COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, April 17, 2018
10:00 a.m.
Hancock County Board of Supervisors Boardroom
854 Highway 90, Suite A
Bay St. Louis, Mississippi 39520

Commission Members:

Steve Bosarge, Chairman

Richard Gollott

Mark Havard

Jolynne Trapani

Also Present:

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

COMMISSIONER BOSARGE: Good morning everyone. I would like to welcome everybody to the April meeting of the Commission on Marine Resources.

To start it all out, we will do the Pledge of Allegiance, and I would like to ask Commissioner Havard to lead us in the pledge.

(Whereupon, the Pledge of Allegiance was recited.)

COMMISSIONER BOSARGE: Now, we will have a moment of silence just to kind of reflect on where we are this day and time. You may know somebody that is going through a tough time medically, or having to protect us and make us all well here in this country, and be thankful for what we have. We will have a moment of silence.

(Moment of silence observed.)

COMMISSIONER BOSARGE: Thank you.

Next on the agenda will be approval of the minutes from the March 20th, 2018, meeting.

Do we have any changes to the minutes?

(No response.)

COMMISSIONER BOSARGE: Seeing none, do we have a motion to approve the minutes?

COMMISSIONER GOLLOTT: Mr. Chairman, I make that motion that we approve the minutes.

COMMISSIONER BOSARGE: We have a motion.

Do we have a second?

COMMISSIONER HAVARD: I'll second the motion.

COMMISSIONER BOSARGE: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed?

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

Next on the agenda is the approval of the agenda.

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

(No response.)

COMMISSIONER BOSARGE: Seeing none, do I have a motion to approve the agenda as written?

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

COMMISSIONER BOSARGE: We have a motion.

Do we have a second?

COMMISSIONER TRAPANI: I'll second that motion.

COMMISSIONER BOSARGE: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed?

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

Next is the Executive Director's report, Mr. Joe Spraggins.

JOE SPRAGGINS: Yes, sir. Well, I just have a couple of things today.

I think we have one of the County Commissioners here this morning. Mr. Greg Shaw, I think you are here.

Is that right?

COMMISSIONER BOSARGE: Yes, sir.

JOE SPRAGGINS: I appreciate that.

Are there any other county officials that I did not see?

(No response.)

JOE SPRAGGINS: We appreciate you coming, sir, and thank you a lot. We are proud to have the meeting here in Hancock County.

One of the things I would like to do is to give a little report about our off-bottom oyster aquaculture during this time, and I would like to call up Jason Rider to do that.

JASON RIDER: Thank you, Director.

Good morning Commissioners, Director Spraggins, Ms. Chestnut.

As Director Spraggins said, my name is Jason Rider. I'm going to give an update on the Off-Bottom Oyster Aquaculture Program this morning.

Before we get started, I want to show y'all a map of the area that we are going to discuss today. This is a sixty-acre site that is permitted through the DMR and the Corps of Engineers.

If you look at the yellow area at the top of the map, that is the training area that is going to be referenced, and below that is the commercial area. That is the purple-pink area.

The training area has ten acres, and the commercial area has a total of fifty acres. That is just a good visual to have.

Katrina Key is on the bottom of the map and, of course, Deer Island is to the north.

A brief program overview of what we are doing with the Off-Bottom Oyster Aquaculture Program.

This is a RESTORE Act project that will teach potential and current commercial oyster farmers the basics of off-bottom oyster aquaculture.

This is a free fifteen-hour course that will provide oyster farmers in Mississippi a foundation of knowledge to start their own oyster farming operation.

This program has been approved for two years,

and we plan to train twenty participants per year.

The program consists of two main phases.

The first phase is classroom training, and this teaches all aspects of the oyster farming operation specific to the Mississippi Gulf Coast.

The second main phase is the field training. This focuses on profitability and sustainability of the new industry in Mississippi.

Because this is a RESTORE Act funded project, we do have some registration requirements. We have twenty slots available per year. We are going to hold ten of those slots for commercial fishermen that have held licenses for at least three of the last five years.

You also have to have a valid boat registration, Mississippi driver's license, be eighteen years of age, and be a full-time resident in Hancock, Harrison, or Jackson counties.

We did require that they be present at the required informational session on April 11th, which was last Wednesday.

At that meeting, we had twenty-eight people attend and we believe, at this point, twenty-four are eligible for the class.

We have exceeded our capacity, at this point. We do have to check commercial licenses and make sure

everyone qualifies fully.

Back to the phases of the program.

The first phase is the classroom training. This runs from June of 2018 to August of 2018, and this is the classroom training aspects of it (indicating slide).

We have five classes that start on June 9th. They give basic overviews of off-bottom oyster aquaculture.

In class one, we are going to talk about what you need to know before you start. This is oyster biology and the fundamentals of the life cycle.

The second class will be basics of starting an oyster farm. We will go over site selection, gear type, permitting and business planning.

The third class is operating an oyster farm. We will talk about grading/splitting, inventory control, bio-fouling, and, then, understanding diploids and triploids.

The fourth class will be on farm operations and product safety. Storm prep will be a major concern with this program.

The fifth class, the last class will move beyond the basics of oyster farming. We will talk about environmental stewardship, marketing opportunities, and, then, distribution basics.

These classes start June 9th and will run every

other Saturday until the middle of August. We intend to start around 8:00 a.m. at the Bolton Building, have the classroom aspect in the Commission room, and, then, go into the field and do learning and actual physical work with the sites.

After the classroom training, we have the field training aspect of the course. That is the second phase. This will run from August 2018 until March of 2019.

With this phase, participants will select an oyster-growing technique from information gained in the Oysters Farming Fundamentals Class. They will also receive ten thousand oyster seed and a "run" of training gear to manage until April of 2019.

In this phase, participants will be required to maintain their assigned gear and seed. This includes installation of gear, weekly gear management, grading, splitting, tumbling and site maintenance.

We will check the survival and growth of the oysters, and they will be required to submit a business plan, upon completion of it.

What we are trying to do with this phase is get them in the field and figure out what actually off-bottom oyster farming is, hands-on education.

They will have gear that the DMR loans to them for this time period, from August to March. With oysters

in there, they will see the effects of site bio-fouling and growth patterns of the oysters.

At the end of March, they will be required to meet some certain requirements that we have to proceed to the next phase.

After successful completion of all applicants with the Oyster Farming Fundamentals Class and the field training, participants will be eligible to sublease acreage with the Deer Island Oyster Park.

At this point, lease terms are being negotiated with the Secretary of State's office. We don't have concrete terms yet, but, hopefully, at some point this summer, we will. When those terms are agreed upon, we will bring it to everyone's attention.

That is a basic summary of the class. It is pretty straight forward. We are trying to get people in the field to learn about the opportunities and concerns of the industry.

If anyone has any questions, I will be happy to address them.

COMMISSIONER GOLLOTT: Jason, what is keeping you from going to twenty-four?

You said you've got it set up for twenty.

What would it take to accommodate these other four people that might be interested?

JASON RIDER: It is strictly funding, since it's a RESTORE Act grant. If we can go back to them and possibly look at the scope of work to increase it just four people, that is an opportunity. We do have to run everything through the RESTORE Act and DEQ.

COMMISSIONER GOLLOTT: Why don't you do that?

That would be a good idea.

JASON RIDER: Sure.

COMMISSIONER GOLLOTT: Just in case we do have an extra four, or extra two, we could accommodate them.

JASON RIDER: We will definitely look into that.

COMMISSIONER BOSARGE: We are going to start in June, basically, with the training phase, and, then, when will they go actually out in the field?

JASON RIDER: June 9th is the start of the classroom phase, and we will run every other weekend from June to August. During those weekends, we will go out into the field. In the middle of August, we will transition from the classroom phase to the fieldwork phase, and that's when we turn everything over to these farmers.

COMMISSIONER BOSARGE: How long will this training phase last?

Will they actually grow oysters up to a certain point?

JASON RIDER: The training phase will last until next April. After that point, if they meet all the requirements of the training program, they will be eligible to sublease their own acreage in the commercial zone.

At that point, the farmers would purchase their own gear, purchase their own seed and install their own equipment.

COMMISSIONER BOSARGE: Good. All right. Thank you.

JASON RIDER: Thank you.

COMMISSIONER TRAPANI: I have one question.

During the time that y'all are in the field, what do y'all do with the oysters?

Will we keep them and replant them?

JASON RIDER: There are a couple of different options that the farmers have. If they decide to move forward, they will be distributed out to reefs, or possibly different projects that the DMR is working on.

COMMISSIONER BOSARGE: Thank you, Jason.

Mr. Joe has a couple more comments.

JOE SPRAGGINS: Thank you, Jason.

We will continue to work on that.

I just wanted to let you know that the legislature session is over, at least until we have a new

one, and we may have a special session. Don't know that answer yet, but I just wanted to give the Commission an update and everyone that we came out of it pretty unscathed this year. We did get some increased funding which is the first time in quite a while that we got increased funding in our general appropriation, but that was mainly because last year we had authorized the law enforcement to go up to the same pay scale as Wildlife and Fisheries, and they gave us some money to fund it this time, most of it.

Hopefully, we will be able to take care of our law enforcement and be able to do that, and, then, we are going to work through other ways for doing the same thing.

We got an estimated ten million dollars in Tidelands. We don't know that answer yet, but we will let you know as soon as possible.

That completes my report, sir.

COMMISSIONER BOSARGE: Good news. Thank you.

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

KEITH DAVIS: Good morning Commissioners.

There are a couple of items on the report this month that I would like to talk about a little bit more.

In terms of stops, on the bottom of page three, you will see our total stops. If you remember, shortly

after I got here, I started keeping up with comparisons from the year before.

If you look at that, in 2017, we had twenty-three thousand stops, and, then, at this same time last year, we were only at twenty-one thousand which constitutes to about a six percent reduction in stops over the year.

Move up to total citations written on that same page, and you will see that this year we have written more citations than we did the same time last year which constitutes about a ten percent increase in the number of citations that were issued.

Then, go to page two, if you will, and look at the Fishing Violation Citations category. That is the recreational fishing category. You will notice that in 2017, we wrote a hundred and ninety-four citations, and this year we have written three hundred and nineteen citations. Based on my math, that's a thirty-nine percent increase in recreational fishing citations that have been issued.

The category just above that is Miscellaneous Commercial Seafood Violation Citations. This year we have written forty-two. Last year we wrote forty-seven, which is a ten percent decrease in commercial citations.

The reason I brought that up to you this morning

is you can look at this in several different ways. I like to look at it as people are being compliant in some categories and in some they are not.

Specifically in the recreational side, after the size limit was changed on speckled trout, we have really committed a lot of time to enforcing that fishery. I just wanted to point that out to the Commission this morning.

On page one, crab violations are down thirty-five percent and oyster violations are down five percent, as far as citations.

We did write one citation last month for no freeze date and possession of oysters past the sell date, and that was a pretty bad violation from a seafood market in Biloxi.

Any questions?

COMMISSIONER BOSARGE: I see where we had no non-resident charter fishing license, two.

Is that folks coming from another state, and, then, operating a charter boat?

KEITH DAVIS: Yes, sir.

On my way over here this morning, I saw that and I figured that that would probably be a question. I did not pull the report on that. However, I can get that before the end of the meeting.

COMMISSIONER BOSARGE: That's fine. That was

just one that kind of stuck out in my head. That is kind of unusual. Usually, if you are going to go into a business, you are going to follow the rules.

KEITH DAVIS: Certainly.

COMMISSIONER BOSARGE: Thank you, Chief.

KEITH DAVIS: We will keep an eye on all of that stuff. Thank you.

Next, I guess, is Patrick Levine.

PATRICK LEVINE: Good morning Commissioners, Director Spraggins, Ms. Chestnut.

Today the Office of Marine Patrol is going to be presenting a no wake zone proposal for the East Pascagoula River.

Each of you should have received a packet that contained a resolution from the Jackson County Board of Supervisors, including an amendment that was made later after the original resolution.

You should have also received a copy of the proposed map, along with a narrative by the Office of Marine Patrol.

On November 13, 2017, I received a letter outlining the Jackson County Board of Supervisors passage of a no wake zone on the East Pascagoula River.

In the letter, the Jackson County Board of Supervisors approved a stretch of marine waters located

between the Highway 90 and CSX train bridge.

On December 29th, 2017, Master Sergeant Patrick Carron and Senior Master Sergeant Jeff Payne surveyed the area to establish probable cause for the establishment of a no wake zone.

After that, we started a series of subsequent visits to the property. We did not record every visit, in this narrative, but it was just comprehensive time spent discussing with patrol, with officers working in the area to identify potential hazards in the area.

Let's look at it, kind of step back because the area discussed contained similar components just around it.

Investigation on December 29th, 2017, and the subsequent reviews revealed the following indicators that led to an amendment by the Jackson County Board of Supervisors.

In the original resolution, it included Highway 90 and the CSX train bridge which inside of it there is one public boat launch. Just to the north of it, there is another boat launch, the Scranton Pier, the Scranton Boat Launch. There is Lighthouse Boat Launch. There were numerous access points for public fishing, the use of green space for civic functions. There are a lot of functions that go on down there, the private docks and

shipyard with constant manufacturing, the Highway 90 and the bridges themselves that compose a hazard.

On March 20th, 2018, I spoke with Jackson County Board of Supervisors President Randy Bosarge about the identified hazard in the proposed area. As a result, the Jackson County Board of Supervisors presented an extension to the original proposal, and that is the attached photo that each of you received.

Each of you received a copy of this map. The original proposal would have been between the two train bridges in the pink etched-out line there, the train bridge (indicating map).

After having discussions with the Jackson County Board of Supervisors, the same conditions that they were concerned about inside of the bridges exists just to the south and just to the north of that property. You have another boat launch there on the north, and, then, to the south you have the NOAA dock, the research facility where NOAA is located.

In those discussions, Jackson County Board of Supervisors made the decision to include all of the properties because there was a similar component throughout that stretch of water.

The length of the proposed no wake zone in conjunction with the existing no wake zone, if you notice,

in the pink rectangle there by Clark Seafood to the north, the length of that total no wake zone is five thousand one hundred and sixty feet. The length of the proposed no wake zone for today's purposes is four thousand feet.

On April 4, 2018, Investigator Michael Strickland went out to the property and made several trips back and forth inside of there. Considering the tide, considering the flow of the river, the average time, the best time we had was nine minutes thirty-seven seconds. The longest time that we had was somewhere in that little over eleven minute mark. We had an average time, doing it over and over again, somewhere around ten minutes thirty-seven seconds to go through the no wake zone.

Today, considering the complexity of this no wake zone, we want to do something a little bit different because we are talking about a large body of water. What we are wanting to do, from the Office of Marine Patrol, is try to bring us to where we can all be there as if we were in the boat.

We are going to show a video that is going to start from the south portion of the NOAA property. If you go through this video with me, give me a few minutes and we are going to go through this no wake zone together.

Well, we are not going to go through this video together, but what I want you to do is think through --

even in that photo that you have right there, that's from the south going north. In front, you can see the CSX bridge. Off to the right side of the photo, you can see one of the NOAA research facilities located on the east bank. If you look on the left side of the picture, you see the white and you can see some of the rigging. That's SIGNET. They manufacture vessels there. Going back to the right side of the picture, you can also see a shrimp boat. There is a blue shrimp boat there.

Off in the distance above the CSX bridge, you can see the Highway 90 bridge.

On the right side, you can't see it, but you have Lighthouse Park. On the left side, you have Scranton Boat Launch.

It is a complex situation. Whenever we started having these discussions, the reason it has taken a while, there has been a lot of voice from the public, from stakeholders in this area. NOAA also expressed concerns in the no wake zone that if we would have just done that Highway 90-CSX, a lot of vessels would have been stopping right there in front of their property creating more wake for their facility. There were several discussions that happened.

We are bringing this to you today as a Commission and often the Office of Marine Patrol comes in

and they give a cut-and-dry here is what we recommend to you as a Commission.

Considering the complexity of this particular body of water, what we have done today is we have presented the facts to you, the no wake zone that has been received by the Office of Marine Patrol, and we are asking for a motion for final adoption of regulatory changes in accordance with Title 22 Part 16 Chapter 8.

Do you have any questions, before we proceed?

COMMISSIONER GOLLOTT: Yes, sir. First of all, I'm against no wake zones because if we grant these people a no wake zone, we are going to have them lined up because everybody on every river wants to have a no wake zone in front of their pier, in front of their house.

This is a big area to make a no wake zone and it is awful wide.

Have they had any accidents, or any near accidents, or anything like that?

PATRICK LEVINE: We do have one reported accident in the area. We don't have many reported issues in this particular area, but we do have one major accident.

COMMISSIONER GOLLOTT: Is there any other alternative that the Commission wouldn't have to get involved with these no wake zones?

Like I said, once we approve this one, it is going to be ten next week. We have turned a lot of them down, especially around Biloxi, Tchoutacabouffa area and all.

Do you see any other alternatives that might could happen here, instead of the Commission meetings?

PATRICK LEVINE: Commissioner Gollott, I think one of the best solutions to the problem is to work with Jackson County Sheriff's office to work with the Pascagoula Boat Patrol that they have for there to be increased enforcement effort in that area, if we were not to consider the no wake zone, and what we would look at is increased enforcement efforts to try to relieve some of the issues that stakeholders are dealing with in the area.

COMMISSIONER GOLLOTT: Jackson County could do this themselves, without involving the Commission?

PATRICK LEVINE: Jackson County does have a marine unit, yes, sir.

COMMISSIONER BOSARGE: This no wake zone has been bounced back and forth a long time.

You talked about any accidents. When you were looking at that picture just a minute ago where you showed that CSX railroad bridge, I had a nephew that was involved in an accident where he was -- the bridge, I think it's got about eleven foot of clearance. He was coming down

the river going out south -- that picture was from the south looking north -- where a boat coming in running full steam, a smaller boat knew he could get under the bridge. That's a bottleneck and the tide is falling. He is tackling the tide waiting on the bridge to open. The small boat runs under the bridge, doesn't see him sitting on the other side, runs all the way up on his boat, basically sinks it. Luckily nobody got hurt. They all saw him coming and were able to get off the boat, but that is one accident I know of for sure.

The other point is there are two boat launches right there. Where you show in the picture and you saw the Highway 90 bridge in the background, there is a boat launch right there and there is one right on around the corner.

In other words, if there was ever a need for a no wake zone, I think it's here. We have actually involved the supervisors in it. They all agree.

Personally, I know we all like to go where we want to go at the speed we want to go, but, when it concerns public safety, then, there have to be rules and regulations. In my opinion, this is a prime example of a place that we need to slow down. Too many people are affected by the wake that they throw and they don't think anything about it.

Imagine you trying to put your boat on the trailer and somebody throws a three-foot swell up. Your boat goes up over the trailer.

There are too many people and too many things along there for people to be running at speeds they don't need to be running and pulling wakes they don't need to be pulling.

COMMISSIONER GOLLOTT: Jackson County has the ability to do a no wake zone and enforce their own no wake zone.

Is that correct?

PATRICK LEVINE: If they wanted to create an Ordinance and enforce that Ordinance on the river, they could do that. That's an option that Pascagoula and Jackson County could proceed with.

COMMISSIONER BOSARGE: Who would be responsible for enforcing that?

PATRICK LEVINE: They would be. I don't know that they have the manpower to be over there all the time, but that's an option that Jackson County and Pascagoula could pursue.

COMMISSIONER GOLLOTT: That would keep us out of the fray and all the people in Harrison County and Hancock County wanting a no wake zone in front of their house. It wouldn't open a Pandora's Box for us is the way I look at

it.

PATRICK LEVINE: The Office of Marine Patrol, we agree. You go out there. It is evident that there are numerous hazards in the body of water that we are discussing this morning. However, that same situation exists in many, many places along the Mississippi Gulf Coast.

The Office of Marine Patrol wants to present to the Commission this morning that if we do move forward with this as a Commission, that there probably will be the same scenario presented to us in many different locations.

COMMISSIONER GOLLOTT: I agree.

PATRICK LEVINE: The same hazards exist with the boat launch, the bridge, with the green space. It is definitely something that we realize it's an issue. I know that Chief Davis and the Office of Marine Patrol do everything they can to make sure that our citizens are safe and that we are providing the best public safety possible.

Any other questions?

COMMISSIONER HAVARD: Lieutenant, I couldn't agree more with Commissioner Bosarge. I travel this waterway on a regular basis. There is a lot of different industrial activity that goes on in that whole canal.

Every time you go through there, there are boats

and barges parked in different areas. There are different work boats going back and forth across the canal. You really don't know that waterway every day because it is constantly changing.

I have launched my boat under the Highway 90 bridge. It's a train wreck. It's hard to get it on the trailer. There are big boats throwing off big wakes. There are small boats running wide open. There are a lot of different entryways coming in from the north going south.

The existing no wake zone is not acknowledged in any way. There is no enforcement there from a Sheriff's standpoint, or whoever enforces that area. There is no signage there at all.

If we decide to go this route, I think we should due to just the pure danger of this area. There are plenty of places to run your boat wide open throttle, and it shouldn't be through here just because of all the different industrial activity that is going on through here daily. There are dredge pipes from time to time. There are all types of boats.

If we do that, we need to put up signage telling everybody this area has changed, or has not changed, or whatever, to a no wake zone.

PATRICK LEVINE: Yes, sir, and that's the

responsibility of Jackson County to provide that signage and they are aware of that.

COMMISSIONER HAVARD: I'm willing to make this motion, with the agreement that Jackson County provides proper signage in a timely fashion.

COMMISSIONER TRAPANI: I have a question.

When these cases arise in other counties, what is the usual protocol?

Are we putting it on the DMR to enforce, or are we putting it on the counties to enforce?

PATRICK LEVINE: That's why we are here today because the county is asking us to acknowledge it.

COMMISSIONER TRAPANI: Prior to this, how has that been handled?

Is it the county's problem, or is it DMR?

PATRICK LEVINE: This is the way it has been handled. If it comes to us, then, we also enforce it.

COMMISSIONER TRAPANI: I mean, we do have to look at the other side of it. Safety is important, but we also don't want next month, or three months from now, everybody that has a problem and wants a no wake zone, they are going to come in front of the DMR, and, then, that is going to be a lot on y'all, and the county gets released of its duties of watching these areas, also.

PATRICK LEVINE: The county is not released of

its duties.

COMMISSIONER TRAPANI: Is it a no wake zone, right now?

It sounds like that's what y'all are saying.

PATRICK LEVINE: It is not a no wake zone, right now.

COMMISSIONER TRAPANI: They would be the one to enforce it, if they do it within the county and not have the DMR involved?

COMMISSIONER BOSARGE: I don't mean to interrupt, but, if I'm not mistaken, the Coast Guard can enforce it, DMR can enforce it, city police can enforce it, Sheriff's department can enforce it.

Correct?

PATRICK LEVINE: Yes, sir.

COMMISSIONER GOLLOTT: The county does it, or the DMR does it?

COMMISSIONER TRAPANI: Why aren't we just leaving it in the county, and, then, that is enforced?

That's why I'm confused.

PATRICK LEVINE: We would not be enforcing the city Ordinance from the state level.

We are in Bay St. Louis today. I'm not enforcing City Ordinance in the city of Bay St. Louis.

If we leave it at the city level, that is the

city's issue.

KEITH DAVIS: Let me try to clear this up.

PATRICK LEVINE: Help me out, Chief.

KEITH DAVIS: State statue requires that in State waters DMR is responsible for it.

If a no wake zone is proposed, the no wake zone has to come through the minutes of the county seat, the board of supervisors.

Once we receive that request for DMR to issue the area proposed as a no wake zone, this is the process that we are going through today, and that's where we are.

Now, what he was talking about and I think Commissioner Gollott was mentioning, inside county ordinance they do have the authority to write an ordinance to propose a no wake zone that they would have to patrol.

We, as a state agency, cannot enforce county and city ordinances.

Does that clear it up just a little bit?

COMMISSIONER TRAPANI: Yes.

KEITH DAVIS: Right now, I don't know if Jackson County has a no wake zone in this area.

Commissioner Havard is more familiar with it than I am, but I have traveled those waterways. I have never seen any signage in that particular area. I'm not aware of any county, or city, current no wake zone in this

particular area.

COMMISSIONER BOSARGE: I'm from Jackson County and Commissioner Havard is from Jackson County, and we both see the problem.

In other words, if you live there and you are on that waterway, it would be clear to you that, yes, there needs to be a no wake zone in this area. There are too many chances of too many people getting hurt.

KEITH DAVIS: Yes, sir. We do agree with that assessment, but I have to agree with Commissioner Gollott. These same conditions exist all over the Coast, and there will be a precedent set, by establishing this no wake zone.

I can give you a for instance. I use the D'Iberville boat launch, and similar conditions exist there.

COMMISSIONER BOSARGE: If I'm not mistaken, there is already a law that says that no wake within a hundred feet of a boat launch.

Is that correct?

KEITH DAVIS: That is correct, and that does not require establishment of a no wake zone.

This particular area that we are discussing today does not fall within that law. That's why the board of supervisors have petitioned you to issue a no wake

zone.

COMMISSIONER HAVARD: But due to the complexity of all the industry that is going on in this area, I don't think it is applicable to a lot of the other cases that we are afraid might come before us. There is just too much going on in this area, a lot of industry, like I said. I think it's a matter of time before we have additional accidents.

I would like to make a motion for the final adoption of regulatory changes in accordance with Title 22 Part 16 Chapter 8.

COMMISSIONER GOLLOTT: Let me say one more thing before we vote, please.

I think you have a problem, but I think Jackson County can straighten their problem out and it wouldn't become a problem all the way across the whole Gulf Coast, and that's where I stand. Thank you.

COMMISSIONER BOSARGE: We have a motion.

Do we have a second?

(No response.)

COMMISSIONER BOSARGE: I will second this motion.

Any further discussion?

(No response.)

COMMISSIONER BOSARGE: All those in favor say

aye.

(Commissioner Bosarge, Commissioner Havard in favor.)

COMMISSIONER BOSARGE: Opposed?

(Commissioner Gollott, Commissioner Trapani opposed.)

COMMISSIONER BOSARGE: We have a tie vote.

With a tie vote, if I'm not mistaken, I believe the motion dies.

Correct?

SANDY CHESTNUT: That's correct.

COMMISSIONER BOSARGE: Thank you.

PATRICK LEVINE: Thank you, Commissioners.

COMMISSIONER BOSARGE: We move on to Office of Coastal Resources Management, Mr. Jan Boyd.

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

We have one action item for your consideration this morning.

Before we get to that, Willa Brantley is going to give you a report on some permitting actions and talk about the new General Permit guidelines that the Corps is putting out.

COMMISSIONER BOSARGE: Thank you.

WILLA BRANTLEY: Good morning Commissioners,

Director Spraggins, Ms. Chestnut.

Our numbers really quick for March. We balanced out. We had sixty-seven actions come into the office. We issued, or closed, sixty-seven actions.

I just wanted to add in another number. Last week when I ran these numbers, we had approximately a hundred and fifty applications, or violations, or actions of some type, in process that the permitters were working on. That is, right now, five permitters working on that many. We are hoping to do interviews for a sixth soon, but that just kind of gives you an idea of what we are looking at, as far as numbers.

Our General Permits, you hear us talking about them a lot. It is a set of guidelines that the Corps issues. They cover minor impacts that are common, piers, bulkheads, minor dredging and things like that.

Written into those permits is that DMR staff verifies the impacts under those General Permits on behalf of the Corps so that people doing these minor activities don't have to get a permit from DMR and from the Corps. It makes things run a lot smoother, a lot quicker.

Unfortunately, for the past five years and going forward, they do not apply within the Mississippi Sound, but they apply in all the rivers, bayous, inlets, everywhere else.

We don't know when the Corps is going to issue those. That's why I have all those question marks on the effective date. They had hoped to get them out by the time the others expired last Thursday, but they weren't able to do that. Right now, we are in kind of a limbo state. All those things that qualify for General Permits coming in, we can't really do anything with those, right now.

I just wanted to give you a real quick overview of the changes.

Shoreline stabilization covers bulkheads, riprap, things like that. Used to be a thousand linear feet for residential projects and fifteen hundred for commercial, and replacement bulkheads were limited to the exact same footprint along public trust tidelands, meaning state-owned waterbottoms.

The new version is limiting the bulkhead to five hundred feet for all properties. The reason for that is that the Corps has issued what is called a nationwide permit.

The General Permits are regional. They cover the Mobile District only. The nationwide permits, as in their name, covers a whole nation. Those permits, they dropped down to five hundred feet on the limit for those last year when they issued those, and the regional permits

cannot allow for more than the nationwide permits, so the general permit had to drop down to five hundred feet as well.

In the new cycle, we will be able to issue replacement bulkheads to be replaced no more than twenty-four inches waterward of structures, even if that is state-owned property.

COMMISSIONER BOSARGE: Just for clarification for me and maybe everybody else, now, if you did a general permit and to fall within the guidelines, if it was a commercial permit and they asked for more than five hundred foot of bulkhead, then, that would be a permit you would have to bring to us?

WILLA BRANTLEY: We wouldn't necessarily have to bring it to the Commission. We have the option of issuing it under a Certificate of Waiver, if we feel like it is something that there is enough of a precedent set that it's not a new type of impact which we have issued bulkheads larger than that for commercial before, so it wouldn't be precedent setting, depending on the length.

If we determine that it's minor in nature and not likely to have major environmental impacts, we can issue a Certificate of Waiver, without coming to the Commission.

COMMISSIONER BOSARGE: All right.

WILLA BRANTLEY: If it was longer than one we

had ever issued -- if they came in with three thousand feet, we have never issued one. I don't know what is our limit, but, if it was going to be the longest bulkhead we had ever authorized, we would bring it to the Commission to get your opinion.

COMMISSIONER BOSARGE: Thank you.

WILLA BRANTLEY: The second one is for docks, piers, bulkheads and boat shelters. The ones we use most often are the bulkheads and the piers.

The last five years we have had a thousand square foot limit. It is going up to two thousand square feet which is within what the Commission has approved on a regular basis and is within the precedent that is set.

We have also had no enclosed areas allowed, and, now, we are going to allow enclosed storage areas up to one hundred square feet. That is measured by the floor surface. They decided to do square feet instead of cubic feet.

We have had a limit of three residential boat berths. That is going up to a limit of five boat berths. It removed "residential". So it allows for some authorization of commercial boat berths.

It had a limit of three hundred feet from mean high tide. That limit is going up to a thousand. Access piers over SAV, submerged aquatic vegetation, and marsh

were limited to five feet in width. That limit is increasing to six feet in width.

We have had a ten-foot setback from adjacent property lines required, unless approved by the adjacent property owner, and that requirement is being removed.

I think both DMR and the Corps are looking at our legal authorities, and we are not seeing very much in there that allows us to have a say in that ten-foot setback. We are kind of backing off of it and letting that become a property owner issue.

Those two have the most significant changes.

COMMISSIONER BOSARGE: I'm just trying to get it straight in my head.

WILLA BRANTLEY: That's fine.

COMMISSIONER BOSARGE: If I understand correctly, before you could only go out three hundred feet with a pier, when you say limit of three hundred foot length from mean high tide?

WILLA BRANTLEY: All structures had to be within three hundred feet from mean high tide, but we have a significant portion of property where marshes are more than three hundred feet, so those people had to build structures that were more than three hundred feet. The Corps has recognized that.

Honestly, the people who are here working for

DMR, now, and the Corps, these are some that have been in place since we started our careers here, and we don't really know where they came from. The Corps started looking at what is our legal justification for having these limits, and they are not really finding any. That's why some of these things are going away.

COMMISSIONER BOSARGE: I got you.

WILLA BRANTLEY: We did have a general permit for living shorelines. That is being dropped. It is not going to be authorized. The reason for that is because the Corps now has a nationwide permit for living shorelines. They really want all the districts to go with that nationwide permit rather than regional permits that had variances to them. They want everybody to go with the same living shoreline living permit.

Dredging to create new boat slips, the only change is we went from three residential boat berths to five boat berths.

There has been no change on boat ramps. That will be the same as we have been handling.

COMMISSIONER BOSARGE: I have a question.

When you talk about they took residential boat berths three to five, now, you could have up to five berths at a residence and they could be commercial.

Is that what I'm seeing in this?

WILLA BRANTLEY: Yes, but, again, we would fall back on our use districts, so it would have to be within a commercial, or industrial, use district for that to be able to take place.

If they are in a General Use District, they still couldn't just bring in a bunch of commercial boats.

WILLA BRANTLEY: Maintenance dredging. It has always allowed for removal of species that were invasive, or exotic, but that meant they had to be on the Federal Noxious Plant List and there aren't very many. There are lots of invasive species around here that aren't on that federal list, so we would have to kick those up to the Corps to get those removed.

The new version takes that into account and allows for removal of noxious invasive, or exotic, vegetation as determined, or verified, by staff, and we have our invasive species staff in the same office. They can easily look at that vegetation and determine if it fits one of those categories, and we can allow people to dredge those areas, but it only applies in manmade water bodies; Shoreline Park, Jordan River Shores, places like that that have a lot of manmade canals.

New channel dredging. The same change for the noxious species.

The last two for fill and previously dredged

areas and debris removal have not changed. The fill and previously dredged areas are, like, old boat slips, old boat ramps that people want to fill in, and debris removal is just removing old piers, or potentially trash that has gotten added to areas.

Do you have any other questions?

COMMISSIONER GOLLOTT: What do you need for this Willa?

Do we have to approve this?

WILLA BRANTLEY: You don't have to approve this. This is just for your information.

COMMISSIONER GOLLOTT: Okay.

WILLA BRANTLEY: The next one that Greg has is the one that needs action.

COMMISSIONER TRAPANI: I actually have just maybe a comment. It sounds like y'all have cleaned up a lot of stuff and it might flow better.

For people, just the general public, how are y'all getting this information out?

I think that could be a problem. They won't know, and, then, they are going to come to us and say, we didn't know. We did it like this and we did it like that.

WILLA BRANTLEY: Well, one thing that is good about it is they are more lenient, most of them are more lenient. I think the only one that got more restrictive

is the bulkhead.

We talked about doing a press release possibly. We are waiting to find out when these new ones get issued. We don't want to do a press release before they go into effect because they could change.

Five years ago when we had significant changes, we had a workshop for marine contractors and consultants, and we talked about doing that again, once we get them finalized.

We haven't moved forward with any plans because we don't know when they are going to get approved.

COMMISSIONER TRAPANI: I would like to see y'all do that because I think that is going to really solve problems in the future with people that didn't realize. That takes it off the DMR. If y'all could do that, I think that's a good idea.

WILLA BRANTLEY: Right.

Another thing I wanted to point out, we have some money to get a new -- it's not really a database. It's more of a workflow management system so that all of our permitters will be going electronic. All of our applications could come in electronically and they would do all of their work electronically on tablets in the field.

That request for proposals is set to go out in

three weeks. It's a tentative date. We are hoping to be able to sit down with a vendor and start working on that system in August, and, then, hopefully have that new system in place by the end of the year. That should help speed up our turnaround times significantly.

COMMISSIONER BOSARGE: Save a few trees.

WILLA BRANTLEY: Thank you.

GREG CHRISTODOULOU: Good morning everyone. I'm Greg Christodoulou.

I'm going to be presenting a request for a permit by the agency for the Katrina Key expansion. This is by the Artificial Reef Bureau. It is located just south of Deer Island in the General Use District.

The Artificial Reef Bureau is proposing to extend the Katrina Key Artificial Reef from its current length of about a half mile to four-and-a-half miles in length, and that will provide additional near-shore habitat for marine fish and invertebrates.

The project would result in the filling of approximately eleven point six acres of unvegetated state-owned waterbottoms with clean concrete rubble.

Here is a map, and you can see that Katrina Key is identified on the aerial image, and I went ahead and marked in the corners so you could kind of see where it will go to. It pretty much extends all the way to the

east tip of the island, and almost the full length of Deer Island, except for about the very last couple of hundred yards, or so, of the west end.

COMMISSIONER GOLLOTT: Greg, can I ask you a question?

GREG CHRISTODOULOU: Sure.

COMMISSIONER GOLLOTT: It's my understanding that the reason they stopped going west is because the bottom got so soft that the concrete was just sinking out of sight.

Have you checked the bottom to see if it will hold this concrete?

GREG CHRISTODOULOU: I believe that the Artificial Reef Bureau did all of that work ahead of time.

Here is another image with the navigation chart on there, again, showing the current location of some of the rubble piles and, also, the corner coordinates, and a cross section.

COMMISSIONER HAVARD: Greg, that cross section represents there is going to be a portion of it that is out of the water?

GREG CHRISTODOULOU: Yes, and I will get to that in a minute. It will extend a maximum of about three to four feet.

COMMISSIONER HAVARD: About the same that it is,

now?

GREG CHRISTODOULOU: Correct.

COMMISSIONER GOLLOTT: One of the things, when we were putting Katrina Key there, is we were wanting to put a hook on the east end of it to turn in towards the island to block that southeast wind and water from washing the island and to make it a lot better fishing on that north side, when the wind was blowing out of the southeast.

Have y'all even looked at putting a hook in that thing?

GREG CHRISTODOULOU: That's them. We are just doing the permitting.

COMMISSIONER GOLLOTT: Okay.

GREG CHRISTODOULOU: The decision factors. The addition of the concrete material will create valuable near-shore habitat and support and sustain healthy populations of marine fish and invertebrates.

The activity is allowable in the General Use District.

There is a variance request required for this, and that's from Chapter 8, Section 2, Part III.O.1 that states:

"Permanent filling of coastal wetlands because of potential adverse and cumulative environmental impacts

is discouraged."

The justification for the variance also comes from Chapter 8, Section 2, Part I.E.2.b.i:

"The impacts would be no worse than if the guidelines were followed."

Right now you have a pretty barren unvegetated bottom, nothing out there, and this will be replaced with clean concrete rubble that will add some habitat complexity and provide habit for marine organisms.

We already have many artificial reefs within the Mississippi Sound that have been permitted, and no precedent setting effects are anticipated with this project.

Installation of concrete rubble would create a minimal amount of turbidity and minimal loss of benthic marine organisms. However, this concrete rubble would support and provide habitat for these fish and invertebrates, and, then, you also have secondary impacts associated with artificial reefs which, in this case, you will have attachment sites for algae and invertebrates and you will also get some shoreline protection on that south side of Deer Island which is, for the most part, a Coastal Preserve.

You could see increased fuel discharges and litter because of the amount of traffic that will be added

to the area from increased fishing activity.

The project will be pretty much the same alignment as it currently is. There will be offsets and they will be staggered. Water flow will be able to continue to flow and you will be able to probably get some small vessels through there in spots, but it will have to be marked appropriately as per Coast Guard Regulations.

They didn't consider any additional sites because this is just an expansion of the current artificial reef site.

Artificial reefs do require a waterfront location.

The project is located about a mile south of Deer Island and the maximum height of the structure, like we said, will be about three to four feet above the mean high water mark.

The project could affect the scenic qualities. However, visitors to the area will be fishermen, commercial and recreational, or folks who are just passing through the area.

The project was placed on public notice in the Sun Herald and on the MDMR website. We received no public comments.

DEQ is reviewing the project.

Archives and History has no objections.

There were no comments from the Secretary of State's office.

We had no comments from Wildlife, Fisheries and Parks.

The staff's recommendation is that the project would create additional near-shore habitat for invertebrates and fish that are of recreational and commercial importance, as well as the secondary impacts that we discussed.

Staff recommends approval of the variance request and permit, contingent on DEQ water quality certification.

COMMISSIONER GOLLOTT: Greg, do you have a picture of exactly what we are permitting here, the areas that don't have anything in them that we are fixing to permit?

GREG CHRISTODOULOU: I'm going to try to go back to that area that has the navigation chart. It should be that one right there.

COMMISSIONER GOLLOTT: Is there concrete rubble on both ends of those things already?

Is that what that depicts?

GREG CHRISTODOULOU: Right now, I think, the only rubble is right where Will's arrow is, the existing Katrina Key area. There is nothing else shown in that

alignment (indicating aerial view).

JOE SPRAGGINS: Commissioner, I think what it is, if you will look to the east, there are a few hundred feet that go back to the east a little bit toward the tip of the island, and, then, the other goes to the west.

One of things, too, about the hook that you were talking about, I think one of the programs that we are looking at right now -- and tell me if I'm wrong. George, are you in here? -- we are trying to use beneficial use to put in the end of that island to rebuild some of it.

Is that correct?

GEORGE RAMSEUR: Material of some sort.

JOE SPRAGGINS: To be able to help rebuild some of that end of that island on the east end, that's another thing that we're looking at, and I think that's what you are talking about.

JOE JEWELL: Director Spraggins is correct, Commissioner Gollott. This is just the permitted area. The plans for the future are to try and extend Katrina Key Reef both east and west.

The reason we're not putting a hook in it is because, like Director Spraggins said, there are plans in the future to restore east Deer Island. When that happens, then, our plans will extend the permit area and extend the reef around east Deer Island.

COMMISSIONER GOLLOTT: Mr. Chairman, I would like to make a motion that we approve this permit.

COMMISSIONER BOSARGE: We have a motion.

Do we have any further discussion?

(No response.)

COMMISSIONER BOSARGE: Do we have a second?

COMMISSIONER TRAPANI: I'll second that.

COMMISSIONER BOSARGE: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed?

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

Thank you, Greg.

GREG CHRISTODOULOU: Thank you.

COMMISSIONER BOSARGE: At this point, I have to back up just a minute. I used the agenda that was mailed to me, and I didn't realize there was a difference between that one and this one.

Executive Director Spraggins asked that we put a Commissioner's report in, and it was E right after D. It wasn't on my first agenda, but I've got it, now.

I would like to back up just a minute and, basically, if any of the Commissioners have anything they

want to say, want to talk about, it's an opportunity for us to maybe voice an opinion.

If it's okay, I will start it out. I'm old fashioned. I read the paper, or, at least, I try to most mornings before work, and I saw in the paper where we sponsored the Science Fair. That made me feel good to be just a small part of this organization. My koodoos go out to whoever was in charge of that and made that decision. That's a good thing, stimulate these young minds. Thank you.

JOE SPRAGGINS: That was agency wide.

COMMISSIONER BOSARGE: Agency wide, good.

COMMISSIONER HAVARD: I would like to commend the department on all of the work that they have done on the Tails n' Scales app. From my understanding, Mississippi is setting the bar for the other states to work towards our app. It's a good app. NOAA says it's good. They say it's the best thing that any of the gulf states have out there. I would like to commend the staff that has been working on that over the past several years.

The second thing is the recreational world is extremely excited about the EFP that our state has submitted and has had approved for Red Snapper. It is the most days that we have ever had that I'm aware of. I'm sure there might have been some longer times, but it is

the longest one I have ever experienced, and the recreational world is extremely happy about that. I appreciate all the hard work on the EFP.

COMMISSIONER BOSARGE: Anybody else?

COMMISSIONER GOLLOTT: I have a question.

I was reading in the paper like you that maybe it's Louisiana, or Alabama, that is doing seventy-seven days on the Red Snapper this year?

COMMISSIONER BOSARGE: I think Alabama is doing forty-seven days.

COMMISSIONER GOLLOTT: What are we going to do?

COMMISSIONER BOSARGE: We have a hundred and two, and we kind of touched on that a little bit at the last meeting.

Their forty-seven is Friday, Saturday and Sunday; basically weekends only. Our hundred and two will be every day. In a way it kind of works out about the same, as far as the time frames go.

JOE JEWELL: That's correct, and also you have to keep in mind not only do they have much larger reefs available, but they have a lot more fishermen that are in their program versus Mississippi.

COMMISSIONER GOLLOTT: That's fine. Thank you.

COMMISSIONER BOSARGE: I appreciate y'all bearing with me. Maybe next time I will get the right

agenda and we will continue on in the right order.

Up next will be Office of Finance and Administration, Ms. Kacey Williams.

KACEY WILLIAMS: Good morning Commissioners, Director Spraggins, Ms. Chestnut.

These are the financial results as of March 31st, 2018.

At the end of March, our State Revenue was five point two million. Our Total Agency Revenue was seventeen point eight million.

Our State Net Income was negative six hundred and six thousand. Our Total Agency Net Income was three point two million.

After nine months of fiscal year 2018, we have sixty-nine point three percent of our Operating Budget remaining, and seventy-six point nine percent of our Tidelands Budget remaining.

Any questions?

COMMISSIONER BOSARGE: I guess our loss would be from waiting on money to come in?

KACEY WILLIAMS: Yes, sir. We have spent eight hundred and ninety-six thousand for non reimbursed appropriations money. Our current net loss is six hundred thousand. We have spent even more than that in the appropriations. They don't ever give us our

appropriations until after the year ends.

This year our appropriations is nine hundred and two thousand dollars. We will spend all of that, before they reimburse it.

That has been the main contributing factor to the net loss in that category, and there are a couple of other things. We are waiting on some receivables from MRIP and trip ticket program and JEA, and, then, our licensing sales which contributes to the revenue on this section doesn't start picking up until April through June. That's our big license sales season.

COMMISSIONER BOSARGE: Any other questions?

(No response.)

COMMISSIONER BOSARGE: We're good.

Thank you, Kacey.

KACEY WILLIAMS: Thank you.

COMMISSIONER BOSARGE: I know we are going to be a little while. Let's take a break. We will come back in about ten minutes and finish.

MEETING STANDS IN RECESS

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

Now, we will start with Ms. Melissa, Public Affairs.

MELISSA SCALLAN: Good morning Commissioners,

Director Spraggins, Ms. Chestnut.

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

Some of the items that were included were Director Spraggins being confirmed and an article that told what days people could fish legally without a license. That got a lot of attention.

Since the last CMR meeting, Marine Patrol has taught four boat-and-water safety classes and certified a hundred and thirty-one students. So far in fiscal year 18, officers have taught sixteen classes and certified two hundred and sixteen students. A couple of those were at schools. That's why they have so many students.

Officers also participated in several community outreach events, including Touch A Truck in Long Beach, the Boy Scout Centennial in Gulfport, Safety Day at Lizana Elementary and Career Day at Biloxi High School.

Last Saturday we had the twenty-eighth annual Celebrate the Gulf Marine Education Festival. We had employees from Seafood Technology, Shellfish Bureau, Marine Patrol and Public Affairs that participated.

Jessica Rankin is the chairman and she did a great job, and Avery Sward at the NERR and Dennis McGrury. We sweated that one out because we thought the weather was

going to be bad, but it went really well. We had a lot of people there. Marine Patrol helped us out with that a lot, too, and answered quite a few questions for us.

Me and my team attended the Public Affairs state conference last week in Starkville, and we received four awards; one for the Seafood Cookoff, one for the Annual Report, one for the Program for the Shellfish Conference and the Mississippi Seafood Cookbook.

COMMISSIONER BOSARGE: That's good.

MELISSA SCALLAN: We were glad about that.

COMMISSIONER BOSARGE: Yes, I would say that.

MELISSA SCALLAN: Any questions?

COMMISSIONER BOSARGE: Where was this held?

MELISSA SCALLAN: It was in Starkville. It's the Public Relations Association of Mississippi.

COMMISSIONER BOSARGE: That's great. That's an honor. Good deal.

MELISSA SCALLAN: We were excited.

COMMISSIONER BOSARGE: Any other questions?

(No response.)

COMMISSIONER BOSARGE: Thank you, Melissa.

MELISSA SCALLAN: Thank you.

COMMISSIONER BOSARGE: We move on to Office of Marine Fisheries, Mr. Joe Jewell.

JOE JEWELL: Good morning Commissioners.

I'm going to give a quick update on the dredge exchange program.

I want to talk about the public notice that was given describing the program. The first public notice went out on February the 14th, and, then, the second program update went out on April the 5th. Corresponding updates were posted on our web page.

The first update was notification of the program, and the second update was the notice of the end date for the registration of applicants.

These are the dredge exchange program eligibility requirements. There has been some discussion about that, but they have to be a Mississippi resident. Applicants must possess a Mississippi valid resident commercial license during the 2012 license season and one of the three historical license dates preceding 2011 which was the opening of the Bonnet Carre Disaster Grant.

This project is funded with the funds from that disaster grant, and they must have been eligible during that time to be eligible for an exchange of a dredge during this program.

Applicants must have a resident Mississippi Oyster Dredge License in the qualifying years. Only one bag dredge will be exchanged per oyster dredging license that qualifies for the Bonnet Carre Grant Funds, and a

current Mississippi Commercial Oyster Dredge License is required for the program.

These are the program guidelines that were established by the DMR Office of Marine Fisheries.

Eligible applicants shall bring their dredge and license, along with valid form of current identification, to our offices.

Inspections and evaluations will be conducted Monday through Friday 8:00 to 5:00, our working hours, excluding holidays.

Once the validation process is complete, an MDMR staff member will inspect the dredge to be exchanged.

All eligible participants that bring a dredge for inspection will be documented with a basket dredge.

The participants shall surrender the basket dredge to the DMR staff, at which time they are presented with an eligibility participant with a code with a certificate for a new bag dredge to be redeemed at Balius Welding.

By the way, Balius Welding is the one that won the contract.

This is the exchange program outline. The time for eligibility period is January the 1st through June the 1st. There are really two time lines we are dealing with.

The time for the contractor is January the 18th

through January of 2019, and that is to ensure that he has enough time to build all the dredges that we anticipate for the program.

The contract was up to a hundred and thirty thousand dollars. It is for approximately a hundred dredges. That equates to about thirteen hundred dollars per dredge, and the dredge has to meet all the specifications in Title 22 Part 1.

I think y'all are pretty familiar with those. I won't read them all, but the additional specifications that we added to the contract:

It has to be a completed dredge. By that, we mean it has to be galvanized, and it has to include both the rope bag and the chain bag.

To date, thirty-eight fishermen have been found to be eligible. Twenty-eight of these have actually received their dredge and ten are pending.

Any questions?

COMMISSIONER BOSARGE: I have one.

When you say ten are pending, you've got ten people that have applied, or you just know that there are ten more out there?

JOE JEWELL: Well, there are thirty-eight total fishermen that have been presented a certificate. They have surrendered the certificate to Balius Welding. Of

those thirty-eight, thirty of them actually have their dredge and ten of them are waiting on the dredge to be completed.

COMMISSIONER BOSARGE: Okay. I see.

JOE JEWELL: We have had no new participants in the last week, or so, to the program.

COMMISSIONER TRAPANI: How long is it taking them to get their dredge back to them, once they bring them the certificate?

Do you know?

JOE JEWELL: It is taking on average about a couple of weeks. Some of them got them a little bit earlier. Some of them got them a little bit later. It depends on when they bring the card and other things that are going on at Balius Welding.

COMMISSIONER TRAPANI: Can we go back a screen just to clarify, if we have a question on these deadlines?

JOE JEWELL: Sure.

COMMISSIONER TRAPANI: For a participant, their deadline to come to y'all would be June 1st.

Is that correct?

JOE JEWELL: June 1st.

COMMISSIONER TRAPANI: Okay.

JOE JEWELL: There are two deadlines that have caused some confusion. I know Ms. Vu had asked that

question at the previous Commission meeting.

There is the timeline for the applicants, for them to bring in their dredge and it to be reviewed and approved and they will get that certificate, and that ends June 1st.

Then, the timeline for the contractor is a little bit longer because he actually has to build them. He's got his regular business and, when we started this, we didn't know how long it would take him to build the dredge. We gave him a little bit more time, but he has assured us that anyone that submits a certificate to him will have a dredge before the start of the new oyster season this fall.

Any other questions?

JOE SPRAGGINS: That is June 1st, and the reason for that was so we could get the dredges to the people in time. There was really not a deadline, but that worked out better by doing this. That's why they asked for that.

COMMISSIONER BOSARGE: All right.

JOE JEWELL: Next I will give the Commission hopefully the final update for the Bonnet Carre Spillway opening.

JOE SPRAGGINS: Hopefully, if they don't open them again.

JOE JEWELL: I'm going to go through this pretty

quickly because the first few slides the Commission has seen before.

This just gives the comparison between the 2016 and 2018 openings. All the data is finalized. The only really new update you see is the total opening days both for 2016 and 2018 was twenty-three days.

The maximum gates opened for 2016 was two hundred and ten. For 2018, a hundred and eighty-three gates were opened.

The maximum discharge cubic feet per second was two hundred and three in 2016, and the maximum for 2018 was a hundred and ninety-six.

This is the graph that shows both of those parameters on one chart. It shows you the gates open, the amount of water increased. It started on March the 8th, and the gates were finally closed on March the 30th, twenty-three days.

This is a comparison of the last four years. Again, this is a slide that has just been updated. The key thing to note is the very last opening, 2018, of twenty-three days, a hundred and eighty-three bays and a hundred and ninety-six thousand cubic feet per second which put it as the second smallest opening.

Here are some USGS gauges that are in that area of St. Joe. If you will notice, right around early March

when the spillway opened, you will see both temperature and salinity starting to drop. Towards the end of the opening, they rebounded and went back to what we consider normal levels.

This is something that the Commission considered prior to the opening of the spillway. As you can see, the Pearl River was above the management criteria for both areas, inshore and offshore areas, and it was also above the flood stage.

You can notice, with the most recent rainfall over this weekend, the Pearl River is again above flood stage.

These are the sample stations that were established in the Western Sound prior to the opening of the spillway. You will see they have our Data Sondes which are the triangles. The ones that I'm going to go over in the slide are the ones at Bayou Heron, St. Joe and Pass Marianne.

We also had finfish stations, hydrology stations and our oyster monitoring stations that we measured during this event.

This is some of the data that came off of our Data Sondes. I selected those three sites.

This is the one at Heron Bay. As you can see, the water temperature remained relatively normal. It is

starting to warm this time of the year. It had very low impact for all three of these areas. There was a lot of mixing going on, at that time. You can see our DO remained relatively stable. It didn't drop below levels that would cause mortality for the organisms in that area, and, then, you can see for most of the duration during this time salinity went way down because of that fresh water pulse into the Mississippi Sound, but, then, it recovered quickly.

Again, you can see something very similar at the St. Joe Light, except for the pulses for salinity. I believe that is simply the tidal ranges coming in daily providing increased salinity.

Then, again, at the final site, Pass Marianne, we had very similar conditions, with the exception of the salinity. Because it is further east, you saw a lot more fluctuation with the tidal ranges during that time.

With this one, you also see DO. There was some spiking during that, but overall most of the physical parameters for the area remained at levels that were sustainable for the marine life over there.

This gives you some indication, from our sample sets that occurred during that time period, of mortality. If you look very carefully, we measured these at six different sites, and there was very low mortality that was

recorded for any of the sites in that area.

I know the Commission was very concerned about that, but all our data so far indicates that the Bonnet Carre opening had very little impact on marine life, particularly the oyster resources in the Western Sound.

This is our satellite imagery. This is towards the very end of the event. If you look in Lake Pontchartrain, there is still a lot of turbidity, after flow from when the spillway was opened, and, then, it begins to clear in the Breton Sound and Chandelier Sound towards the end of the closure.

Are there any questions?

COMMISSIONER TRAPANI: I just have a comment. I'm glad it is closed and it looks like hopefully -- we are crossing our fingers -- that we are going to be okay.

JOE JEWELL: Today all of our data indicates that we dodged the bullet and that things are going to be stable over in that area.

If there are no more questions, we are going to move on to our next --

JOE SPRAGGINS: (Interposing) Joe, I would like to make a real quick comment.

JOE JEWELL: Sure.

JOE SPRAGGINS: Commissioners, that staff put a lot of work into this and they did a whole lot of hard

work every day trying to make sure and trying to make an adjustment and say, do we or do we not, do we or do we not, do we or do we not move those oysters.

Thank y'all. Than you, Joe and your staff.

JOE JEWELL: I appreciate that comment. It was a tough choice. I know the Commission stayed very engaged in that process. We gave as many updates as we could so that y'all could stay informed. If there was a potential for a relay program, or something that could occur, y'all were ready to act.

I particularly put that slide for the Pearl River because I know the Commission did want to take some sort of action, but y'all's hands were really tied because it was above flood stage.

COMMISSIONER BOSARGE: Joe, before you go any further, we have had a request for public comment from Mr. George Storrs.

George, you didn't actually put an agenda item that you wanted to speak on.

GEORGE STORRS: Well, it was a topic that I think Mr. Gollott is going to bring up. I didn't know if he was going to bring it up, or not.

COMMISSIONER BOSARGE: George?

GEORGE STORRS: Yes, sir.

COMMISSIONER BOSARGE: If you are going to make

your public comment, you need to come to the mike.

JOE JEWELL: Let me ask you this, George.

Is it an agenda item that you wanted to comment on?

GEORGE STORRS: It is, but I didn't know it was because I didn't have the second page and I didn't flip the other one over. It is going to be covered, I'm sure. Thank you for asking.

COMMISSIONER BOSARGE: Thank you.

Ms. Thao Vu.

JOE JEWELL: She said she wants to comment on K2 and K3, and will wait until those presentations.

COMMISSIONER BOSARGE: All right.

JOE JEWELL: Are there any additional questions?

(No response.)

JOE JEWELL: With no other questions, we are going to move on to K2 which is the Mississippi Bonnet Carre Fisheries Disaster Recovery Program, the oyster relay. Mr. Erik Broussard will give that presentation.

COMMISSIONER BOSARGE: Thank you.

ERIK BROUSSARD: Good morning Commissioners, Director Spraggins, Ms. Chestnut.

I have a follow-up presentation this morning from the February Commission meeting on a possible work program. I will pick up where we left off.

Job Title I.5 from the Bonnet Carre Disaster Grant Commercial Oyster Reef Cultivation and Relay Program.

That job had two point one million dollars to start with. We spent about one point one million dollars, in 2016, on the St. Joe relay which leaves about forty-eight percent, or a million dollars. That is going to be one of our limiting factors. When we talk about this work program, the limiting factors are going to be our budget and the resource.

We will talk about the resource. This is the 2017 Pascagoula Causeway Reef Assessment. That particular reef has two hundred and thirty-three acres. You can see in the top left corner the previous three reef assessments. With the trend line, you can see a downward trend (indicating graph).

That reef is down sixty percent from its previous reef assessment. It is currently at seven point eight oysters per square meter which would still be considered in the healthy category.

The reason for this is 2017 was the wettest year on record and, with that inundation of fresh water for prolonged periods, we had some significant mortality.

Being that this reef is still considered healthy, we believe that it will have some resilience and

bounce back fairly fast because of the volume of material that is available for spat.

Here is the 2017 West Pascagoula Reef Assessment. That reef is a hundred and eight acres. Again, the top left corner is going to be your previous two reef assessments. This reef is down fifty-seven percent, with six point three market size oysters per square meter (indicating graph).

When we do our reef assessment, it looks at size frequency of the different year classes; seed, spat and market size. What it does not account for is the volume of raw material that is on the reef.

Usually, when we come forward, we will present a number in sacks and that number of sacks is based on just market size oysters.

In 2017, we relayed some oysters from Pascagoula, and the Commission asked us to look into what does a sack of relay material consist of coming off of this reef.

What came out of that was, as we sacked it up just how it came over the rail, forty-six percent of that was just shell, with fifty-four percent of that being live oysters, anything from spat to market size.

That becomes important, when we get into the contracting aspect of this presentation. The State of

Mississippi has more flexibility with the contracting requirements, if we are buying live animals, which this would be considered live animals.

That fifty-four percent of live oysters equates into seventy-three thousand four hundred and fifty-eight total sacks.

If we had a thirty percent take in this relay, that would make available about twenty-two thousand sacks of just material that we could possibly relay.

That number will become important again later, when we start talking about scenarios and the other limiting factors of budget and resource.

Here we have the reef footprints. On the left you have the hundred and eight acre West Pascagoula Reef, and, then, on the right you have the two hundred and thirty-three acre Causeway Reef (indicating map).

The most important thing to take away from this slide is the yellow line. That is the current line between restrictive left of the yellow line, or westward, and prohibited.

Prohibited waters, we cannot relay from. However, we have done the sampling necessary and FDA is reviewing our results, and we hope to come forward in the near future and be able to move that line eastward to the causeway to Singing River Island which would allow access

to the total Causeway Reef.

COMMISSIONER BOSARGE: Erik, just to clarify, back up one slide.

ERIK BROUSSARD: Yes, sir.

COMMISSIONER BOSARGE: Which side of the line is prohibited, and which side is restricted?

ERIK BROUSSARD: Restricted is going to be west, or left, of the yellow line, and prohibited is going to be to the east, or right, of the yellow line.

COMMISSIONER HAVARD: Erik, what I'm reading out of this -- correct me if I'm wrong -- for the past four years the reef has been depleted well over sixty percent.

Regardless of the reason, whether it is relaying, or natural DO causes, that reef has had a reduction of sixty percent, and we have still got more relays planned to come out of there.

It is our last healthy reef in the Mississippi State waters, and we are actively pursuing to get that line changed to allow us to go in and get more of this reef that is not available.

Is that correct?

ERIK BROUSSARD: It will allow access to the reef for future whatever that is, yes.

COMMISSIONER HAVARD: Depletions.

ERIK BROUSSARD: Whatever the Commission chooses

to do with it, it will make it available.

COMMISSIONER HAVARD: Okay.

ERIK BROUSSARD: Some harvest history for the reef.

In 2014, a total of about ninety-five hundred sacks were removed and relayed over to the Western Sound.

Sixty-five hundred of those sacks were moved by an independent contractor, and about three thousand sacks were moved by MDMR staff.

In 2017, this past fall staff moved about three thousand sacks of material off of the reef.

Also, just as kind of a side note, we have seen some interest in Scientific Collection Permits for brood stock and scientific research purposes.

Since this is one of the healthier reefs, it is easier for people to go and get the brood stock that they need faster off of this reef. It is just something to be aware of.

COMMISSIONER GOLLOTT: One of the things I would like to say is I don't think we need to issue a permit for scientific research even, and these people going and taking off the reef. We don't know what they are taking off these reefs. They are taking whatever they want to, and I think they need to come before the Commission, since this reef is shrinking, and we need to control what is

coming off of that reef.

If we have any blanket permits out there for anybody, we need to cancel them and let them come before us and justify what they want.

ERIK BROUSSARD: When they turn in their permit, we do request to give us an idea, or an approximate number of animals that they want to take from the reef. We do have an idea, and we are working on getting a better idea of what is going on with these scientific permits.

COMMISSIONER GOLLOTT: How many scientific permits have you got out there that people are getting oysters off of this reef?

ERIK BROUSSARD: Currently we have five.

COMMISSIONER GOLLOTT: Who are they for?

ERIK BROUSSARD: Various groups. Some researchers with USM. That is most of it. GCRL and some groups that way.

COMMISSIONER GOLLOTT: Like I say, I would like to make a motion that we cancel all scientific permits and they come before the Commission and justify why they want a scientific permit and give us some exact details of what they are going to do with the product and everything.

SANDY CHESTNUT: At this time, Commissioner, that would take a regulation change.

What we can do, though, is we can definitely

give you guys an overview of the scientific permits, what kind of impact, what kind of volume they are talking about, and start there, and, then, we can look at trying to change the process.

COMMISSIONER GOLLOTT: What do we need to do, Sandy?

SANDY CHESTNUT: Direct the staff to bring in a report on the volume, the impact that these five scientific collection permits have, and, then, at that time, you can see if a change in process is necessary.

COMMISSIONER GOLLOTT: Okay. I will withdraw my motion.

JOE JEWELL: We can do that. We can bring that before the Commission at the May meeting.

COMMISSIONER BOSARGE: Maybe at the next meeting, you can give us a report on each permit, who its from and what they are collecting.

JOE JEWELL: The issue is that most of the permits originally started with sampling in the Western Sound. There is not enough resource to collect that for the brood stock permits. They have now all moved to the Pascagoula Reef.

COMMISSIONER BOSARGE: Do we need that in the form of a motion?

JOE JEWELL: Please.

COMMISSIONER GOLLOTT: I will make that motion.

COMMISSIONER BOSARGE: We have a motion.

Any further discussion?

(No response.)

COMMISSIONER BOSARGE: Do we have a second for the motion?

COMMISSIONER TRAPANI: I'll second that.

COMMISSIONER BOSARGE: We have a motion and a second.

All those in favor say aye.

(Commissioner Bosarge, Commissioner Gollott, Commissioner Trapani in favor.)

COMMISSIONER BOSARGE: Opposed?

(Commissioner Havard opposed.)

COMMISSIONER BOSARGE: Motion carries.

Continue on, Erik.

ERIK BROUSSARD: We are going to present some options. These are just options that staff has come up with. If the Commission wants to explore other options, we can look at those as well. I have several slides with different options and, at the end, if the commission decides to go forward, we can select some of those options.

Relay options.

Option one, hire Bonnet Carre qualified dealers

and fishermen to harvest and deploy material.

Option two, hire Bonnet Carre qualified dealers and fishermen to harvest the material and a contractor to deploy the material. This is kind of similar to 2016 where the fishermen went out and harvested the material, put it on a barge, and, then, a contractor barged the material and deployed it for us.

Option three, hire a contractor to harvest and deploy the material. That would be something similar to 2014 where the agency hired a contractor to harvest and deploy the material.

COMMISSIONER GOLLOTT: You are talking about moving it from Pascagoula to Biloxi, or from the west end of the Sound?

ERIK BROUSSARD: Whatever the Commission decides. We don't have to decide that exactly today. It is just more of the type of process we are going to go with, and we can select locations later.

COMMISSIONER GOLLOTT: Dredging is the most economically feasible way to get them, but it's not the best for protecting the reef and the oysters that are there.

ERIK BROUSSARD: I do have some other slides with some options.

COMMISSIONER GOLLOTT: Okay. Go ahead.

ERIK BROUSSARD: Method of take. I will get to your point, Commissioner.

Option one, tonging only.

Option two, tonging and hand dredge.

Option three, dredging only.

Option four, dredge and tong.

COMMISSIONER BOSARGE: Erik, I don't mean to interrupt you. Just for everybody's verification, define the hand dredge.

ERIK BROUSSARD: That's a good question. Dredge specifications are in Title 22 Part 1, and that is just for a legal size dredge. That would not be a hand dredge.

Everybody would have their own definition on a hand dredge.

If it is something as long as you can pull it in with your hand and without mechanical assistance, is that a hand dredge, or is it weight, tooth bar.

What I did do was call Dan Balius and ask him, since he is in the business of building dredges. If somebody called and asked you to build a dredge, a hand dredge, what would those specs be, and, for him, it was a ten tooth dredge, it weighed twenty-eight pounds, it was made out of three-eighth round bar, and it had five-and-a-quarter inch teeth.

In Louisiana, the only specs they have on a hand

dredge is it is just a thirty-six inch tooth bar.

There is a wide range of variability there that, if the Commission chose that route, we would want to put some parameters around.

COMMISSIONER BOSARGE: Basically it is a dredge that has to be retrieved without mechanical means by hand.

ERIK BROUSSARD: That would be a starting point.

Here we have price and resource which are our two limiting factors. This is just kind of an example/scenario.

The fair market value for 2018 at dockside was forty-five dollars a sack. Contracting allows us to pay up to that.

If we went with the fifty-sack limit and we had a hundred boats participate -- the hundred boats is coming from the 2016 relay. That's about how much participation we had, right under a hundred -- the relay would last four days, taking twenty thousand sacks of material, costing about nine hundred thousand dollars which would leave a hundred thousand for deployment contract which would put us right at the million dollar budget that we have.

Obviously, some of these numbers can change. If we had less participation, the sack limit can raise. Depending on the direction we go, some of this is going to change.

COMMISSIONER GOLLOTT: That forty-five dollars is for a culled sack of oysters. That was the market value the processors, we understand, were buying them at Pass Christian harbor.

Are you talking about making the fishermen cull these oysters, or are you talking about just a rough oyster being dredged off the bottom?

If that's what you are talking about, it should be cheaper.

ERIK BROUSSARD: That is something that the Commission can discuss and decide. That is a good point. There was no limitation. As long as there are live oysters attached to the material, then, it allows us to go up to this mark.

Based on these three slides, to move forward with this, we would need the Commission to select some options so we can explore into the contracting and see.

This would be a lengthy process. Probably four to six months. If we started now, then, something could possibly be in place for next fall, winter, something in that time frame.

COMMISSIONER GOLLOTT: I think we would probably need a workshop to cover these kinds of issues and come up with the best solutions.

COMMISSIONER HAVARD: Mr. Broussard, how

successful have our relays been in the past, as far as pulling a live oyster out of the east side of the state and moving it anywhere else, planting it and it's survivability?

ERIK BROUSSARD: There are a lot of factors considering what success is, or isn't.

It is definitely not a one-for-one. If you move twenty thousand sacks, you are not going to have twenty thousand sacks to go harvest the next year. They are not all market size. There is mortality from handling the oysters and them being on barges.

When I break it down and you think about the overall objective of the grant that is paying for this was to help Bonnet Carre fishermen that were affected in 2011, this would accomplish that.

The Commission has expressed interest in moving oysters from Pascagoula possibly to other areas, so it might reach that goal as well.

COMMISSIONER HAVARD: In past history by relocates, what kind of survivability rate have we experienced?

ERIK BROUSSARD: Again, from harvest standpoint, we brought fifteen thousand sacks over from St. Joe relay in 2016 just for hard numbers, put that on the Shearwater Reef, and the following year we harvested about a thousand

sacks off that Shearwater Reef.

From a survivability standpoint, if we go square meter dive, then, it would probably look a little better.

When you get into harvest, density is a big factor. It has to be dense enough to be profitable.

To put an exact number on the survivability is tough. You don't know if too much fresh water killed it, or a low DO event, but it's not, just from a resource standpoint, the most efficient, or effective, way.

If you want to rebuild, usually cultch planting is going to get you your best bang for your buck.

COMMISSIONER GOLLOTT: You have two factors that you haven't mentioned. One of the factors is State Law says we will relay oysters from where they are too thick and put them where we need them.

In Louisiana, it is done year after year. They relay oysters off of the public reefs and put them on their private reefs and make plenty of money out of it.

I don't think we have ever really done a study on successful relaying and we know the numbers and everything. Something we should really do the next time we relay is keep accurate numbers.

ERIK BROUSSARD: Another important point, once you relay from a reef, ideally you would want to go back and cultch plant on that reef, but every dollar you spend

cultch planting on a reef you took from is one less dollar you can cultch plant in an area that is already approved for harvest.

COMMISSIONER GOLLOTT: We have agreed that we should go back and replant Pascagoula because just because you planted on Pass Marianne, or something, doesn't mean it is going to catch, but Pascagoula is pretty much a sure thing that, when you put shell there, you are going to get oysters. It is a great area for planting and getting spat set.

JOE JEWELL: I think the statute you are quoting is one of them. It's point zero fifteen thirty-six and point zero fifteen fifteen. There are a couple of them, but one of them also gives the Commission the provision to rotate seasons and to close areas, when they have been depleted of a resource. There is a continuation of that statute. It's not simply relaying.

The Commission has to determine, first, do they want to engage in a relay program. If the Commission wants to move forward with that which is provided in the Bonnet Carre Grant, the 2011 Bonnet Carre Disaster Grant, what conditions do you, the Commission, want to achieve that.

What Mr. Broussard is doing right here is laying a pathway out for the Commission to choose that. Of

1 course, there could be a motion on the floor not to move
2 forward with the relay program. If the Commission chooses
3 to go forward, there are several options that the
4 Commission will have to vote and choose to implement the
5 program.
6 We can get off on all these sidetracks, and we
7 all agree that there is significant mortality.
8 I think I recall at the Grand Bay NERR
9 presentation a year back, I gave some significant input on
10 what I thought about mortality.
11 It's the time of the year, what the temperature
12 is; not only the water temperature, but the air
13 temperature because it has to be transported in air.
14 There is mechanical harvesting of the oyster that occurs.
15 There is the deployment mortality that occurs. Once it is
16 deployed and goes through the water column, does it flip
17 upside down into mud. There are all kinds of mortalities
18 that essentially we just have to guess at, but we do know
19 there is significant mortality. We certainly saw that at
20 Shearwater when we transported from St. Joe.
21 The issue is yes, there is mortality that occurs
22 during these relays, but the issue that we are here for
23 and the issue that we are discussing is does the
24 Commission want to engage in a relay.
25 Like Mr. Broussard said, there are different

1 ways to measure the success of a relay. We did employ
2 fishermen. We did keep them in the fishery. They did
3 receive funds that augmented the season. From a fisherman
4 perspective, they thought it was a very good thing. From
5 a resource perspective, it wasn't probably the wisest
6 thing to do.
7 COMMISSIONER GOLLOTT: Weren't there some
8 mitigating facts on the Shearwater?
9 It wasn't the right time, or something?
10 You put them in the mud, or something, is what I
11 heard is the reason they didn't survive.
12 JOE JEWELL: Just from a cursory looking at the
13 oysters, I think those that we transported from St. Joe to
14 the areas that were in there, like, the tonging reef and
15 the dredging reef, did a lot better than those that we
16 transferred all the way over to Biloxi Bay, and probably
17 the transport distance had a lot to do with that, too.
18 Then, you don't know, and Mr. Broussard pointed
19 that out. It is right at the mouth of Davis Bayou and we
20 had significant rainfall that was occurring during that
21 time. Was it low DO. I mean, there could have been a lot
22 of factors that were impacting those oysters that we don't
23 know. What we do know is that there were significant
24 mortalities.
25 COMMISSIONER GOLLOTT: The one thing I can say

1 is September is the month that the people in Louisiana
2 choose to relay off of the public reefs to their private
3 reefs, and it is very successful. They have made millions
4 and millions of dollars over there relaying oysters in
5 September.
6 Maybe that's what we ought to do is look at
7 September, since it seems to be an ideal month for doing
8 it.
9 COMMISSIONER BOSARGE: Mr. Broussard, I guess we
10 will kind of go down your list here, but, before we do, we
11 have three folks that want to chime in on this before we
12 actually sit down and make some decisions.
13 The first is George STORRS.
14 Is this where you wanted to make your comment,
15 Mr. STORRS?
16 ERIK BROUSSARD: I think he wanted to speak on
17 depuration.
18 COMMISSIONER BOSARGE: I'm sorry, George. You
19 are right at the end. I will get you straight in a
20 minute. It's okay.
21 Ms. Thao Vu.
22 THAO VU: Good morning gentlemen.
23 I'm Thao Vu. I'm with the Mississippi Coalition
24 for Vietnamese-American Fisher Folks and Families. I
25 would respectfully request maybe four minutes, instead of

1 three minutes. I would also like to speak to Item K3, if
2 possible, or I can come back. I wanted to speak on two
3 agenda items.
4 COMMISSIONER BOSARGE: Pull that mike down a
5 little bit further. I know I'm hard of hearing, but it is
6 muffled.
7 THAO VU: Is this better?
8 COMMISSIONER BOSARGE: Yes, ma'am.
9 THAO VU: First of all, my comments regarding
10 this proposed oyster relay is, yes, we critically need an
11 oyster relay, and please hold an open public meeting
12 workshop particularly for the fishermen.
13 I know many could not make it today. There are
14 several here, but the majority are not here. Please have
15 this workshop to get their input. They possess a great
16 deal of traditional ecological knowledge. They are
17 definitely well informed as to where this relay program
18 would be beneficial, which reef it should be relayed to,
19 the method.
20 Another thing critically important to make this
21 fair and equitable is to make sure you include the
22 dredging boats and not only tonging boats.
23 The other thing I would like to comment on is
24 that, in terms of the relay from the St. Joe Reef, there
25 wasn't a lot of time preparing that one.

If this one is to move forward, you really need more time preparing, identifying the right reef and there are some things you need to consider; the water quality, the sediment. All those things you need to consider.

Not only that, but in Louisiana I know that many of the oyster harvesters that Commissioner Gollott referenced, they do a lot of bagless dredging.

That is something that should be incorporated, before you do relay, depending on which reef you are going to bring the relayed oysters to. Those certain reefs, particularly in the Western Sound, Henderson Point, Telegraph Reef, Pass Marianne, all those reefs, the fishermen have been stating for years now that they need some bagless dredging, and, then, maybe bring some subsequent relay to those reefs.

Those reefs used to have very robust harvest landings. It is all documented by this agency, before the BP oil disaster, and since then the harvest landings have dramatically decreased.

We need those kinds of projects that really involve a lot of the fishermen's knowledge to help to make them successful.

The other thing I would like to comment on is the oyster season. Before you set the official opening date, please have another workshop where the fishermen can

give them input on how to best start the 2018 season. Thank you.

COMMISSIONER BOSARGE: Thank you, Ms. Vu.

Mr. Ryan Bradley.

RYAN BRADLEY: Ryan Bradley, Mississippi Commercial Fisheries United.

Commissioners, General, Ms. Chestnut, thank you for letting me speak.

I just want to throw out a few ideas on this relay. I have talked to a few fishermen.

Please put option one back on the screen which was to hire fishermen to not only harvest the resource, but to also deploy it, and there are a couple of ways we could do that.

Previously y'all talked about doing tonging only, and I think the industry supports that. That is the minimal impact to the reef, but we had this idea that maybe we could use these bigger dredge boats to transport the oysters. Whether you decide to go to Biloxi, or to the Western Sound, let these guys deploy it, obviously, with oversight from DMR personnel.

Mr. Havard, to address some of your concerns about survivability, there is some mortality when you blast these oysters off a barge with high pressure hoses.

That would help mitigate some of the

survivability. These boats would be a lot more nimble. They could spread out and, as soon as the tongers deliver the load to them, they can take off to wherever they need to go and get it done quickly and efficiently.

To address about the survivability, the fishermen feel like it was a really great thing after Hurricane Katrina. There was a really successful relay where oysters were relayed to the Western Sound. They credit that to having a lot to do with the good harvest we had in 08-09 and 09-10, right before BP.

I would say that the relays have been successful and the more that we can get these fishermen involved will benefit everybody.

This Bonnet Carre money was received simply because we had the landings history from commercial fishermen to document that to get the money, and they have really been left out of most of this eleven million dollars of this Bonnet Carre money, so I think this is a good time to get everybody involved and put these fishermen to work.

With that being said, I will be glad to answer any questions.

COMMISSIONER BOSARGE: I think you and I are kind of on some of the same pages with maybe how to craft this relay, if we do a relay.

COMMISSIONER GOLLOTT: Let me ask you one thing, Mr. Chairman.

COMMISSIONER BOSARGE: Yes, sir.

COMMISSIONER GOLLOTT: Can we put this off until we can have a workshop on this thing?

I mean, there is no hurry.

COMMISSIONER BOSARGE: I guess, if we're working towards September, I don't see too big a hurry, but, yes, I agree. We do definitely need to have a workshop and probably an Oyster Task Force meeting ahead of that.

RYAN BRADLEY: Thank you, Commissioners.

COMMISSIONER BOSARGE: Do you want to do just a straw vote just to kind of go down it?

COMMISSIONER GOLLOTT: I think the workshop is going to probably answer a lot of questions, but, if you want to, whatever you want to do. When you vote on it, it kind of puts it in concrete.

COMMISSIONER BOSARGE: Yes.

COMMISSIONER GOLLOTT: Having a workshop with the fishermen and ourselves and coming up with a way to do this, without hurting a reef, I think that is very important.

COMMISSIONER BOSARGE: I agree. Right now, I think we've got some concerns as to whether we actually need to have a relay.

COMMISSIONER GOLLOTT: Well, the only argument for it is we are not going to have a good tonging season, or a tonging season, in the Biloxi Bay, if we don't do a relay. That's the argument for it. It would help the fishermen both ways, catching oysters in the season, plus give them something to do in September.

COMMISSIONER BOSARGE: I agree. I think we need to kind of look at how to structure this, if we do.

I echo Commissioner Havard's concerns. I think if we were to do a relay and we stayed within the guidelines of that relay, but whether we culled, or we just took material, whether we dredge, or tong, I think there are a bunch of different ways we could structure this, if we want to go through all of this in a workshop.

COMMISSIONER GOLLOTT: I think that's the best way. It would help everybody.

I would like to make a motion that we go ahead and set up a workshop in the future to iron out all these facts.

COMMISSIONER BOSARGE: We have a motion.

COMMISSIONER TRAPANI: I'll second that.

COMMISSIONER BOSARGE: We have a motion and a second.

Any further discussion?

COMMISSIONER HAVARD: Erik, I would like to ask

one more question.

Are we going through the motions with this money?

We have depleted the reef in Pascagoula by sixty percent. We are giving some money back to the fishermen. I think that's great.

The argument with me, or the lack of understanding with me is not how we relay. I think that part can be figured out with a fair amount of ease, but, if you don't measure the successfulness of different relays, or different things that we are doing for the resource -- the money is going to the fishermen. We understand that. I think that's great.

If we are not accomplishing the goal for the resource which this money is provided for, what are we doing?

We have got to measure, somehow have a way to measure our successfulness for the resource.

ERIK BROUSSARD: There is one thing I did fail to mention in the contract, the one after Katrina and in 2016, the live oyster part of it from spat to market size. You can have some secondary effect down the line on some of those smaller oysters that grow in that you are not going to be able to immediately measure.

When you look at the sack volume measurement,

like I said, twenty-seven percent of that was market size, and, then, the other twenty-seven percent was sublegal.

To measure, you would have to also be able to look at if that spat and seed survived, and, then, made it actually into the marketplace.

COMMISSIONER HAVARD: What I'm getting blinded by, I think, is we have measured that in four years we depleted that reef sixty percent. Maybe we haven't, but the reef has been depleted by sixty percent. I think that is what is blinding me.

COMMISSIONER TRAPANI: I would like to add every time that we have relayed from that reef, are we replanting?

I know this year we asked for that, but I wasn't here before that.

That is a big part of bringing that reef back. You take from it. You replant it.

Are we doing that every time?

ERIK BROUSSARD: It has not been customary for the agency to replant after a relay.

COMMISSIONER TRAPANI: If we decide to relay -- and I agree with you -- if we are looking at shear numbers, then, we need to do some kind of work on replanting it. Some of it is environment. Some things you can't control.

That part you can control, try to put back some of what you took out, by replanting it and letting it grow because it looks like that is a good reef and it grows there.

Then, I think no one has really mentioned and you did hit on it is that to measure the success rate of this, one thing is we are not looking at the class under that is coming up. We are not looking at you are actually putting substrate back on a reef that needs it, and shells are the best way to grow an oyster.

We are taking it from an area that you can't use anyway. We are always looking for shells, and you are putting it on one that we actually can use.

There are positives and negatives to all of this, but maybe we need a different way of measuring what the success rate is, not just measuring the number that it's at sixty percent -- we understand that -- but measuring what are we really getting out of it.

I don't know if you can really go into that detail, but there is more to it than just relaying it, harvest it and it's one oyster per oyster. It's not. You are putting back substrate. You have classes under that. There is more to it than that.

I think the key is if we are going to relay, we have to implement replanting in those areas.

COMMISSIONER BOSARGE: I agree, and it's just a couple of things. Here we go to back to old fashion reading the paper.

I remember in there where there was a million dollars to do cultch plants on that reef. I remember reading that.

ERIK BROUSSARD: Not on that particular reef, no.

COMMISSIONER BOSARGE: Maybe my mind is gone, but I remember seeing something with money available for work on that reef.

JOE JEWELL: You are probably talking about the RESTORE Act money.

COMMISSIONER BOSARGE: But it was designated for that Pascagoula Reef.

JOE JEWELL: That's a little ways down the road.

COMMISSIONER BOSARGE: We can't use any of that money to do any cultch planting?

JOE JEWELL: I'm not aware of that. I don't know what has been submitted and what has not been submitted, but I can find out and get back with you.

COMMISSIONER BOSARGE: The other thing, as far as success of a relay, if we structure it correctly and use these fishermen just like Mr. Bradley said maybe where we tong only, use the bigger boats that are normally

dredgers that don't do tonging to move the oysters and handle things a little different, maybe our success would be a whole lot better than it would be if we just went in there and tried to do a volume where we are just trying to move material.

ERIK BROUSSARD: There are lots of options we can discuss at a workshop.

COMMISSIONER TRAPANI: Maybe my memory fails me. Maybe Mr. Jewell can help us, but I thought that we did implement replanting that reef when we are pulling from it, or did we just discuss it?

JOE JEWELL: We did discuss doing that, and we do have plans to do that soon this year. We did discuss it. There was no motion on that, but we did discuss that and we did agree with that and we do have plans to do that.

JOE SPRAGGINS: One of the other things, too, we have other avenues. It isn't just this Bonnet Carre, or this one fund here, that we can use for cultch planting. We have other avenues that we can get money for that, too, and I think that is what they are looking at.

It could be a situation that we could use some other additional money to be able to replenish the cultch there the same way that you are talking about, and, then, still be able to pay the fishermen to do what they are

doing here.

COMMISSIONER BOSARGE: There are benefits that we don't see. In other words, that reef needs some work. It needs to be worked on. It needs to be moved around a little bit. I don't personally think it needs to be done with dredges.

There are benefits there that we are not weighing, other than strictly oysters moved and oysters harvested.

JOE JEWELL: I have listened to all of your comments.

Can I read that officially for the record so we get something a little more structured?

COMMISSIONER BOSARGE: Please do.

JOE SPRAGGINS: Do it up there so it goes in the mike.

JOE JEWELL: As I understand it, the motion would be to conduct a workshop between MDMR, CMR and the fishermen on establishing rules and requirements for an oyster relay program.

The only thing I didn't hear was a timeline.

COMMISSIONER BOSARGE: Options for relay.

JOE JEWELL: That will all be in the --

COMMISSIONER GOLLOTT: (Interposing) No later than August.

JOE JEWELL: No later than August.

COMMISSIONER TRAPANI: I would say July.

COMMISSIONER GOLLOTT: Would that give us enough time?

SANDY CHESTNUT: No, that would not give enough time.

COMMISSIONER TRAPANI: I think we need it sooner than that.

SANDY CHESTNUT: The workshop needs to take place relatively quickly.

JOE JEWELL: Quickly because we have the contracting process.

SANDY CHESTNUT: Because the contracting process will take about four to six months.

COMMISSIONER TRAPANI: What about if we add in there before the next Commission meeting have the workshop?

COMMISSIONER GOLLOTT: Okay.

COMMISSIONER BOSARGE: We need to kind of talk to staff here and see how much of this they can make happen.

COMMISSIONER TRAPANI: Well, we just don't need to get in a bind where we are doing it, and, then, now we are saying the contracting process will take four to six months, and be behind the eight ball on it.

JOE JEWELL: It doesn't necessarily have to occur in September. We could do it in January, or February.

COMMISSIONER GOLLOTT: No. Let's do it in September. Let's follow Louisiana. They have been doing it for years and having success.

JOE JEWELL: Then, you need to have it as quickly as possible.

JOE SPRAGGINS: Can I make a suggestion that maybe we would say before the June meeting that we have a workshop?

That way it gives us time to get things and to work out with the schedule with everyone, and y'all can look at it, Joe, and tell us what you think.

JOE JEWELL: Sure. I will read that for the court reporter.

JOE SPRAGGINS: Is that okay?

COMMISSIONER BOSARGE: Yes, sir.

JOE JEWELL: Before June of this year to conduct a workshop between MDMR, CMR and the oyster fishermen on establishing rules and regulations for an oyster relay program.

Like I say, Mr. Broussard and his bureau has big plans to start cultch planting soon.

COMMISSIONER BOSARGE: We have a motion and a

second.

All those in favor say aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed?

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

ERIK BROUSSARD: I have K3, Oyster Season Update.

We have the 2017-2018 Mississippi Oyster Stock Assessment with Harvest. The reef is going to be in the left column and the harvest is second to last on the right (indicating slide).

The majority of the areas have reached the quota that was set by the Commission. There were two areas, Pass Dredge and Pass Marianne, that did not reach the quota. These are very large reefs and the density that the oysters are available are not profitable. We were open for fourteen days over a two-month period with zero effort. Zero boats went out. Like I said, it wasn't profitable.

An additional note, in Biloxi, Area V "A", the Commission voted for an additional thousand sacks. Out of that thousand, seven hundred and forty-five sacks have been harvested, and it brings the season total to ten thousand one hundred and fifty-five sacks which is right

at the thirty percent harvest quota set forth by the Commission.

COMMISSIONER GOLLOTT: Mr. Chairman, I would like to make a motion that we close the oyster season immediately.

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

COMMISSIONER TRAPANI: I'll second that.

COMMISSIONER BOSARGE: Any further discussion?

(No response.)

COMMISSIONER BOSARGE: All those in favor say aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed?

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

ERIK BROUSSARD: Thank you, Commissioners.

COMMISSIONER GOLLOTT: Sorry about that, Erik. I didn't want to spend time getting it over with.

ERIK BROUSSARD: That's fine.

COMMISSIONER BOSARGE: We will move on to K4.

JOE JEWELL: Commissioners, our next presentation will be done by Mr. Travis Williams. It's for the final adoption of the Sheepshead regulation.

TRAVIS WILLIAMS: Good morning Chairman,

Commissioners, Director Spraggins, Ms. Chestnut.

As Joe mentioned, this is the final adoption presentation on Title 22 Part 7 Chapter 8, Recreational Bag, Possession and Size Limit for Sheepshead.

Last month the CMR passed a Notice of Intent on March the 20th, 2018. The following day the Notice of Intent was filed with the Secretary of State's office. It was published on our MDMR web page on March the 21st, as well. The legal notice appeared in the Sun Herald on March the 24th.

The public comment period ran from March 21st through April 16th, twenty-seven days. Two public comments were received.

The first public comment was received Sunday, March 25th. It was by Mr. Bryan Busby. I will read his comment for the record.

"I am for putting regulations on Sheepshead, however I do not see anything mentioned regarding the commercial sector. If we are going to regulate the recreational anglers, we need to set quotas for the commercial sector, as well."

The second public comment was by Captain Bryan Cuevas. It was received Friday, March the 30th. I will read in the record the portion of the comment that is applicable to this regulatory change.

"I just wanted to comment on the Sheepshead ruling. I truly believe fifteen is extremely too many. The Commission voted, at some point, to allow fifteen Speckled Trout, fifteen flounder, and, now, where are the specks and flounder. I think we are headed for disaster, with fifteen as a bag limit. With that said, I would like to see the limit at least dropped to eight per person. I think that is a good number. I'm a charter boat captain, and I see these fish every day."

For the record, Chapter 8 Section 100 Subsection 100.11 and Section 102 Subsection 102.25, will read:

"Recreational Bag, Possession and Size Limits."

"100.11. Fifteen (15) Sheepshead (Archosargus probatocephalus)."

"102.25. Sheepshead (Archosargus probatocephalus) Fourteen (14) inches total length."

What would be required by the Commission is a motion for final adoption of regulatory changes to Title 22 Part 7 Chapter 8 Section 100 Subsection 100.11 and Section 102 Subsection 102.25, Recreational Bag, Possession and Size Limit change for Sheepshead.

COMMISSIONER BOSARGE: Any further discussion?

(No response.)

COMMISSIONER BOSARGE: Do we have a motion?

COMMISSIONER GOLLOTT: Mr. Chairman, I make the

motion for final adoption of this rule on Sheepshead.

COMMISSIONER BOSARGE: We have a motion.

Do we have a second?

COMMISSIONER TRAPANI: I'll second that.

COMMISSIONER BOSARGE: We have a motion and a second.

Any further discussion?

(No response.)

COMMISSIONER BOSARGE: All those in favor say aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed?

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

TRAVIS WILLIAMS: Thank you.

COMMISSIONER BOSARGE: Thank you.

MATT HILL: Hopefully mine will go that smooth.

Good morning Commissioners, Director Spraggins, Sandy.

Right off the bat, I was hoping these would be flip-flopped, but we will get into the first one, the Tails n' Scales Program consistency update, but what I would like to point out, as Commissioner Gollott did ask a question earlier -- and I do want to go ahead and get this on record so we all understand where we are about the

number of days -- I find it difficult that the other states have actually put out hard number of days.

These are projections. Our projection is a hundred and two days. However, if we do have a closure, it will be an eighty-eight day season, possibly. We all have to understand that we were given a quota in the EFP of one hundred and thirty-seven thousand nine hundred and forty-nine pounds.

If you are familiar with the commercial fisheries and how we manage these fisheries, we will manage that in a very similar way.

Once we hit the buffer of one hundred and twenty-four thousand one hundred and fifty-four pounds, however many days that takes, whether it's two days, three days, twelve days, eighty days, I will recommend the closure and the closure will happen within a three-day period.

We are not putting out the number of days. The number of days is a projection. However, the season will start May 25th and run until we hit our quota of one hundred and thirty-seven thousand nine hundred and forty-nine pounds.

I did just want to make that clear that it is not a hard date season. The start date is the only thing that is hard about the season that we can consistently

say.

JOE SPRAGGINS: Matt, could you also tell them that if somebody else in the Gulf does more than they are supposed to, it could affect us?

MATT HILL: It can affect us in year two. The gulf wide quota, if it is met -- I just don't think they are going to have the time to really add up the numbers -- it can have a large impact on us in year two.

The way the seasons are being set up currently, I believe it is safe to say that we will be given our hundred and thirty-seven thousand, close to a hundred and thirty-eight thousand pounds to harvest this year without any affect from any other states. However, the penalties may come in, in year two. As we all remember, this is a two-year pilot program.

Whenever we do hear these other states coming out with these hard seasons, I find it a little ingenuous and I asked Melissa, in our release, to put "proposed" and "projected".

These are based on projections from last year, and we feel like we can reach these numbers in this time period. However, like I said, I will recommend the closure, once the buffer, or the target has been hit, which is the limit minus ten percent, and it will close within a three-day period.

I just wanted to make sure we all got that clear, before these press releases started coming out, but that is how the process is going to work.

We will go ahead and get into the meat of the presentation.

The Tails n' Scales Program, of course, in 2014, the CMR adopted a regulatory modification of Title 22 Part 9, the statistical reporting and confidentiality of statistical data for marine fisheries, requiring mandatory reporting of Red Snapper landed in Mississippi.

I do want to make it clear that in 2014 this was a voluntary program. It became mandatory and began to be enforced in 2015.

We worked very closely with Marine Patrol and decided that courtesy citations would be the best way to go for the first year. However, we are beyond that point, now, and we are fully enforcing the program as it is written in the regulation.

Here is the first look at the new app for 2018. It has the same information. It is a new look. We just don't want anybody to be surprised. Y'all are getting the first look at what this is going to look like. It does have some new features that I'm going to get to shortly.

Like I said, it has been updated. We do ask, if you use the app to report your trips, that you go in and

reload it. Your password and login will be the same. It's just like any other app, now, on smart phones. When updates come, you have to reload it, or some of your phones may automatically do it.

It's a little misleading, but all fishermen, or one on each vessel is required to create a trip when targeting Red Snapper, prior to leaving the dock.

If this does not happen, progressive penalties are in place for noncompliance.

One thing I will say about these progressive penalties is, right now, they are just ticketed fines. The money goes up, as you have more violations. However, one of the new features that we have added on Tails n' Scales -- we do not have the authority yet from the Commission to use this particular tool -- is we can now lock people out of the system.

If we have what we call a habitual offender and they receive multiple tickets, or they are just disregarding the system and feel that they don't have to do it, well, then, they decide to do it. We can lock them out. We can lock their vessel out. We can lock every other fishermen that was on that vessel out.

We currently have that ability to lock people completely out of the system, so they will not be able to obtain an authorization number and they will not be able

to legally participate in the recreational Red Snapper season, if we so choose.

We presented this several times before, the 2017 Federal and State seasons. There was some overlap. It was very complicated, but the Federal season began June the 1st through June the 3rd which is a three-day season.

Then, we made some negotiations with the Secretary of Commerce, and we had a thirty-nine day Federal extension, weekends only, Friday, Saturday and Sunday, which began June the 16th and ran through September 4th. We had a few exceptions there on the holiday weekends. We added July 3rd and 4th and September 4th which were, of course, the July 4th weekdays and Labor Day.

They also had a June 1st through July 19th Federal for-hire season which was a total of forty-nine days.

There was also a State season which began May 26th and ran through June 16th which is twenty-two days. You can see there is some overlap, but, basically, when you add all of this up with the overlap, anglers were given a total of sixty fishing days in the State of Mississippi territorial waters and forty-two fishing days in Federal waters and State of Mississippi territorial waters.

I'm going to get into validation, and that is important to understand before we get into the compliance

which is the heart of this presentation.

To validate trips what we did, the Marine Fisheries staff, is we had access points of intercept. They were randomly drawn. They were post trip which means they were off the water.

Some of the information collected was the number of fish harvested, number of fish released, number of anglers present, hours spent fishing for Red Snapper, their authorization number if they had one, and their vessel number.

We used a probability proportional to sample size which allowed for coverage of the entire state, ensuring the data collected was statistically sound.

The main objective of this was not to see if they had an authorization number. However, we did record that and use that for compliance purposes.

The main objective of the Marine Fisheries validations was to collect the lengths, weights and otoliths, or what we like to call the biological metrix.

Here are some of the finalized results that we saw from 2017. Of course, I just said it was a sixty-day season with a forty-nine day Federal for-hire season.

The total harvest came out to be one hundred forty-four thousand one hundred pounds. Private recreational accounted for a hundred and thirty-five

thousand pounds of that.

Our State for-hire guys -- these are the charter for-hire guys that do not have the Federal permit -- accounted for twenty-eight hundred pounds.

Our Federally permitted for-hire vessels accounted for sixteen thousand one hundred pounds plus.

When we ran it through the estimator, our number of fish harvested came out to be twenty-seven thousand one eighty-nine, with an average weight of six point zero eight and an average length of close to twenty-two inches. It came out an estimated number of completed trips of four thousand one hundred and eighty-five. The effort was four point three six anglers per vessel per trip, with a harvest rate of one point four eight fish per angler per trip.

This is our nice equation on the side. I really won't get into it, unless we really want to stay here for a long time.

We had to use this equation and it occurred to me -- we had a long discussion with Director Spraggins yesterday, but what was required of us was to break this down into time periods. This was not for the whole year. We had to do this in what's called waves, or two-month periods, to satisfy some of NOAA's demands in the certification process.

The totals for the validations. This began in February and our season did not begin in February. However, Louisiana's season did, so we did have anglers that traversed to Louisiana and were allowed to land their fish in Mississippi, in the 2017 season. It will be different for 2018.

We began validating our trips in February, and it ran through September of last year. We were able to have one hundred and sixty-three vessel interactions at access points. Forty-six of these were either State, or Federal, charter for-hire vessels. One hundred and seventeen recreational vessels, their information was validated.

All forty-six State and Federal for-hire intercepts had valid authorization numbers.

One hundred and four recreational intercepts had valid authorization numbers, and thirteen did not.

This was the main point of the validation process at the intercepts, and that's what I was talking about earlier was to get the biological metrix. Whenever you are trying to manage to a quota system, or have the goal of managing to a quota system, you have to get a very accurate, or precise, mean weight.

We were able to measure one thousand three hundred and sixty-seven total fish, during these

intercepts. That is a little shade over five percent of all Red Snapper that we estimated were landed in the State of Mississippi for 2017. That is a lot more than we have ever done in any other survey.

I do want to spend a little bit of time on this because I believe this is where some of the compliance issues come in, and I think the lightbulb went on for a few people yesterday.

For 2017, we are estimating a compliance rate of eighty-six percent. Now, compliance rate takes into account everything, not just the trips with authorization numbers. We are not saying that only fourteen percent of people that harvested Red Snapper in the State of Mississippi did not obtain an authorization number. I will get to that number in just a minute.

Compliance rate also has to take into account are they providing us accurate information. This is an average, or a grand mean, of all the questions that were asked whether they were right, or wrong, unreported, over reported, and I will give a quick example.

If someone did obtain an authorization code, but they gave us an inaccurate number of fish harvested, an inaccurate number of anglers on the vessel, there is a compliance rate that we have to figure out for all of that to get into there.

A very good example is a ninety-nine point six percent of the for-hire industry. We did not encounter any for-hire trips without the authorization number.

However, the reason that does not say one hundred percent is one of the captains answered a question wrong whenever he turned in his trip number on the Tails n' Scales app. We have to account for that, so that's why it's not one hundred percent.

The compliance rate, when we are talking about just authorization codes, is approximately seventy-five percent now. We believe, basically, three out of four vessels leaving out of the State of Mississippi properly obtain an authorization code.

The reason it says eighty-six percent and not seventy-five is because for the most part, when people report to us, they are giving us accurate information, once they obtain that authorization code, and we are able to use that.

I just want to make it clear that we have to adjust for everything, under reporting, over reporting, whether the authorization code is obtained, or not.

An authorization code with incorrect information is just as detrimental to the numbers as somebody that does not obtain the authorization code.

I think we have had a little bit of confusion

there. I don't want to try to inflate what our compliance rates are. I do not believe that we have an eighty-six percent compliance rate on authorization codes by any stretch of the imagination. However, we have to take everything into account, when we are talking about the compliance rates.

The information has to be good that we are receiving from the people that do obtain the authorization code, and that's where these numbers come from.

I'm pretty sure we are going to have some questions.

COMMISSIONER BOSARGE: I guess I'll start it off. This is the first time I've seen this information. It would have been nice to have had this to look at just a little bit before right now.

Anyhow, that being said, can you back up a few slides, Matt?

MATT HILL: Yes, sir.

COMMISSIONER BOSARGE: I was trying to kind of take notes, while we were going. Keep going back, please.

All we are doing here is trying to make sure that the program we put in place works and that when I say you are sixty percent, Mark may say you're seventy. All of us are just guessing. Until we can stop guessing and know that the information we are getting is accurate,

then, we are all in a better boat.

When you look at the resource, twenty-five years we have been building this resource, and there are quite a few fish out there. It is better than it has been in a long time, but, at the same time, technology has caught up with the fishery, and a lot of people, that never enters their mind. Commercial or recreational, it doesn't matter.

Take GPS out of the equation -- I don't care if our are commercial, or recreational -- and leave here and say, I'm going fishing, or go back to Lorance C, you are going to have a bunch of people come here and say, I didn't see any fish. The fish aren't there, but because technology has caught up, we are able to go to where the fish are within just a few feet.

I'm trying to make this point where everybody understands. Yes, we have a resource, but it is a very fragile resource in that these fish live a long time and it doesn't take much to fish them down, and it takes a long time to recover.

When we look at your access points and the information you are using, you say post trip.

MATT HILL: That's correct.

COMMISSIONER BOSARGE: That tells me that all the information you gathered you had to go to the Tails n'

Scales, pick out a participant, phone that participant, or see that participant.

MATT HILL: No. When we are talking about post trip, Marine Fisheries is not capable of doing on-the-water validations. These are happening at the docks.

COMMISSIONER BOSARGE: My point is, that person that you interacted with most likely had a validation, he had a trip number.

Do you see where I'm going?

MATT HILL: Yes, and they most likely did. However, we did encounter some that did not, and that's where we got the compliance just for the authorization codes.

What I want to stress is it's extremely important that they get the authorization code, but it is equally as important that we know that the information that they are providing to the system is accurate.

COMMISSIONER BOSARGE: I agree.

MATT HILL: When we are doing this post trips, we write the authorization number down, we write the vessel number down, and, then, I know how many fish that they caught because my surveyor saw that. I know how many anglers they had on the vessel because they saw that, and I can then compare what they put into the system, and I have to account for that, also.

COMMISSIONER BOSARGE: I'm with you on all of that. My point I'm trying to make is to use this information to valid the whole system, it is skewed quite a bit towards one side.

MATT HILL: Yes.

COMMISSIONER BOSARGE: We are trying to get to having good information and accurate information. This information is good information, but it is skewed to one side.

You've got to understand, now, this is the first time I've seen this information, so I'm trying to make my way through it.

MATT HILL: I apologize for that.

COMMISSIONER BOSARGE: Continue on. Let's go forward. This all looks good (indicating slides).

MATT HILL: I do want to say something about this. We are getting caught up a lot on the pounds.

COMMISSIONER BOSARGE: I'm okay with the pounds.

MATT HILL: Marine Fisheries is becoming more uncomfortable with managing a fishery based on pounds. There are some other pretty important matrixes right there that we can begin using.

COMMISSIONER BOSARGE: I agree.

MATT HILL: Especially when we start talking about catch rate, we can plot out the decrease in the

average weight over time and become a more resource, but we just don't have that information yet, and we need to know what the threshold is for our fishery.

It is much more important to me that the information entered in the system is accurate versus the authorization number. I can account, I believe, for the authorization number noncompliance.

We are having difficulty accounting for the misreporting in the system. That is what we see as our big issue, right now, and I think that is across all fisheries that are being managed.

COMMISSIONER BOSARGE: I agree.

I'm trying to remember back. Had I seen this, I would have tried to do a little research.

Chief Davis, it might not have been you. I think it was Rusty that gave a presentation last year of three days. Memorial Day weekend they did sixty-something boardings. Twenty something were out of compliance, and I'm seeing thirteen.

I know, on that one three-day period, we had twenty.

JOE SPRAGGINS: I think what might help you is when Chief Davis gives his information, as far as Marine Patrol. That might give you some numbers.

MATT HILL: I think part of the confusion, too,

is when we are talking about boardings and you start talking about citations. When we are looking at it on the fisheries standpoint and when I'm trying to valid and show compliance, there is only one authorization number required per vessel, just one, but there may be five -- and this is a conversation that we had. There was some miscommunication, but this is a conversation and I feel very certain that we have straightened this out.

When Marine Patrol was going up to a vessel, there may be five people on there. Well, that was five interactions. We only consider that one interaction. I don't care how many people. I will check that at the dock. I just needed to know if that vessel had an authorization number.

COMMISSIONER BOSARGE: I'm with you.

MATT HILL: I think the citations were inflated because we actually looked at some of the things and when they were talking about noncompliance, some of those were undersized fish, some of those were over the limit.

When we reviewed and Chief Davis did a very thorough job yesterday, I said, I don't need to know that. That is not part of my compliance, if the fish didn't reach the minimum size.

Once we weeded all those out, our numbers became very close after that, and, now, I believe that we both

understand that our numbers have to be on a vessel basis just for this program, if that's where we are going to go, instead of an angler basis on each vessel.

COMMISSIONER BOSARGE: I agree, and what I remember of it, though, there were twenty-three, or twenty-seven, that did not have their trip ticket. I say trip ticket. They didn't have their number, out of sixty-something.

Do you remember that, Chief?

KEITH DAVIS: Yes, sir.

COMMISSIONER BOSARGE: We are going to make it that way.

MATT HILL: When we looked into it, I said four. It was being considered that everyone on that vessel needed that trip number. We had a misunderstanding. We just miscommunicated.

COMMISSIONER BOSARGE: But do you see?

MATT HILL: I understand.

COMMISSIONER BOSARGE: This is my point as to why we are all wondering where we are with the system.

We've got the best system that there is out there, but there are things that have to be done to validate the system.

I keep hearing citations. To me, that's a dirty word. I just want checks. I don't want citations. I

just want to know who is out there and if they are doing what they are supposed to do. We don't need citations. We just need checks.

MATT HILL: We understand that, and I stressed this to Director Spraggins yesterday. We have sold recreational licenses in the State of Mississippi for a long time, and there are some people that just aren't going to buy them, but, as long as we have a pretty good idea on how many that is, then, we can factor that in.

That is where we are in this process. There will always be noncompliant users. There will always be people that will go snapper fishing and just not get the authorization number. That bothers me, but I just need to be able to account for them. That's what I need to be able to do.

Once we begin to be able to use the enforcement reports, combined with out dockside intercepts, that is the perfect world. We are not there yet. We are not. I think we are getting very close.

COMMISSIONER BOSARGE: And there has always been that argument between what the state says we catch and what the MRIP data says we catch.

MATT HILL: Yes.

COMMISSIONER BOSARGE: All we want to know is what we catch, period, but if you go back and you look, we

had a hundred and sixty-three total intercepts and, if you look at MRIP -- this was presented to us -- in 2016, January to November, two thousand one hundred and seventy-nine interviews. In 2017, January to November, two thousand sixty-seven interviews. Got to wonder which data is best.

Do you see what I'm saying?

MATT HILL: I understand.

COMMISSIONER BOSARGE: You guys are doing your job. In other words, you are out there. You are looking. You are asking questions. You are getting information.

MATT HILL: I started thinking about it last night because, after we had a meeting, the way I was explaining it to Director Spraggins I was trying, but last night I thought about it, and I had a quick glance at the numbers this morning. I didn't have time to look exactly how I wanted, but what the estimator did, just for noncompliance of the authorization number, it added approximately five hundred extra trips. I said four thousand one hundred and eighty-five. About five hundred of those came from us compensating for the people that we knew did not have the authorization number. I added that to the raw numbers, after it went through the estimator.

COMMISSIONER BOSARGE: I see you estimating trips. You ought to have that information. You shouldn't

have to estimate it.

MATT HILL: I shouldn't have to estimate it, but we know that there are people that are not getting the authorization number.

COMMISSIONER BOSARGE: But I'm saying the valid people that go out and do the authorization, you've got that number.

MATT HILL: I do. It's three thousand seven hundred and eighteen.

Chief Davis, they had people that came up and didn't have the authorization number. There are people that we encountered at the docks that didn't have the authorization number. I have to put that in the estimator.

If I catch one out of ten and I had eighty people that went out, how many more didn't have it?

COMMISSIONER BOSARGE: I know, and that's where we are going, and I apologize to you folks. Matt and I haven't had this conversation, but, because of the open meetings laws, we can't have this conversation anywhere but here. If it gets a little bit crazy, just bear with us just a minute.

Chief Davis, you are right in the middle of this, too.

Basically, what I asked for and I think what we

asked for was some type of a plan, program, quota, whatever of how many intercepts, not citations. How many at-sea intercepts are we going to have, whether it be a percentage, to where I can come back to Matt and say, that eighty-six number, you've got it. You are dead on it. I don't have to say, well, Matt, from what I hear and what I see, I think you are way off base.

Let's top wondering. Let's get the number.

MATT HILL: What is a sufficient number of intercepts from Marine Fisheries on the dock to validate the biological matrix, and what is a sufficient number from Marine Patrol on the water intercepts to validate the enforcement of the authorization number.

We are currently having those discussions. I have my own thoughts. We are comfortable where we are in Marine Fisheries, with that number, now, and we are running it by some consultants. We actually talked about it in the certification process.

We are currently talking with Chief Davis on it's not something that you can only be comfortable with. It's something that has to be attainable, also, because, like we said, we do have other species we have to worry about.

I threw a lot of our resources at collecting this. This is more than any other state has done, and we

had to throw a lot of resources to obtain this.

COMMISSIONER BOSARGE: Oh, yes.

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

It is getting pretty late.

COMMISSIONER BOSARGE: Yes.

COMMISSIONER GOLLOTT: I just talked to our attorney and she said that you and Matt can have this conversation. You can't make any decisions on changing stuff, but you can have this conversation, just in the interest of moving on.

COMMISSIONER BOSARGE: Yes, sir.

SANDY CHESTNUT: Just to clarify, the staff can give information to the Commission. There can't be any real deliberation, or decision making, or planning, on what can happen.

COMMISSIONER GOLLOTT: That has to happen in front of the whole Commission because one Commissioner can't make a decision and change policy, or anything.

COMMISSIONER BOSARGE: And I don't think one Commissioner can talk to the other one, as far as I remember.

SANDY CHESTNUT: Right.

COMMISSIONER BOSARGE: There are certain parts of this we have to have in a public forum where everybody

can hear the discussion.

I appreciate your concern. I hate to say it, but we have got to have this discussion.

COMMISSIONER GOLLOTT: What I'm saying is you can have this with Matt.

COMMISSIONER BOSARGE: But I think that there are folks here that need to be in the room where the discussion is happening, and I can't do that. I can't put two Commissioners in the room with Matt at the same time, or three.

MATT HILL: There is something that we did talk with Director Spraggins about yesterday evening. I would be prepared to come, if it took a special meeting, or something definitely before snapper season, to discuss what is an adequate number from an enforcement side and from a Marine Fisheries side and also what is an attainable number, and see if we can work from there so everyone will be comfortable with how the program is being enforced, validated and the compliance rate is being calculated.

We can also present the information that was given us through the certification process because we have put this out with people that are a lot smarter than me. They have given us a lot of recommendations, and we have tried to follow them, but I have also told them some of

them are unrealistic. I will put it to you that way. We just don't have the staff. We don't have the ability, especially now with these longer seasons that we hope to continue to have.

I would be prepared to come back and show what is an adequate number, in our opinion, to validate this program.

COMMISSIONER BOSARGE: Understand, Matt, that this was one of the concerns at the council level.

MATT HILL: I understand.

COMMISSIONER BOSARGE: That concern is do the states have the resources to manage this fishery, and you are seeing a little bit of it, now.

Like I say, this is a fishery I have been involved in many years to get it to the point where it is now.

Commissioner Gollott, I'm trying to go as quick as I can here.

My concerns are we had a three-day season that turned into forty-something. We should not have a season, now, but we've got a hundred and two days.

I'm okay, but this is a fishery that can be easily overfished. We have seen it. We know where it's at. If we are going to jump off into this where we are going to manage it out to two hundred miles, let's be sure

we are doing it correctly, and part of it is going to have to fall on your shoulders, in that you have got to get us the data that we need to make sure that we are staying within what we are supposed to be.

MATT HILL: Yes, and, as I said, we keep throwing these numbers of days out, and I don't want to harp on it, but we are going to manage this fishery to the quota that was provided to us in the EFP whether it's ten days, twelve days, eighty days. Those are our intentions.

These are just the projections that we have had from last year. We are going to manage it just like we manage our three commercial species for the State of Mississippi. Red Snapper has now entered that arena.

COMMISSIONER BOSARGE: I'm with you and, as with any fishery, we need accurate data.

MATT HILL: That's correct.

COMMISSIONER BOSARGE: Everybody worries about the numbers. We just need the number, the correct number.

MATT HILL: Yes.

COMMISSIONER BOSARGE: I'm done.

MATT HILL: Go on to the next one?

JOE JEWELL: There are two parts to this. The next part is Marine Patrol.

COMMISSIONER BOSARGE: Okay.

COMMISSIONER TRAPANI: Matt, I just wanted to

make a comment that you had said what the app is going to have, but we would have to vote on it, if someone had several offences we could lock them out.

Do we need to do anything on that today?

MATT HILL: That is up to y'all.

COMMISSIONER TRAPANI: I think that is a very important part of this.

MATT HILL: I think what we would prefer is there are some other things that we have added to the app. We are currently testing it, now, and we would like to go through the process and make sure.

This was just an idea that we came up with to help us enforce some things that we don't have to continue because we do have repeat offenders. We do. That's just the way it is, but we think that we have a way to curb some of that, and this is one of them. We may not can revoke their license, but we can revoke their privileges to get into the system.

We would like a couple more weeks. The developer just got it to us late last week. We just want to make sure we've got all our I's dotted and T's crossed.

COMMISSIONER TRAPANI: With that being said, if this is starting May 25th, we will have to do something by next Commission meeting to enforce that.

MATT HILL: Correct.

COMMISSIONER GOLLOTT: Do we need a motion to table this Snapper deal until next meeting?

JOE JEWELL: Well, there is no motion on the floor, right now.

COMMISSIONER GOLLOTT: I'm saying, do we need a motion to table it so y'all can come back at the next meeting and present it?

JOE JEWELL: I don't think we are recommending any regulatory changes right now, absolutely not.

COMMISSIONER GOLLOTT: Okay.

JOE JEWELL: We are going to go through the system. We are going to go through the season, and, then, if we detect any issues at that point, we will come back before the Commission, but we are absolutely not proposing any regulatory changes.

COMMISSIONER GOLLOTT: Okay.

SANDY CHESTNUT: It's not an action item on the agenda.

JOE SPRAGGINS: Right now, we are just trying to give you information. The Commission has asked for information. I think that is exactly what they are trying to do is give you the best information they have at this time of what we did last year, and, then, looking at what we will do in the future.

COMMISSIONER TRAPANI: Matt, I also have one

more question.

It sounds like some of the problems, or the confusion on these numbers came from -- and maybe I'm looking at it wrong. Let's just give a scenario. If someone goes out, you register, put your vessel and how many fishermen are on there.

Were you saying that when they were doing that, more than one fisherman was actually registering from that same vessel?

MATT HILL: No. What was happening was during those intercepts we would encounter that vessel at the dock and, in the course of getting the biological matrix on the fish, what we would do is we would write the vessel number down, we would obtain their authorization number, and we would do a sample count; there are six anglers on the vessel.

I have all that information that he, or she, is going to go home and enter on that. I have it. We wait for them to enter it, and they may go home and they may under report, or over report, by two fish, or four fish, or maybe they were over the limit, and they didn't want to report that.

COMMISSIONER TRAPANI: So they are not entering what y'all actually saw.

MATT HILL: They are not entering, so that is

part of the validation process.

COMMISSIONER TRAPANI: Maybe something could be changed in that. How long does it really take to pull up your phone and get an app and put it in. Maybe y'all need to enforce them doing it right then so we can get accurate numbers.

MATT HILL: That is part of some of the things with the new updates on the app that we were having a little problem with the time stamp for a little while. We have that corrected. Until we had that corrected, it's hard to enforce something like that, but, now, we can.

Those are some of the things that I foresee us bringing back to the Commission. You have a certain period of time, on the lockout method. If you continuously misreport. Things like that because, like I said, compliance doesn't strictly deal with the authorization number. We have to account for people not giving us the correct information, and that is in any system.

COMMISSIONER BOSARGE: Thank you, Matt.

MATT HILL: Thank you.

COMMISSIONER BOSARGE: Next is Chief Davis.

KEITH DAVIS: For the Commission's sake, I do agree with Matt in the fact that there was some miscommunication last year, when it comes to what our

portion of Tails n' Scales is. We have identified all of those miscommunications, and I think we are on the right path to correct them.

I do want to say that you are right. The numbers are skewed. I believe that they are skewed all over the place.

I can tell you that on June 2nd of last year, I was on a JEA patrol offshore, and I specifically remember being at the rigs where Snapper fishing is pretty prevalent, and there were some twenty boats out there that day, and we checked all twenty of those boats. We didn't document that we checked them, but we checked them, and they were in possession of their Tails n' Scales numbers. If they weren't, we issued them a citation.

We in Marine Patrol agree with this Commission that it is vital that we get this right.

I learned just today that there is some information that was out there that my office wasn't aware of about some fishermen going out and just completely refused to file the number.

Now that I have that information, we will deal with that. It takes some covert operations to ensure that people are being responsible with this program.

Law enforcement, we have this thing called the level of power that we use, and the first step is officer

presence. Director Spraggins is working with me in moving some monies around within my budget in Marine Patrol to be as efficient as we possibly can with the amount of funding that we have, and I think we have a good plan to put more officers out there to provide that officer presence that I'm talking about.

Force continuum is what I'm talking about. That force continuum, the first level is officer presence, and I believe with Fisheries and our PR folks, we can get the message out that, if you fail to cooperate with this system, you are going to be held accountable, and there is going to come a time where I'm going to say, at this point it's egregious that this person is not going to cooperate with the program and it may be an arrestable offense because this is that vital, and we agree with this Commission that it is vital that we get this right, and we will get it right.

There is one slide, where we talked about the number of stops. That hundred and seventy-four stops, that number does not include all of those stops that we made in Federal waters where Mississippi fishermen were out there. We didn't document that because they had their numbers, but we stopped them.

The reason why the officers were not reporting it back to dispatcher is that we were out of radio range,

but going forward what we will do is say even if you stop them and you can't radio it in, document it so when you get back, we have a record of that stop and where you were and how many fishermen were onboard the boat.

There are a lot of different things that we are going to do going forward that I think will help this Commission and everybody involved with that assurance that the program is working.

Four hundred and sixty-five fishermen were checked during that hundred and seventy-four stops, but, again, I refer back to what I just said.

Go to the next slide, please. That's how many citations that were issued, during that time period.

Next slide. Here is what we are going to do. We talked about increased officers. We are doing some things that, in consultation with the attorneys, I don't really want to get into in a meeting, but there are law enforcement strategies that we are currently working on that, in this year's season, I think will be effective, in terms of ensuring compliance with Tails n' Scales and the Red Snapper fishery.

We are changing the way that we do JEA patrols. We have identified some really important and effective methods that NOAA has really taken heed to and they are going to use Mississippi as the pilot program to implement

this. We are proud of that and those are things, I think, that will be very effective.

Improved record keeping, we talked about that.

This was a recommendation from one of you that if we do encounter you and you haven't filed a report, we are going to confiscate your fish and, if we confiscate your fish more than once, you are going to go to jail. It is as simple as that.

I think if we get that message out, you and the public will become more confident in the program that Fisheries has put forth.

Any questions?

COMMISSIONER BOSARGE: Sounds Good. Just one comment. I like what you are doing. When you do record your stops, I don't know what information, but it would be nice to have a vessel number, a location, number of people aboard. We don't need any names, nothing that gets into people's personal business, but just enough information that we know they were a hundred and two miles offshore, or they were six miles, and we know that this was the boat. In other words, just enough information to validate, to be able to validate.

KEITH DAVIS: Yes, sir. I will make this announcement, probably against law enforcement protocol, but we are working with the National Guard. They reached

out to our office and they wanted to come down and do some training with us, and the first thing that came to mind was if y'all are going to have surveillance capabilities, we want to use that for Red Snapper.

This group out of Jackson was very enthused about that, so we are going to have fixed-wing units for a large portion of the Red Snapper season that report to us, you have a group of boats here.

Instead of us having to go a hundred miles out and search, we will have a good GPS location of where they are located.

There are so many different facets of enforcement that I don't care to talk about in an open meeting that I assure you are being implemented.

COMMISSIONER BOSARGE: Thank you, Chief.

KEITH DAVIS: Thank you.

MATT HILL: I'm going to give a quick update on the Southern Flounder management strategy that we have. You requested this at the last meeting.

A little bit of background. We did talk about this last time. Stakeholders have voiced concerns over the decline of Southern Founder in Mississippi waters.

DMR made a motion, in the December 2017 meeting, to address these concerns and for the Finfish Bureau to present information on the Southern Flounder fishery in

the March 2018 CMR meeting.

In the March meeting, the CMR requested information of the effectiveness of the current bag limit for Southern Founder in Mississippi, and we were also requested to present this information at the April CMR meeting.

I just want to get into some of the things that we are talking about doing, discussing doing. Some of these have been implemented.

MDMR and GCRL have begun discussing efforts to monitor flounder using fishery-independent sampling.

The preliminary plans are to initiate gig and fyke net sampling to monitor flounder relative abundance over time.

The two sampling efforts will allow for flounder to be assessed within the next five to seven years.

This is the first effort to specifically target flounder to monitor relative abundance in the Gulf of Mexico.

This is showing a little bit of the decline of the fishery, and we did reach out to the state of Alabama and the state of Louisiana, my staff did -- Travis headed this up for us -- and had some extensive conversations just to see where they were, what they were seeing, what their plans are, so I'm going to give a brief overview of

some of those discussions.

Multiple gulf states have noticed declines in the Flounder abundance.

Alabama has observed declines in catch of flounder, in the fishery-independent sampling efforts.

Louisiana has seen a decline in founder, in their fishery-independent trawl surveys.

In Mississippi, commercial and recreational catches observed for 2017 were the lowest since 2013.

As you can see with the charts over here, there is a sharp decline, especially in the catch-per-unit effort in the commercial gig fishery (indicating slide).

There are a few things I would like to point out.

Louisiana conveyed to us that they have seen increases in all other species except for Southern Flounder, and they do have a stock assessment scheduled for 2020. That is the same year that we should have our Southern Flounder Stock Assessment put out, also.

Alabama should receive their stock assessment this month. They have reached out to us and would like for us to review it, and we are very anxious to see that. Hopefully this month, or early next month, we will be able to see it.

I will point out that after reviewing this data,

the dependent and independent data, one thing that all three states have agreed on is that this is environmental. This is not a fishery-driven issue, or there is no fishery driver to this.

A factor that has come out in a recent study -- this came out of Texas, and it is currently being discussed among all gulf states and we are initiating a review of some of our data -- is the warmer water temperature in estuaries has produced a higher proportion of males coming out these estuaries and, as we all know, in the reproductive process of fisheries, males are very insignificant.

What the reasons are for this we don't know. This is just an analysis of the data. This was a peer-reviewed study that came out. It has been looked at by a lot of eyes. It is something that we are going to begin to analyze our data fairly critically and see what we are seeing, and the year that this may have happened.

I did want to assure the Commission that we did reach out to these other states and they are in the same boat that we are in, and we are going to begin to work very closely with them to figure out some things that we can do.

Getting back to our flounder fishery, synchronous declines between gulf states may point -- I'm

reluctant to say may. They are pointing to a non-fishing driver.

Cycles have ben observed in past recreational harvest of Southern Flounder in Mississippi.

When you really dig into this data, there is an argument for either a six-year, or eight-year, cycle. This has gone on since basically the early seventies. It doesn't quite show that here, but, when you start looking at some other factors, that's what we usually see (indicating graph).

Additional fishery independent information is needed to gather evidence of annual shifts in abundance. Those are some of the studies that I was talking about and some of cooperation that we are going to have with the other gulf states.

We have identified that gulf wide cooperation will be needed to gather all information for a larger analysis.

As you can see, in the year 2012, that's our highest recreational harvest since 2006 and that harvest reached three hundred and twenty-five thousand pounds, and we are far below that currently.

Just a little bit about where each state stands in the gulf right now.

Mississippi enacted a twelve-inch size limit

with a fifteen per person bag limit and there is no season.

Florida enacted a twelve-inch size limit with a ten per person bag limit.

Alabama has a twelve-inch size limit with a ten per person bag limit.

Louisiana currently has no size limit. However, they do have a ten per person bag limit.

Texas has a fourteen-inch bag limit and some slot limit things that we just really won't get into, but they also have some closures in Texas.

Alabama is strongly considering to start imposing some more stringent regulations on flounder. However, I did say they are expecting their stock assessment any day now.

What we were asked to do was analyze the effectiveness of the bag limit. As most Commissioners know, I typically don't give recommendations, but I will give options.

Our first option is to remain status quo.

Our second option would be to modify the current bag limit of fifteen. However, I would caution the Commission to have any significant impact, you would have to modify the current bag limit to three, or less, to have an impact on the current fishery.

You could also modify the current size limit of twelve, preferably increase it, if that decision was made, or we could do both, modify the current bag limit and the minimum size limit together.

I would like to point out that twelve inches, that is the fifty percent maturity of females. This is basically about a one year old, possibly a eighteen month old, female flounder.

As I would say, the declines that we see in Louisiana and Alabama, both are in agreement this is a non-fishing driver which means that regulations will likely not change the position that we're in at this current time.

There is really nothing we can do about mother nature. However, if a bag limit change is desired, the recommendation would be to change the bag limit to three, or less.

COMMISSIONER TRAPANI: I just would like to add that we all understand how important this fishery is and its decline, and I understand that we have two years of research to get all of this information together to try to bring back the fishery and get our guidelines where they need to be, but I would like to at least make a motion to change the bag limit to at least ten per person.

I understand that that is not going to make a

big dent in it, but at least we are in line with the other states to at least be a little bit more proactive than what we are doing, right now. I would like to make that motion.

COMMISSIONER BOSARGE: Can we actually do that, right now, because it's not an action item?

SANDY CHESTNUT: The preferred method would be to bring the language back into the next meeting and vote on that, and bring that motion back up.

COMMISSIONER BOSARGE: Do you see what Sandy is saying, that it is not an action item?

COMMISSIONER TRAPANI: That's fine. We can put it on the next agenda.

MATT HILL: As an action item?

COMMISSIONER TRAPANI: Correct.

MATT HILL: And the intent would be to lower the bag limit?

COMMISSIONER TRAPANI: Right, to at least what our neighboring states are.

MATT HILL: Would you like some options, or would you like to just keep it at ten?

COMMISSIONER BOSARGE: Options.

COMMISSIONER HAVARD: Options.

COMMISSIONER TRAPANI: Yes.

JOE JEWELL: Is the Commission requesting that

we come back with a Notice of Intent, or come back with a presentation?

SANDY CHESTNUT: I think they are requesting that you come back with a presentation with a proposed Notice of Intent.

COMMISSIONER BOSARGE: That is it exactly.

COMMISSIONER TRAPANI: Yes.

COMMISSIONER HAVARD: Mr. Hill, at what size limit inch wise are they at full maturity?

MATT HILL: Well, at full maturity, I would say fourteen inches. At fifty percent maturity, you are talking at twelve inches and usually for a species like this, that is what we look for. That is sufficient to sustain a population. At twelve inches, they are at fifty percent maturity and, like I said, that fish is a year to eighteen months old, that female.

COMMISSIONER GOLLOTT: Can I say something here?

COMMISSIONER BOSARGE: Yes.

COMMISSIONER GOLLOTT: I was talking to some folks the other day and I was asking about these skiffs that they are fixing up, these big aluminum boats and they put lights on the front of them and they go gigging flounders in the Bay of Biloxi. I've seen that myself.

What they say is the folks are hiding the fish and selling them which I don't know.

What about putting the regulations on them like we do Speckled Trout?

To be a commercial fisherman, you have to qualify to be a commercial fisherman.

Can we do that on flounders, Matt?

MATT HILL: We can look at doing that on any commercial species, or we can strengthen the endorsement, Spotted Seatrout endorsement to include flounder. That's an option.

That is something that we can also come back with several options and possibly some strengthening of the current endorsement.

COMMISSIONER BOSARGE: Commissioner Gollott hit on my point, in that you have to wonder. We talk about technology, but it is. In other words, I can remember floundering was a Coleman lantern and a gig. Now, it's a generator with LED lights that light up. If you can't see a flounder with all of that, and I think the lights now have gotten too bright where they are reflecting off the water and it blinds them.

Anyhow, my point is maybe some gear restrictions. In other words, I agree with you Commissioner Gollott. We both live on the water, and they light up the rooms in my house when they come by. You don't hear the generators first. You see the glow.

COMMISSIONER GOLLOTT: Yes.

COMMISSIONER BOSARGE: Anyhow, just a thought. Once again, technology and, if you look, it didn't just happen in Mississippi. It is gulf wide. Everybody did the same thing at the same time and made it a lot more efficient to gig flounders.

MATT HILL: Yes, sir.

JOE JEWELL: Commissioner Bosarge.

COMMISSIONER BOSARGE: Yes, sir.

JOE JEWELL: I think Commissioner Trapani would like to make a motion for the staff to come back and do that presentation, and I think the way I read it with your modification would be to come back to the CMR with a presentation in May on proposed changes to size, bag limits and possibly gear restrictions, for a Notice of Intent.

COMMISSIONER GOLLOTT: I will second that motion, if you need a second.

COMMISSIONER BOSARGE: Sounds good.

Is that okay with you, Commissioner Trapani?

COMMISSIONER TRAPANI: Yes.

COMMISSIONER BOSARGE: We have a motion and we have a second.

Any further discussion?

(No response.)

COMMISSIONER BOSARGE: All those in favor say aye

(All in favor.)

COMMISSIONER BOSARGE: Opposed?

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

Thank you, Matt.

MATT HILL: Thank you.

COMMISSIONER BOSARGE: New state records.

JONATHAN BARR: Good afternoon. I will make this quick.

COMMISSIONER BOSARGE: State your name for the record.

JONATHAN BARR: Jonathan Barr.

Like I said, good afternoon.

We have three new state records up for consideration this morning. They are all three conventional tackle.

The first is a Paralichthys albigutta. It is a Gulf Flounder. This is a different species from the Southern Flounder we were just discussing.

The angler is Mr. Christopher Barlow. It is a new record. It's one pound two point four ounces.

Now, this looks a lot like the Southern Flounder. It's hard to tell because of the lighting. It

has been on ice, but there are three oscillated spots on this flounder that sets it apart, along with other markings (indicating photograph).

There is Mr. Barlow with his flounder (indicating photograph).

The next two are the first two of the youth category that we passed last December.

This one is going to go in the all tackle and the youth. This is a Slippery Wrasse, Halichoeres bivittatus.

The angler is Ms. Myles Fallo. It is six point eight eight ounces. This is actually a pretty big Wrasse. There it is (indicating photograph).

There is Ms. Fallo (indicating photograph).

The third is a Silver Perch, Bairdiella chrysoura. I think they also call them Sand Trout.

Its weight is two point eight ounces, and the angler was Ms. Margaret Schindler (indicating photographs).

Required is a motion to adopt these new state records.

COMMISSIONER GOLLOTT: Mr. Chairman, I would like to make a motion that we adopt these new state records.

COMMISSIONER BOSARGE: We have a motion.

Do we have a second?

COMMISSIONER TRAPANI: I'll second that.

COMMISSIONER BOSARGE: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed?

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

Thank you, Jonathan.

JONATHAN BARR: Thank you.

COMMISSIONER BOSARGE: I think we are to Commissioner Gollott, Oyster Depuration Facility Update.

COMMISSIONER GOLLOTT: Yes, sir. I have been pushing oyster depuration for our industry for some number of years that I have been on the Commission.

For the people that don't know it, I got into depuration back in the 1980's and patented an offshore depuration system that was working pretty well. I was dredging oysters out of Pascagoula and Graveline, putting them in a cage, putting them offshore for two weeks, letting the oysters cleanse themselves, and we were able to market them and were doing pretty good.

We had an unfortunate accident, and I got out of the business. The Captain drowned on the boat.

This has always intrigued me. The State of Mississippi puts millions of dollars in all this pie-in-the-sky stuff.

I know we've got the money available to put an onshore depuration plant in Pascagoula, or on Singing River Island which would be ideal. I understand they've got some vacant buildings there.

What I would like to do is get the Commission to go along with instructing Ms. Ruth Posadas -- she is probably the foremost expert on this industry -- to come back and tell us whether it would be feasible and give us some recommendations on depuration.

I got Joe Jewell to send me some information which I would like them to send the rest of the Commission the information for depuration systems, and come back next month with a recommendation.

I would like to make that motion.

COMMISSIONER BOSARGE: All right.

JOE JEWELL: The only request I would have for modification of that motion is the Marine Fisheries staff. Ms. Posadas, I don't know what her schedule is. I don't want to speak for her.

COMMISSIONER GOLLOTT: That will be fine.

JOE JEWELL: We certainly can have someone address that issue.

COMMISSIONER GOLLOTT: Okay.

JOE JEWELL: The motion is for the Marine Fisheries staff to come back next month with a depuration facility update.

COMMISSIONER BOSARGE: I guess your staff will speak to Ruth Posadas.

JOE JEWELL: Absolutely. She is on vacation right now. when she gets back, we will have that conversation.

COMMISSIONER BOSARGE: We have a motion.

Is there a second?

COMMISSIONER TRAPANI: I'll second that.

COMMISSIONER BOSARGE: We have a motion and a second.

Any further discussion?

(No response.)

COMMISSIONER BOSARGE: All those in favor say aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed?

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

JOE JEWELL: That completes the Marine Fisheries portion of the agenda.

COMMISSIONER BOSARGE: Mr. George Storrs, I'm

about to forget about you again. This is the time you wanted to speak.

Correct?

GEORGE STORRS: Yes. I wanted to say something about what you were just talking about.

JOE JEWELL: If you will come to the podium, please.

COMMISSIONER BOSARGE: Please come to the podium.

GEORGE STORRS: I'm George Storrs, commercial fisherman.

What Richard just got through talking about was something and it was not pie in the sky. That was a fabulous idea and it was a workable program, and it just got slammed because of what happened.

Whether we do this on water, if you go ahead on and go on with this thing, I'm a fisherman. My very existence, especially with the oysters, depends on something as big as this to me, and I have been looking for years and years for somebody to do something about it, and finally Richard decided he is going to try it again.

If you guys could just see fit to go ahead on and vote on this thing and get it through, it would be great.

There are more oysters in prohibited areas. If

you have a big circle, say that circle right there, ninety percent of that circle would be prohibited areas. That's where all the live oysters are (indicating slide).

It looks like vast areas that we fish in, but we're not. We are all clogged up in one little spot here and, then, we get to go over there. They send us here. Sometimes we go over to the Davis Bayou area.

Once you desecrate an area which is already lame anyway, it's not going to come back as well.

Back in the day, thirty-five years ago, or thirty years ago, you could go anywhere you wanted to. Nobody got sick. You could go anywhere you wanted to catch oysters. There were plenty of oysters. There was never a depletion ever anywhere because everybody was scattered out.

Now, we have less fishermen to do it, and, then, the reason is obvious that everybody piles up in one place. You keep us in one place, but if you could let us go into these prohibited areas.

Once you put a prohibited sticker on something, you ain't going there. You don't even have to test it. You don't have to look at it. You are just out. You can see the oyster there, but you can't touch him.

Everywhere else we go, it is so restricted at times that you can't get anything anyway, plus you are

tearing the reef down because it has already been beat.

If we could do something about this, it's a game changer for people like me. Thank you.

COMMISSIONER BOSARGE: Thank you, Mr. Storrs.

Do we have any other business?

(No response.)

COMMISSIONER BOSARGE: We have no other public comments.

Seeing that, I'm going to ask for a motion to adjourn.

COMMISSIONER HAVARD: I make a motion that we adjourn this meeting.

COMMISSIONER BOSARGE: Do we have a second for the motion?

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

COMMISSIONER BOSARGE: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER BOSARGE: I appreciate everybody being patient with us.

We are adjourned.

(Whereupon, at 1:45 o'clock, p.m., the April 17, 2018, meeting of the Commission on Marine Resources was

concluded.)

C E R T I F I C A T E

I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above and foregoing is a true and correct transcript of the April 17, 2018, 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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