, sir, but it says that they didn’t have a record of it. If they didn’t have a record of it, then, he could not submit it to BP for a claim. That’s what it is saying.

COMMISSIONER BOSARGE: That’s what I’m saying. He submitted it to BP as if he had submitted it to the state, but he actually never submitted it to the state. He only submitted it to BP, and, then, once they got to checking, then, they realized that he had not submitted it to Wildlife and Fisheries.

So this is kind of a false narrative we have here in this case.

SANDY CHESNUT: To continue on, December of 2011, Harper’s Seafood pled guilty to conspiracy to purchase fish they knew had been taken and sold in violation of Florida laws and regulations, and to making and submitting false Florida Marine Fisheries Trip Tickets.

Harper was fined fifty thousand dollars and
given three years probably. Co-defendants were given twenty-five thousand dollars fine, three years probation; five thousand dollars fine, three years probation.

This was investigated by NOAA and the Louisiana Department of Wildlife and Fisheries.

COMMISSIONER BOSARGE: And, once again, this was a gentleman out of Georgia and he was buying recreationally-caught fish and there was a guy in East Point, Florida, that was, also. So they got him for a Lacey Act violation and they used the trip ticket information to back up what they had cited him for and what they arrested him for.

SANDY CHESNUT: That’s correct.

Cowart Seafood, July 2017, selling fish to Louisiana seafood buyers that was taken in violation of Mississippi Law, failing to report seafood purchases on trip tickets to MDMR and buying fish from recreational fishermen.

He received twenty-five months in Federal prison for conspiracy to violate the Lacey Act and illegal possession of a short barrel shotgun.

This was investigated by NOAA and the MDMR.

And, again, these are just showing that the Trip Ticket Program has been used for enforcement purposes.

COMMISSIONER BOSARGE: It has been used to back
up the arrests that had been made.

Where I have a problem is, like I said before, when the trip ticket information is the only information you have and you make a case based off of that. That's enforcement.

I've got one question. It comes back to Texas. That keeps bugging me.

Is Texas part of the Trip Ticket Program, Joe Jewell?

JOE JEWELL: Well, they are and they aren't. I'm going to let Matt Hill answer that question. He is much more familiar with the exact program and the reporting requirements of each state.

COMMISSIONER BOSARGE: I've been to Texas and -- anyhow. I had trip tickets in the State of Texas.

MATT HILL: Thank you, Commissioner. They do receive funding from Gulf States to provide them with the information. However, they have their own unique Trip Ticket System. They do not use Gulf States Trip Ticket System, and I will explain it.

For our offshore fishery to track Red Snapper, we use Tails n' Scales.

We can do whatever we want with that data, because we paid for it, we funded it and, now, we have an outside source funding it, but we also do send it to NOAA,
but they don’t send us any -- we don’t get any funds for that. It is outside of the normal program of the MRIP Program.

Texas is in a similar situation with their Trip Ticket Program. They have a stand-alone Trip Ticket Program for the State. They can do whatever they want to with it inside the state for enforcement purposes, to release the information. They have no restrictions, as do we, but they do receive some funding to get it into the NOAA System through Gulf States, but it is not the Bluefin System that we are accustomed to here.

COMMISSIONER BOSARGE: So they don’t have to abide by quite all the regulations that we do here in Mississippi?

MATT HILL: They just have to provide the data. That is all they have to do. They are not required to use the same system that we use.

COMMISSIONER GOLLOTT: Mr. Chairman.

COMMISSIONER BOSARGE: Yes, sir.

COMMISSIONER GOLLOTT: Let me say this. A lot this is irrelevant, if the motion was made that they couldn’t use these trip tickets for enforcement when the law was passed.

I think the best thing to do is go back and see exactly what the motion was.
COMMISSIONER BOSARGE: To the best of my knowledge, Commissioner Gollott, it wasn’t a motion. It was more a statement of intent.

COMMISSIONER GOLLOTT: It would be the minutes. Right?

COMMISSIONER BOSARGE: It will be in the minutes, yes, sir.

MATT HILL: I will say one thing on that, and we are all at a handicap here.

The minutes are not in the building right now that we need. They are being scanned something, but we have called and we’ve got the minutes that are applicable the best that we could get them, but we don’t physically have the minutes right now. We cannot track them down, but in October of 2011 is when this all took place, when the intent discussion took place and the motion discussion took place, and I will just go ahead and read it, but I am not -- we are not against using trip tickets to validate enforcement, any way we can help enforcement.

The issue that we have had this entire time is the intent of it is we weren’t up front with the fishermen, the dealers and the processors with what we are doing right now, and the motion, or the conversation, or the intent and Commissioner Bosarge read it:

“Recent events have demonstrated the
need for the implementation of
Commercial Trip Ticket Program for
Mississippi Fishery. The enactment
of a Commercial Trip Ticket Program
will provide the Commission and the
department valuable information on
the commercial fishing effort in the
State and adjacent waters. This
information will be used to make
more informed decision on the
management of the various commercial
species. This same information would
also aid true commercial fishermen in
documenting their losses in the after-
math of disasters such as Hurricane
Katrina and the BP Deep Water Horizon
oil spill."

That was the intent and the gist of the
conversation and full disclosure, I don’t have. We just
have bits and pieces here. We did the best we could, when
we got here, but this was the intent of the Trip Ticket
Program.

If the intent needs to shift, I don’t have an
issue with it. We don’t have an issue with it. We just
need to state what all the intent is now so everybody is
on the same page, management, enforcement, dealers, fishermen and processors, what it will and will not be used for, but this is what was passed.

COMMISSIONER BOSARGE: Correct, and I don’t have a problem with enforcement, after they have made a case of whatever illegal activity took place, going back and looking at trip ticket data to verify what was done, but just to have access to trip ticket data to look for something being done wrong, no, no, no.

I mean, there is -- let me ask you a question.

MRIP data. We do MRIP interviews.

Correct?

MATT HILL: That's correct.

COMMISSIONER BOSARGE: All right. When we do the MRIP interviews, that person that is being interviewed is told that this is not anything to do with enforcement. This is strictly information. If you have any illegal fish, any undersize, any over the limit, there will be nothing done. We just want the information.

Correct?

MATT HILL: That is correct.

COMMISSIONER BOSARGE: So what would be the difference if we went back to the MRIP data and started pulling out all the names of the people that had illegal fish and start writing tickets?

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MATT HILL: And that is one of the issues that has come up that they have actually asked us to add is whether they have a fishing license or not and what the license number is, and we have denied that request.

COMMISSIONER BOSARGE: And that would be the last thing I would want to do.

MATT HILL: That starts -- it is the integrity of the data.

Now, we do need to validate the data, but it is to be used in aggregate form and we don't have anything that gets down to the personal level on the MRIP data.

COMMISSIONER BOSARGE: But you see what I'm saying, if you did, if you did have that?

MATT HILL: Yes.

COMMISSIONER BOSARGE: Now, you have told that person that you are not going to use this information against them which is basically what we told the people that we were going to do with the trip ticket information. We are not going to use this. This will not be used as a tool for enforcement.

And what have we done?

SANDY CHESNUT: Like I said, I went back and looked at the regulation, Title 22 Part 9. Enforcement has always been in that regulation.

Now, that may have been the discussion, but the
regulation has always included enforcement.

COMMISSIONER BOSARGE: Correct, and I would like for you to go back and research because I'm pretty sure I read it in the statute where anybody seeking that information has to be certified and trained on how to handle that information.

Is that correct, Joe?

Am I off base that far?

JOE JEWELL: Well, I'm not quite sure what statute that you are referencing. You will have to make that clear to us so we can look at it, but here is what I know about the process and Mr. Hill can correct me if I'm wrong.

The true holder of all the trip ticket data, with probably the exception of Texas, is Gulf States Marine Fisheries Commission.

By contract, we accumulate and provide that data to them.

Now, there is certain training that several of our staff have to go through to be able to manipulate the program that accumulates and processes the trip ticket data. So they are trained that way. I don’t know of any federal rule, or requirement.

Now, all those people that process that data, have access to that data have to be certified as NOAA
Confidentiality Officers. That is correct.

All the staff of Marine Fisheries that processes that data, have access to that data, they are registered NOAA Confidentiality Officers.

Does that help?

COMMISSIONER BOSARGE: It does, but that’s what I say. That’s why I asked for a little more time. It sure would have been nice to have just a little more time and I wouldn’t have to guess my way through this.

COMMISSIONER DANIELS: I’ve just got a question here.

A lot of the talk seems to be pointed towards what we had happen last year and, Chief Davis, if you will, the under reporting, or non reporting, did you go get trip tickets and that’s how you found out about that?

KEITH DAVIS: No, sir. We have never used trip tickets to bring charges against anyone. We have only used trip tickets to verify information we already had.

COMMISSIONER DANIELS: Thank you.

SANDY CHESNUT: I will just finish out the presentation. We continue the discussion, if we need to.

Orient Seafood. In 2018, the owner admitted to conspiring with others to under report the amount of sea cucumbers they purchased by approximately twenty-five thousand pounds, with a profit of approximately one point
five million dollars.

He admitted to falsifying fish tickets, failed to prepare tickets, failed to retain tickets submitted by others and paying cash so that there would be no financial record.

The court ordered him to pay the same amount in fines as his profit which was one point five million dollars.

In summary, the trip ticket data can and has been used for enforcement purposes by all the Gulf states and the United States.

COMMISSIONER BOSARGE: And that Orient Seafood Product case was they pled guilty to conspiracy to violate the Lacey Act, and they had no trip tickets. They falsified fish tickets.

Anyhow, we have to be careful what we use this information for because most of the fishermen I talk to now, they don’t want to be involved with the Trip Ticket System anymore because they were led in to believe that this would be a system that would help them to tell who they are and what they are, but also help this agency to better manage the fisheries.

Now, this same information that they are providing is being used against them, and that is not right.
KEITH DAVIS: Commissioner Bosarge, would you entertain a statement of verification, or clarification?

COMMISSIONER BOSARGE: You are going to have to speak up, Chief.

KEITH DAVIS: I said, would you entertain a clarification?

COMMISSIONER BOSARGE: Yes.

KEITH DAVIS: I don't know what the intent was of the Commission at the time, but when Mississippi received the funding to implement this program, 16 US Code 1881 states that the state employees who are responsible for fisheries management plan enforcement, if the state's employment of the those employees have entered into a fisheries enforcement agreement with the Secretary of Commerce.

I don't know if that was overlooked when this implemented, or not, but it is clearly, as Sandy has said, enforcement has always been a part of this program.

COMMISSIONER BOSARGE: And I agree with you. It is just how you use it and who is allowed to look at it and the way it is used.

I think if you go back and look at some of the federal guidelines which we are supposed to follow -- anyhow, like I say, I would like to have just a little more time.
KEITH DAVIS: I also think that you may have a misinterpretation of how we use the information. I don't go to Fisheries and say, I want to see trip tickets for Mark Havard. We don't do that, and the information we do receive, it is in aggregate form. In fact, we keep that information from Fisheries. We don't allow them to know what we are working on when we are working on it. I think there is a misunderstanding on your behalf on how we, in enforcement, is using that program.

COMMISSIONER BOSARGE: I disagree. I see Director Spraggins I think had to step out for a minute.

If I can get back to my agenda...

COMMISSIONER GOLLOTT: The next thing is Off-Bottom Oyster Aquaculture, Jason Rider.

COMMISSIONER BOSARGE: Yes. up next would be Jason Rider, Off-Bottom Oyster Aquaculture Program.

JASON RIDER: Thank you, Commissioner. Good morning Commissioners and legal. My name is Jason Rider. I’m the Oyster Extension Agent for the Department of Marine Resources. I want to give a quick update on the Off-Bottom Oyster Aquaculture Training Program.
To refresh y’all's mind, I gave a presentation last year about this time, but I just want to give an update on where we’re at and what we are doing.

The Off-Bottom Oyster Aquaculture Program is a RESTORE Act project that aims to teach potential and current commercial oyster farmers all aspects of off-bottom oyster farming.

Upon completion, participants will be positioned to operate and maintain an off-bottom oyster farm and this program was approved for two years and we began training individuals in 2018.

This program came from the Governor's Oyster Council. Training is free, and we gave preference to commercial fishermen and veterans.

The whole intention of the program and training is to increase the quantity and value of Mississippi's oyster harvest.

Overview of the program. It is dedicated into two phases.

Phase one covers classroom training and related to the essentials of operating an off-bottom oyster aquaculture farm. During this phase, participants attend classroom training sessions. They receive grow-out gear that they learned about in the classroom sessions. They also have space to grow seed oysters to market size.
This allows the participants the opportunity to learn the scope and work required to become an off-bottom farmer.

Phase two focuses on the profitability and sustainability of an off-bottom farm. This is when they lease acreage from the State of Mississippi and begin their commercial operation.

Here is an overview of the commercial park. As you can see, it is south of Deer Island between Katrina Key and the eastern end of Deer Island.

The training area which is the yellow area is ten acres, and, then, we have approximately fifty acres for lease. It is seven hundred and fifty yards from Deer Island and four hundred yards from Katrina Key.

It is hard to see on the overhead here, but that is an aerial shot of the park. If y'all would like to have clearer pictures, please let me know.

The first training class, we had twenty participants that began in 2018. In June of 2018, as we covered with the summary, participants attended classroom training, selected oyster growing gear from the knowledge gained from the training, and, then, they received ten thousand oyster seeds and a run of training gear to manage until June of 2019.

Some of the requirements that the participants
did over this time was installation of the gear, weekly
gear maintenance, grading, splitting, tumbling, site
maintenance and, of course, DMR employees helped with
survival, growth and quality of those oysters.

Once they complete all their requirements of the
Oyster Farming Fundamentals Class and field training
sections of the program, participants are eligible and
have been subleasing acreage within the Deer Island Park.

We do require business plans for participants to
have a plan of action on how they are going to move
forward, and, then, also, they have to return all gear,
returned and cleaned.

Some results from the 2018 class were the
participants were given r6's, the seed oysters, the size
that they received on August 11th. They received a total
of approximately a hundred and sixty thousand oysters
between thirteen participants that received oysters.

We have thirteen people leasing twenty-five
acres in the Aquaculture Park, and they have thirteen
businesses started because of this training program.

First harvest of oysters was April 9th, 2018,
from a participant. The average size of the oysters today
is between two and three-quarters and three-and-a-half
inches, and they are selling the oysters locally in
Mississippi. These are going to wholesalers, retailers
and restaurants.

Next steps of the program. We do plan for the first year participants to transition to private leases and they are doing that.

What that entails is they buy their own equipment, buy their own seed, transition to a lease area and start a business, and that is the end goal with this whole program is to start a business and to grow some oysters.

MDMR did begin the second training program on March 16th, 2019. That has twenty-five participants currently enrolled. Classroom training is complete, and they will start the field training application of it in mid July.

Because of the interest in the program, DMR has submitted an additional expansion permit for a hundred and thirty-two acres. This is to the west of our current lease area.

I can show you on this map here. It is directly to the west of the training area. It follows pretty parallel with the existing site. That is in application, that is in process with the DMR and also the Corps of Engineers.

If anyone has any questions, I will be happy to take them, but that is a quick summary of the program.
COMMISSIONER DANIELS: Jason, I do, if I may.

JASON RIDER: Sure.

COMMISSIONER DANIELS: I had an individual pose this question to me the other day, and I haven’t been out there to personally see the site, so I figured I would ask you.

How is this marked?

Are there lights there, if people are running at night?

JASON RIDER: Yes. we are following all Coast Guard regulations with our lighting requirements. The corners are marked, and, then, the individuals that lease acreage do have to follow all leasing requirements to mark their corners.

COMMISSIONER DANIELS: Okay. Thank you.

COMMISSIONER GOLLOTT: Jason, the word on the street is there was some theft out there.

Is there any truth to that?

Can you talk about it?

JASON RIDER: There has been some theft unfortunately, and we are monitoring the situation. We are working internally to come up with a plan of action to try to prevent that, but, unfortunately, this is an area south of Deer Island that does not have a lot of visibility during the evenings and at nights.
COMMISSIONER GOLLOTT: Thank you, Jason.

COMMISSIONER BOSARGE: Those oysters that were harvested, was this one grow-out season?

JASON RIDER: Yes. They received the oysters last August. They started at r6's which is about five millimeters, and, then, they grew out to about two-and-a-half to three inches this spring.

COMMISSIONER BOSARGE: Because there are different methods of raising these oysters, is everybody using the same method, I guess, pens and cages?

In other words, is everything using the same method?

JASON RIDER: One of the things that is covered in the training program is the different methods that you can raise oysters in. There are about three that people use in the Gulf of Mexico.

Unfortunately, at our site, the depth is relatively deep. It is about eight foot in most areas. So the floating cages, or baskets, is what the majority of people are using.

Now, if the depth was shallower in that area, or any other area in the state, that does open up the possibility to alternate methods.

COMMISSIONER BOSARGE: And, then, I guess, because, then, they can walk the bottom and actually do
some of the -- there is a lot of physical labor involved in it.

JASON RIDER: There is a lot of physical labor and, if you can walk in the water about chest level, it does open up other avenues.

The site that we have behind Deer Island, it is about eight foot deep so you can't walk most of the time.

COMMISSIONER BOSARGE: And the site we have in Jackson County, it is about the same?

JASON RIDER: The site in Jackson County off of Round Island is probably ten plus, but we hope that this builds into private individuals leasing their own acreage outside of the DMR park.

Now, if they look at areas throughout the Gulf, or throughout Mississippi that have shallower areas, they are open to that.

COMMISSIONER BOSARGE: And do these -- for them to harvest those oysters, does the water have to meet certain...

JASON RIDER: Yes. We follow all classification regulations that Shellfish currently follows. The area behind Deer Island is an approved area so it is open the majority of the year, unless extreme flooding, or hurricanes, red tide, something like that.

Jackson County is a conditionally approved area.
They have to follow the management criteria.

COMMISSIONER BOSARGE: So there possibly would be times when they could not harvest their oysters because of water quality?

JASON RIDER: That’s correct.

COMMISSIONER BOSARGE: Thank you.

JASON RIDER: Thank you.

COMMISSIONER BOSARGE: Also, I have been asked by one of the other Commissioners, and maybe you can give us an update on Snapper season, when it opens?

Okay. We are going to let Paul Mickle do that, please.

PAUL MICKLE: Thank you, Chairman. I appreciate it.

Director Spraggins had to step out, but he did want to mention, in his Executive Director's report, that the Snapper season is opening this Friday, May 24th, through September 2nd, with a mid-season closure between July 8th and the 28th, very similar to last year and, again, we are fishing under our second year of our exempted fishing permit which was granted by NOAA through Gulf Council.

Are there any questions about the season itself?

It is pretty much Memorial Day through Labor Day, with about a two-and-a-half week break in the middle...
of July for assessment.

    COMMISSIONER BOSARGE: And we have a TAC of?
    PAUL MICKLE: What is the TAC, one fifty-one?
    JOE JEWELL: Hold on just a second.
    COMMISSIONER BOSARGE: I think that’s what it is.
    JOE JEWELL: It is a little over a hundred and fifty.

    COMMISSIONER BOSARGE: And are we going to do this year like we did last year where we have basically a two-week break in the middle of the season?
    PAUL MICKLE: Yes, sir. Between July 8th and the 28th, there will be a closure where the scientists actually assess the harvest, the harvest rate, all these different things, and, again, we are trying to project out to get to Labor Day which gives us the most Federal fishing days out to two hundred miles than any state in the Gulf.

    JOE JEWELL: The total is a hundred and fifty-one thousand.

    COMMISSIONER BOSARGE: We have to manage to ten percent less?

    JOE JEWELL: Ten percent less. That’s correct.

    PAUL MICKLE: That’s correct.

    JOE JEWELL: Then, the State Charter-For-Hire, they were over. So there was an allocation that has to be
subtracted from their current allocation, under the EFP.

COMMISSIONER BOSARGE: That’s right. If they go over, it has to come off the next year's catch.

PAUL MICKLE: Just a reminder that all recreational Red Snapper fishermen do need to register with Tails n’ Scales and have their trip number upon them, when targeting Snapper during the season.

You can make trips up to five days out for the authorized season. So, although the season doesn’t open up until Friday of this week, you can still get into the system and open up your trips to start on Friday. You can do it up to five days out. So you can start making trips now. You can’t go now, but you can get your authorization number for when it opens on Friday.

COMMISSIONER BOSARGE: Yes. That’s good. We don’t want to overload the system.

COMMISSIONER DANIELS: Have there been any changes to Tails n’ Scales at all, or are the anglers going to see the same thing they did last year?

PAUL MICKLE: Very similar.

I will let Marine Fisheries answer that, as the program exists in their office, but, from what I know, there have been very small additions to it making it more efficient, but it is so similar to what they are recognizing.
To your question, it won’t overwhelm them with a new type of system. It is very, very similar to last year and the prior.

MATT HILL: It has been updated. It is a new version. Most phones will update it automatically. We are going to send out the press release today, and, then, all the users will get an email shortly following that asking, if it doesn’t automatically update, to update, but the user will not notice anything different about the system. It was some things that we did on the back end on the data line side of it, but the interface with the user in the program, it is the same.

COMMISSIONER BOSARGE: Thanks, Paul.

We have a request for a break, but Commissioners Report.

Do we have any Commissioners that want to report anything?

(No response.)

COMMISSIONER BOSARGE: Hearing none, I am going to ask for a quick ten-minute break, and, then, we will resume our meeting basically at quarter to eleven.

MEETING STANDS IN RECESS

COMMISSIONER BOSARGE: All right. That’s good. I tell you the breaks are good. It gives everybody a chance to kind of visit just a little bit and
unwind.

Actually, I have a gentleman back here, one of the old time Biloxi fisherman that is here for the meeting.

Mr. Tommy Shultz, would you stand up just for a minute, please?

TOMMY SCHULTZ: Yes, sir.

COMMISSIONER BOSARGE: That is Mr. Tommy Schultz, born and raised here in Biloxi, in the museum down there on the Point. A good guy. Good guy. I enjoyed visiting with him during the break.

All right. Let's get it back going. I will bring the meeting back to order.

Up next on the agenda is Office of Marine Patrol, Chief Davis.

KEITH DAVIS: After that last session, I don't know if I feel comfortable with standing up here.

COMMISSIONER BOSARGE: Come on, now, Chief.

KEITH DAVIS: Before we get into the report, there is a presentation. These people have been sitting here waiting for a while. So, if you don't mind, we could go ahead and get that knocked out.

COMMISSIONER BOSARGE: Yes, sir.

KEITH DAVIS: I would like to ask Mississippi Coast Crime Stoppers and Coastal Mississippi to come up
for the presentation.

Last month, Coast Crime Stoppers had their annual breakfast and, during that breakfast, Coast Crime Stoppers -- and I will let her talk about it -- recognized officers from across the State, and they have two presentations for our officers this morning to present to you.

If you would like to present that?

LORI MASSEY: Yes.

COMMISSIONER BOSARGE: Please state your name.

LORI MASSEY: I want to thank Chief Davis for having us here, and good morning to the Commissioners.

My name is Lori Massey. I am Program Coordinator for Mississippi Coast Crime Stoppers.

Each year we honor law enforcement with a breakfast and awards. This year we had over three hundred and fifty attend.

We cover six counties, so you can imagine there are a lot of agencies there.

We had twenty-six nominations. We ask that nominations include officers that go above and beyond the call of duty, or ones that are an inspiration to other officers. This includes Federal, State, local, school resource officers and also military police.

This is our ninth year hosting the event, and
the first year to have two winners from one agency.
Because of scheduling conflicts, our winners were not able to attend the breakfast.
This is the nomination letter we received from DMR.

“At approximately 1530 hours, with high winds, adverse sea conditions and an extremely high volume of vessel traffic on the Mississippi Sound, Officer Jada Whittington responded to the request for assistance from Officer Steve Trosclair. Officer Whittington, along with trainee David Hart, arrived on scene and quickly observed a kayak with a father and a small infant aboard taking on water. Officer Whittington observed the infant was not protected with a personal flotation device and became concerned the child was in extreme danger. Almost immediately, the kayak capsized sending the infant into the deep rough sea; completely submerging the child. In full duty gear and her ballistic vest dawnded, Officer Whittington, without hesitation, or concern for her
own safety, dove into the water and retrieved the submerged infant.
She was able to not only keep herself above water, but was also able to pass the infant up the assisting officers, without incident to the infant.
She also aided the father who was wearing an improperly attached personal flotation device, after rescuing the child.

Officer Trosclair’s ability to maneuver the vessel and position it in such a manner that the rescue of the infant could be made in such adverse conditions played a pivotal role in the life saving actions demonstrated on that day."

Because of this courageous act, Crime Stoppers has chosen Officer Whittington and Officer Trosclair as 2019 Officer of the Year.

AWARDS PRESENTED

KEITH DAVIS: This is a pleasant surprise.

Governor Phil Bryant just walked into the building.

Governor, if you would, would you mind taking a photograph with these officers?
PHIL BRYANT: I will be glad to.

KEITH DAVIS: Would the Commissioners like to take a photograph with the Governor and the officers, as well, and Director Spraggins?

COMMISSIONER BOSARGE: Yes. This is a real honor.

JOE SPRAGGINS: Ladies and gentlemen, the Governor just has a second. He was here and I just wanted to bring him in to say hello.

PHIL BRYANT: I just wanted to say thank you for your work. Great things going on on the Mississippi Gulf Coast.

The General and I just spent about another twenty-seven million dollars. We will tell you more about that later.

KEITH DAVIS: Governor, we appreciate that. It is not often that -- I have never been afforded that in my career to take a photograph with the Governor after being recognized.

Congratulations to these officers.

COMMISSIONER BOSARGE: That was a surprise there.

To the officers, I tell you what, they deserve that award, just the courage and I guess the natural instinct. Maybe it was the motherly instinct to save the
child. She did a great job, both of them.

KEITH DAVIS: Yes, sir. We certainly have and we should all be proud of the officers that we have working for us. We have a great bunch of officers, men and women, that go out and selflessly put their lives on the line each and every day. They go out in weather conditions that we would not want to go out in.

I am very proud of the men and women that I get a chance to work with every day.

Now, to the report. There are a couple of highlights about the report this month that I really want you to recognize.

One was a citation issued for adulterated oysters in one of our seafood dealer locations. The officers found a sack of oysters sitting in icy water with other seafood which obviously had the potential to cause a lot of harm to the public.

We issued one citation for sell of recreationally-caught fish. A recreational fisherman was in the business of selling recreationally-caught fish.

The big case of last month was an individual fishing near the Triple Yellow Rigs and harvesting Red Snapper. I had the privilege of being on that trip, and we seized six Red Snapper from him, and his excuse was, when he tried to file his Tails n' Scales, it would not
allow him to.

    When we asked him if that didn’t send him a
message, he says, “No. I just thought I couldn’t file
it.”

That case has been referred to NOAA for further
review.

Other than that, there are no updates on the
dead dolphins and turtles from IMMS, other than what you
all have heard in the media.

Any other questions about the report?

COMMISSIONER GUESS: When someone is reporting
dolphins, or sea turtles, does that just get reported to
IMMS?

I have had some find dolphins in the Bay.

KEITH DAVIS: Yes. We keep a log of it, but we
refer to IMMS for recovery.

COMMISSIONER GUESS: Okay. I just didn’t know
if it had to be reported both places.

KEITH DAVIS: You don’t have to, but, certainly,
if we receive the information, IMMS has a direct number
that you can call, but we do maintain just a record of it,
when we receive the information.

COMMISSIONER GOLLOTT: Chief, the adulterated
oysters, was that an individual, a processor, or can you
say?
KEITH DAVIS: It said it was a seafood dealer.

COMMISSIONER GOLLOTT: Thank you.

COMMISSIONER BOSARGE: I noticed that we didn't have our list of reports that you normally put on there. That's where the dolphins and the turtles and all that are listed. I don't see it in this report.

I didn't know if that was going to be the norm, and it could be that I am just missing that page.

KEITH DAVIS: No, sir. That's not the norm. I apologize if that information wasn't included. It is possible, but normally it is indicated by zero. It is possible that we didn't get any reports, but I'm not saying that.

COMMISSIONER BOSARGE: And the other one, possession of shark fins. That is a good catch.

KEITH DAVIS: I forgot about that. That is very serious and Officer Lipscomb who just returned from a deployment, he is real big on that, and he hasn't been back very long, and he did find those shark fins.

Yes, we take that very serious.

COMMISSIONER BOSARGE: Shark fins by a recreational fisherman?

Fishing Violation Citations, that's kind of what it's under. I was just curious.

KEITH DAVIS: No, sir. I think it was a shrimp
boat, but let me make sure.

COMMISSIONER BOSARGE: I don't think I have ever seen that before.

KEITH DAVIS: It was a shrimp vessel, sir. It was on a shrimp boat.

COMMISSIONER BOSARGE: On the sale of recreationally-caught fish, did you actually ticket the fisherman?

KEITH DAVIS: Yes, sir.

COMMISSIONER BOSARGE: Good.

Any more questions?

(No response.)

COMMISSIONER BOSARGE: Thank you, Chief.

KEITH DAVIS: Thank you.

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

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

We have three action items on the agenda today, but, before we do that, Willa Brantley has an update on waivers for living shorelines.

COMMISSIONER BOSARGE: All right.

WILLA BRANTLEY: Good morning.

If you remember last month when Dr. Paul Mickle did a presentation for you about our alternative bulkhead
design program that we are launching, this is in support of that program.

Right now it is easier to permit a bulkhead than it is to permit one of these alternative bulkhead designs, or a living shoreline. So we wanted to do something to make that easier to permit, put it kind of on the same level as a bulkhead, not necessarily to be easier to permit than a bulkhead, but easier to permit than it is currently.

The solution we have come up with is to ask the Commission to issue a waiver for these alternative bulkhead designs and living shorelines.

This would include an approval of a variance to Chapter 8 Section 2 Part III.0.1 of the Mississippi Coastal Program and to Title 22 Part 3 Chapter 8 Section 114.01 which both say basically the same thing, discouraging, or not allowing, fill of coastal wetlands.

Usually these living shorelines, or alternative bulkhead designs, require a small amount of fill to be constructed properly.

The goal is to streamline permitting for these alternative bulkhead designs and living shorelines.

For the applicants, the benefits would be a quicker response to their applications and hopefully a lower cost. They wouldn't have to go through submitting
as much information to our office.

The permittees, it would be a better use of their time. They could evaluate these applications quicker and get the permits out the door faster.

For the Commission, you would have fewer minor beneficial projects presented because each one of those that requires an individual variance to those guidelines and regulations is required to be presented to the Commission right now.

Again, this would make permitting requirements equal for living shorelines and traditional bulkheads. It would not give those an advantage over bulkheads as far as permitting goes, but it would put them on an even playing field.

COMMISSIONER BOSARGE: Willa, if I understand you correctly, right now we are allowed, or the public is allowed two foot one side, or the other, of the high tide mark for bulkheading and this waiver would allow you to stabilize the shoreline and actually fill out to six feet to put the correct slope on it.

Is this what I am understanding correct?

WILLA BRANTLEY: That is the general idea. We are actually asking for further out from the shoreline than that. I was about to go over that in my next slide.

We have talked with the Secretary of State and,
if we write into the waiver the same language that we used to have in the General Permit that we have for living shorelines, that no fill, or accretion, would change the property line as it currently stands at the mean high tide line, they are okay with that, as long as our permitters take measurements of where the current mean high tide line is, just like they would right now for a bulkhead, or riprap, or any other kind of erosion control.

What we are going to advertise is that these living shorelines can be up to five hundred linear feet in length along the shoreline and up to fifty feet, or twenty-five percent of the width of the waterway, whichever is less, from mean high tide.

If they have a waterway that is only fifty feet wide, we would not let them go out that whole way. They could only go out twelve-and-a-half feet with any fill that they needed to do for their living shoreline which may not be fill in the sense that you may be thinking of it, as in creating dry land.

It may be fill to place a breakwater, or some type of oyster structures, out twenty feet from the dry land shoreline where they are planting marsh and that would break the waves before they hit that shoreline.

Those oyster breaks, or rock, that they place and make that breakwater out of is also considered fill, even
if they don't put soil in-between those two things.

They would also be required to use native plants only and monitor for and remove invasive species.

They would have to mark with the areas with proper signage, in accordance with Coast Guard regulations because, again, a lot of these may involve breakwaters that are not easily visible to boaters.

Any shoreline accretion, again, will not result in a change in property boundaries which the mean high tide line, as I said, would be documented before the permit was issued and would be documented in that authorization that we issue.

What is required right now is that we are going to go out on public notice, we are going to ask for public comments, comments from our Coastal Program agencies, comments from other state agencies that we just consider commenting agencies, and we are going to send notice to all of the city and county governments in the three coastal counties.

You will also get a copy of these. Actually, you did get a copy of the proposed waiver in your mail out.

If you get any calls about this, that's what it is about.

We may not go with those dimensions. We may
pull that back from fifty feet. We may shorten it down from five hundred, based on comments that we receive, or input from any of the Commissioners, but we wanted to go as big as we thought we needed to go potentially because whatever we advertise, we can’t go bigger than that, but we can go smaller. So we can pull it back.

The Corps has a nationwide permit. If you are familiar with that program, it makes those easy for them to process.

Their nationwide permit for living shorelines is five hundred linear feet and thirty-five feet from shoreline, but their colonel can increase that if he sees fit.

We wanted a little bit of wiggle room in there from what theirs is. In case somebody comes in with a larger one and they are going to give a nationwide permit for it, we can still give our waiver.

No action at this time. We just wanted to let you know it is going out on notice. In case you see it, in case people ask you questions, that’s what it is about, and feel free to direct any questions to me.

COMMISSIONER GOLLOTT: Willa, are you changing things?

Are you sure you don’t have to go out -- you don't have to have approval from us?
WILLA BRANTLEY: We are asking if you would give a blanket approval for specific types of projects, only these alternative bulkhead designs, or living shorelines. So no other purpose of fill would be authorized, without coming to you first.

COMMISSIONER DANIELS: One concern that is popping into my head, I live on a bayou in Bay St. Louis. If I put one of these in and take up twenty-five percent of my bayou and my neighbor straight across the bayou puts one in and takes up twenty-five percent, is there some kind of something there to stop that because we are getting real narrow at that point, if we take up fifty percent of that bayou?

WILLA BRANTLEY: You are, but, at the moment, the general permits allow for that with piers and structures. So we wanted to limit it to the same waterward limitations as piers and other structures were allowed to go out and no more than that.

COMMISSIONER DANIELS: Okay.

COMMISSIONER BOSARGE: Just out of curiosity, if someone had a bulkhead in place and they wanted to create this living shoreline outside of that bulkhead, is that something that would kind of fall in the same --

WILLA BRANTLEY: (Interposing) Yes, sir.

COMMISSIONER BOSARGE: So they could use -- in
other words, they wouldn’t have to take the bulkhead up and use riprap.

They could actually go outside the bulkhead?

WILLA BRANTLEY: Not necessarily. They could leave the bulkhead in place. That is kind of what our program is aiming toward in a way is people who have already bulkheaded their property and that bulkhead is starting to get old and maybe starting to get on the verge of failing, instead of replacing it with a bulkhead, go out in front of it with one these alternative designs, or living shorelines, and control the erosion and shore up the bulkhead that way, so they still have their lawn the same way they have always had it, but, then, we have the habitat out in front as well.

COMMISSIONER BOSARGE: Yes. That sounds good.

Dr. Mickle, she covered all the bases?

PAUL MICKLE: Yes, Willa did perfect.

COMMISSIONER BOSARGE: All right. Thank you.

WILLA BRANTLEY: Thank you.

COMMISSIONER GUESS: In his presentation, he had picture examples of that, where there was a existing bulkhead.

COMMISSIONER BOSARGE: I read the minutes, but they didn’t have any pictures.

NATALIE GUESS: Weren’t they in your
CHRIS PICKERING: Good morning Commissioners, Counsel.

I will be presenting this first action item for you. It is going to be similar to another one you are going to see in a minute for beneficial use and creating marsh.

This was submitted by the Mississippi Department of Marine Resources by Jared Harris who is over Beneficial Use.

It is located at the mouth of the Wolf River and the St. Louis Bay in Pass Christian, Harrison County.

It is in the Preservation Use District.

The agent is Allen Engineering and Science and the Mississippi Department of Environmental Quality.

The purpose and need of the project is to enhance and restore coastal marsh through the placement of suitable dredge material, as provided in Mississippi Code 49-27-61.

The applicant is proposing to fill twenty-six acres with suitable dredge material. There are actually
two sites for this project. Site one is ten acres. Site

two is sixteen acres.

They are proposing twenty-nine hundred linear
feet of sand berm and sixteen hundred linear feet of
riprap berm to contain the dredge material.

They are requesting a variance to the Coastal
Program, Chapter 8 section 2 Part III.0.1, permanent
filling of coastal wetlands because of potential adverse
and cumulative environmental impacts is discouraged, and a
variance request to Mississippi Code, Administrative Code,
Title 22 Part 23 Chapter 8 Section 114.01, permanent
filling of coastal wetlands below the mean high tide line
because of potential adverse and cumulative environmental
impacts is not authorized.

The applicant is requesting a ten-year permit
for this.

The variance request was justified under Chapter
VIII Section 2 Part 1.E.2.c.i, the impacts on Coastal
Wetlands would be no worse than if the guidelines were
followed.

They are going to replace an area that is
currently unvegetated barren waterbottoms, with twenty-six
acres of productive marsh habitat.

They have justified the Title 22 Part 23
variance request under Chapter VIII Section 118.01 which
states the impacts on coastal wetlands will be no worse than if the requirements were followed.

This project will significantly contribute to addressing two of the priority funding outcomes of NFWF. One is to restore and maintain the ecological function of landscape-scale coastal habitats and, two, to restore and maintain the ecological integrity of priority coastal bays and estuaries.

This is an aerial view of the project location. As you can see, this is St. Louis Bay. This is where the Bay meets the Wolf River here. This is site one which is ten acres and site two which is sixteen acres.

This is really hard to see for y'all, but this is a zoomed-in aerial. This is site one along the Wolf River, and the opening of the bay here is going to be the riprap containment berm. The rest of this is going to be the sand containment berm, and all around here will be sand containment berm.

The project appeared in The Sun Herald on April 28th, May 5th and May 12th, 2019.

We received no public comments.

DEQ is currently reviewing the project.

Department of Archives and History requested a Coastal Resource Survey, if any activity affects, or contacts, the most southern marsh island that is
immediately adjacent to the project area. However, the
authorized agent has stated that all activities will take
place in the water and no activities will occur on the
small marsh island.

Wildlife, Fisheries and Parks recommends best
management practices.

The Secretary of State will require a rent-
exempt lease.

The staff has conducted a thorough evaluation of
the project and made findings on the decision factors in
accordance with Chapter VIII, Section 2, Part 1.E.2 of the
Coastal Program.

These findings were submitted to you in your
writeups.

Based on these findings, it has been determined
that the project is consistent with the Coastal Program
because it creates a new site for the disposal of dredge
material in accordance with Mississippi Code 49-27-61.

It creates approximately twenty-six acres of
habitat that will become part of the Wolf River Coastal
Preserves and it keeps an estimated two hundred thousand
cubic yards of sediment in the littoral system.

Staff recommends approval of the variance
request and a ten-year permit, contingent upon water
quality certification from the Mississippi Department of
Environmental Quality.

Any questions?

COMMISSIONER BOSARGE: The only one I had was the sand berm.

I could understand it may be where it’s at, but you feel like the sand berm will be good enough?

I mean, sand moves.

That is going to be good enough to use for containment?

CHRIS PICKERING: Yes. They did analysis on this, the agents did, their engineers, and that is why they did the riprap on the most southern part because that is where the most wave action is going to come from. They determined that that would be needed there and the rest, the sand would hold up.

COMMISSIONER BOSARGE: Yes. I see where they are putting the cloth down

CHRIS PICKERING: There is already going to be marsh in the area around where the sand is going. So it is already protected in some ways.

COMMISSIONER BOSARGE: Good. All right.

Any questions?

(No response.)

COMMISSIONER BOSARGE: Do we have a motion?

COMMISSIONER GOLLOTT: Mr. Chairman, I will make
a motion we accept this project.

COMMISSIONER BOSARGE: We have a motion.

Do we have a second for that motion?

COMMISSIONER DANIELS: I'll second that.

COMMISSIONER BOSARGE: We have a motion and a second.

Any further discussion?

(No response.)

COMMISSIONER BOSARGE: All those in favor aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed like sign.

( None opposed.)

COMMISSIONER BOSARGE: Motion carries.

Thank you, Chris.

CHRISS PICKERLING: Thank you.

GREG CHRISTODOULO: Good morning everyone.

For this first one, I wish I could just say ditto to what Chris just did, but I will go through it because it is slightly different.

This is a request for a permit by the Department of Marine Resources. The location is in Beardslee Lake, Moss Point, Jackson County.

It is in the Preservation Use District.

The agent is Allen Engineering and Science and the DEQ.
The project purpose and need is to enhance and restore marsh habitats through the replacement of suitable dredge material, as provided in Mississippi Code 49-27-61.

As Chris mentioned, this is one of the National Fish and Wildlife Foundation projects associated with the BP spill. Just a little background information on that.

This project is for eighteen acres of fill with suitable dredge material.

This project will also have twelve hundred linear feet of sand, or earthen berm, and two hundred and eighty linear feet of riprap berm.

The same variances that were required for the first project, Chapter VIII, Section 2, Part III.0.1, permanent filling of coastal wetlands because of potential adverse and cumulative environmental impacts are discouraged, and a variance from Mississippi Code, Administrative Code, Title 22, Part 23, Chapter VIII, Section 114.01, permanent filling of coastal wetlands below the mean high tide line because of potential adverse and cumulative environmental impacts is not authorized.

A ten-year permit is being requested.

The variance request was justified for both parts. You would be replacing an area that is currently unvegetated waterbottoms with eighteen acres of productive marsh. The impacts on coastal wetlands would be no worse
than if the requirements were followed because the project will significantly contribute to addressing the two priority funding outcomes of NFWF.

Here is an aerial of the location where the yellow thumbtack is located. It is kind of at the confluence of the Pascagoula and the Escatawpa.

One of the reasons that they located the project in this location is, of course, it has to be adjacent to State-owned lands to do this type of work, but it also ideally needs to be located next to, or near, a source where there will be dredge material opportunities to be taken.

In this area, you have a decent amount of industry. VT Halter has a yard here, they have a yard over here, and Omega Protein has their facility over here on the Escatawpa. You have locations nearby where you have source material for the project.

Here is a diagram. This is really light. I didn’t think it would come out like this, but this is showing the outline of the area and showing the limits of the wall with the slope.

The project did appear in The Sun Herald as required, April 28th, May 5th and May 12th. There were no public comments received.

DEQ is currently reviewing the project.
Archives and History has to objection.
Wildlife, Fisheries and Parks is recommending best management practices.
Secretary of State has said that a rent-exempt lease will be required for the project.
As with the previous project, the project has been reviewed by staff and the decision factors were placed in your packets.
The staff has determined that the project is consistent with the Coastal Program because it creates a new site for disposal of dredged material as outlined in 49-27-61. It creates eighteen acres of marsh habitat that will become part of the Pascagoula and Escatawpa River Coastal Preserves, and it keeps an estimated two hundred to two-hundred-and-fifty thousand cubic yards of material in the system.
Staff recommends approval of the variance request and the ten-year permit contingent on water quality certification from DEQ.
COMMISSIONER BOSARGE: It looks like a great project.
I still have my concerns about that sand berm, especially -- because that Pascagoula River and Escatawpa River come together right there and when that water gets up, it gets up.
GREG CHRISTODOULOU: I think maybe just straight out sand is a little bit misleading. I think it is more of an earthen berm rather than sand.

COMMISSIONER BOSARGE: Sand is too easy to move.
Any other questions?
(No response.)

COMMISSIONER BOSARGE: Do we have a motion?
COMMISSIONER GUESS: I'll make a motion.
COMMISSIONER GOLLOTT: I'll second it, Mr. Chairman.

COMMISSIONER BOSARGE: We have a motion with a second.

Any further discussion?
(No response.)

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

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

COMMISSIONER BOSARGE: Motion carries.

Thank you, Greg.

GREG CHRISTODOULOU: Coastal's final project on the agenda today.

This is a request for an after-the-fact permit by CSX Transportation. It is located on Bayou Pierre in Gautier. It is in the General Use District, and the agent
is Wood Environmental and Infrastructure Solutions, Incorporated.

The purpose of this project was replacement of an existing timber bridge on the rail line with a precast concrete bridge to allow for safe and efficient transport of materials.

The project, as I mentioned, was a bridge replacement project. In order to do the bridge replacement, a work pad was needed for the crane to do the work.

I will go through the chronology in just a moment, but the description is the filling of point zero four nine acre of Coastal Wetlands, and the mitigation requirements have actually already been achieved.

Normally, when we want to do tidal marsh impacts, we usually make it a three-to-one ratio. If you impact one acre, you have to create three.

In this case, with the three-to-one ratio, it would have required zero point one four seven acre of mitigation.

In 2016, there was a project -- well, earlier than that. CSX had a project close to the Pascagoula River just to east of this site where they were required to do mitigation. It was basically sealing off contaminants from a former creosote plant. They created
an excess amount of mitigation with that project. That point two four acre that they created more than accounts for the amount that they would have to mitigate for the impacts to this project.

May 3rd of 2016, DMR issued a waiver to replace an existing timber pile bridge with a precast concrete bridge.

April 3rd, 2018, DMR issued a modification to that waiver to authorize zero point zero two nine acres of temporary tidal marsh impacts for a work pad and crane pad which would be removed following construction, and, then, the site would be allowed to revegetate within one year to the pre-project conditions.

On October 1st, 2018, we received notification by the agent for the applicant that they had to fill a little bit of extra area because they needed a larger crane to do the work and the possibility of making that fill permanent. The extra additional area was zero point zero two acres.

Between October of 2018 and February of 2019, we worked with the agent and the applicant on possible solutions, whether we could restore the area, whether the area should be just left like it is with the fill.

Due to the safety requirements and their engineers believe that it would be better if they left the
work pad in place, due to the stabilization issues with
the track with large trains passing by.

    February 15th, 2019, we received an application
to retain the filled material associated with the bridge
replacement project.

    The yellow thumbtack marks the location of the
project. You can see it is a pretty hard area to get to.
They stage the equipment down here, and, then, they have
to move everything to this location, and it is roughly a
half mile. I have walked it in the summertime. It is not
fun.

    Here is a picture of the area that I took prior
to the work taking place. This is obviously in winter.
The vegetation has died back. This is the area of marsh
that was impacted with the new retaining wall and crane
pad.

    Here are the pictures that they sent me at the
time the work was done. You can see the wall has been
moved out into the marsh area, the crane pad, and it is
hard to see in this picture. You may be able to see it
better in your pictures, but here is some additional rock
that they had to put in place on the side of the tracks to
crawl the crane out to the location.

    This is a plan view and a cross-sectional view
showing the wall. This pinkish line here is where the
wall should have been that was previously authorized, and, then, of course, out here is where it is now and the same with this drawing here.

The applicant has requested variances to the Coastal Program and to Mississippi Administrative Code, Title 22, Part 23, permanent filling of coastal wetlands because of diverse and cumulative environmental impacts are discouraged and areas containing submerged vegetation are regularly flooded, emergent vegetation shall not be filled.

With Administrative Code, we had permanent filling of coastal wetlands below the mean high tide line because adverse and cumulative environmental impacts is not authorized.

Mississippi Code, Title 22, Part 23, Chapter 8, Section 114.03, sensitive coastal wetlands shall not be filled.

The variance request was justified under Chapter VIII, Section 2, Part I.E.2.c.iv of the Coastal Program. There is a significant public benefit in the activity, a public hearing has been held, and the activity requires a waterfront location.

Then, Title 22, Part 23, Chapter 8, Section 118.04 of the Mississippi Administrative Code. There is a significant public benefit in the activity, a public
hearing has been held and the activity requires a waterfront location.

Notification of the project appeared in The Sun Herald March 17th, 24th and 31st. No comments were received.

We also had a public hearing at the Gautier Public Library in Gautier and no public comments were received at the public hearing.

DEQ is reviewing the project and has had no comments.

Archives and History has no objections to the project.

Secretary of State has no comments.

Wildlife, Fisheries and Parks has recommended best management practices be properly implemented, monitored and maintained.

Staff's recommendation with the project is, based on the decision factors that are in your packet, that the project serves a higher public purpose by aiding in the safe and efficient transport of goods for the nation’s economy, military and energy industry.

Therefore, staff recommends that the Commission approve the requested variances and issue the after-the-fact permit contingent on water quality certification from DEQ.
COMMISSIONER BOSARGE: Any questions?

(No response.)

COMMISSIONER BOSARGE: So they are going to leave their pad there, I guess, for future need, if they need it?

GREG CHRISTODOULOU: That is another access to it.

If there is ever any issues with that bridge, it will be there to be used in the future, if they need maintenance.

COMMISSIONER BOSARGE: It probably took them what, two years to get everything in place to put that pad there?

GREG CHRISTODOULOU: Pretty much, and, then, they had to go through the Corps permitting process as well for that.

COMMISSIONER BOSARGE: Do we have a motion?

COMMISSIONER HAVARD: I would like to make a motion that we move forward with approval of the staff's recommendation.

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

COMMISSIONER BOSARGE: We have a motion and a second.

Any further discussion?
(No response.)

COMMISSIONER BOSARGE: All those in favor aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed like sign.

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

Thank you, Greg.

GREG CHRISTODOULOU: Thank you.

COMMISSIONER BOSARGE: Up next will be Office of Finance and Administration, Ms. Shavay Gaines.

SHAVAY GAINES: Good morning Director Spraggins, Commissioners, legal counsel.

I am Shavay Gaines, Finance Director, and I would like to thank the general for allowing me to fill in temporarily while we looked for a CFO. Leslie will be here next month. Thank you, guys.

JOE SPRAGGINS: Thank you for the great job you have done. I appreciate it.

COMMISSIONER BOSARGE: Yes, ma’am. We appreciate you stepping up to the plate.

SHAVAY GAINES: I will be presenting financials as of April 30th, 2019.

At the end of April, our State Revenue was five million. We are still waiting on our appropriations from treasury which we probably won’t get until September.
Our Agency Revenue totaled twenty-one point six million.

Our State Net Income was a negative one million, and our Agency Net Income was two point four million.

After ten months of fiscal year 2019, we had operating funds of seventy-one point one percent, and Tidelands Trust Fund of fifty-six point two percent.

Any questions?

COMMISSIONER BOSARGE: Any questions?

(No response.)

COMMISSIONER BOSARGE: Thank you, Shavay.

SHAVAY GAINES: Thank you.

COMMISSIONER BOSARGE: Up next is Public Affairs, Ms. Charmaine.

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

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

Popular news items included Alternative Bulkheads, the Bonnet Carre Spillway opening and closing, flood water rescues and shrimp season being extended.

Marine Patrol taught one boat-and-water safety class and certified twenty-eight students.

So far in fiscal year 19, officers have taught
nineteen classes and certified four hundred and three students.

Since the April meeting, Marine Patrol participated in United Way's Dragon Boat Race, Biloxi Shuckers Education Days and Gorenflo and Nichols Elementary Schools Career Days.

The Office of Coastal Restoration and Resiliency did a great job putting together the State of our Coast held on May 6th at the IP. Many attendees took part in the meeting to get updates from Governor Bryant, Congressman Palazzo, our agency and many other partner agencies and organizations.

National Heritage Area also took part in the Gulf Coast Historical and Cultural Exposition, National Travel and Tourism Week and a Nation Park Service site visit.

Scientists from the agency's Shellfish Monitoring Program, together with staff from the U.S. Food and Drug Administration's Shellfish Sanitation Program conducted a hydrographic dye dilution study that began on April 22nd. They tracked the flow and dispersion of wastewater that is discharging into Biloxi Bay from the Keegan Bayou Wastewater Treatment Plant, through a twenty-four dye injection period during the study.

As a result of the dye injection, portions of
the upper Biloxi Bay in the general vicinity of the
treatment plant and extending to Deer Island turned
reddish in color for a brief time and it was visible from
the shores.

The public was made aware in advance of the
study and that the dye was not harmful to people, or the
eco system.

In April, Office of Marine Fisheries Director
Joe Jewell was chosen by Congressman Steven Palazzo to
serve as judge for the 2019 Student Congressional Art
Competition for Mississippi’s Fourth Congressional
District. The theme was “Mississippi, The Beautiful”, and
winners were announced May 3rd where the artwork will hang
in the Capitol for one year.

Finfish scientist Jon Barr served as weigh
master for the Pass Christian Volunteer Fire Department
Kids’ Fishing Tournament on May 11th.

This Thursday, we are going to host our
Mississippi Seafood Cookoff. It is our annual cookoff.

If any of y’all are interested in going, just
let me know and we can get y’all tickets to the event. It
is in Pass Christian at the Oak Crest Mansion Inn.

COMMISSIONER BOSARGE: Where is it going to be?

CHARMAINE SCHERMUND: Oak Crest Mansion Inn in
Pass Christian. It is going to be partnered with the
chamber for their symphony event.

COMMISSIONER BOSARGE: Good deal.

That is a lot of information. I didn't realize

Joe had done an art competition judging.

Good for you. You are quite the artist. If

anybody could judge it, you could.

JOE JEWELL: Thank you.

COMMISSIONER BOSARGE: Thank you, Charmaine.

CHARMAINE SCHERMUND: Thank you.

COMMISSIONER BOSARGE: Speaking of Mr. Joe

Jewell, up next is Marine Fisheries.

JOE JEWELL: Thank you, Commissioner.

The Office of Marine Fisheries has three

presentations for the Commission's consideration.

First up, Mr. Jon Barr is going to follow up on

a Commission request for providing information on

implementing additional fishing records.

JON BARR: Thank you, Joe.

Good morning. I am going to address some

information on potentially implementing some additional

state fishing record categories.

Last month, April 2019, the Commission made a

motion -- I will read the motion for you -- for staff to

come back at the May Commission meeting with information

on implementing additional fishing records.
Before we get into this, I would like to take a look at what we are actually doing right now, as a State agency.

Currently we have a conventional tackle record, we have a fly fishing record and, in 2018, the Commission adopted Youth Record category which also has conventional tackle and fly fishing tackle.

It is always beneficial and interesting to look and see what other Gulf states are doing.

I made a chart here. The far left column is the states and, if you will notice, moving right one column all the other states currently have conventional. Now, these are state and agency run categories. All the other states currently have conventional tackle records.

All other states, with the exception of Alabama, have fly fishing categories, and outside of that no state has any other categories, with the exception of Texas that has a miscellaneous category called “Other Methods”. This includes electric reels, spear guns, hand lines, gigs, trout line for which they certify the heaviest fish.

Now, we will get into it. Here are some options.

We have an internal review committee for our state fishing records program, and these are some options that we came up with.
If you will notice, there is a trend here. All of these options have a category called “Conventional Tackle”, and in State statute Mississippi Code 49-15-309, we are required to have a state record category for recreationally caught marine fish landed in the state, and the conventional tackle category satisfies that.

Outside of that, everything is just kind of lagniappe. It is great for the fishermen, but it is not actually required by law.

Getting into it, the first option is status quo. That is where we keep our conventional tackle and fly fishing categories.

The next option would be it would stay with the two-category scheme. We would have a conventional tackle category, and, then, we would open an all tackle category which would be all legal methods of take recreationally. This would include the fly fishing category.

For instance, we would have a conventional tackle category and anything caught with legal methods of take outside of traditional rod and reel, as long as it was heavier than the conventional tackle, would go in this category.

The third option I have is a three-category scenario. It is where we have the conventional tackle, we have fly fishing tackle categories as we do now, and we
would open an all tackle category which, once again, would be all legal methods of take.

For example, if a fisherman were to gig a fourteen pound flounder, it would go in all tackle. If a fisherman were to catch a fourteen pound flounder on a fly rod, it would go in all tackle and fly fishing. We would have three categories.

Our final option is anything identified by the Commission.

Are there any questions?

COMMISSIONER DANIELS: I think the original, what was brought to me -- obviously, spear fishing for quite a while has been pretty popular, bow fishing has come on the scene, and I know a lot of guys that have gigged some big flounders that don’t qualify for any of this.

Would it be possible to do a conventional tackle, a fly fishing, and, then, a third category that would encompass all of those methods?

JON BARR: I will go back one slide. What you are asking would be in the third option there.

COMMISSIONER DANIELS: But they would still have to beat the conventional tackle to be recognized. If we did an all tackle, they would still have to...

JON BARR: That's correct.
As I mentioned, we have an internal review committee for our State Record Program. It is a program that I head up. It is an honor, but it is not a funded program.

Conversation comes up quite often about expansion. When you think about that, the majority of the finfish staff is funded federally. They are not -- there is no state record funding. So when we expand, we have to think about manpower, we have to think about pulling individuals off of other projects that they already paid for.

To start up a new program such as you are suggesting initially will take a lot of time, and we have to take that into consideration.

Now, it is the Commission's will to do whatever y'all wish.

These were the options that we felt were more efficient and effective to offer, I think, what you are asking for the guys who gig a big flounder. It is a recognition for them. Guys who go down and spear fish these big Lion Fish maybe, there is recognition for them.

COMMISSIONER DANIELS: That is one of the big points that was brought up because they had what would have been a state record. He is actually here today, the one that brought it up to me. I think it was during a DMR
sanctioned event for Lion Fish, but they couldn't enter it because it had been speared.

  JON BARR: Right.

  COMMISSIONER BOSARGE: I don't know. I see this getting complicated, really complicated.
  Is this something we really -- I mean, just looking at the rest of the states, we have the categories that the rest of the states have.
  Is this -- I mean, I see it going into maybe a disabled category and different -- in other words, I just don't want this to get out of hand.

  COMMISSIONER DANIELS: I agree with you and I think if we tried to make a separate category like spear fishing, we are going to get overrun with tons of fish.
  JON BARR: There will be a lot of fish turned in initially.

  COMMISSIONER DANIELS: I think if we went with all tackle where they had to beat the existing record and we were to add something like that, then, we are not worried about that inundation of everybody shooting anything and turning it in as a state record.
  JON BARR: It would soften the initial blow. There is no doubt.

  COMMISSIONER DANIELS: Would that overwhelm you guys, if we were to add an all tackle, something similar
like this third option here?

JON BARR: I don't believe so.

COMMISSIONER BOSARGE: I don't quite understand how it would make any difference. Basically, if we added a third all together category, it is going to encompass a whole bunch of different alternate means of taking fish and --

JON BARR: (Interposing) Right. So as far as the methods of take -- I didn't mean to cut you off. I'm sorry.

COMMISSIONER BOSARGE: No. Go ahead. Explain it to me.

JON BARR: As far as the methods of take, right now in general we were just presenting all legal methods of take. If there was something that y'all, that the Commission decided to maybe, I guess, put parameters on that, that is something that y'all can do. We weren't going to do that. We didn't want to put it in a bottle for y'all. That is y'all’s decision.

COMMISSIONER BOSARGE: I guess I’m not quite following, Joe. I man, I can understand a different category for all different types of gear, but that sounds to me like that could become even a bigger category than the original categories.

Am I seeing this wrong?
You see what I mean?

If you are using any type of gear and there is a lot of different types of gear, could that category not become a larger category than what we had on conventional tackle?

JOE JEWELL: It could have the potential to do that and we are not anticipating that happening, but it definitely could have that potential, as we said all legal methods of take. Currently there are a host of gear types that would be incorporated in that, and I am assuming that will include cast nets because I have been asked about that issue, and any type of legal recreational gear would be included in that category.

COMMISSIONER BOSARGE: Well, that is kind of where I’m going. In other words, this could almost -- I don’t know. Maybe I see it get out of hand.

COMMISSIONER DANIELS: So your other concern is adding more species?

COMMISSIONER BOSARGE: Well, my concern is adding more gear than more species.

MATT HILL: One thing to keep in mind, it would add some, but whatever the angler brought in would have to beat the current, any current record.

Hook-and-line is actually going to still be part of the all tackle record.
So when you are talking about Amberjack for instance, if they go spear an Amberjack, it is going to have to beat whatever the current hook-and-line record is to get into the all tackle because the first entry into that all tackle record will be what is on the books, now.

So this fisherman would hold the place in both categories, and this would allow it not to start getting -- I'm not saying it wouldn't get out of hand in this particular category, but it would eliminate us creating any new categories in the future.

This would encompass bow fishing, spear fishing, gig, cast net, all these other -- and Lion Fish is the prime example. I would see that would immediately be taken over with the spear.

I don't believe it would be many species, but it would have a potential to change some things up and possibly creating some headaches in the beginning, but also logic tells me that I don't think the gear that is going to catch the largest fish and a lot of reasons because the effort is going to be hook-and-line.

COMMISSIONER BOSARGE: I guess you know me. I have done a little bit of diving, but I never did care for it much.

Spear fishing seems like a mighty unfair advantage over somebody using conventional tackle, in that
you can pick and choose what you -- you see the fish.

You see what I'm saying?

MATT HILL: That's why we would keep the conventional tackle record. You would always have a hook-and-line record. You would always have that conventional tackle.

COMMISSIONER BOSARGE: A spear fisherman --

COMMISSIONER DANIELS: (Interposing) It would never take the conventional tackle. That would still be there. This is just kind of off to the side by itself so they could get the recognition, if they speared a fish.

MATT HILL: I'm not advocating for one way, or the other. I'm just saying how it would wrap around it, but you could hold the place in two separate categories.

The hook-and-line record, if you go down there and there is a forty pound snapper and they spear it, now that is obviously be the all tackle record, but it won't be the conventional tackle record. That is the thirty-eight pound snapper, whatever it is on the books will remain as the conventional tackle.

Any other method other than hook-and-line, or fly fishing would be in that all tackle record, but it would still have to beat those two to get there.

COMMISSIONER DANIELS: But it would not remove that conventional tackle.
COMMISSIONER BOSARGE: It just seems a little confusing.

MATT HILL: It is confusing, but, when we started thinking about it, that is what we -- being overwhelmed, and I guess the example was the fifty percent rule put on the youth records. That did curtail that. The youth have to bring -- it has to be fifty percent of the current record to get the youth record. So that did slow that process down for us a little bit. That definitely helped.

We were trying to figure out a way to put a qualifier on it almost to bring it in here, and it is a manpower issue. There is no doubt.

It is a time issue. It is a very time consuming process, believe it, or not. We have to bring it in front of the Commission and it is a process.

These are the options, and status quo is definitely on the table, but these are the options that we came up with as a committee.

COMMISSIONER DANIELS: Well, I can tell you. I know it seems like they've got kind of an advantage and I'm sure they probably do in some ways, but I think some of these guys deserve a little recognition because I'm not getting in the water with them sharks to get a fish.

COMMISSIONER BOSARGE: I have heard some
stories.

COMMISSIONER DANIELS: I have, too.

COMMISSIONER BOSARGE: Anyhow. All right.

Any questions?

(No response.)

JON BARR: I could close my presentation.

COMMISSIONER BOSARGE: Thank you, Jon.

JON BARR: All right. Thank you.

JOE JEWELL: Next up for the Commission's consideration, Mr. Jason Saucier is going to give a shrimp season update with an action request to give the Executive Director the authority to open the 2019 shrimp season.

COMMISSIONER DANIELS: All right. We've got a request here from a Commissioner.

COMMISSIONER DANIELS: Can we make a motion?

I guess we would have to go out on public notice on this third option here?

SANDY CHESNUT: You could make a motion that the staff bring back a Notice of Intent to go out on public notice, but you would have to get the Notice of Intent approved at the next meeting, before it can go out.

COMMISSIONER DANIELS: Okay. I would like to make that motion.

JOE JEWELL: For option three?

COMMISSIONER DANIELS: Option three, yes, with
an all tackle option in there.

SANDY CHESNUT: So the motion is for the staff to come back with a Notice of Intent at the June meeting outlining the option three?

JOE JEWELL: All tackle category.

COMMISSIONER DANIELS: Yes.

SANDY CHESNUT: For the fishing records.

COMMISSIONER BOSARGE: That’s what I wanted, to clarify the motion.

We have a motion.

Do we have a second for that motion?

COMMISSIONER HAVARD: I'll second the motion.

COMMISSIONER BOSARGE: Any further discussion?

(No response.)

COMMISSIONER BOSARGE: All those in favor aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed like sign.

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

Okay. Jason.

JASON SAUCIER: Good morning Commissioners, Director, Sandy.

I am going to provide a brief update on shrimp season.

Just as a reminder to the Commission, this is
not a very good map with this projector, but there are seasonal area closures we have had in place for a while.

We did have an extension of shrimp season for this particular area, the dark blue which typically closes on April 30\textsuperscript{th}. The season was extended until the 10\textsuperscript{th} of May.

Just an update on license sales. This is for the 2018-2019 season. You will see shrimp license sales were slightly down for all residents. You will also notice the jump there on commercial sales in 2010-2011. This was due to the BP Horizon event.

This is just a graph showing the shrimp landings and value, all species combined. The green line there shows us an average. That is the average for 2005 to 2018. You will see that the value and landings were slightly down in 2018, but still above that thirteen-year average.

Just to go over briefly our shrimp season opening sampling, what we do every year. Post larval sampling does begin in February. That is done with a standardized beam plankton trawl at historical stations.

We also begin doing trawl sampling in April. That runs through June, or until we get our shrimp season opening date determined, where we look at both juvenile and adults in standardized trawls used at ten historical
stations.

  We chart brown shrimp growth during that period, and, then, we always open based on when we get to that legal size of the sixty-eight count.

  You are not going to be able to see these stations at all, but there are ten stations there that we sample every time we go out and do our trawl sampling.

  COMMISSIONER BOSARGE: Jason, is that an average of all those stations, when you say the sixty-eight, when they reach sixty-eight?

  JASON SAUCIER: We do. We average across all the stations.

  This is historical opening dates. For our season here, you will see over the last few years it has been right there at the same date.

  Just a note historically, if you were to go back to 1975, that average date is the 10th of June.

  Then this is the count, historical counts for opening day. Last year, again, we were right on target with the previous two years.

  You will see a sharp decline there in 2004 which actually occurred before Katrine is when that decline started.

  Just a note there. Average since 2004 has been three hundred and sixty-eight boats, and, then, prior to
2004, it was nine hundred and thirty-four.

This graph just shows us in relation to water
temperature, post-larval brown shrimp abundance. This is
what that beam plankton trawl, that data shows. It shows
us kind of a trend. Typically that trend coincides with
changes in temperature.

The next three slides I am going to show you, we
do monitor environmental conditions. Specifically we are
looking at Biloxi Bay waters. We look at salinity, water
temperature and rainfall, and those three conditions do
act as an indicator for us to look at movement and growth
of brown shrimp.

For this particular slide, water temperature,
this is in Biloxi Bay at Point Cadet. That sixty-eight
degree fahrenheit mark, it is a significant mark because
that is the point at which optimal growth of brown shrimp
occurs at that temperature and higher.

You will see that the last couple of years we
got to that in April and that is typical. It is usually
March, or April.

Biloxi Bay salinity, the same way. This is at
Point Cadet. Ten parts per thousand is that salinity at
which, again, brown shrimp growth is optimal; at any
salinity higher than that as well. You will see a five-
year average there in the green line, and you will notice
that we are under that for the last couple of months.

   Localized rainfall. This is actually up in
Biloxi Bay a little bit further. It gives us a good
indicator. Obviously, it is tied with salinity, but it
gives us a good indicator of when the shrimp would
potentially be moving out of the bays and bayous.

   You will see that they were way up from last
year. We are well above that five-year average as well
for rainfall.

   Latest shrimp samples were done yesterday. I've
got a few pictures here on this slide and the next slide
to show you from four of our stations just to kind of show
you that the shrimp aren’t there yet. I know you can’t
read the numbers there, and they are in centimeters
anyway, but they are still under size.

   I apologize again for the clarity of the photos.

   We come to the Commission every spring in May to
ask that the Commission give authority to the Executive
Director to make a decision of when to open the season,
based on when we get to that legal size of the sixty-eight
count per pound.

   COMMISSIONER BOSARGE: All right. The
conditions don’t look like they were all that good so far.

   JASON SAUCIER: A lot of rainfall so far, yes,
and a lot of fresh water.
COMMISSIONER GOLLOTT: May I say something?

COMMISSIONER BOSARGE: Yes, sir.

COMMISSIONER GOLLOTT: I would like to make a motion just exactly like last season and we give the Director the authority to open the season when the shrimp are the right size and everything and he thinks it is good.

COMMISSIONER BOSARGE: All right.

Commissioner Gollott has made a motion. Do we have a second for that motion?

COMMISSIONER BOSARGE: I'll second his motion. Any further questions?

(No response.)

COMMISSIONER BOSARGE: All those in favor aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed like sign.

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

Thank you, Jason.

JASON SAUCIER: Thank you.

COMMISSIONER DANIELS: I've just got one quick question.

Is there any sampling -- I'm seeing the pictures from Round Island, Deer Island and all that. Anything on the west side?
JASON SAUCIER: Sampling for brown shrimp?
COMMISSIONER DANIELS: Yes.

JASON SAUCIER: We didn’t make the photos in just because we had to have this presentation done at, like, 8:30 yesterday. So they were out sampling and we happen to have done the east side prior to then, but we typically see the same thing across and we did yesterday.

COMMISSIONER DANIELS: So you are seeing the same size shrimp over there?

JASON SAUCIER: Yes.

COMMISSIONER DANIELS: Okay.

JOE SPRAGGINS: I guess one quick question they may be asking is how are we doing after the Bonnet Carre on the shrimp on the west side?

Is that what you are asking?

COMMISSIONER DANIELS: That’s what I’m getting at.

JASON SAUCIER: It’s a little early to tell. I will defer to Joe on it, and that is a good segway into his presentation.

JOE JEWELL: I’m going to sort of address some of those issues in my presentation, but just to answer your question directly, before I get started, we are anticipating impacts to the shrimp season from the opening, particularly the second opening of the Bonnet
Carre Spillway, but, as Jason indicated, those are two separate sampling regimes that are going on.

The opening of the shrimp season is an independent field process that goes on and analysis within the lab that has a very specific statutory goal, and the sampling that is going on in the Western Sound, in lieu of opening the Bonnet Carre, is a separate program, although all of that data is available and does play a role.

We are doing some of the initial analysis now, and just a preliminary overview of the data does indicate we are going to have impacts in the Western Mississippi Sound.

I will get started. I will give y'all an update on the Bonnet Carre Spillway.

I realize I'm the only thing standing between us and lunch. I am going to try and be real quick.

COMMISSIONER BOSARGE: You are going to have to bend down to that mike just a little bit more.

JOE JEWELL: All right. Thank you.

This is very similar to last month's update. I want to do something a little bit different because we are getting a lot of questions about particular structures, control structures on the Mississippi River and on the Lower Mississippi River Valley, and there is a lot of confusion about the purpose and goal of these structures,
so I wanted to go over these real quick.

   It was a little hard for me to get them all in
the map, but about fifty, or sixty, miles north of the
Morganza is a structure called the Old River Structure,
and what it does is it diverts flow on a seventy-thirty
split just below where the Red River meets the Atchafalaya
River. It diverts Mississippi River waters, a seventy-
thirty split down the atchafalaya.

   Then, the next large structure they encounter is
the Morganza Spillway. It is a spillway that its maximum
capacity is about six hundred thousand cubic feet per
second. The triggering mechanism for opening is one point
five million cubic feet per second.

   The main purpose of the Morganza Spillway is to
protect the Baton Rouge area and its suburbs. That is the
purpose of the Morganza Spillway.

   Unlike the Bonnet Carre, the Morganza Spillway
diverts flow to the west, not the east. This whole entire
green area is the Morganza Spillway flood area.

   If you will note down here when you get toward
Morgantown and these areas -- I’m sure a couple of you
Commissioners have been down in there -- the yellow bayou
diversion created a new channel for the Atchafalaya. It
is actually an increasing delta now.

   As you move down river, your next main structure
you encounter is the Bonnet Carre Spillway which is the main feature that is impacting the Mississippi Sound.

The main purpose of that structure is to protect the citizens and the area and the suburbs of New Orleans. It’s maximum capacity is a little over three hundred thousand CFS, but its triggering factor is one point two five million cubic feet per second.

Then, as you move down, this is the purpose of this whole slide is to sort of talk about these other structures because there is a lot of conversation about those.

The Caernarvon Diversion Spillway, it is not called a spillway. It is more properly called a diversion. It is located about ten, or twelve, miles south of New Orleans. It has very little, if any, impacts whatsoever on the Mississippi Sound. The purpose of it is to control all this, Bayou Lafourche and the mouth of the Mississippi River. This whole marsh wetland area here, its main purpose is to control salinity incursions into the marsh and it is an accreting structure. It causes some accretion and building up of marshes right near the structure itself.

The next major structure that you encounter, as you move down river, is the Bohemia Spillway. There has been a lot of conversation about that. This structure is
kind of unique. It was built a little bit before the Bonnet Carre Spillway right before the 1920 floods.

On the west bank of the Mississippi River, it does have all the artificial levee systems intact. That system starts from Cairo, Illinois, and comes all the way down the Mississippi River and includes this, but on the east side of the Bohemia Spillway there is just the natural levee, and it is allowed to over bank.

If it is in flood conditions, as you see in this. You see all the flow coming out of here. It is allowed to over bank and flow directly into American Bay and California Bay.

Also, part of this, you have heard a lot of conversation about Mardi Gras Pass. That is another artificial canal that has been dug through the marsh. That is part of the Bohemia Spillway and it is located right about in this area right here, at the very beginning of it.

I just wanted to point that out to everybody. The two influential structures on the Mississippi Sound, when they are opened, is primarily the Bonnet Carre Spillway because it flows right into Lake Pontchartrain through the Rigolets and into the Mississippi Sound, and, then, the Morganza Spillway has an indirect impact to that when open -- and it is not currently open -- it diverts
Mississippi River water to the west side.

With that being said, I will go right into the update.

You have seen this graph before. The only big take away from this is I wanted to mention some of the historic context where we are right now.

This is the first time in history that the Bonnet Carre has been opened in two consecutive years. It is also the first time in history that it has been opened twice in one year.

The updated information, you will see on the right, this is what was presented last month. This is the current conditions right now. We’ve got about a hundred and forty-eight gates open and there is about a hundred and forty-eight thousand CFS rolling through there.

This graph you have also seen last month. It has been updated. It includes -- this right here is the first opening of the Bonnet Carre right here. It has exceeded, not in CFS, but in duration, the 2011 opening which is this graph, and, then, you will see right here this purple bar is the second opening of the Bonnet Carre.

Next we will talk a little bit about the environmental conditions. As you can see, this is a little bit different than last month in that this is the salinity, but this graph only goes from zero to two.
There is a tremendous amount of freshwater in the Western Mississippi Sound right now. Temperature is starting to warm up. We typically see this time of the year all of our waters in the Mississippi Sound are starting to warm.

This is the Pearl River map. The big takeaway from this is this yellow line represents a line twelve point five feet that all areas are closed under the management criteria. Flood stage is the red line. You can see we are well above that, and the blue line is the state of the Pearl River and, as you can see, it has remained above the management criteria so far the entire month of May.

These are our sample locations -- this is a map we presented last month -- in the Western Mississippi Sound. This is a little bit of the data. This graph has just bled out. There is no tremendous change between this graph and the last month’s graph, other than there is a little more mortality that we are picking up.

We are still out sampling a lot. That has taken a lot of the staff’s time. That is where most of their activity is, not on the traditional analysis of the data which will come once the second opening has closed.

Then, I wanted to provide a little bit of the MODIS satellite imagery. This is from the first opening.
The first opening started on February the 27\textsuperscript{th} and ended on April the 11\textsuperscript{th}.

If you notice, this was somewhere very early towards the opening. You can see the very turbid freshwater is occupying all of Lake Pontchartrain into Lake Borgne and all into the Western Mississippi Sound.

A couple of weeks later, you can see the same engagement of the Bonnet Carre Spillway with all that freshwater, but there is a lot more turbid freshwater in the Mississippi Sound much further to the east than we typically see.

Then, finally, this is an image towards the end of the first opening. Again, you can see the very turbid freshwater occupying most of Lake Pontchartrain and Lake Borgne and into the Western Mississippi Sound as far over as the Gulfport ship channel which is a little unusual for the Bonnet Carre Spillway opening, but we didn’t have those positive environmental conditions, a driving north wind that we had last year when it opened.

This is sort of the satellite imagery from the second opening. Again, it opened on May 9\textsuperscript{th}, this past Thursday. You can see it is still very turbid, a lot of that turbid freshwater in the system and into the Western Mississippi Sound.

This is on May 13\textsuperscript{th}. Very little change.
Conditions have changed very little over the past week since it has been open.

Are there any questions?

COMMISSIONER BOSARGE: Yes.

When you talk about the Morganza and the Bonnet Carre, what is the comparison in the size of the two?

In other words, you said six hundred thousand cubic feet.

What is the Bonnet Carre?

JOE JEWELL: The Bonnet Carre, it can handle just over three hundred thousand CFS. It is about twice the carrying capacity of the Morganza, but its triggering factor is one point five million cubic feet per second, whereas the Bonnet Carre is one point two.

COMMISSIONER DANIELS: Why?

JOE JEWELL: Well, that is established by the Corps of Engineers in partnership with the Federal and State governments. There is an operating procedure that they operate these structures on. It is a manual that the Corps has developed over the years.

COMMISSIONER DANIELS: Yes, but that is the problem. Everybody just says that’s how it is, but why?

JOE JEWELL: I absolutely agree with that. If y’all have noted, Mr. Erik Broussard and myself attended both of the stakeholders meetings for these openings and,
certainly, I questioned them pretty thoroughly at the second opening of why we are handling the structures developed in the nineteen twenties and thirties with current conditions.

It doesn’t make a lot of sense, particularly if you have a business here on the Coast, or for the marine resources here on the Coast, that we operate these structures from the perspective of the nineteen twenties and thirties, and we obviously know the conditions have changed.

We have opened the structure three of the last four years, it has opened twice consecutively, and it has opened twice in one year. So we know the environmental conditions have changed dramatically from the twenties and thirties.

COMMISSIONER DANIELS: The Morganza empties into the Atchafalaya River Basin which is over two thousand square miles of freshwater environment.

I still can’t wrap my head around why are we going to dump this atomic bomb of freshwater -- and, look, I know I’m preaching to the choir here, but I want to get this stuff on record.

JOE JEWELL: Absolutely. I need to give you the response by the Corps of Engineers, and they have to consider all impacts, including all the communities and
economic impacts that will happen in the Morganza Spillway should they open the Morganza Spillway.

COMMISSIONER DANIELS: The people who built in that area, were they not warned prior?

   Do they not get a letter every single year saying that we could open this thing?

   JOE JEWELL: I have no firsthand knowledge of that, but I have been aware of that and I have heard that, that they are provided that information.

   JOE SPRAGGINS: If I may, you know I had a meeting with the Corps of Engineers and David Pittman who is one of the chief engineers with them last week, and all of this is all done because years ago the legislature with the State of Mississippi and our legislators in Washington, D.C., and also in Louisiana, all met and they decided to make the statements, and it wasn't the Corps of Engineers that made it. It was our actual elected officials years ago agreed to this, and they wanted thirty percent to go down the river, the Old River Basin, and the only way to open up the Morganza is one point five.

   Even though the Morganza is first before you get to the Bonnet Carre basically in the flow, they still said that is the way the law is written and they can’t do anything until we change the law.

   Now, getting somebody to change the law is not
going to be easy, especially Louisiana. They are not going to be onboard with us.

I think the biggest thing that we could do in Mississippi is to put together some type of information which Joe and them are helping us and others, and I think we ought to put together information to say what the impact is costing us, what is it doing to us, what is happening in Mississippi, economic impact and impact on our fisheries, impact on anything that we have as far as aquaculture, and, then, let’s go back and try to get our legislators in Washington to fight for us to do something where the Corps has to modify the Bonnet Carre because it needs to be modified and brought up to two 2020 standards, rather than 1936 standards.

COMMISSIONER DANIELS: I agree with you a hundred percent. I mean, this is an issue that for once we can all, commercial, recreational, charter boats, environmental all sit on the same side of the table on it, and there has to be more responsible ways to deal with this.

JOE JEWELL: Director Spraggins and I and some of the other staff have been having these detailed conversations about how do we address that.

One of the interesting things that I was asked by WLOX at the interviews before the meetings, picked up
after the break was about the impacts to Louisiana. Are they as concerned over there in Louisiana with the increasing detriment to the environmental resources as we are over here in Mississippi.

My response was, yes. They absolutely are concerned with all the negative impacts to the environment, but there is just one big difference for me as a marine manager is that those impacts, those negative impacts to their marine resources are offset by the protection of their communities, New Orleans and Baton Rouge and all those down river sites.

There is no benefit for Mississippi from that. We receive the total impact of whatever it may be, by the opening of the Bonnet Carre Spillway and we incur that.

I don't know of any benefit for long-term openings that are occurring, like, over the last two years, those cumulative impacts and what happened this year for Mississippi.

As far as I can see from a marine resource perspective, we are only getting the negative impacts, and the Corps of Engineers and the State of Louisiana's expectation, if those rise to a level of Federal disaster, then, we are offset by applying for those funds, but, as Director Spraggins has pointed out, in 2011 we got the disaster funds and we did all the cultch planting in the
world in the Western Sound. All those benefits were wiped away by the subsequent openings of the Bonnet Carre. So, in fact, there really was no benefit to our communities, and it is an economic detriment to our communities, not just an environmental impact. So there is really no benefit for us, and any short-term benefit of Federal funding is wiped clean when they open it subsequently.

Our perspective is we are going to try to start looking and making response from a cumulative impact perspective from now on.

COMMISSIONER DANIELS: One other question I've got, there was a point that was brought up to me yesterday by one of the mayors of our cities, and he was in a meeting. He told me that he was told there is a committee that meets pertaining to that spillway, and I don't know if this is in Washington, or where this is.

JOE JEWELL: It's the Levee Board.

COMMISSIONER DANIELS: But Mississippi does not have a seat on that committee.

Is that true?

JOE JEWELL: That is correct. The only voice that we have in this process is after the decision has been made and they have the stakeholder meetings. That is absolutely correct, but that is one of the things that
Director Spraggins has identified that we need to reach out as the State of Mississippi and try and expand the potential, or the possibility, that we be involved in these openings and these processes that occur for these structures to be opened.

We have never done that before, and we need to start doing that.

COMMISSIONER DANIELS: I think it is most certainly time that we stand up for ourselves over here because this is --

JOE JEWELL: (Interposing) I absolutely agree.

COMMISSIONER BOSARGE: All right. Thank you, Joe. That was very informative.

JOE JEWELL: Thank you. That concludes Marine Fisheries.

COMMISSIONER BOSARGE: All right. Next on the agenda is other business.

(No response.)

COMMISSIONER BOSARGE: Seeing none, we move on to public comments. I think we actually have two requests for public comment. One is Mr. Gilbert Ramsey.

Please state your name, sir. You have got three minutes.

GILBERT RAMSEY: My name is Gilbert Ramsey.

Is this on (indicating microphone)?
COMMISSIONER BOSARGE: I think so.

JOE JEWELL: No. No. I'm sorry.

GILBERT RAMSEY: My name is Gilbert Ramsey. Originally I put in to speak at the public comment section -- I mean, not the public comment, but the public affairs. I put in a request on that.

COMMISSIONER BOSARGE: I'm sorry. I can't hear you.

GILBERT RAMSEY: Well, I need to introduce it appropriately.

COMMISSIONER BOSARGE: Yes, sir.

GILBERT RAMSEY: I'm coming forward to introduce adaptive sports paraplegic fishing tournament for all our loved ones and caretakers.

We are coming forward for the Heritage Trails Program across the whole state.

For the passport, we are coming forth with this introduction for our community and for our brothers and sisters.

I am honored and humbled to be before you now to recognize what we have before us. It is something I'm very compelled to come to introduce with y'all to implement it appropriately for y'all's outreach assistance.

I have been working on it eight years, since the
BP cleanup started, and I have been invited to the United States Chamber of Commerce Innovation and Stem Program.

I'm not the average person. I haven't been getting much rest because I have been -- my business mind and my passion is overwhelming.

It's just we will come back together more appropriately. I want to help y'all understand. I have worked it out. Y'all helped me stay focused, and I appreciate your concern and your inspiration and your passion.

Thank you very much for your attention.

COMMISSIONER BOSARGE: Thank you, Gilbert. You are definitely passionate about your cause.

Up next will be Mr. Ryan Bradley.

RYAN BRADLEY: Commissioners, it is always good to see y'all, Director Spraggins, counselor Chestnut and Ms. Papania.

COMMISSIONER BOSARGE: State your name.

RYAN BRADLEY: My name is Ryan Bradley. I'm the Director of Mississippi Commercial Fisheries United.

Commissioners, I would just like to enlighten the Commission and the general public on a couple of projects that we are involved with that are helping to conserve and protect our treasured marine resources and habitat here in Mississippi.
First, we are collaborating with Mississippi State University Coastal Research and Extension Center on a way marine debris removal project that is soliciting the help of the local shrimp fishermen.

Specifically, the project is targeting the collection of derelict crab traps, not to get confused with the derelict crab trap that the DMR hosted a couple of months back.

This will engage shrimpers. They commonly interact with derelict traps in their nets. They catch them while they are shrimping.

What we don't want is those shrimpers to throw those traps back in the water. We want them to bring them in and properly dispose of those traps.

So we have worked with MSU and other partners to establish several locations where they can turn in these traps at different harbors, Bayou Caddy Harbor, Pass Christian Harbor, St. Michael Fuel and Ice, and Ocean Springs Harbor.

Only legally licensed Mississippi shrimpers are eligible to participate and they must be preregistered before turning in any traps.

There is currently a five dollar reward for each trap that the fishermen turn in. So they do get a little bit of compensation for participating.
The project officially started January 1st, 2019, and it will run for two years as of right now.

If anybody would like to learn more about that project, they can google MSU Derelict Trap, and one of the first things that pops up will take you to learn more about it and folks can register.

It is a really great project working with the fishing community to help get those traps out of the water. We all know they have the potential to ghost fish and whatnot. Oftentimes the lines are cut, and those are difficult traps to recover.

Also, another component of this project is trash removal where we gave the shrimpers these bags here. It says “Stash Your Trash”.

I know the Commission has been looking at ways to get the public involved in trash removal of marine debris, but the shrimpers actually catch a lot of trash in their trawls as they are dragging.

So we will ask them to collect everything they catch, put it in the bag, and we will collect this bag back from them, give them new bags, and that way we can start to document how much litter and marine debris is out there, and we want to be able to show the public to help raise awareness about this problem.

We will be doing that, and we are also logging
their interactions with marine debris and trying to
document different things.

They catch trees, tires. You would be surprised
what these fishermen encounter. So we are doing some good
work to help clean up the Sound.

It looks like I’m out of time. So I will leave
it there, but I just want to say y’all are doing a great
job. Good to see y’all this month.

Thank you for all your time.

COMMISSIONER BOSARGE: Good deal. I was not
aware about that “Stash Your Trash”, but that is a good
deal.

JOE SPRAGGINS: I wasn't either. Thank you for
doing that.

RYAN BRADLEY: Thank y'all.

COMMISSIONER BOSARGE: I think that concludes
our public comments.

Do we have a motion to adjourn?

COMMISSIONER HAVARD: I’ll make a motion that we
adjourn.

COMMISSIONER GOLLOTT: I’ll second it.

COMMISSIONER BOSARGE: We have a motion and a
second.

All those in favor aye.

(All in favor.)
COMMISSIONER BOSARGE: Opposed like sign.

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

Meeting adjourned.

(Whereupon, at 12:26 o'clock, p.m., the May 21, 2019, meeting of the Commission on Marine Resources was concluded.)
I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above and foregoing is a true and correct transcript of the May 21, 2019, meeting of the Commission on Marine Resources, as taken by me at the time and place heretofore stated in the aforementioned matter in shorthand, with electronic verification, and later reduced to typewritten form to the best of my skill and ability; and, further, that I am not a relative, employee, or agent, of any of the parties thereto, nor financially interested in the cause.

______________________________
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