COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, May 15, 2018
9:00 a.m.
Bolton Building Auditorium
1141 Bayview Avenue
Biloxi, Mississippi 39530

Commission Members:

Steve Bosarge, Chairman

Ron Harmon, Vice Chairman

Richard Gollott

Mark Havard

Jolynne Trapani

Also Present:

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

COMMISSIONER BOSARGE: I would like to welcome everybody to the May meeting of the Commission on Marine Resources.

Looks like we've got a good crowd, a lot of interested folks. Hopefully, it will be a productive meeting.

We are going to start with The Pledge of Allegiance, and I will ask Mr. Joe Spraggins to lead us.

(Pledge of Allegiance was recited.)

COMMISSIONER BOSARGE: Next on the agenda is a moment of silence, and I'm going to ask Mr. Joe to say a couple of words.

JOE SPRAGGINS: We have a moment of silence for a lot of things. About a week ago, a little over, the Department of Marine Resources lost a great man and we need to continue to honor Jimmy.

Jimmy Sanders was a great person. He loved everybody and everybody loved him.

I ask everybody in the room if you would just stand and let's have a moment of silence for Jimmy and his family.

(Moment of silence observed.)

JOE SPRAGGINS: Thank you, and may the

Lord bless him and his family.

COMMISSIONER BOSARGE: I echo Joe's sentiments. Jimmy was one of those people that always had a smile on his face. You would meet him in the hall, and you couldn't help but stand there and talk to him. He always had something on his mind and something good to say.

We are going to move on.

Next will be approval of the minutes for the April 17th meeting.

Are there any changes to the minutes?

COMMISSIONER GOLLOTT: Mr. Chairman, I would like to make a motion that we take K(4) off of the agenda.

COMMISSIONER BOSARGE: We have a motion to take K(4) off the agenda.

Do we have a second on that motion?

COMMISSIONER HARMON: So seconded, Mr. Chairman.

JOE JEWELL: Commissioners, I'm sorry to interrupt. I think y'all are approving the minutes from the last meeting.

COMMISSIONER BOSARGE: I understand, Joe. We're okay. We will go right back to it.

JOE JEWELL: Yes, sir.

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.

Now, we are going to go back to approval of the minutes for the April 17th meeting.

Are there any changes to the minutes?

(No response.)

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

COMMISSIONER HAVARD: Mr. Chairman, I will make a motion that we approve the minutes as written.

COMMISSIONER GOLLOTT: I'll second it.

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 will be approval of the agenda, which we made a modification to the agenda.

Do I have a motion to proceed with the agenda as modified?

COMMISSIONER GOLLOTT: I'll make that motion.

COMMISSIONER BOSARGE: We have a motion.

Do we have a second?

COMMISSIONER HARMON: I'll second it.

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 will be the Executive Director's report, Mr. Joe Spraggins.

JOE SPRAGGINS: Yes, sir. A couple of things. We do have some real good news for DMR. We received the information back from the Federal Government and our Gulf of Mexico Energy Security Act, which is called GOMESA.

I think y'all have seen over the past that we were able to get a little bit of money. I think a total of about seven million dollars was given to the State of Mississippi, since 2006, when this thing's inception.

2018 had always been the big year. Well, the big year came and the State of Mississippi received twenty-seven point seven million.

Twenty-two million of that goes straight to state basically into a fund for the state to operate, and the Governor has put that under the Department of Marine Resources. We will be the administrators of that money.

This money should be money that comes every year. It is money that is coming off of our oil leases that are out in the Gulf. If it works out, we could get as much as twenty to twenty-five to thirty million dollars a year for the next twenty-five to thirty years.

That will come straight to the State of Mississippi, and the Governor has earmarked everything in this, in his term. Obviously, it is the Governor's option to do what he wants to do and he said, I want it on water quality and I

want to spend it on water quality.

He has made a three-person basically committee. It is myself as the Executive Director of Department of Marine Resources, Gary Rikard as Executive Director of DEQ, and the Executive Director, or his representative, for Mississippi Development Authority. Jamie Miller, I think is going to be that one, so you will see Jamie back again.

We will be making decisions on what to do with the water quality in South Mississippi and how to spend that money appropriately and to be able to take care of some things that are very definitely needed.

I think that is a great deal for us. Obviously, it will help us, too, with our staff. We will be able to pay some staff for some operations that are being done with that, and that will be something that will work out better for our budget, and I'm sure Kacey -- she's not here, but she will be tickled to death.

Each one of you have a packet. That is our plan, our Phase Two Plan. It will give you an idea, if you would like to read over what we are going to do. I think it will be a great

project.

COMMISSIONER BOSARGE: Good news. Glad to hear it. Water quality, if we don't have good water, we don't have anything, so that's good.

JOE SPRAGGINS: I have learned a little bit over my last four-and-a-half, or five, years that oysters are very great for water quality.

COMMISSIONER BOSARGE: Oh, yes.

JOE SPRAGGINS: That's what I understand. Maybe we can grow some oysters.

COMMISSIONER BOSARGE: Good news. Thank you, Mr. Joe.

Commissioners report.

Do any of the Commissioners have anything they would like to say, at this time?

(No response.)

COMMISSIONER BOSARGE: Hearing none, we will go on to Office of Marine Patrol, Chief Davis.

KEITH DAVIS: Good morning Commissioners.

I know we've got a packed house and a packed agenda. There is really nothing that

stands out on the report this month, unless there is something that any of the Commissioners may have a question about.

COMMISSIONER BOSARGE: There are a couple and I should have marked them when I was going through it, but I didn't.

The "No Spotted Seatrout Endorsement", was that somebody in a boat that didn't have one?

KEITH DAVIS: Yes, sir. There was a crew of several individuals on the boat, and they only had one endorsement. If I remember correctly, that was in Gulfport.

COMMISSIONER BOSARGE: That was my only question.

KEITH DAVIS: There is one thing I want to point out. Following our last meeting, Marine Patrol officers were able to catch one individual in possession of Red Snapper, and that person received a ticket for that offense, as well as failure to register with Tails n' Scales. I'm sure the Commission will appreciate that.

After that lengthy discussion over in Hancock County, I want you to understand Marine

Patrol takes that very seriously and the guys are definitely out looking for that.

Any other questions?

(No response.)

COMMISSIONER BOSARGE: Thank you, Chief.

KEITH DAVIS: Thank you.

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

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

Greg Chistodoulou is going to present our only action item today, but, before he does that, Willa Brantley wants to give the Commission just a short update on where we stand with our renewal of the General Permits.

WILLA BRANTLEY: Good morning.

If you remember, I went through the changes of the General Permit last month, and we still have not gotten those issued by the Corps. Those guidelines have to be issued by the Corps, before we can issue permits under those guidelines. We issue those on behalf of the Corps and DMR and DEQ. It's one-stop permitting.

It is supposed to be faster. Right now, it's not because those GP's expired April 12th and they have not gotten those renewed. We have approximately one hundred applications waiting to be issued that would qualify for those general permits that we can't do anything with at this time.

Our option is to issue a Certificate of Waiver on behalf of DMR and send all of those applications over to the Corps which would probably take a lot long than leaving out the Corps to get them issued.

What we hear right now is hopefully next week, but we have heard that several times. We don't really know.

I know some of you are getting calls about that, but that is why we have so many waiting.

COMMISSIONER BOSARGE: I guess to be sure I understand you, you can't issue a permit under the old guidelines, now?

WILLA BRANTLEY: No.

COMMISSIONER BOSARGE: So you are kind of in limbo?

WILLA BRANTLEY: Yes.

The two five-year cycles before, when they knew they weren't going to get the new ones issued, they extended the old ones for either thirty, or sixty, days so that we still could issue under the old ones, but this year they chose not to do that for whatever reason.

JOE SPRAGGINS: Commissioners, I have a call in to the colonel who is over the Corps, and he is going to call me back this afternoon. One of the suggestions is going to be that you just go ahead and extend the ones that are waiting and not wait until next week. We want to do it. We want it done ASAP.

COMMISSIONER BOSARGE: I guarantee there are a lot of folks waiting on permits, I'm sure.

WILLA BRANTLEY: Right.

The issue with that is, if they extend them and we start issuing permits under those guidelines, they will only be good for a year the way those are written which is fine for a lot of people, but we will be sure and tell people up front, do you want your permit right now for a year, or do you want to wait for the new ones to get five-year coverage, and, then,

it will be up to them.

COMMISSIONER BOSARGE: Thank you.

WILLA BRANTLEY: You're welcome.

GREG CHRISTODOULOU: Good morning.

I'm presenting a Violation/After-the-Fact Waiver request by Kim Ivy-Talley. It is located on an inlet of the Biloxi River at 12046 Lorraine Road in Biloxi. It's in the General Use District.

Approximately a hundred and seventy-seven linear feet of bulkhead has been constructed without authorization, and the applicant is requesting construction of a pier a hundred and seventy-seven feet by six feet that is going to run right along that bulkhead.

The yellow thumbtack is showing the project location, I-10 down below, 605 over to the west (indicating aerial view).

Here is a diagram of the project, and you can see the hundred and eighteen feet that was constructed without a permit.

There was another fifty-nine feet that was in front of the slab of the home, and that part of the bulkhead was constructed approximately two feet out from an old bulkhead,

after a good bit of research.

Here are two photos of the site showing the bulkheads in question. The one you see in the background was constructed at the current mean high tide line, and, then, the one in the foreground, or closest to you, is the area that was constructed out in front of an old bulkhead.

We had the applicant go out and dig the area that had been filled in previously, and we did find the old bulkhead, as I have highlighted there in the drawing, and it measured to be two feet behind the new bulkhead that had been constructed. There is another shot of it (Indicating photograph).

The chronology.

On January 23rd of 2017, an application to construct a pier was submitted.

When a site visit was performed, on February 7th, we found that a bulkhead had been recently constructed without a permit and that a fifty-nine foot section that was in front of the home had been constructed waterward of the mean high tide line. At that time, we didn't know how far out in front of the old bulkhead.

February 24th, we sent the owner a cease and desist, or a notice of violation, and we also contacted them by phone.

We had a year long period from March of 2017 to March of 2018 where we were dealing with the property owner. During that period of time, they had several deaths in the family and there were a couple of bouts of hospitalization, as well.

We are willing to work with people who are working with us. We remained in contact with the people throughout the time. There was no fill running into the waterway. There was nothing of dire consequence that needed to be taken care of at the time.

In March of this year, we had an on-site meeting with the owner, and the excavation that you saw revealed the new bulkhead that was constructed was just two foot waterward of the existing bulkhead.

On March 28th, we received the after-the-fact application request for the bulkhead.

The penalty range is the violation was discovered on February 7th. We had a seventeen day time period for when we were able to contact

and notify the owner to start working with us.

The maximum potential fine is eighty-five hundred dollars; minimum is fifty. The recommended fine on this occasion is just a hundred dollars, due to no previous violations of the property owner and they have been cooperative throughout the fairly long process.

COMMISSIONER BOSARGE: Does the Commission have any questions?

SANDY CHESTNUT: Is anyone here to speak on behalf of the applicant?

GREG CHRISTODOULOU: The applicant is here, if y'all have any questions for her.

COMMISSIONER GOLLOTT: Why just a hundred dollar fine?

GREG CHRISTODOULOU: This actually lasted a long time because we were waiting. We were being patient with them, and they were able to use their own equipment. They didn't have to go out and expend a lot of resources to do it.

I will let her explain her side of the story.

COMMISSIONER BOSARGE: State your name, please.

KIM IVY-TALLEY: My name is Kim Ivy-

Talley.

COMMISSIONER BOSARGE: How are you doing?

KIM IVY-TALLEY: Good. Thank you.

COMMISSIONER BOSARGE: Commissioner Gollott, do you have some questions for her?

COMMISSIONER GOLLOTT: Why didn't you seek a permit, before you built this bulkhead?

KIM IVY-TALLEY: I don't know that I have an explanation for that. I would tell you that I have been working with the City for quite some time because we have plans for this property.

When I came in and applied for the permit for the pier, I knew I needed a permit for new construction, but we were under the understanding -- and I can tell you that my research may not have been in depth enough -- that, if we replaced the old bulkhead board-for-board and repaired what was there that was going to cause everything to fail and we stayed within a two-foot tolerance, we were good.

Those were some mistakes that I made and, of course, when I came and met with everyone and explained how many meetings I had

had with the City of Biloxi for all the things that we were going to do to this property and gotten variances approved and meeting after meeting after meeting, this meeting was not one I left out intentionally.

Clearly some of my information needed to be more in depth than it was.

COMMISSIONER GOLLOTT: Just curious.

Did you tell the City of Biloxi that you were going to build a bulkhead?

KIM IVY-TALLEY: No. I did not discuss that with them.

COMMISSIONER GOLLOTT: Okay.

KIM IVY-TALLEY: These meetings that I have been having with Chris are my first interaction with DMR. I have never owned a property on the river before, or in a waterway.

One thing that I guess had me a little confused is because our property is on a lake inlet off of the river. The traffic flow doesn't run by it. It is a little bit secluded.

I was under the understanding that I had a little different situation, and that is on me. That is my misunderstanding of everything.

COMMISSIONER GOLLOTT: It certainly is

a nice improvement to that property. It looks good.

KIM IVY-TALLEY: Thank you.

COMMISSIONER BOSARGE: Any more questions?

(No response.)

COMMISSIONER BOSARGE: Do we have a recommendation, or a motion?

COMMISSIONER GOLLOTT: Mr. Chairman, I'll make a motion that we go with the staff's recommendation on this permit.

COMMISSIONER BOSARGE: And issue the one hundred dollar fine?

COMMISSIONER GOLLOTT: One hundred dollar fine.

COMMISSIONER BOSARGE: We have a motion.

Any further discussion?

(No response.)

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

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.

KIM IVY-TALLEY: Thank you for your time.

COMMISSIONER BOSARGE: Thank you.

GREG CHRISTODOULOU: That concludes Coastal.

COMMISSIONER BOSARGE: Thank you, Greg.

I just wanted to mention that Senator Seymour, we certainly appreciate you being here and taking time out of your day to join us in our meeting.

SENATOR SEYMOUR: Thank you.

COMMISSIONER BOSARGE: Next is Office of Finance and Administration. I think Kacey is out sick. Mr. Joe is going to have the stage here for a minute.

JOE SPRAGGINS: First, before you see all the great increase in the numbers, understand that we had twenty-two million dollars put into our account from GOMESA. Don't

get too carried away here.

We are doing good. We are showing forty million dollars sitting there, now. Obviously, the twenty-two million is there, but we are doing good. Everything is fine. We are getting our money back.

At the end of the year, we will still get more money from some of our grants and all coming in, and we still have not received our not quite a million dollars that we get from the state that will come in at the end of the year.

Next slide. As you see, sixty-six point six percent is still there and seventy-three point six percent, so I think we are fine. We are doing good. The numbers are great.

Any questions?

COMMISSIONER TRAPANI: I have one question.

The GOMESA account, is that going to stay a separate account?

JOE SPRAGGINS: Yes. It will be kind of a separate account like Tidelands, and we will utilize it and, once we do any expenditure out of it, it will come straight from that GOMESA, the twenty-two million, and this is

Phase Two because Phase One is a different one, and we will have to keep those separate, too, because of the way it is set up.

Any other questions?

(No response.)

JOE SPRAGGINS: Thank you.

COMMISSIONER BOSARGE: Thank you.

Next is Ms. Melissa, Public Affairs.

MELISSA SCALLAN: I'm not used to being up here so early in the meeting.

Good morning everybody.

The agency was mentioned thirty-five times in local, state and national media, since the April meeting.

Some of the most popular items included the prescribed burn that Coastal Preserves conducted on Deer Island -- and I can tell you that we posted a video that was viewed over three thousand times, a short clip of that burning -- as well as the opening of Red Snapper season.

I can tell you also that we are working with Fisheries to promote Red Snapper season and when it is. We bought new signs.

Bryan Sherwood and I are working with

Wildlife and Fisheries to get addresses of people who live north of Hattiesburg so we can target them directly, send them something to say, don't forget if you come down here to fish for Red Snapper, you have to register with Tails n' Scales. We have a lot of things going with that.

Marine Patrol has taught two boat-and-water safety classes and certified twenty-five students, since the last meeting. So far in 2018, officers have taught fourteen classes and certified two hundred and fifty-eight students.

Marine Patrol participated in several community outreach events this past month, including Conservation Day in Stone County, Career Day at Southern MS in Hattiesburg, the CCA Kid's Fishing Rodeo in Diamondhead, the Biloxi Shucker's Education Day and Career Day at Ocean Springs High School. They have been pretty busy.

I want to tell you guys about another event. It was not an outreach event. It was an event we did here at the agency. As most of you know, Jimmy Sanders was the biggest Mississippi State fan that I know.

Director Spraggins was kind enough to declare last Friday DMR Maroon Friday. All of us, no matter our school affiliation, dressed in maroon in honor of Jimmy, and we had the photo of Jimmy and his family to be there with us and put those words over that, as we celebrated the life of a great man (indicating slide).

COMMISSIONER BOSARGE: He would have been proud.

MELISSA SCALLAN: He was laughing at all of us who don't normally wear maroon I can tell you.

COMMISSIONER BOSARGE: I can imagine.

MELISSA SCALLAN: Thank you.

COMMISSIONER BOSARGE: Thank you, Melissa.

Next is Office of Marine Fisheries, Mr. Joe Jewell.

JOE JEWELL: Good morning Commissioners.

We've got a large agenda ahead of us this morning. I want to make a couple of comments before we get started.

First, I want to thank y'all for recognizing Mr. Jimmy Sanders. He was a beloved

father, husband and coworker. We are going to desperately miss him.

I do want to apologize to the public. As you know, we had a workshop scheduled Wednesday on a couple of issues that are now Commission agenda items, but, unfortunately, life waits for no one and, on that particular day, we had Jimmy Sanders' wake and his funeral. I want the public to understand and be patient with us, as we move through the agenda.

The next thing I want to say is that we have a couple of items on the agenda that are relatively controversial.

We have a bunch of representatives here in the audience this morning that would like to comment on those, our oyster relay program and our haul seine issue. We want to be respectful to all of those user groups.

We certainly have the recreational community here represented by several organizations and individuals.

We have the commercial fishing group that is here that is represented.

We have our commercial oyster group here today.

I don't think I need to say this, but I ask that we be respectful and polite in giving comments because I know there are going to be some very emotionally-charged comments, and I want all of us to be patient with that and be understanding.

With that being said, I want to move into our agenda, and first will be Mr. Rick Burris who is giving an update on the 2018 shrimp season.

COMMISSIONER BOSARGE: Thank you, Joe.

RICK BURRIS: Thank you, Joe.

Good morning Mr. Chairman, Commissioners, General Spraggins, Ms. Chestnut.

As Joe said, I'm going to give you an update on where we are for the 2018 Mississippi shrimp season, and I'm going to go over a little bit of last shrimp season as well.

Just to give you an overview, this is a nice colorful map of our shrimping grounds, our territorial waters.

The yellow is closed to all recreational and commercial trawling. That's our major bay systems and the islands of Ship, Horne and Petit Bois.

The green area constitutes a half a mile from the shoreline from Bayou Caddy all the way to the state line, and that is reserved for our licensed live bait fishermen who can shrimp year round.

First of all, this line here is the tugboat lane, or the Intracoastal Waterway, and that light blue area north of that will close annually December 31st.

The dark blue area which is south of the Intracoastal Waterway and west of the Gulfport ship channel closes on a seasonal basis April 30th.

We were able to extend that area this year. There were a pretty good amount of pink shrimp being caught, so we extended that through May the 6th.

Then, if you will remember this area over here, this light green area east of the Gulfport ship channel and south of the ICW, it will remain open year round. It is currently open.

Just to give you an idea of the licenses we have sold going back to 1997, you can see that the red bar is the resident

commercial, the blue bar is the resident recreational, the green line is nonresident commercial and the yellow line is nonresident recreational.

You can see that there is a trend line going down to about the 05-06 season and, after that, we have been averaging about four hundred and twenty-five resident commercial licenses and about two hundred nonresident commercial licenses.

Last year we sold four hundred and eight resident commercial and about two hundred and twenty nonresident commercial.

This chart indicates the landings and value of all species combined. That is head-on. The red bar represents the landings and the black line represents the value.

The trend has been about the same. After about the 2004 season, we began to see a drop off that was mainly due to, if y'all remember, low shrimp prices and very high fuel prices, on top of a lot of hurricanes in 2005.

Since then, we have averaged about nine million pounds landed with a value of about seventeen million dollars. Last year we landed

approximately eleven million pounds with a value of eighteen million dollars.

I broke those landings down by species by month. Brown shrimp is in the blue bar. White shrimp is the red bar. Pink shrimp is the green bar.

Basically shrimp are a seasonal species, seasonal fishery. The first few months of the year we don't have very many landings. In May, that starts to pick up. Then, June and July and sometimes August are our highest months. Last year we landed almost three million pounds in June.

Brown shrimp are a spring and summer species, but typically, in the fall, we do land a lot more white shrimp. We did not last year, and I will go over that in a minute.

I broke those landings down by species. That's head-on weight again.

Last year we landed about seven point six million pounds of brown shrimp which is sixty-eight percent of the landings.

We landed about three point four million pounds of white shrimp which was thirty-one percent of the landings.

Then, just a little under one percent was pink shrimp.

I also broke those into values.

The value of brown shrimp was ten point three million dollars.

The value of white shrimp was eight point four million dollars.

The value of pink shrimp was one million dollars.

Fifty-five percent of the value was the brown shrimp, forty-four percent of the value was the white shrimp, and, then, a little under one percent of the value was the pink shrimp.

Then we broke our brown shrimp landings into count size. You can see the majority of the brown shrimp landed were between 41-50 and 51-60.

The white shrimp, of course, is skewed the other way. They are a larger species and those landings were between 15 and 21-25.

Again, we typically, in the fall, land a medium smaller size white shrimp, but last year we did not do that, and I will go over that in a minute.

We were talking about the opening of the 2018 shrimp season and, as you all know, our State statute dictates when we can open it, when those shrimp are a legal size of sixty-eight count per pound, and that is dependent on a lot of environmental conditions, so it varies every year.

This chart is of the historic opening dates of our shrimp season, going back to 1975. You can see it is highly variable. We have opened as early as the 25th of May back in 2011, and as late as the 25th of June in 2009. Last year we opened on the 7th of June, and our average date of opening is about the 10th of June.

Opening day of shrimp season is basically the most effort we will see on any one day. What we do is we do aerial surveys, vessel surveys and fly over the Sound, and we count the number of boats that are working.

This is that data going back to 1995. This is the number of boats that we counted; the same kind of trend as the licenses and the landings.

Prior to 2004, we had a lot of boats

working the Sound, upwards of twelve hundred back in 1996, and, then, beginning in 2004 and 2005, those dropped off dramatically.

Since then, we have averaged about two hundred and fifty boats on opening day, and last year we counted right at two hundred and fifty.

How do we go about opening shrimp season?

We begin in February with our post larval sampling. This is done by the Gulf Coast Research Lab.

They go out and they pull standardized beam plankton trawls at the historical stations, they bring those samples back, they count the number of post larval shrimp and they are able to chart those.

I believe they go every other day, so we get a good idea of what is coming out at that time of year.

When we see these high peaks -- I will show you in a minute -- we can look at the peaks and kind of plan our sampling.

Usually about forty-five days after that is when we will start seeing those juvenile shrimp show up in our trawl sampling. That is

typically around April.

From April until we open the season, we will be doing our standardized sixteen-foot trawl sampling at historical locations.

We go out. We catch the shrimp. We bring them back. We innumerate them. We weigh them to get a count, and, then, we actually measure each shrimp to get a size.

We have to take those links and put them in a regression analysis and chart their growth over our sampling time.

Sixty-eight count shrimp, that's when we can open. They are usually about a hundred millimeters, or about three-and-a-half inches, or three-and-three-quarter inches. Excuse me.

This is a map of our sampling areas. They go from Bay St. Louis. There are ten stations from Bay St. Louis all the way to the east end of Round Island.

As I mentioned about the post larval sampling, in this chart the blue line is the number of post larval shrimp counted on that specific sampling day, and the green line is the water temperature.

Usually when the water temperature

gets up around sixty-eight to seventy degrees, we start seeing a lot of those post larval shrimp exit the marsh and we can catch them in those plankton tows.

I will go over our temperature in a minute, but, back in late February and early March, we started seeing a lot of these post larval shrimp come out.

In previous years, a good peak -- and this is a peak here -- is about two hundred, and our first peak this year was about two hundred. We had another peak the next day. It was about three hundred, and, then, the first sampling in the month of March was almost a thousand.

There were a lot of post larval shrimp coming out early. That's because we had a really warm February, and, then, it got cold again. The temperature dropped down below seventy and we stopped having those big peaks.

To give you an idea of cumulative numbers, these are the number of post larval shrimp that were counted from the day they started until May the 5th for each year.

In 2007, we saw over five thousand. After that you can see they have averaged about

two thousand to fifteen hundred, and, then, this year is the most we have seen since that 2007 season.

Now, that doesn't mean anything, in terms of how it is going to translate into the season, but those are in our system and it is a positive thing and we are encouraged by that.

There are two things that brown shrimp depend on, water temperature and salinity, so we monitor those closely.

This chart shows the water temperature in Biloxi Bay from 2014. That is every month, and, then, our 2018 date is in the red.

Obviously this January was extremely cold, and you can see that here. It was well below average. We had a very warm February. Again, it is above average.

This line here represents sixty-eight degrees Fahrenheit. That is the optimum water temperature for brown shrimp growth. That's why I put that in there.

In March, the water temperature dropped a little bit, and, then, in April, it started to rise.

Through yesterday, our water

temperature is well above that sixty-eight. Right now, it is just below eighty degrees, about seventy-eight, so we've got some really warm water out there. I'm sure everybody is aware of that as it is starting to get warmer every day.

The next thing we look at is salinity. Salinity is directly correlated to rainfall, so we wanted to look at that first.

This is the same chart, the same area.

Our 2018 data is in red. January was pretty dry. We had a pretty wet February. It was well above average. We had almost eight inches of rain. March was above average as well. April was still above average, but lower than the past few years. So far for the month of May, we have had no rain which is good. It's great. It's great for brown shrimp growth. We hope it stays that way.

I know there are some workings over in the State of Florida, but, if we can keep that away and keep the salinity up, we will be all right.

What I was mentioning earlier about the white shrimp, 2017, I believe, was one of

the wettest years on record, and I know that June of 2017 was probably the wettest June on record. We had twenty-six inches of rain.

If y'all remember, we had tropical storm Cindy and another couple of really big weather events, and that translated going into July and even August.

We think that that had a lot to do with our white shrimp recruitment into the fishery. They just never had a chance. With all that rain, they all got flushed out. That is probably why we didn't see a whole lot of white shrimp last year in the fall season.

We caught a lot of the larger white shrimp that came from the previous year, but we didn't catch last year's recruits like we typically do.

Like I said, rainfall translates into salinity. Again, the same chart, the same information.

In January, we had little rainfall, so we had really high salinity. It dropped of in February and March due to rainfall, but in April, we started coming back up and so far, in the month of May through yesterday, we were

sitting at about sixteen parts per thousand which is really good for our shrimp growth.

Like I said, we've got the temperature and we've got the salinity. That should get those brown shrimp growing pretty fast.

I can tell you, through our sampling, we have seen that they are starting to grow. They are starting to show up. Every sample, we are starting to catch more, and they are getting a little bit bigger.

I added two pictures in here from our sampling yesterday.

Station one on the east end of Round Island, you probably can't see that very well, but these shrimp up here are right at legal, and these shrimp obviously are not. These are your juveniles and these are you sub-adults that are almost ready to become adults. We've got a lot of these nice size shrimp and a lot of these little shrimp mixed in.

The same way over around the west end of Deer Island. They are almost cookie-cutter size. Right now, we are looking at about 80-100; actually closer to about a ninety count.

That's where were are right now, but,

like I said, with our warm temperatures and our salinity, they should start to grow pretty good, but there are a lot of variables between now and then.

What we would like to do is request authorization be given to the Executive Director to open the 2018 shrimp season when sampling shows brown shrimp have reached the average of sixty-eight count per pound, State statute requirement, and that would be required in the form of a motion.

COMMISSIONER BOSARGE: Are there any questions for Rick?

(No response.)

COMMISSIONER BOSARGE: What is your prediction, Rick?

We are going to pin you to the wall here.

Average, above average, or below average?

RICK BURRIS: I say average so far. It is looking good though.

COMMISSIONER BOSARGE: Yes, it looks good. I think there are a bunch of folks ready for it.

COMMISSIONER GOLLOTT: Mr. Chairman, I would like to make a motion that we give the Executive Director the authority to open the shrimp season when everything is right.

COMMISSIONER BOSARGE: We have a motion.

Do we have a second for the motion?

COMMISSIONER HARMON: I'll second that, Mr. Chairman.

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.

Thank you, Rick.

RICK BURRIS: Thank you.

JOE JEWELL: Commissioners, our next agenda item is a Southern Flounder update.

As the Commission knows, they have been considering regulatory changes to this

particular species over the last four, or five, months.

Today, we are going to present to you the most recent updated data that we have available for the Commission's consideration.

Mr. Trevor Moncrief will be giving that presentation.

TREVOR MONCRIEF: Thank you, Joe.

Good morning Commissioners, Director Spraggins, Ms. Chestnut.

As Joe mentioned, I will be giving an update on our Southern Flounder, to give everyone a brief background.

Stakeholders have voiced concerns over the decline of Southern Flounder in Mississippi waters.

CMR made a motion, in December of 2017, to address these concerns and for the Finfish Bureau to present information on the Southern Founder fishery in the March 2018 CMR meeting.

In our latest meeting, the CMR requested information on the effectiveness of the current bag limit for Southern Flounder in Mississippi.

If we look at the Southern Flounder fishery as a whole in the Gulf, we notice that multiple gulf states have noticed declines in flounder abundance, when we talk to our neighboring states.

Alabama has observed declines in catch of flounder in their fishery-independent surveys.

Louisiana has also seen a decline in founder abundance in their fishery-independent trawl surveys.

In Mississippi, commercial and recreational catches observed were the lowest since 2013.

Looking at the graph on the right, we can see our commercial harvest, that top figure. We can see that it has a little bit of a dome shape to it where it started out below ten thousand pounds, and, then, in 2017, it ended up right around ten thousand pounds.

If you look at the bottom, you can see our commercial gig catch per unit effort, and we see a drop over time from 2012 all the way to 2017, with a corresponding decrease in effort as well.

If we look at this in a little bit more detail, these synchronous declines between multiple gulf states point to a non-fishing driver. Fishing mortality likely is not the cause of these declines.

We have also observed cycles in the past recreational harvest of Southern Flounder. These cycles typically last around six to ten years. They start out with low harvest. They begin to peak and drop off again, as you can see on this figure here on the right.

Additional fishery-independent information will be needed to gather evidence on these annual shifts which, as we discussed in past meetings, will be conducted jointly with GCRL and DMR. Through a gig and fyke net survey, we will be able to gather more of that information to get information on those shifts in abundance.

Gulf wide cooperation has been discussed with our neighboring states, Louisiana and Alabama, so that we can gather all the information from each state to be able to form a larger analysis on what is going on with Southern Flounder in the Gulf.

Looking at the regulations from other states, we will focus on the size limit, first.

Mississippi, Florida and Alabama all maintain a minimum size limit of twelve inches.

Louisiana currently has no size limit.

Texas is the most conservative with a minimum size limit of fourteen inches.

If we look at our bag limit, currently Mississippi is the most liberal at fifteen per person.

Florida, Alabama and Louisiana have a ten per person bag limit.

Texas has the most conservative bag limit at five and two per person; five during all months, except for November and December.

In Federal waters, there is no limit on either bag, or size.

We did a little more analysis into the effectiveness, as proposed by CMR, and we looked at the size limit. Right now, we are at twelve inches minimum size limit and we ran an SPR model.

Remember, we used SPR to look at Spotted Seatrout.

What we did was look at the minimum

size limit and our estimated mortality, and what this shows is that a twelve-inch minimum size limit is an optimum length of entry for this fishery.

Right now, we are sitting around forty to fifty percent SPR and, remember, we managed Spotted Seatrout to twenty percent SPR, so we are pretty high on that.

Then, for our bag limit, we are currently at fifteen per person, and, if we look at the catch of anglers per trip, we can see that only a small portion of anglers harvest over five flounders in a trip.

A bag limit change to ten flounders per person would only yield an increase in SPR of less than one percent, while a larger percentage change in SPR is realized at bag limits of less than three fish per person.

Next, we have some options to present for the Commission.

The first one will be status quo, the twelve-inch minimum length limit and fifteen per person.

A bag limit change from fifteen to ten per person.

A bag limit change from fifteen to three per person.

A bag and size limit change to increase the size limit to fourteen inches and reduce the bag limit to ten per person.

A size limit change from twelve to fourteen inches minimum length.

Before the Commission deliberates on this, I would like to state that we have observed flounder in our recreational catches, we have observed them in our fishery-independent surveys, and we have been getting commercial trip ticket data with flounder in them.

It seems like flounder is on a positive change this year and we hope that continues.

With that information and with the synchronous declines across the states, our bureau's recommendation would be to remain at status quo.

With that, I will let y'all deliberate and, if you have any questions, I will be glad to answer.

COMMISSIONER BOSARGE: Commissioner Trapani.

COMMISSIONER TRAPANI: The staff is recommending that it stays at status quo, even though we are more liberal in the bag limit than anybody else and we know this fishery is in decline?

TREVOR MONCRIEF: Yes, ma'am.

If we focus on the bag limit analysis that we did, when we saw that only a small amount of anglers harvested over five fish per person, it shows that a bag limit change from fifteen to ten will not affect mortality as a whole, or our percent SPR.

COMMISSIONER TRAPANI: If we would increase the length, what would you think the result would be on that?

Would it increase the SPR?

TREVOR MONCRIEF: It likely would, but, as we showed, right now our twelve-inch minimum length limit is an optimum size of entry for this fishery. Around forty to fifty percent SPR with that minimum size length.

COMMISSIONER BOSARGE: Can you go back to your SPR?

TREVOR MONCRIEF: Yes, sir.

COMMISSIONER BOSARGE: What did you

say the SPR was?

TREVOR MONCRIEF: Of the boxes over to the left, there is a red box sitting at twelve inches, and, then, the mortality is between point six and point eight and you can see where they overlap.

Those lines that go across represent the SPR value, based on that model and, right now, we are sitting at around forty to fifty percent SPR based on that minimum length entry.

COMMISSIONER BOSARGE: That's amazing.

COMMISSIONER GOLLOTT: Do you have any idea why it has been so difficult for people to catch flounder in the last season?

TREVOR MONCRIEF: It is very difficult to figure out what is going on with them. Like I said, it points toward a non-fishing driver, and typically non-fishing drivers are in the environmental realm. We are talking about rainfall, dissolved oxygen, some other water quality issue over time.

What we need to do to look at that is to increase our fishery-independent information, not only us, but also the other gulf states, so we try and figure out why these fluctuations

1 happen over time.
2 COMMISSIONER BOSARGE: Right now, I
3 guess, on the commercial side effort, it is
4 pretty well capped and it looks to be production
5 decreasing, and it's the same on the
6 recreational side.
7 To me, it doesn't make a lot of sense,
8 what you are saying, that we leave it.
9 If we don't change it drastically,
10 then, the change we make won't make a difference
11 because nobody is reaching that bag limit.
12 With the fishery in decline, we as a
13 group, I don't see how we have an option of not
14 trying to do something to help this fishery
15 along.
16 COMMISSIONER GOLLOTT: Didn't y'all
17 say that you would have to move the bag limit to
18 two to make any difference?
19 MATT HILL: We're not saying that a
20 more conservative approach may have some type of
21 affect.
22 We do not believe it will have a
23 significant enough affect to change the course
24 of the fishery, unless we set the bag limit less
25 than three, right now.

1 What we are saying is we are starting
2 to see -- actually since the last meeting, we
3 started reviewing some of our independent data,
4 some of our dependent data coming from the
5 fishery, and we actually have seen a pretty
6 significant uptake in the commercial fishery,
7 also.
8 We are seeing some signs that we knew
9 it was a non-fishing driver, but we are seeing
10 maybe some of the environmental conditions are
11 starting to get back in favor of some of these
12 fish starting to show back up.
13 We just hate to put a regulation in
14 place of this magnitude in the early stages. We
15 would like to give it a little bit more time.
16 We have always seen that the flounder,
17 it's very cyclic. If you look back through the
18 years, it is usually a six to eight year cycle.
19 I believe we are in the eighth year of
20 the cycle, and we are beginning to see some
21 flounders show up, some very encouraging
22 reports.
23 We are not opposed to dropping the bag
24 limit to ten. We just do not believe it is
25 going to have the impact, a significant impact

1 on the fishery as a whole, currently at this
2 time.
3 We feel that the current regulations
4 in place are sufficient, if we just let the
5 fishery rebound on it's own environmentally.
6 Like I said, we are very confident
7 that this is a non-fishing, non-effort driver,
8 and there are really a lot of things that we
9 can't do about that.
10 If it was a fishing driver, if they
11 were routinely catching close to their limit, or
12 right at their limit, it would be different,
13 but, when we are seeing they are catching two,
14 or three, of them, unless you drastically change
15 the bag limit, we are not going to see any kind
16 of significant change in the fishery for a long
17 time.
18 COMMISSIONER TRAPANI: Well, let's say
19 that the fishery does start to come back and we
20 are still at a fifteen per person bag limit,
21 then, we are still only hurting that fishery.
22 I feel like the responsible thing for
23 the Commission to do is we at least need to be
24 in line with the other states, since this
25 fishery is in decline.

1 COMMISSIONER BOSARGE: Can you put
2 that slide back up, the options?
3 MATT HILL: Yes.
4 COMMISSIONER HAVARD: Matt, what I'm
5 understanding is it's not going to do anything
6 but help. It's not going to hurt anything, if
7 we change it and we lower the limit to get in
8 line. It is only going to help on a small
9 scale.
10 MATT HILL: It is going to be a very
11 small scale. We are talking about an increase
12 of possibly one percent best case scenario, but
13 it will not hurt the fishery, if that is the
14 Commission's desire to fall in line with the
15 other states.
16 Like I said, we are the most lenient
17 state on the bag limit, right now. It will not
18 hurt anything. It is a very conservative
19 approach. It's not the silver bullet that we
20 are looking for. It is not going to bring back
21 this fishery overnight, by dropping it by five,
22 because we are just not seeing these kinds of
23 catches, right now.
24 When the environmental conditions get
25 back right and we are looking at possibly two to

three years, we may see some significant differences, but, if the Commission is looking to be proactive on this, then, dropping it to ten would be something that we could support.

It's just when we look at it, from a resource, it is not going to make an immediate impact that I think some people are looking for.

COMMISSIONER BOSARGE: Where is effort at, as far as are we in steady decline?

MATT HILL: Effort is declining because the fishery is currently not there. We have seen it in the commercial. I mean, we have more people out there, but we have less people targeting flounder because they are just having a tough time catching them.

We do track the commercial fisheries very heavily, and you can see a steep decline in the effort to target these fish because they have such a difficult time.

COMMISSIONER BOSARGE: The effort is still there, once the fish comes back?

MATT HILL: Yes, once the fish comes back, and we have seen a increase in effort, once the fish did make their way back.

There were some good reports we have

seen, and we are basing this on a six-week period. We just ran it and we did see a fairly significant increase in the commercial fishery in the six weeks.

COMMISSIONER BOSARGE: All right.

JOE SPRAGGINS: If I could comment real quick.

COMMISSIONER BOSARGE: Yes, sir.

JOE SPRAGGINS: we are doing a study on this. I funded it through Tidelands, and we are going to do a study using USM and the Department of Marine Resources to try to figure out what is causing the problem.

We are going to do that, and we will get that through shortly. It will probably take a year, or more, to get it done, but, at least, we will have some kind of idea.

COMMISSIONER GOLLOTT: One of the things I have observed is these big aluminum boats with all these big lights on the front of the boats and they come up in the Bay and flounder around these islands, and, then, I have been told that they are selling them commercially and some of them are taking them home, putting them in ice chests, and, then,

going back and catching some more flounders.

Is there any way we can keep these aluminum boats with these big lights from doing this?

I mean, the technology with the generators and the lights now is just amazing.

MATT HILL: There are definitely some gear restrictions that we are currently looking at.

Whenever you start to look at this, it is very hard to pinpoint exactly how many of these fishermen are out there actually doing this.

On the trip ticket, it is basically declared as gigging, but they don't necessarily have to tell us that they are on a vessel with lights and things like that.

It is a little bit more in depth of an analysis. We are currently doing it. We would like to be able to come up with some fairly accurate numbers, before we make a recommendation like that to maybe start doing some type of gear adjustments.

COMMISSIONER GOLLOTT: It is illegal to go in the Bay and gig flounders and sell them

commercially, but I understand they are skirting around the law.

MATT HILL: Yes, sir.

COMMISSIONER GOLLOTT: I would like to see y'all look into that and come back with a recommendation.

MATT HILL: We are definitely looking into many gear restrictions currently, and that is one of them.

COMMISSIONER TRAPANI: First of all, I'm glad the agency is looking at this fishery because it is in decline.

With all of that being said, I think, as a Commissioner, that we really need to bring this down to at least be in line with the other states, knowing that this fishery is in decline.

I would like to make a motion to decrease the bag limit from fifteen to ten per person.

COMMISSIONER GOLLOTT: I'll second that motion.

JOE JEWELL: Commissioners, before y'all make a final vote, I understand Commissioner Trapani's motion is to go out for a Notice of Intent to reduce the bag limit from

fifteen to ten.

Is that correct?

COMMISSIONER BOSARGE: Yes, sir.

JOE JEWELL: For recreational fishing only.

COMMISSIONER BOSARGE: Correct.

We have a motion to go out for Notice of Intent to change the bag limit from fifteen to ten.

JOE JEWELL: For recreational.

COMMISSIONER BOSARGE: For recreational, yes.

COMMISSIONER TRAPANI: Yes.

COMMISSIONER BOSARGE: We have a motion and a second.

Any further discussion?

(No response.)

COMMISSIONER BOSARGE: All those in favor say aye.

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

COMMISSIONER BOSARGE: Opposed?

(Commissioner Harmon opposed.)

COMMISSIONER BOSARGE: We have one

opposed.

Motion carries.

JOE JEWELL: Next up for the Commission's consideration, at our last Commission meeting, the Commission wanted some updated information on the regulatory process for consideration of the establishment of oyster depuration facilities in Mississippi.

Ms. Ruth Posadas will give that presentation.

RUTH POSADAS: Good morning Commissioners, Director Spraggins and Ms. Chestnut.

This presentation has been requested by the Commission to be presented for this month's meeting.

Why do we have oyster depuration?

I just want to put it in perspective. Oysters filter at least an average of fifty gallons of water per day. It can go to over three hundred gallons and, if you have one acre of oysters with a thousand oysters in it, it can filter about forty million gallons of water per day.

What is oyster depuration?

We are using the ISSC, or Interstate Shellfish Sanitation Conference Model Ordinance definition because that is what we follow as the law.

Depuration, or depurate, means the process of reducing the pathogenic organisms that may be present in shellstock, by using a controlled aquatic environment as the treatment process.

In laymen's terms, oyster depuration would be a purification process that holds shellfish in bags, or raceways, with clean seawater where natural filtering allows expulsion of intestinal contents by separating expelled contaminants from the shellfish and preventing recontamination.

Now, depuration is a process wherein harvested oysters should come from approved, conditionally approved, restricted, or conditionally restricted, growing areas. These are the only oysters that can be harvested and brought to a depuration facility.

In the depuration facility, the law says that no one can depurate oysters less than forty-four hours.

Usually depuration facilities will depurate oysters between forty-eight hours to seventy-two hours.

Then, after cleansing and purging, they get harvested for the market.

Who is an oyster depuration processor?

Just like any harvester, an oyster depuration processor is a person who harvests, or receives, shellstock from growing areas that are approved, or conditionally approved, restricted, or conditionally restricted, and, then, they have to be depurated in an approved depuration process.

As of May 2018, this month, the Interstate Shellfish Sanitation Conference had given three depuration facilities in the continental USA. Three states were given permits to depurate oysters, muscles, or clams.

In the gulf states, there is no state that has been given a permit. Alabama and Florida, I heard, have pending applications because they have aquaculture.

Here are some examples of oyster depuration facilities. These pictures were taken from the internet. This one is from New

Jersey, and that one is from Maine. All the others are from other countries (indicating photographs).

How effective is an approved depuration process?

Depuration is effective only in removing fecal coliform.

It is not effective in removing viral contaminants in the water. It is also not effective in removing Norovirus, or Vibrios. It is not effective to take away marine biotoxins, or heavy metals, or organic chemicals.

Criteria for an effective process.

Shellfish must be properly handled during harvest and pre-depuration transport and storage.

Shellfish should also be placed in properly designed operations for depuration systems, and it should follow good manufacturing practices in its operation.

Mississippi Department of Marine Resources has adopted regulations for depuration purposes.

Prior to authorization, the authority which is MDMR shall develop and maintain an

effective program to control shellstock harvesting by special license.

Now, this special license is still to be established and created by MDMR because we don't have a depuration facility here.

There should also be controlled transportation between the harvest area and the depuration facility to prevent shellstock from being illegally diverted for other purposes.

The facility should have an approved design and construction, before it begins operation.

Another requirement is that if a processor would like to transport oysters from other states for depuration purposes, the processor must get an agreement, a memorandum of agreement from the state where the oysters would come from and the recipient state.

The authority will require the processor to have an approved depuration plant operating manual, before they even get to be granted a certification.

The authority shall review depuration plant performance index and other records as part of the monthly inspections to verify the

process and critical control points, during the process of depuration.

Following are our requirements as the authority:

We will maintain records of each depuration facility, and all the inspection records will be maintained for five years.

We will also assure each dealer that all shellstock that they will harvest from their facility, we have to be there and inspect and be informed when they do that.

Depuration dealer requirements:

The processor must follow the Model Ordinance requirements of the ISSC.

The processor has to follow and be inspected using the Hazard Analysis Critical Control Point Plan made for their operations.

The processor's Depuration Plant Operations Manual, they will have to update it regularly and we will inspect it.

A successful depuration facility, or operation, must have access to the low-cost technology. To be successful, you have to use the low-cost technology and you have to have a steady supply of clean water and you have to

have a steady supply of a source of shellstock to depurate.

Any questions?

COMMISSIONER GOLLOTT: Yes, ma'am.

You said that this depuration will not get rid of Vibrio.

I understand that Vibrio really doesn't show up in the wintertime when the water in cold.

Ruth, do you know what the temperatures are that can eliminate Vibrio?

RUTH POSADAS: The oyster can only reduce because it is a naturally occurring organism and it is their food. It stays in their stomach.

If they get depurated, it will not grow when it is forty degrees, but it will still be alive.

In depuration, it was observed by many experiments these naturally organisms, their number gets reduced, but they have never experienced that it was fully expelled.

COMMISSIONER GOLLOTT: Will radiation get rid of the Vibrio?

RUTH POSADAS: Yes, sir.

COMMISSIONER GOLLOTT: You can depurate the oyster, and, then, radiate it, and get rid of the Vibrio?

RUTH POSADAS: Yes, you can.

COMMISSIONER GOLLOTT: What about the Norovirus and stuff like that?

RUTH POSADAS: The Norovirus, it can, but it has never been -- the radiation has never been validated. They just assume that it can kill virus, but it needs validation.

COMMISSIONER GOLLOTT: I understand that you can actually make your own saltwater and recirculate that stuff and send it through the lights that kill bacteria.

RUTH POSADAS: Yes, sir. The lowest-cost technology is the use of ultra violent rays.

In Europe, they use chlorine to sterilize the water, and others have used ozone, but that is very expensive and very complicated.

COMMISSIONER GOLLOTT: Which one of them is expensive?

RUTH POSADAS: The ozone and the chlorine.

COMMISSIONER GOLLOTT: The ultra

violent light?

RUTH POSADAS: The ultra violent light is compact and the water just goes through a tube and the light will --

COMMISSIONER GOLLOTT: (Interposing) Kill the bacteria?

RUTH POSADAS: Yes, sir.

COMMISSIONER GOLLOTT: I'm just guessing that you are talking about saltwater, clean saltwater?

RUTH POSADAS: Yes, sir.

COMMISSIONER GOLLOTT: Why would you need to have it, if you are going to kill all the bacteria?

RUTH POSADAS: Well, the oysters -- if you get the oysters from, for example, full-strength seawater, you can only acclimate them within ten parts per thousand.

If it is thirty-three PPT, or twenty PPT, you can acclimate it within ten to twenty, or with the range of twenty-five to fifteen.

COMMISSIONER GOLLOTT: With the Pascagoula River, you are not going to be that high at any time.

RUTH POSADAS: Other people, they use

artificial seawater. You can do artificial seawater.

COMMISSIONER GOLLOTT: In that case, you wouldn't have to pipe seawater?

RUTH POSADAS: If you can afford artificial seawater, it's good. They recirculate artificial seawater because it is expensive to have artificial seawater.

COMMISSIONER GOLLOTT: I understand.

I had the experience of depuration. I did offshore depuration. I had a patented system that I was using. Unfortunately, the captain on the boat got killed, and I went into a different business, but this is a business I think where Jackson County could really have a real good business here, whole different industry depurating oysters in Jackson County, if we had a depuration plant, say, on that island that is right off of Pascagoula.

I understand there are a lot of buildings there that are available.

RUTH POSADAS: That's true.

COMMISSIONER GOLLOTT: I would like to see us look at the feasibility of putting a depuration plant there.

Mississippi has wasted millions and millions of dollars in cultch plants and pie-in-the-sky stuff, but I think this would be a real good industry for the State of Mississippi. It would help our fishermen. They could fish year round. If he weather is bad, they could always fish in Pascagoula.

Of course, you would have to have all the regulations and everything in place.

I would like to see us try to promote this, instead of keeping people from getting into it.

Like I said, I think it would be a good industry for Jackson County, and I would like to see yourself and the agency come back with some recommendations on how we could make this feasible, how we could help somebody getting into this industry and building a business like this, instead of trying to keep them from doing it.

RUTH POSADAS: We will help, and there is a lot of information. The Food and Agriculture organization has done a good study of this, and they have issued a bulletin that is, like, a hundred and sixty pages, and all the

technology that they have collected from different places in the world, it's in there.

In fact, I have read, too, in 1986 and 1980, a study done by scientists here in Mississippi, there is an economic analysis there, too. It can be updated to see what can be done for the future.

JOE JEWELL: Commissioner Gollott, the way I understand what you are stating is a motion for the staff to come forward with recommendations to develop a program for development of a depuration facility, specifically in Jackson County.

Are there any other specifics, other than that, that you want to add to the motion, for instance, the funding?

It takes a substantial amount of funding to develop such a facility and a funding source.

As I mentioned before, there are really three driving factors in the development of a depuration facility.

One, as Ruth has mentioned to you, they have to have extremely low overhead for the facility to be economically feasible.

Two, they have to have a direct, or indirect, water source. It could be directly from the Mississippi Sound, or, as Ruth mentioned, it could be artificial development of their own saltwater.

Three, they have to have a relatively constant source of resource, a constant amount of oysters going into the facility for it to remain in production.

Those three factors, the Commission has to consider those, when making the motion.

COMMISSIONER BOSARGE: Maybe that needs to be incorporated, a feasibility study to see where these other states are with their depuration facilities and if a depuration facility here could be used by other states and see just how many oysters would have to go through here. Just look at it from all aspects.

JOE JEWELL: Sure.

COMMISSIONER GOLLOTT: I had a friend over in Texas who went through all this process, set up the depuration plant, and was getting underway, and the State of Texas came in and just killed it. They closed him. He couldn't do it, but certain periods of time and stuff

like that, and he was very disheartened because he had put a lot of money into it.

I see this as an opportunity for Mississippi to shine and come forth with a depuration plant and put our fishermen to work year round.

At the price of oysters today, I see a lot more opportunities in making money.

I'm sure at forty, or fifty, dollars a sack, the fishermen would take ten dollars less for an oyster that had been depurated and that they can fish year round and wouldn't get closed down at the holidays and all that. They can make a living.

I think you could put a profit margin in there and the overhead, and take care of it.

Like I say, I would like to see y'all come forth with --

RUTH POSADAS: (Interposing) In other states, sir, that have aquaculture, or wild harvest, what they have is also called wet storage. Wet storage is just a holding. It's like depuration, but you don't have to do a validation to prove that it has no more fecal coliform, or Norovirus, or Vibrio.

What they do is they put it in wet storage, and, then, they have to do another post-harvest process. They can go through irrigation, or IQF, or high pressure. It can be done like that, too.

COMMISSIONER GOLLOTT: What I'm interested in and I'm sure the Commission is interested in is getting another business started that it will benefit our fishermen.

RUTH POSADAS: I am hoping and I have been dreaming that we will have aquaculture here in Mississippi, and it is almost there.

I think depuration, or wet storage, will be the next one.

It can go hand-in-hand so that the oyster industry will grow.

COMMISSIONER GOLLOTT: That's what we are interested in.

To me, the Pascagoula area, if you could really get in there and plant and start raising oysters in the Pascagoula area in those closed areas, the amount of oysters would just be unlimited because it's such a great area to raise oysters.

JOE JEWELL: Commissioner Gollott, if

you want to move forward, I suggest you make a motion.

From what I've heard from you and Chairman Bosarge, I think the motion would be for the DMR to come back with recommendations to develop a depuration facility and to develop a feasibility study for a depuration facility.

COMMISSIONER GOLLOTT: I'll make that motion on what Joe said.

COMMISSIONER BOSARGE: Where you can do a cost analysis and maybe also look at where funding may come from to build this facility, or modify one of the existing buildings. Sounds good to me.

COMMISSIONER TRAPANI: You had mentioned that Alabama and Florida have pending applications.

You may want to add for us to also look at what they are doing and their facilities and maybe we could get some ideas and see where they are with theirs, also.

COMMISSIONER BOSARGE: We have a motion.

Do we have a second?

COMMISSIONER HARMON: I'll second

that, Mr. Chairman.

COMMISSIONER BOSARGE: We have a motion and a second.

Any further discussion?

(No response.)

COMMISSIONER BOSARGE: All those in favor say aye.

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

COMMISSIONER BOSARGE: Opposed?

(Commissioner Havard opposed.)

RUTH POSADAS: Thank you.

COMMISSIONER BOSARGE: Thank you, Ruth.

Let's take a quick break, Joe.

JOE JEWELL: Sure.

COMMISSIONER BOSARGE: In ten minutes, we will be back here and we will get started again.

MEETING STANDS IN RECESS

COMMISSIONER BOSARGE: I call this meeting back to order.

Hold on just a second, Joe.

Before we go on, I would like to

recognize Ms. Stacey Wilkes. She is House Representative District 108 and she is also Vice Chair of our house Marine Resources committee.

Glad you are here.

STACEY WILKES: Happy to be here.

COMMISSIONER BOSARGE: Thank you.

COMMISSIONER GOLLOTT: Tell her to stand up and wave.

STACEY WILKES: Standing.

COMMISSIONER BOSARGE: Okay, Mr. Joe. I think we've got state saltwater records.

JOE JEWELL: Next for consideration by the Commission are state saltwater fishing records. Mr. Jonathan Barr will be presenting those.

JONATHAN BARR: Good morning Commissioners, General Spraggins, Ms. Chestnut.

We have one record up for consideration this month. It's conventional tackle. It's an Almaco Jack, Seriola rivoliana.

The old record was thirty-two pounds ten point five six ounces.

The new record is thirty-five pounds two point four zero ounces.

The angler is Mr. Lonnie Carroll.

There is the very large Almaco, and there is Mr. Carroll holding the fish (indicating photographs).

Required is a motion to adopt the new state record.

COMMISSIONER HAVARD: I would like to make a motion that we adopt the new state record. That is a big fish.

COMMISSIONER GOLLOTT: I'll second the motion.

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.

I will say one thing there is a Federal fishing permit, aquaculture permit that is the process. Whether it is approved, or disapproved, or whatever, it is in the process, and that is what they intend to raise is Almaco

Jack.

JONATHAN BARR: Is that right?

COMMISSIONER BOSARGE: Yes, in south Florida down off of Fort Myers in a pen, I think, in about a hundred and ten foot of water, or something like that. It is interesting.

JONATHAN BARR: Absolutely.

COMMISSIONER BOSARGE: Thank you.

JONATHAN BARR: Thank you.

JOE JEWELL: Commissioners, we are going to move into the meat of our presentation.

Like I said, we have a lot of user groups here that have a multitude of opinions about the next two agenda items.

We appreciate the public being here. We appreciate our user groups being here. I just ask everyone to be patient, kind and generous, when comments are made.

Everybody is entitled to their opinion, and I know the Commission wants to hear all of those opinions, as well as the staff.

Next for consideration by the Commission is the Mississippi Bonnet Carre Fisheries Disaster Recovery Program.

As you know, the Commission has

considered this over the last two, or three, months and we had scheduled a workshop.

We had to reissue the formal presentation for this Commission meeting, and Mr. Erik Broussard will be doing this presentation.

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

As Mr. Jewell said, we are here this morning to discuss a potential work program utilizing the Bonnet Carre Disaster Recovery Program.

As we go through the presentation, just to remind you from last month's meeting, we have two limiting factors. One is our budget, and the other one is the amount of resource that is available to us.

As far as the budget goes, we have about a million dollars left in Job Title I.5: Commercial Oyster Reef Cultivation and Relay Program.

Here is our 2017 Pascagoula Causeway Reef assessment. That particular reef is two hundred and thirty-three acres (indicating

graph).

In the top left corner, you have the previous three reef assessments, and you can see there is a downward trend.

2017 was the wettest year on record and, with that inundation of freshwater in the Pascagoula River, we saw some significant mortality at about sixty percent reduction in market-size oysters.

During that reef assessment, it was found that we had seven point eight market size oysters per square meter which would still be considered in the healthy category.

The West Pascagoula Reef is about a hundred and eight acres.

Again, in the top left corner is the last two reef assessments. About fifty percent reduction in market-size oysters there, at six point three sack size oysters per square meter (indicating graph).

Here we have the Pascagoula sack volume estimate (indicating graph).

The Commission asked us last fall to look into what made up a sack of oysters that came off of this reef, and this particular slide

is important when we get into the contracting portion of the presentation and looking into how we can contract the live oyster portion that makes contracting easier.

That's what we are going to focus on, that fifty-four percent, which equates to about seventy-four thousand sacks of oysters.

We did about thirty percent harvest which would be close to around twenty-two thousand sacks.

I also remind you, when these numbers were calculated, we took about three thousand sacks, and we will talk about some of the harvest history last fall, as well.

Here we have a chart just giving you the geographic location of where both of these reefs are located. This is a footprint of the reefs, verified through side scan sonar.

The reef on the left is your West Pascagoula Reef. At about a hundred and eight acres, it's about ten thousand sacks of market-size oysters.

The Causeway Reef on the right, two hundred and thirty-three acres, is about twenty-six thousand sacks of market-size oysters.

The yellow line represents the line between restricted area and prohibited area.

Everything on the left of the yellow line would be restricted, and right of the yellow line is currently prohibited and would not allow access for relay.

We are currently working with the FDA to move that line to the causeway where we would have the whole area in the restricted category, and, then, at that point, we would be able to relay oysters from the whole reef.

COMMISSIONER BOSARGE: Do you think that is going to happen anytime soon?

ERIK BROUSSARD: Yes. We have conducted the samples and sent them off for analysis, and the FDA is currently reviewing, but it does look favorable and hopefully we will be able to come forward in the future.

Since this would be a lengthy contracting process, we would have an answer before the relay would take place.

COMMISSIONER BOSARGE: Good.

ERIK BROUSSARD: A little bit of harvest history.

In 2014, about ninety-five hundred

sacks of material was removed by MDMR staff and an independent contractor.

Then, last fall, staff moved a little over three thousand sacks from Pascagoula to Biloxi.

We are going to give the Commission some options. These are just options that we came up with.

If the Commission has other options, we can discuss those, as well.

There are several slides with different options on each slide, and one thing that we will need to decide is the relay option.

Option One is to hire Bonnet Carre qualified fishermen to harvest and deploy the material.

Option Two is to hire Bonnet Carre qualified processors and fishermen to harvest and a contractor to deploy the material.

Option Three is to hire a contractor to harvest and deploy the material.

I would want to point out that Option Two, from a logistical standpoint and also a liability standpoint, is the cleanest most efficient way to make this process happen.

Method of take. There has been some discussion on method. Everybody that qualifies for the grant would have to abide by whatever method of take.

Option One, tonging only.

Option Two, tonging and hand dredge.

Option Three, dredge only.

Option Four, dredge and tonging.

COMMISSIONER GOLLOTT: Erik.

ERIK BROUSSARD: Yes, sir.

COMMISSIONER GOLLOTT: Would you explain what it takes to be qualified, Bonnet Carre qualified for this?

ERIK BROUSSARD: Yes, sir. This particular grant is a source of funding that we received from the 2011 Bonnet Carre Spillway opening.

In order to qualify, the fishermen would have to have had a license in prior years to 2011, excluding the oil spill, which would be 07-08, 08-09, 09-10, and, then, also have a license the year of the Bonnet Carre Spillway opening of 2011. That's the initial, and you would have to be a Mississippi resident. Those are the major qualifying factors.

COMMISSIONER GOLLOTT: Do y'all have the paperwork on all of that so you can check these fishermen and make sure they have the licenses?

ERIK BROUSSARD: Yes, sir.

COMMISSIONER GOLLOTT: Okay.

COMMISSIONER BOSARGE: Do you know what that number is approximately?

ERIK BROUSSARD: Yes. The universe is a hundred and fifty-five participants.

Just to give you an idea, in 2016 we did the same process. We had, I think, around ninety-three, or ninety-five, participants out of the hundred and fifty-five that showed up to participate.

COMMISSIONER BOSARGE: All right.

ERIK BROUSSARD: Then, we have a price/resource. This is just kind of an example, scenario.

We can pay the fishermen up to the fair market value of last year. Last year the fair market value would be forty-five dollars a sack.

We had a fifty sack limit which that could be more flexible.

There were a hundred boats. Again, that is based on the 2016 relay.

The relay would last about four days.

We would take about twenty thousand sacks of material which is back to that sustainable number.

It would cost nine hundred thousand dollars, and that would leave a hundred thousand dollars for a deployment contact, coming in right at the budget of a million dollars.

Like I said, this is more just to give you an example. It doesn't have to be exactly like this. It's just to give an idea.

COMMISSIONER GOLLOTT: Erik, where is your shell planting money coming from?

Is it part of this?

ERIK BROUSSARD: Under the grant, there is a cultch plant pot of money. It can come from there, or you could decide to go ahead and earmark some money right off the top from this budget and use that to cultch plant.

COMMISSIONER GOLLOTT: We had talked about planting the Pascagoula area as a project.

Have you set that aside, enough money to do that, or should we get some of this money

to do it?

ERIK BROUSSARD: We do have some material already at the staging site. It is from a Tidelands grant to restore reefs in Biloxi Bay and in the eastern Sound in general.

Depending on how much material we take is going kind of dictate how much material needs to go back onto the reef.

I'm not sure if we have enough material on the staging site, now, to replenish after a relay.

COMMISSIONER GOLLOTT: I think that is the most feasible thing that we can do is plant.

I'm not against relaying, but I don't think we should put all of our eggs in one basket. I think we should do both.

Can you give us a rough figure on what you have got set aside for planting and what is it going to take?

ERIK BROUSSARD: Yes, sir. At the staging site, we have several hundred cubic yards of material. It is going to take more than that.

We would have to go out and either hire a contractor to come back and cultch plant

which would be probably the most effective way to get it done in a timely manner, versus using something like the Conservationist to replant.

We do have a fall contract that is going to be going out, and we might be able to fit that in that umbrella.

The one thing to consider is every dollar that we spend replenishing material in Pascagoula is one less dollar that we can spend in, say, St. Joe. That's just the other factor that needs to be thought about, when you consider doing that.

COMMISSIONER GOLLOTT: I don't have a problem with that because we are gambling in St. Joe. Pascagoula, to me, is a sure thing.

We have put so many millions of dollars down in St. Joe and those areas that it is just unreal for what we have gotten back out of it.

How do you come with something like this, if you don't know the figures that you need?

How much of this money do you need to do Pascagoula and Biloxi in a feasible manner that would ensure the future of oysters?

That's what we are trying to do. They are talking about opening the Bonnet Carre Spillway again this year. We are gambling again.

ERIK BROUSSARD: The money is there. It is just a matter of where we are going to take it from.

COMMISSIONER GOLLOTT: But how do we know how to divide it, if we don't know what the figures are?

JOE SPRAGGINS: Commissioner, if I could. I know we've got around six hundred thousand that we are looking at to add cultch back.

Is that right, Erik?

ERIK BROUSSARD: That will be for the fall cultch plant.

JOE SPRAGGINS: That's right, for the fall cultch plant.

One of the things that we are looking at there, also, is because of the way this the GOMESA money has come across, water quality is number one and, by putting cultch into the water and being able to allow the cultch to grow oysters, that is water quality. That is

improving water quality, and that is one of the projects that we are going to look at.

I think we will be able to put a substantial amount of money into that every year out of this GOMESA money.

I'm going to push for a million plus a year to go to it, and try to maybe even go higher than that, just to put water quality back, and that is putting cultch into the water so we can grow oysters because that's what it takes.

This is the only fund that we have that I know of that we can pay the oystermen, and those are the ones that have suffered during this time, just like everybody else. This is the only way that I know of that we can pay them. We need to look after them, too, as much as we can.

COMMISSIONER GOLLOTT: Well, I understand that, but, even if the water quality is not up to par in Pascagoula, we have oysters down there. We have a place to go get oysters and relay.

If everything in the western Sound dies, we will have oysters down there, but, if

we keep taking and don't put anything back in Pascagoula, then, we are going to end up on the short end of the stick.

This is not going to be popular for me to say this, but I think forty-five dollars a sack to go catch rough oysters and not cull them, or anything, is just too much. I think it should be probably around thirty dollars a sack.

After all, these people are helping themselves. We are going to take these oysters, plant them in another place and they are going to go back and catch them and probably get a lot more than forty-five dollars a sack.

I think forty-five dollars a sack is a little steep. I think it should be somewhere around thirty dollars a sack.

COMMISSIONER BOSARGE: Not to interrupt, Commissioner Gollott, but if we are going to Pascagoula and we are taking thirty percent of what is left there and, as you saw, it is on a decline, we have to be careful, but, at the same time, in my opinion, we need to be sure that we get two things.

The folks most affected by this need to be the ones involved in it, but, at the same

time, we need to be sure that the money we spend we get the best return from.

I would say that the oysters that we move we cull so we don't move anything, but oysters, and that gives us the best return on our money, instead of just moving material.

If we do that, then, the forty-five dollars will probably be fair.

COMMISSIONER GOLLOTT: Well, the problem is, when you cull them, you are beating on them and the water is getting warm and you are going to lose more oysters that way.

After all, when you move a small oyster to Biloxi, I mean, it is going to grow there. You hope it lives and grows there, and it will just be a lot better chance, if you don't beat on them.

COMMISSIONER BOSARGE: What was the percentage of oysters versus just material?

ERIK BROUSSARD: Fifty-four percent of live oysters versus forty-six percent of material.

COMMISSIONER BOSARGE: I think we are going to come out much better, even with some of that, because you are going to do damage just

catching them.

COMMISSIONER GOLLOTT: Would you be better off just catching oysters and culling the shell material and putting it back, rather than actually culling them and beating on them, where you just shovel them into the sack, as long as there were oysters and not just shell material?

ERIK BROUSSARD: That would be one of the requirements in the contract, that we would be paying for live oysters. The shell would need to be thrown over and anything with a spat, or greater, attached would be retained. That's how we traditionally handled this.

COMMISSIONER GOLLOTT: Do you have an opinion on culling them, or not culling them?

What is your preference?

ERIK BROUSSARD: Traditionally, we have not had them culled. It just had to have a live oyster attached.

JOE JEWELL: A couple of things for the Commission to consider. We have two separate issues going on.

One is the relay program that we are discussing, now.

Then, as Commissioner Gollott brought

up, a relay to sort of augment and stabilize the Pascagoula Reef as we relay from it. That is a separate issue.

The Commission considered that and voted on that. I think it was passed at the December meeting for Director Spraggins and myself to meet and try and find potential funding.

Now, Director Spraggins and myself have been discussing several options, as far as funding cultch planting for the Pascagoula Reef area because we all know it is sort of limited, but we have identified one, or two, funding sources.

As Director Spraggins mentioned, GOMESA is certainly one of the more stable funding sources over the long run.

What the Commission is considering today is a relay program; whether to have one, or not have one.

If they have one, there are three options that Mr. Broussard mentioned that the Commission has to consider.

Whether it's culling, or not culling, as Erik mentioned, in the past we traditionally

don't have them culled. The point of it is to engage in a relay to benefit the fishermen.

Now, if we are talking about the resource, certainly culling it is the best option for the resource because you are leaving more and more material there on the reef. You are doing less harm to the reef, and you are leaving more of the younger year classes out there to reproduce and grow out on the reef.

Those are things that you have to consider what your options are, as far as culling, or not culling.

There are three total options on the table that the Commission has to consider, and we have up right now the relay options.

Certainly, how we go about that will be key not only for the resources, but for the fishermen and how many can participate.

You saw that larger universe that the Bonnet Carre Grant allows for. We traditionally have had lower numbers of fishermen participate for lots of different reasons.

If you choose an option, like, tonging only, you are going to eliminate a large portion of the commercial oystermen from that program.

Considering options, like, allowing for tonging and dredging will allow for most of the eligible applicants to be a part of that relay.

There are other options that we considered at our last Commission meeting, and that was have a tong versus having a relay for the larger dredge boats. Mr. Broussard has mentioned that.

One of the first votes that the Commission needs to consider is how are we going to go about it.

As Erik mentioned, option two is the safest because, as you know, we had three, or four, boats sink during our St. Joe relay.

We are recommending a lot lower sack limit, fifty versus a hundred. We think that will be a safer option for the boats.

That is not necessarily what the Commission has to vote for. The Commission certainly can direct staff otherwise.

I hope that helps.

COMMISSIONER BOSARGE: Yes.

COMMISSIONER GOLLOTT: Well, one more question.

My question is should we put two hundred thousand dollars out of this million dollars aside for cultch material, a hundred thousand, or should we put any money aside for future harvesting out of Pascagoula maybe next year, or the year after?

JOE JEWELL: We are considering three options, and how you choose those options will affect the other two options.

For instance, if you have more fishermen in the relay program, that means you will be able to harvest less resource.

If you harvest more resource, you will have to have more money.

If you reduce the amount of money, that million dollars that we have, you take some of that money and capitalize on the cultch plant, that means the overall program participants will be reduced. The Commission has to consider that.

I think we have the options Director Spraggins has identified as being outside of that million dollars. We will have the ability to replant with other funds.

ERIK BROUSSARD: I want to add that I

don't think it would prohibit us from moving forward just yet.

If we go ahead and choose some options and establish that we are going to cultch plant, where the funding is going to come from we can decide later, as long as we say we are going to cultch plant.

COMMISSIONER GOLLOTT: The way they are harvested, I think that we need to go tonging and dredging because I don't see how we can discriminate against one, or the other.

ERIK BROUSSARD: Well, how we handled that in the past was, in 2016 everybody qualified, but it was a dredging relay. The tonging boats found a dredge boat to work with, and they went dredging,

You don't have to go one way, or the other, necessarily.

If you went all tonging, then, the dredgers would have to find a tonging skiff.

If you went dredging, again, the tongers would find a dredge boat.

COMMISSIONER BOSARGE: Before we get too far into this, maybe we should get some public comment.

JOE JEWELL: The presentation has been made.

COMMISSIONER BOSARGE: Is that okay with you, Erik?

ERIK BROUSSARD: Sure.

COMMISSIONER BOSARGE: Because I would like to hear from these guys, too.

Drew Livings. State your name.

DREW LIVINGS: My name is Drew Livings. I have been a commercial fishermen, tonging and dredging.

I have something to say about the tonging, or dredging, situation.

St. Joe was open and it was dredging. A lot of tongers got shut out. A lot of tongers couldn't find boats to get on to go.

It was our understanding that a relay was going to be done for tongers, so that tongers could have the same opportunity as all the dredge boats had.

A lot of our tonging community didn't even get to go to work because it was strictly dredging.

I do think a relay needs to be done because our reefs are in dire need of some help

from not just material alone, but we need seed material from somewhere to put on there.

We already have a bunch of cultch plants all over the place, and I think that the seed material needs to be put on there.

I believe that the fishermen should be allowed to go catch them and the fishermen should be allowed to transport them.

I don't think we should hire outside help, other contractors, or things of that nature, because who else knows where to put the oysters better than a fishermen who is actually catching them, or has caught them.

I have been in this industry for twenty-seven-plus year.

COMMISSIONER BOSARGE: Do you feel that it needs to be designated areas?

In other words, we don't need to just scatter oysters to the wind so to speak, or somebody put them in their favorite little spot.

DREW LIVINGS: Well, wherever the state cultch plants are. I mean, there is no just favorite spot. You are going to have people out there telling you where to dump them anyhow.

I just believe that the fishermen should be the ones that are allowed to haul the oysters, too.

The people that have dredge boats that don't have tonging boats, allow them to be the ones to haul them.

Do you know what I mean?

COMMISSIONER BOSARGE: Yes. I tend to agree with that.

COMMISSIONER GOLLOTT: Can I make a statement here?

COMMISSIONER BOSARGE: Go ahead.

COMMISSIONER GOLLOTT: With all due respect, it would be a total nightmare for our staff to try to keep up with how many barrels and how many sacks are going to be put on the reef and all that kind of stuff.

Can you imagine trying to govern a hundred boats out there at one time?

It would be a total nightmare.

I understand where you are coming from.

DREW LIVINGS: Well, last time at St. Joe, they did fairly well. When the barge was getting overloaded and time was issued, they had

just one officer watching over where they were put and we didn't have a problem then.

The fishermen pretty much know how and where to disperse.

The last time it was done, I feel it was done well, as far as keeping up with everything.

COMMISSIONER GOLLOTT: Well, I understand and believe me I know we've got some great fishermen, but I understand several were caught putting mud in the sacks and trying to sell them for oysters. You have always got some crooks.

DREW LIVINGS: Well, you are going to have them everywhere.

COMMISSIONER GOLLOTT: Ninety-nine percent of the fishermen can be doing it right, and one can mess it up.

DREW LIVINGS: Even in congress, you've got crooks. You have them wherever you go regardless.

What you do is, when you find the ones who are violating that, eliminate them from the program immediately. Don't penalize the ones who are trying for the ones who are illegal.

I just believe that a relay needs to be done and the commercial fishermen need to be the ones who handle it. We don't need to hire these multimillionaire contractors to come put oysters on some place, when you have enough fishermen with boats to do it for half the cost.

COMMISSIONER BOSARGE: Would you be against culling?

DREW LIVINGS: I am because the simple reason is we use a twelve-ounce hatchet and, when you hit that oyster, you do destroy the smaller spat, and I would rather see the smaller spat put somewhere to grow than just to destroy it.

Now, if it's just a shell that doesn't have any spat on it, you could just knock it off on the table because you are asking for oysters, or you are asking for material with spat on it which is an inch, or larger, I believe.

If you get to the culling to make a clean marketable oyster, then, you are going to have more damage than anything else.

I believe that hand dredge and tonging should be in the same qualification because the hand dredge is not a mechanical device. There

are no winches, nothing like that. They are not as heavy, and it does less damage than a larger dredge. I'm also a dredger, too.

COMMISSIONER BOSARGE: You are saying hand dredge and tonging?

DREW LIVINGS: Yes, sir.

COMMISSIONER BOSARGE: And not mechanical dredging?

DREW LIVINGS: No mechanical dredging for the simple reason that all the dredge boats got to work at St. Joe and made good money because it was a two hundred sack limit.

Now, y'all are talking about a fifty sack limit here for tongers and hand dredgers. Give the tongers their chance to make their money because they got shut out at St. Joe.

COMMISSIONER BOSARGE: Any other questions?

COMMISSIONER TRAPANI: I just want to make a comment that I do believe that we should probably not cull because, like you said, I think we need the seed on these reefs and we do need substrate.

DREW LIVINGS: Right.

COMMISSIONER TRAPANI: I understand we

are taking the classes that are under from Pascagoula, but we are also planting the classes that are under back on that new reef. I think it would be a good idea to not cull them, and we haven't done that in the past.

I do feel like Richard, that price is kind of high for a lot of substrate and not a lot of live oysters.

DREW LIVINGS: But you have also got to look at the price of fuel, the cost of all your material, the wear and tear.

Forty-five dollars is a fair price because we are getting sixty dollars per sack for marketable oysters. That is twenty-something dollars, thirty dollars less.

COMMISSIONER GOLLOTT: Fifteen.

DREW LIVINGS: Fifteen, okay. My math isn't that good.

COMMISSIONER BOSARGE: Thank you, sir.

DREW LIVINGS: Thank you.

COMMISSIONER BOSARGE: Next is Mr. Ryan Bradley.

RYAN BRADLEY: Good morning Commissioners, General Spraggins, Ms. Chestnut.

Ryan Bradley, Director of Mississippi

Commercial Fisheries United.

I really don't have much else to say. I think Drew hit the nail on the head pretty good.

Most of the guys I have spoken with support the use of tongs and the small hand dredge for this relay. We think that will help support the conservation on the reef.

These reefs are very shallow, and you really need a small draft vessel to get on the reef, and that is really going to limit the number of participants that are able to relay.

I think you had a hundred vessels on the screen. I would be surprised if we had half of that number that actually participated. That is going to knock down the amount of money you spend.

Mr. Gollott, that is going to leave some money there for your cultch plant.

I don't think we are going to spend anywhere near that million dollars on the relay.

With that being said, I would like to see those larger dredge vessels who can't float on the reef be used to transport the oysters back to wherever y'all want to go with them.

Ask the fishermen for their input on where to go with them. Put them on the hard bottom.

The reason we want to do that is do we really want those oysters sitting on that hot barge all day, when we've got a boat sitting there waiting that can take off with them right away.

Load up fifty, sixty, or a hundred, sacks on one boat as they come in, as they harvest. That boat can take off with the direction of the DMR Patrol and they can tell them exactly where to go put them. I think it will be very successful.

To address some of the safety concerns that Mr. Jewell spoke about, about the vessels sinking, I think it is wise to go with a lower sack limit.

Some of these boats may not even be able to hold fifty sacks, but I think we should allow them to harvest that, even if they have to make multiple trips. If they had twenty, or twenty-five, they could go unload. Let them go back to work and work all day long to get what they need to get.

I do think forty-five dollars a sack is a fair price. Like Drew said, sixty dollars a sack, I want to say, was the going rate for tonged oysters in Biloxi Bay last year.

I would just reiterate everything Drew said. He hit it spot on. I don't think there is much else for me to say.

COMMISSIONER BOSARGE: It would be nice to use some of those dredge boats. We have just got to look at the logistics of being able to transfer oysters without getting anybody hurt.

RYAN BRADLEY: I don't think we are going to have a whole lot of dredge boats that, one, will be eligible and, two, that will be willing to participate to do this.

I think your pool of transfer boats will also be fairly small because September is a hot month for shrimping. There are still going to be a lot of guys out shrimping. If we could get a dozen, or so, I think that will be good.

If there are any questions, I will be glad to answer them.

COMMISSIONER GOLLOTT: What month did you say?

RYAN BRADLEY: September.

Is that when you said you wanted the relay, sir?

COMMISSIONER GOLLOTT: That's the time of year that they relay a lot of oysters in Louisiana, and I was just going from that.

What I was thinking is we probably need to do something right away so we will have oysters to harvest in October and November for the holidays.

It is looking mighty skinny on what we have in front of us for next season. Whatever we can harvest now, it would help us, like I say, in the fall of the year.

RYAN BRADLEY: When you say "right away" --

COMMISSIONER GOLLOTT: (Interposing) As soon as possible.

RYAN BRADLEY: July?

COMMISSIONER GOLLOTT: June.

RYAN BRADLEY: I think you need to take temperature into consideration. I think using those vessels to transport would help to mitigate some of that temperature concern.

Like I said, there are going to be a

lot of guys shrimping, then, so the pool of boats that are going to be able to do that will be low.

I think you are still going to have plenty of money left on the table to do your cultch plant. That's my opinion.

COMMISSIONER GOLLOTT: We ate that million dollars up in St. Joe the last time we relayed out of there.

RYAN BRADLEY: We are talking about a lot less sacks per day and a lot less boats that are going to be able to participate in this, if we stipulate non-mechanical harvest.

Thank you so much.

COMMISSIONER BOSARGE: Thank you, Mr. Bradley.

Next is Mr. Howard Page.

HOWARD PAGE: I'm Howard Page. I'm not a fisherman, and I will keep my comments very brief because of that. I think it is most important that y'all hear from the fishermen.

I'm from Gulfport. My concern -- and I hear a lot of talk about how quickly you are going to be able to harvest these oysters that are moved.

Fundamentally, I'm concerned that these oysters are coming from an area that has not only sewage contamination, but industrial contamination.

I would refer you to the Oyster Depuration review you just heard from your staff. They told you that not only does this not remove a lot of pathogens like Vibrio, but it absolutely does not remove heavy metals and other industrial pollutants.

My concern is that we are going to take oysters from an area that has some industrial pollution and move them somewhere.

I fully support the oystermen working. I fully support having more oyster population out there, but I am concerned of public health of selling these oysters without being specifically aware of the unique situation here, where these oysters are coming from and the fact that if you just move for them a couple of weeks somewhere and assume that they get cleaned up that that is prudent.

I will stop there, but I just want to raise that issue. Thank you.

COMMISSIONER BOSARGE: Thank you.

Mr. John Livings. Big John.

JOHN LIVINGS: Good morning. My name is John Livings.

I was coming to say that I was in favor of the relay, and I'm good with the tonging and the hand dredging, and the boats that can't float there let them transport.

I know what he was talking about, about the industrial pollution and the oysters, but I think that is why we have a restricted area and a prohibited because they have already tested the restricted area and it doesn't have the industrial pollution in it.

COMMISSIONER BOSARGE: I somewhat take offense to that. That's my home.

If you look in Pascagoula, we have no industry left up those rivers. It is all gone. The only thing we've got left is the shipyard, and they are building Navy vessels and they have to watch what they let out and what they don't. They are getting just about everything under cover, now. As far as that, that is getting better.

JOHN LIVINGS: We know because they tell us that the restricted areas are tested.

They were talking about the market-size oysters in Pascagoula. We really don't care about the marketable size, right now, because we need seed. We need live product. That's what we need.

I don't want to completely strip a reef, but I don't think we can do that with tongs, or the hand dredging.

I think the fifty sacks is a little bit much. I really do. Some of your tonging boats, they could do forty like they did before. I think it was forty, when y'all did the first relay in Biloxi. I mean, if you want us to make two trips, that's fine. We can do it.

The forty-five dollars, they were talking about it being a little much, but no one said that once we catch those oysters, we have to go and physically put the oysters on another boat. We are moving those oysters two times instead of once, by hand. I don't think the forty-five dollars is out of the question.

That's about all I had to say, unless you have any questions.

COMMISSIONER HAVARD: I've got one question.

In your opinion, bringing those oysters over there for three months, and, then, harvesting those oysters in three, or four, months, would it be more beneficial to the resource to let them lie for a year?

Let them go through the spawning process, and, then, harvest them next fall?

JOHN LIVINGS: Well, how many years have they been there, now, that we haven't relayed ever from Pascagoula?

There has never been a season there. There has never been anything there, so they have just been there growing and dying.

COMMISSIONER HAVARD: That's the reason we are transporting them over there for harvest.

Since there are no oysters over there, why not leave them there a year and let them go through the spawning process?

JOHN LIVINGS: Well, for one, we really need the product on our west reefs.

There has been some cultivation and a little bit of cultch plant, but the only thing that was done for, like, the tonging reef was from St. Joe, but the only reason we got to do

that on that relay is because we thought everything was going to die.

When they opened the Bonnet Carre Spillway, we had all the fresh water. That is the only reason we got to move those oysters when we moved those oysters, and they didn't make it, but they were going to die where they were anyway. That was the chance we had to take.

There has been no real seed product put on the western reefs in a long time, and the tonging area which is inshore, it needs cultch and live product.

You can see the bottom in the summertime when the water is clear. There is hardly any shell on the bottom on II "A".

COMMISSIONER HAVARD: At this point, are you going to leave them there, during the spawning process?

JOHN LIVINGS: Well, according to Mr. Joe and them, it takes fourteen days to purify an oyster completely one hundred percent in natural water.

Thirty days is over double that. I think they would be fine to harvest then, or

whatever the Commission -- if they wanted to test the meat, but if it only takes fourteen days, when you leave them double the time, then, I think we will be good.

COMMISSIONER HAVARD: I'm just having a hard time understanding that we are going to collect all these oysters, put them in another part of the Sound, spread them all out, and, then, we are going to go scoop them back up and not let them go through the spawning process.

Why don't we just bring them to the other side of the Bay and dump them in a pile?

That way, we don't have to look for them again, and let them go through the depuration process.

JOHN LIVINGS: Well, you can't stack them on top of each other because they can't feed. That would be the same as the muscles taking over. They are going to die. Even though they are in the water on the bottom, if they can't open to feed, they are going to die.

Like I say, we are not going to just be catching marketable oysters. In thirty days, we will be able to catch marketable oysters, but the other eighty percent is going to be younger

spat and smaller seed oysters that will be caught with it, also, and that will still be on the bottom, and, then, when we work that in the fall, we will be cultivating for the smaller stuff that is down there.

COMMISSIONER HAVARD: I'm just trying to get a better understanding.

COMMISSIONER BOSARGE: Any more questions for John?

(No response.)

COMMISSIONER BOSARGE: Thank you.

JOHN LIVINGS: Thank y'all.

COMMISSIONER GOLLOTT: Let me say something, Mr. Chairman.

COMMISSIONER BOSARGE: Yes, sir.

COMMISSIONER GOLLOTT: First of all, I was heavily involved in depurating oysters back several years ago.

The FDA monitored it real well, and they had tested for heavy metals in oysters coming from the Pascagoula Reef. They found absolutely no heavy metals in the oysters, and I was surprised.

We were allowed to harvest oysters in fourteen days because that was the law.

The oysters were actually cleansing themselves before fourteen days because we had to go pull samples on those oysters. They were checked at the Gulf Coast Research Laboratory, and, then, we had to get an okay to harvest those oysters.

We never had any problem with the oysters, unless the Pascagoula River came up and was overflowing and we got that freshwater from the Pascagoula River.

We were depurating them outside of Deer Island, and a couple of times that happened.

In fourteen days, those oysters are very clean and very clear and, like I said, the only reason we had to leave them there for two weeks was that was FDA's regulations.

We have the data that we can look back on those FDA records and the DMR kept their records on what was harvested and how many days they stayed out there and all that kind of stuff. It was very successful.

COMMISSIONER BOSARGE: All right.

COMMISSIONER GOLLOTT: I hear Mr. Havard talking about spawning, but there is no

problem in our area, as far as catching spawn. I mean, these oysters in Pascagoula lay billions of eggs every year. Spawning is not a problem.

Spreading these oysters out and just harvesting legal-size oysters and letting the smaller ones stay there and grow is a good idea.

It gives you a start. Maybe these oysters are two years old, or a year-and-a-half old, the ones you are leaving out there to grow some more.

I just wanted to clear that up. You have no health problems with these oysters.

COMMISSIONER BOSARGE: To get back, now, to where we were and looking at your options.

JOE SPRAGGINS: May I say something real quick?

COMMISSIONER BOSARGE: Yes, sir, Mr. Joe.

JOE SPRAGGINS: Just looking at it, there have been a couple of things brought up today, and one is that oystermen, number one, are going to figure out the best way that they can do this, and they have given us options here of what they think, and they think they can take

the oysters and do what needs to be done and move them.

The second thing is if we utilize the boats that are able to do the process, I think in my mind that oystermen themselves, the fishermen are going to take more pride and more care putting that oyster back in the water if they put it back in the water, than if we just hire it out and let them just push the oysters into the water.

They know this is their resource. They know it's their resource to live off of. It is their resource to bring something back to them and bring it back to where they can harvest it later.

I would ask y'all to please look at that very hard to allow them to do both, and that is to be able to take them and put them back in the water.

ERIK BROUSSARD: I will address a few of the comments.

This contract can take anywhere from three to six months. In order to get moving, we have to make some decisions.

If we decided to go with the hand

dredge, there are no regulations on what a hand dredge is currently. That is something else that we would -- we wouldn't have to decide the regulation today, but it is something that would need to be in place before we went there.

As far as reclassification of the area and testing for heavy metals, that is the process that we are currently going through with the FDA. All of that will be addressed, if we move from restricted to prohibited.

A couple of other things to think about, if we start right here. Relay options is where we need to start.

How would you decide who is going to harvest and who is going to deploy?

If you split it to where some of the skiffs can't make the trip from Pascagoula to Biloxi, or Pascagoula to the western Sound, then, you would be loading and unloading.

If you have a hundred plus vessels out there on the reef, there is going to have to be some verification process that you got your limit and we had trip tickets. That is one problem.

The other problem, again, is bad

weather, and heavily loaded boats can equal some problems.

Whatever decision you go forward with on the method portion, it is shallow and it is a small area.

Those are just some of the things that you should consider, as well as there is an extra layer of liability that is associated with the transport.

As Mr. Livings said, they would be handling the oysters more than once. If you have a contractor with a barge, there's another layer of separation from the agency.

This is where we would need to start to get this process rolling.

COMMISSIONER BOSARGE: That's right, and I think this is where we need to begin trying to make some decisions.

I know there are obstacles. We are going to have to put it on your shoulders to overcome them; that is figuring out how we can make it all work, what is best for the resource and best for the fishermen.

Does anybody want to make a motion on the relay options?

COMMISSIONER TRAPANI: I have a question.

COMMISSIONER BOSARGE: Go ahead.

COMMISSIONER TRAPANI: Erik, in your opinion, of the three options on the relay options, the staff's opinion, which one do you think is probably something that would work the best, that will flow the best and be the best way to get the best results?

ERIK BROUSSARD: Again, from a logistical standpoint and a liability standpoint, option two would be the best for us.

COMMISSIONER BOSARGE: I think we need to do option one, and I will make the motion that we go with option one on relay options.

COMMISSIONER HARMON: I will second that motion.

COMMISSIONER BOSARGE: We have a motion and a second.

Any further discussion?

SANDY CHESTNUT: Excuse me, before you take a vote.

There are some liability issues with option one.

Right?

ERIK BROUSSARD: There are liability issues.

SANDY CHESTNUT: We are not sure whether those can be overcome, at this time.

Right?

ERIK BROUSSARD: That is correct.

Option one is still a viable option, but, as the Commissioner said, there are some hurdles that we are going to have to work through, if that's the route we go.

SANDY CHESTNUT: Contracting issues.

COMMISSIONER BOSARGE: I understand that, and I'm getting over my head a little bit, but I think letters of subrogation.

In other words, for this to work and for it to work correctly, the DMR can't be held solely liable for anything that should happen.

If these fishermen want to participate, then, they are going to have to sign off that they are going to have to be held responsible, if somebody gets hurt.

In other words, there is more than one way to get around it, in my opinion, to try to make it work and make it work better.

JOE SPRAGGINS: Mr. Chairman.

COMMISSIONER BOSARGE: Yes, sir.

JOE SPRAGGINS: We did this in 2016. Halfway through the process in 2016, we stopped putting them on the barge and started letting them put them out in the water. I don't know where the difference in the liability is there.

Erik, you know and please help me.

We will work this. I promise you. We will work it out. As the Department of Marine Resources, we can figure out how to do that with legal.

COMMISSIONER GOLLOTT: Let me say one thing here. I just talked with Sandy and she said it is something that would have to be run by the Personnel Board.

I don't think the fishermen can sign any papers that would relieve us of all liability. I think this is something we need to look into further.

Can we have a workshop in a week, or two weeks, or something like that, on this and go through all this stuff and give the staff a chance to look at all the options?

I really don't have a problem with these fishermen catching oysters and putting

them over, but, we don't want to get into --

COMMISSIONER BOSARGE: (Interposing) I agree, but I think we need to go ahead and decide the options where they will know which direction they need to work towards.

JOE JEWELL: Commissioners, just a couple of comments. If you look at the three options available that we proposed -- certainly the Commission can come up with their option -- these are the ones that the staff thought most available for us.

If we look at option one and option two, there is liability. There is no way around that.

If you look at option three, well, there is liability, too, but the contractor has to produce insurance. He has to be self-insured. He has to produce that type of liability.

The State of Mississippi Department of Marine Resources is not assuming any liability, if you hire a contractor under option three.

I think Sandy can more address the liability options for options one and two. I don't think the State of Mississippi can

indemnify itself. You can't assume liability for this process, or any process, when issuing the contract.

Is that right, Sandy?

SANDY CHESTNUT: This is Faye's area. I'm going to let her talk to this. She has been researching this.

FAYE JAMES: Good morning. I'm Faye James with the Attorney General's office. I work with Sandy.

The problem with the liability is third-party liability for one thing, liability in case someone gets hurt.

From what I understand, most of the fishermen do not have commercial insurance, commercial liability insurance.

Mr. Bradley had mentioned at one time that he could get insurance to cover them. In that case, that would be a good option, if he can do that.

In January of 2016, the fishermen harvested the oysters. They were sold to the processors who are also covered under the grant, and those processors had liability insurance, and, then, the barge that deployed, that the

oysters were put on had liability insurance. In the contracts with those processors and the barge, that liability insurance was required.

As a matter of fact, generally speaking, when DMR contracts with a vendor, the DMR does require that they have liability insurance.

As far as liability that DMR would assume, DMR is covered by the Tort Claims Act, but there is still a five hundred thousand dollar limit that can be recovered and just the cost of litigation could be very expensive to the state.

Obviously for option three, the contractor would have liability insurance that would protect the DMR and the state.

COMMISSIONER BOSARGE: I'm just trying to kind of look at all the options.

Would it be possible for the DMR to use some of that grant money to purchase a blanket policy to cover it?

FAYE JAMES: No, sir. The DMR does not have legislative authority to purchase insurance and they have to have -- DFA would not let MDMR purchase the insurance because there is

no legislative authority for them to do so.

COMMISSIONER TRAPANI: What you are saying is, in 2016, when they did do this and allowed fishermen to harvest and deploy, the fishermen had to show their liability insurance in order to do that?

FAYE JAMES: The fishermen did not, but the DMR did not contract directly with the fishermen.

The DMR had a contract with dealer/processors. The dealer/processors hired the fishermen to go get the oysters, and the dealer/processors did have liability insurance.

COMMISSIONER TRAPANI: Maybe we could do what they did then, if it protected the DMR.

FAYE JAMES: Right, and option two is essentially that option.

COMMISSIONER TRAPANI: Even if they showed proof of insurance, them individually, we still would be liable for that five hundred thousand per incident?

FAYE JAMES: If the fishermen had commercial liability insurance, if they have commercial liability insurance, or if Mr. Bradley can purchase it for them.

I haven't spoken to him in probably a couple of months about that. I don't know if that is still an option.

If Mr. Bradley could, if he can purchase it, then, that would protect the MDMR.

COMMISSIONER TRAPANI: Maybe we could go with option one to help the fishermen, but, in that motion put that they have to have commercial liability insurance.

COMMISSIONER GOLLOTT: You are going to be hurting a lot of fishermen, if we do that.

COMMISSIONER BOSARGE: We are not going to pick a preferred option. We are going to say that our preferred option, I guess, would be to use qualified fishermen to catch and deploy, but we are going to table this. We are not going to make a decision on it, and we will give you a couple of weeks.

We have got to get outside the box here and try to figure out how we can make this work best for everybody.

We don't want to get anybody hurt and we don't want to get ourselves in trouble in a lawsuit, but, at the same time, these are the folks that were most harmed and these are the

folks that need to be most helped.

We are going to table this portion of it. We are going to continue on and try to decide some more things where these guys know how they need to proceed.

JOE JEWELL: Sandy, can you clarify?

We have a motion on the floor and a second.

How does the Commission proceed with that?

SANDY CHESTNUT: Whoever made the motion can withdraw it, if they don't want to go forward with it.

COMMISSIONER BOSARGE: Yes, ma'am. I will withdraw my motion.

COMMISSIONER GOLLOTT: Mr. Chairman, let me say I would like to table this until May the 29th.

Will the Commissioners check their calendar and see if they can make a workshop, on May the 29th, which is a Tuesday?

COMMISSIONER BOSARGE: With all due respect, I think this would be about the third time we have tabled it.

I would like to continue on and, at

least, try to get just a few decisions made here anyway. I think there are some decisions we could make that we don't need to table.

Part of it needs some more research, and, then, we will try to determine how best to proceed, especially with this part here when it comes to liabilities.

When it comes to method of take, price/resource, I think we can move on with that.

RYAN BRADLEY: Mr. Chairman.

COMMISSIONER BOSARGE: Mr. Bradley, make it quick.

RYAN BRADLEY: I just wanted to clarify some things with Ms. Faye. We had spoken months ago, after we had a discussion about this relay. We had talked about a couple of ideas.

We have done a lot of research into not only the liability concerns, but procurement concerns with this relay.

One of the options we discussed was doing it like we did the last one. Work through the dealers. The dealers were impacted by the Bonnet Carre Spillway opening. They are covered

under the grant. We could contract with them. They all have the limited liability. We could do it just like we did last time.

For some reason y'all didn't want to do it that way, an organization, a nonprofit organization such as the Mississippi Commercial Fisheries United, or there are several other nonprofit organizations in this room that would be willing to step forward and help secure that liability coverage for these fishermen to work under.

We think there are plenty of options to put these fishermen to work not only harvesting, but transporting the oysters to where they need to go.

Also, on the procurement, depending on how much we contract with the individual fishermen, you could possibly skirt some of the procurement laws where you wouldn't have this long timetable for procurement. You would be exempt from the procurement requirements. It just depends on what the math worked out to for each contract.

COMMISSIONER GOLLOTT: Mr. Chairman, with all due respect I make a motion for the

29th.

Can we go forward with that motion?

COMMISSIONER TRAPANI: I will second that.

COMMISSIONER GOLLOTT: The motion is to table the relaying program until May the 29th, at 9:00 o'clock. We will set up a special workshop for the Commission and go forward with it, then.

There is no reason to sit here and beat all this stuff up, when we will be able to do it all on the 29th.

I made the motion and there is a second.

COMMISSIONER BOSARGE: We have a motion and a second.

Do we have an alternative motion?

COMMISSIONER HAVARD: I would like to make an alternative motion. Let's hear these options, now, and that will give the department less research that they have to do for this special meeting.

COMMISSIONER BOSARGE: I'll second the motion. I think it is correct.

COMMISSIONER TRAPANI: Are we voting

on the first motion, or the second motion?

COMMISSIONER BOSARGE: The alternative motion is voted on, first. If it fails, then, we vote on the first motion.

JOE JEWELL: My understanding is the alternative motion is to narrow down the options in advance of the workshop, and that motion was made by Commissioner Harmon.

COMMISSIONER BOSARGE: No. There was an alternative motion made by Commissioner Havard.

JOE JEWELL: I'm sorry. The motion was made by Commissioner Havard and seconded by you, Commissioner Bosarge.

COMMISSIONER BOSARGE: Seconded by me.

All those in favor of the alternative motion say aye.

(Commissioner Bosarge, Commissioner Havard, Commissioner Harmon in favor.)

COMMISSIONER BOSARGE: Opposed?

(Commissioner Gollott, Commissioner Trapani opposed.)

COMMISSIONER BOSARGE: Three for and two against. Motion carries.

COMMISSIONER TRAPANI: Narrow it down,

but narrow it down to which one?

COMMISSIONER BOSARGE: To not do anything with the relay option. We will table that to give them more time, but to go ahead and decide the method of take and the price of the resource.

We have one more public comment. Ms. Thao Vu would like to speak. Let's give her the opportunity to speak, and, then, we will go to method of take.

THAO VU: Good morning General Spraggins and Commissioners. I am Thao Vu, Director of the Mississippi Coalition for Vietnamese-American Fisher Folks and Families.

I am here to express my great support for the proposed oyster relay from the Pascagoula Reefs, and it should include tongers as well as the dredge boats.

The boats that can't get into the shallow reefs, they can definitely transport the oysters.

In terms of the liability concerns, I recall that during the St. Joe relay, not all the fishermen brought their sacks of oysters to the barge. In fact, some of the fishermen were

instructed to place their oysters on Henderson Point.

When they did that, were they covered under the processor's insurance?

That's what I would like to ask.

I remember that, and some of them are here. Not everyone put their oysters on the barge back then. There were some instructed to take their oysters to Henderson Point because of how long it was taking. There were not enough barges and some were instructed to go ahead and bring their sacks to Henderson Point, and I don't think they were covered under that at that time.

COMMISSIONER BOSARGE: My understanding, Ms. Vu, is because they were being contracted, that they were covered under the contractor's insurance.

THAO VU: Well, I just wanted to get clarification on that.

The third thing is my organization is willing to step up and help acquire any necessary needed insurance to cover these fishermen.

My organization, having worked with

the fishermen for many years, we are working on several projects that we actually give fishermen training and they are compensated. They are compensated for things that they have been part of, to really help with their livelihood and sustainability issues, and this is another key livelihood sustainability issue.

I am willing to step up and help provide resources. Thank you.

COMMISSIONER BOSARGE: Thank you.

Erik, method of take.

ERIK BROUSSARD: Just to reiterate, there are no current regulations on hand dredges. That is something that is going to have to be considered and decided on, as well as it might be an added cost that the fishermen have to incur.

Since hand dredging has not typically been used, then, there are not many out there. That would be something to consider.

COMMISSIONER BOSARGE: Most of these fishermen, if they know they are going to be able to make a few dollars, they will build a dredge.

I would like to make a motion that we

take option two, tonging and hand dredge.

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

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.

COMMISSIONER TRAPANI: Just to go backwards, we are going to pick this up at the next meeting, or are we going to do it on the 29th?

COMMISSIONER BOSARGE: That's a good point.

We are going to have to come back and revisit how we are going to involve the people safely. We are going to have to define that hand dredge.

We have to give these guys all the time they need to build what they need. Let's

define what this hand dredge is going to be.

JOE JEWELL: A couple of things. As you noted at a previous presentation that Mr. Broussard gave on this, he did have a definition of a hand dredge for y'all that he had found.

Then, two, I want to make it clear that when we are talking about hand dredges, that means no mechanical operation. It has to be operated solely by hand. They can't use a winch, a hand crank, or any mechanical device.

COMMISSIONER BOSARGE: Most of the oystermen, they can handle it.

COMMISSIONER TRAPANI: I guess I'm saying I would like to make a motion to have maybe a special session meeting for the 29th.

We know how long all these things take. There are a lot of things to concentrate on to try to move forward with this. I think the fishermen really want this to happen, also.

I feel like we need to have one meeting to try to work out the details. We have a couple of important things to work on with this.

I would like to make a motion to meet on May 29th, Tuesday, at 9:00.

COMMISSIONER BOSARGE: Do you think

that will give the staff enough time?

COMMISSIONER GOLLOTT: It's two weeks. You should have enough time.

COMMISSIONER HAVARD: Do we want to go ahead and set a fair market value per sack to allow the staff to go ahead and create a realistic budget?

COMMISSIONER BOSARGE: Yes, we will get to that.

Commissioner Trapani, you would like to make a motion that we have a special meeting on May 29th to hammer out the rest of the details that we don't set in this meeting today

Correct?

COMMISSIONER TRAPANI: Correct.

COMMISSIONER GOLLOTT: I'll second that motion.

COMMISSIONER BOSARGE: 9:00 a.m. in this building.

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.

Now, let's talk about price and resource.

ERIK BROUSSARD: Again, forty-five dollars a sack was the fair market value in 2018. That was the average. Sixty dollars a sack in Biloxi. It comes out to right at about forty-five dollars a sack. That is the maximum we can pay the fishermen.

COMMISSIONER TRAPANI: I have a question.

COMMISSIONER BOSARGE: Go ahead.

COMMISSIONER TRAPANI: What did we pay in 2016?

Do you recall?

ERIK BROUSSARD: I believe it was twenty. The fishermen will probably correct me, if I'm wrong. That's what I remember -- it was twenty-two dollars a sack and two dollars went to the dealers/processors and twenty went to the fishermen.

COMMISSIONER BOSARGE: I believe in this relay it will be different in that there won't be that two hundred sack limit, plus they are going to have to knock some of that material off of those oysters. In other words, it can't be a shell in a sack.

ERIK BROUSSARD: Correct.

COMMISSIONER BOSARGE: It has got to be a shell with a seed oyster on it.

Correct?

ERIK BROUSSARD: That is correct.

COMMISSIONER BOSARGE: They are not culling marketable oysters.

COMMISSIONER TRAPANI: I thought we were just dredging and not culling.

ERIK BROUSSARD: The contract is for live animals. If it has a spat on it, then, it would go in a sack. If there is just a shell laying on a deck, it would go back over.

COMMISSIONER BOSARGE: At St. Joe, it was basically anything that came onboard the boat for the most part.

ERIK BROUSSARD: The contract was for live animals.

COMMISSIONER HAVARD: Within this

forty-five dollars, does that include the transportation cost, once the oysters are tonged, or do we need to figure that in the total of forty-five dollars?

ERIK BROUSSARD: That would be a Commission decision.

COMMISSIONER GOLLOTT: That should cover everything.

COMMISSIONER BOSARGE: The transport vessels, that needs to be a day rate. In other words, they get paid per day everyday they haul oysters.

Harvesters are paid per sack and the transport vessels are paid daily.

ERIK BROUSSARD: How are we going to decide who is going to be a harvester?

Everybody qualifies the same. Somebody is going to have to say, you are going to have to transport and you are going to have to harvest.

COMMISSIONER BOSARGE: The guy that has a boat that can't get in there, he will be one of the ones that will have to be a transport vessel.

ERIK BROUSSARD: We are going to put a

limit on draft constraint?

COMMISSIONER BOSARGE: No. It is going to have to be a voluntary thing, I would imagine.

You will have enough of those guys that want to haul oysters that don't have the ability, or have a hand dredge, or able to tong.

COMMISSIONER TRAPANI: Mr. Chairman, I understand y'all want to vote on that, but right now our staff is not sure if that includes the transportation cost, et cetera.

I think we should leave that for May 29th and go over that in detail because these are important things that we need to be able to find out.

If y'all would find out if it is forty-five dollars a sack, exactly what that includes.

Does it include transportation, et cetera?

Those are things we need to know, when we go to vote on it, because, with these things being left unanswered, it's hard to vote on it.

COMMISSIONER BOSARGE: That's fine with me. At least, we've got a little better

idea of what we are looking at.

ERIK BROUSSARD: Something else that everyone might want to start thinking about is what constitutes a load. One boat might be able to hold a hundred sacks. The next boat can hold several more.

Is it going to be price per sack, or price per load, on the daily rate?

That is just something to think about for the next meeting.

COMMISSIONER BOSARGE: If you are paying a day rate, there is not an incentive to overload the boat.

Do you see what I'm saying?

COMMISSIONER TRAPANI: Right.

COMMISSIONER BOSARGE: Do we want to look at the number of sacks of material we are going to take?

ERIK BROUSSARD: Sure.

This, again, like I said, was an example of a scenario to where everything was kind of evened out and we had the budget (indicating slide).

Twenty thousand sacks was thirty percent. That is where we have kind of been on

the season because we don't want to do damage and we want to be sustainable.

COMMISSIONER BOSARGE: I think, if I remember correctly, it was like twenty-two thousand and we had taken three thousand.

ERIK BROUSSARD: That's correct.

COMMISSIONER BOSARGE: Where did we take the three thousand from?

ERIK BROUSSARD: We took the three thousand from both the West River and the Causeway. It was a combination which is where you get the total number from. It still equals out.

The seventy-three thousand is both of those reefs combined. Thirty percent is twenty-two thousand. Minus the three thousand, you are still right there around twenty thousand.

COMMISSIONER GOLLOTT: I have a question for you.

How many barrels of shells would it take to replace the twenty thousand sacks?

ERIK BROUSSARD: Let's go at it from a different angle.

We are looking at about three hundred and fifty acres of reef.

COMMISSIONER GOLLOTT: Okay.

ERIK BROUSSARD: We are just replenishing. It is already an established reef. Traditionally, you would go with about a hundred cubic yards of material, cultch material per acre.

To do three hundred acres of replenishment, you would need probably four hundred thousand.

COMMISSIONER GOLLOTT: How many?

ERIK BROUSSARD: Four hundred thousand.

COMMISSIONER GOLLOTT: Four hundred thousand barrels?

ERIK BROUSSARD: No. Four hundred thousand dollars, to restore three hundred and fifty acres.

COMMISSIONER GOLLOTT: Okay.

COMMISSIONER BOSARGE: Are we all in agreement that twenty thousand sacks is going to be --

COMMISSIONER HAVARD: (Interposing) I will go ahead and make a motion that we take thirty percent.

COMMISSIONER BOSARGE: Thirty percent

minus the three thousand that we have already taken?

COMMISSIONER HAVARD: That's correct.

COMMISSIONER BOSARGE: We have a motion to take thirty percent, minus the three thousand that we have already taken.

Do we have a second for that motion?

COMMISSIONER HARMON: I'll second that motion, Mr. Chairman.

COMMISSIONER BOSARGE: We have a motion and a second.

Any further discussion?

(No response.)

COMMISSIONER BOSARGE: All those in favor say aye.

(Commissioner Bosarge, Commissioner Havard, Commissioner Harmon in favor.)

COMMISSIONER BOSARGE: Opposed?

(Commissioner Gollott, Commissioner Trapani opposed.)

COMMISSIONER BOSARGE: Motion carries.

JOE JEWELL: Just for clarification, it was two-two, and you broke the tie by voting for it?

COMMISSIONER BOSARGE: It was three to

two, yes, sir.

JOE JEWELL: Thank you.

COMMISSIONER BOSARGE: I think that is probably about as far as we can go.

Isn't it, Erik?

ERIK BROUSSARD: Yes, sir.

COMMISSIONER BOSARGE: You've got your directions and you know what to look at and where to go and what to bring back to us.

ERIK BROUSSARD: Yes, sir.

Thank you, Commissioners.

COMMISSIONER BOSARGE: Thank you.

JOE JEWELL: Can we take a short break?

COMMISSIONER BOSARGE: Yes. We will take a short break.

MEETING STANDS IN RECESS.

COMMISSIONER BOSARGE: I call this meeting back to order.

Next on the agenda is Mr. Matt Hill.

MATT HILL: Good morning Commissioners, Director Spraggins, Sandy.

We are going to have a little session today on the haul seine information. I think it is a little bit overdue. We have done our best

to put some information together and, hopefully, we can answer many questions.

I am going to try to go through this very deliberately, however efficiently.

If there are any questions from the Commissioners, please stop me.

Little bit of an overview.

Recently, recreational stakeholders have expressed concern over the use of haul seines by the commercial fishery.

Hopefully this presentation will provide a synopsis of the haul seine fishery, detailing area closures, regulations and harvest metrics.

Regulations pertaining to haul seines are found exclusively in Title 22 Part 5, specifically Chapter 4.

Title 22 Part 5 is Rules and Regulations that Establish Restrictions Governing the Use of Nets, Fish Traps and Pots within the Territorial Waters of the State of Mississippi and Establishing Certain Catch Limitations and Quotas.

We begin by talking about focusing on Chapter 4 and we will begin with the haul seine

gear size restrictions, Section 101 Subsection 101.08, and I will begin to paraphrase for efficiency sake, and I'm sure we will have many questions.

Basically this subsection states that haul seines may not be in excess of twelve hundred feet in length.

Moving on to Section 101 Subsection 101.10, we begin to talk about the marking and tending requirements for the haul seines and, again, I will paraphrase.

Fishermen must tend the net within one boat length at all times. Nets must be visibly buoyed every one hundred feet, with the license number and owner's name clearly marked.

We have done this a little bit differently. This is basically dealing with the closures areas, and I will begin by saying we have broken this up into the commercial rule for closure areas and the recreational rule for these closure areas, and I will proceed by saying -- and I will not continue to repeat it, but for every commercial rule that I do state there is no equivalent recreational rule, or restrictions, for each of the sections to be

discussed. Again, I will paraphrase.

The first rule in Chapter 4 Section 100 begins by talking about haul seines are unlawful within twelve hundred feet of a public pier and also twelve hundred feet of the shoreline of Deer Island.

In Chapter 4 Section 101, it begins to describe the closure line. This is a very complex line, and we will discuss this on the map later in the presentation where we will have it laid out for everybody to understand this.

In Chapter 4 Section 101.02, we begin to talk about the Hancock County shoreline closure, and we will again reference the map, once we get there.

In Chapter 4 Section 101.03, we begin talking about it is unlawful to block the mouths of various waterways, such as rivers, bayous, creeks, streams, et cetera.

I will read this one. I think there is a little bit of confusion on this one, so I will read it word-for-word.

In Chapter 4 Section 101.04, when we begin talking about the haul seine fishery:

"It shall be unlawful within an area

formed by a line running one mile from the shoreline of Cat, Ship, Horn, Petit Bois and Round Island, or from the shoals of Telegraph Keys and Telegraph Reef, during the period from May 15th through September 15th of each year."

Moving on in Chapter 4 Section 101.05, it begins to talk about it is unlawful to set the haul seine within twelve hundred feet of any private piers.

However, in Section 101.06, that distance is reduced to three hundred feet and it is seventy-five feet, or more, from the shoreline when mullet fishing.

There are some caveats in here, when we begin to talk about mullet fishing.

In 101.07, it states that all these piers above mentioned, must be in working condition.

Again, with all these area closures, there is no recreational equivalent for these closures.

We will continue by looking at the Federal regulations and we will specifically focus on the National Park Service regulations. The commercial rule is:

"Commercial fishing, including commercial shrimping and commercial crabbing, is prohibited within the seashore waters", and this is a one-mile boundary around the National Seashore.

The caveat.

"Waters around Cat Island:

"The National Park Service does not have jurisdiction in the waters off Cat Island."

The recreational rule to fish in these areas is the recreational fishermen must possess a valid recreational license and they are allowed to fish within the one-mile boundary of the National Park Service three hundred and sixty-five days a year.

Here is the map that we were talking about. I know it's a little tough to see with the glare, but everything shaded in green is the haul seine closure areas, and this is out of the May 15th through September 15th closure.

Basically, the fall and winter months, this is where you could fish. However, beginning May 15th through September 15th, there is an additional closure and you see it right here (indicating map).

Actually, I do want to go back to this slide right here. Regular haul seine closure area makes up eighty-nine thousand ninety-four acres of the total five hundred and fourteen thousand nine hundred and eleven total acres in the Mississippi Sound. This is roughly twenty percent of the actual waters that are open.

In addition to these closures, certain areas are closed from May 15th through September 15th, as we will see on the next slide.

Additional haul seine closures from May 15th, today, through September 15th.

From May 15th through September 15th, haul seine closures make up approximately one hundred and seven thousand five hundred and eleven acres of the total five hundred and fourteen thousand nine hundred and eleven acres in the Mississippi Sound.

Most of these closures are within one mile of shore which do not allow haul seine fishermen to set nets near the shoreline.

We further did a shoreline analysis and this analysis will examine shoreline availability for these fishermen.

It might take a little time on this

slide. It is a little confusing. It is a little hard to look at, but this is a shoreline survey. This is all of the available shoreline in the territorial waters of the State of Mississippi.

We currently have a little over four point eight million linear feet of shoreline in the marine waters of the State of Mississippi.

The commercial net fishery, during the closure of May 15th through September 15th, is allowed to fish seven hundred and thirty-eight thousand two hundred and eighty-nine feet of this shoreline which is roughly fifteen percent. They are not allowed to fish eighty-five percent of the shoreline, during this time.

Outside of the closure, they are allowed to fish nine hundred and seventy-four thousand nine hundred and seventy-one linear feet which is approximately twenty percent of the total shoreline.

This total shoreline is total available shoreline south of I-110 which is considered marine waters of the State of Mississippi.

As you can see right here, everything

is yellow in the beginning and that is where the recreational fisherman is allowed to fish, and we began to overlay the closures.

The red is the closure for the haul seine fishery, and, then, during the closure May 15th through September 15th, you see it changes to blue around Cat Island and Round Island, and we did leave off the Telegraph Keys shoal area. That is not a shoreline. That is just a natural occurring reef that was disclosed in the regulations, but we did include that in the acreage closures.

This is the recreational closure area. The recreational closure area is not shaded in green. There are no recreational closure areas in marine waters of the State of Mississippi. All shorelines, waters, islands are available to the recreational fishery.

Then, we decided we needed to do a commercial license comparison, and this is from the sectors of the net fishermen which are Type Eleven fishermen and our hook-and-line fishermen.

We compiled commercial license data from 2003 to 2018 and examined it to compare

license sales within the commercial fishery.

To compare this, we compiled total license sales and the total number of active licenses -- we did this using trip tickets -- from the hook-and-line and the haul seine fishery.

We are going to begin with the commercial hook-and-line licenses. As you can see, beginning in 2003, we had forty-nine individual hook-and-line fishermen.

The smaller number in the black is thirty-one because the vessel also has to be licensed in this fishery.

As you can see, we had a pretty steep increase right there, especially after the oil spill. It began in 2011 to 2014.

We have seen this in all of our fisheries as people were beginning to try to start some type of catch history, or license history, for payments during the BP oil spill.

After that, you can see it began in 2015 to currently.

It has leveled off, and we are confident that we have approximately three hundred hook-and-line fishermen right now,

compared to the fifty that we had in 2003.

In a fifteen-year period, we had a pretty significant increase.

To analyze this further, we have divided this into four distinct periods for ease of understanding.

Beginning in 2003 to 2006, as you can see -- we did this as an average -- we had forty-three commercial hook-and-line fishermen.

In 2007 to 2010, that number jumped to two hundred. A lot of this was after Hurricane Katrina. It had the same effect as the oil spill.

Then, you can see we jumped back up to four hundred and sixty. We probably will not see those numbers again. There were many factors on why that many licenses were sold.

Now, 2014 to 2018, we are back around three hundred hook-and-line fishermen.

As you can see, this is a pretty significant increase. Basically, we feel like we are dealing with a different animal right now, and we are trying to monitor the commercial species.

Through the Trip Ticket Program, we

were able to go back to 2013, and this is still focused on the commercial hook-and-line fishermen. We did active fishermen versus the purchased licenses.

As you can see, there are three columns here.

The first column is the gray column. That is how many purchased their license.

The second column is what we consider active, if they sold any type of commercial product.

The checkerboard is all those that sold speckled trout.

As you can see in 2013, we had four hundred and fifty-six licenses and, out of those, one hundred and eighty sold speckled trout.

In 2014, it was three seventy-one, and a hundred and sixty-four sold speckled trout.

An endorsement took place somewhat in 2015. It was passed in 2014. It took place in 2015. It did cut the numbers down, however we did see people selling trout outside the endorsement. We went from two hundred and sixty licenses to one hundred and eighteen sold.

The endorsement somewhat took a little bit better of a hold in 2016, and you can see those numbers dropping.

In 2019, that number is so low because the license year just began. We have a lot of these fishermen that have not come in and bought their licenses for one reason, or the other. We do believe that number will increase.

We feel like, on average, we have approximately one hundred hook-and-line fishermen selling speckled trout in any given year.

Here are haul seine licenses, and I do want to take a little bit of time to explain how these haul seines are licensed.

Anyone with a Type Eleven license is eligible to have a haul seine.

I pulled the records yesterday and, currently, we have approximately a hundred and sixty-two Type Eleven licenses that have been sold for the year expiring in 2019.

We all know that we do not have that many haul seines out there. We began a program in 2015 with an expiration date in 2016 to begin tracking how many people we believe were using

the haul seine.

We began meeting with them and looking at their gear, issuing them some certificates and approving their gear as approved gear as through the regulation, and we have tracked this throughout the years.

There have been a lot of numbers that have flown around.

The first haul seine that we actually encountered and tagged was on September 11th, 2015. This gentleman is not in the fishery anymore, but this is when we began tracking haul seines.

Since that date to today, we have had twenty-six unique individuals come in and inquire about using a haul seine in those four years.

Three of them did have multiple vessels. They would have twenty-nine unique vessels that were licensed to potentially use a haul seine.

Throughout the years, however, as they have come to me, many of these licenses have been voided. They have turned them in. They have been sold, or some of them just were never

active. Some of them bought their license one year and did not buy their license any other year.

In 2018, as you can see, we had sixteen certificates out that were properly licensed with the Type Eleven license. These gentlemen were legally able to fish the haul seine.

We tracked them through the trip ticket system and found out that only seven of them actively sold fish during that year.

As of right now through 2019, we still have the same sixteen unique individuals, however, in fairness, I did put that two of them have multiple vessels. That is why the number eighteen is up there because their license goes to the vessel not the individual.

Out of those eighteen vessels, eight of the owners of those vessels have actively sold seafood, or fish, during this time period.

I'm going to get to some of the harvest metrics.

Finfish staff analyzed data from the trip ticket program and the MRIP recreational survey to summarize commercial and recreational

landings.

We did this for multiple species harvested, and we chose the top ten commercial and recreational caught species.

Additionally, staff looked specifically at Spotted Seatrout landings.

These top ten species -- please keep these in mind. If you have a question, we will go back to them -- are Spotted Seatrout, Red Drum, Sand Seatrout, or White Trout, Striped Mullet, Sheepshead, Southern Kingfish, or ground mullet, Black Drum, Atlantic Croaker, Southern Flounder and Spanish Mackerel.

Here is the harvest distribution of the top ten species.

Like I said, we began tracking the use of this gear in 2015.

From 2015 through 2017, the total pounds that were harvested between the recreational and commercial fishery was four million four hundred and sixty-four thousand five hundred and sixty-four pounds.

The recreational fishery accounted for almost four point two million pounds of that, or ninety-four percent.

We split the commercial gear into all other commercial gear and haul seine.

All other commercial gear which is hook-and-line, cast net, gig and several other gears, accounted for two hundred and twenty-five thousand four hundred and thirty-two pounds, or five percent of the total of four point four million pounds.

The haul seine industry accounted for less than one percent, point nine eight percent, or forty-three thousand nine hundred and sixty-eight pounds.

COMMISSIONER GOLLOTT: That is just unbelievable.

Four million pounds of speckled trout?

MATT HILL: No. This is of the top ten species that we listed earlier.

COMMISSIONER GOLLOTT: Okay.

MATT HILL: We added all top ten species, recreational and commercial, and we averaged them for those three years, and we came up with those ten species are a little over four point four million pounds.

COMMISSIONER GOLLOTT: Still over a million pounds a year?

MATT HILL: Yes, sir, and we are going to get to the speckled trout.

COMMISSIONER GOLLOTT: Okay.

MATT HILL: Here we go with the commercial harvest of the top ten species as we talked about from 2015 to 2017, and this is just broken up commercially.

For these years, all commercial harvest was close to two hundred and seventy thousand pounds.

All other gear besides haul seine contributed two hundred twenty-five thousand four hundred and thirty-two pounds, or close to eighty-four percent.

The haul seine industry contributed forty-three thousand nine hundred and sixty eight pounds, or sixteen percent of the catch of these ten species on average for these three years.

Here are the Spotted Seatrout landings. Again, we did the average for 2015 through 2017.

On average, the harvest commercial and recreational was one million four hundred thirty-four thousand and ninety-eight pounds.

The recreational fishery was responsible for one point four million pounds, or close to ninety-seven percent of this catch.

All other commercial gear besides the haul seine was responsible for a little over thirty-nine thousand pounds, or two and three-quarter percent.

The haul seine industry was responsible for five thousand four hundred and twenty-eight pounds, or a little less than half a percent.

Any questions?

COMMISSIONER BOSARGE: Matt, if you want, we will go ahead and do some public testimony. We've got some folks who would like to speak.

Is that all right with you?

MATT HILL: Yes, sir.

COMMISSIONER GOLLOTT: One question, before we begin. Back up one slide.

How many pounds for recreational and commercial?

MATT HILL: This is just an average. We had close to two million pounds, and, then, we had eight hundred thousand pounds.

I'm going to give you the total first of both of these sectors together.

The total Spotted Seatrout catch average for those three years is a little over one point four million pounds.

The recreational sector was responsible for catching one point four million pounds of that, or ninety-seven percent of those fish.

When we are talking about the commercial industry, they were responsible for the other three percent.

The haul seine industry was responsible for point four percent, and all other commercial gear, hook-and-line, cast net, gig, however you want to put it, any other commercial gear was responsible for thirty-nine thousand forty pounds, or two point seven two percent.

That is strictly Spotted Seatrout, and we do have all top ten species broken down, if the Commission would like to go through all the species.

COMMISSIONER GOLLOTT: I don't think so. I think everybody is just interested in

speckled trout.

COMMISSIONER BOSARGE: We are going to do some public comment.

Mr. F. J. Eicke.

F. J. EICKE: My name is F. J. Eicke. I'm the chairman of the Government Relations Committee for CCA Mississippi.

The information that Matt just provided is really a repeat of what we heard on September 19th of 2017, with some additional and equally irrelevant information as far as we are concerned.

We are disappointed with this presentation because we think it really presented a lot of data that was not germane to the task, or to the topic being discussed.

For example, to contend that regulations of the recreational fishing community is somehow complicit in this current issue that has so engaged recreational fishermen shows the clear bias of this presentation that ought to be focused on haul seines.

As many of you know, CCA Mississippi and recreational anglers in general have understood the necessity for conservation and

have supported every effort by this Commission to sustain and protect fishery sources and environment that supports them and expects really fairer treatment that is relevant to our concerns.

Most importantly, the presentation completely ignores the stated purpose to address the concerns of recreational stakeholders by the use of haul seines by the commercial fishery.

That overriding concern is that these nets are constructed in such a way and are being used in a manner that do, in fact, catch fish by gills -- I think there is some video documentation of that that the staff is well aware of -- and are de facto gill nets as a result, and observations by recreational charter fishermen of these nets in use substantiate that concern.

What we have presented to you is a statement that proposes to close this loophole that we think is a loophole, by simple definition, and we have presented you with a definition that you can consider as you move forward.

The language in that would clearly

differentiate haul seines from any other fishing gear and ensure that they are utilized in a method consistent with the existing ordinance and statute.

The alternative for the Commission and the department would be to admit that these nets are simply gill nets by another name and apply all the regulations that you apply to the same in Title 22 Part 5 Chapter 5.

The adoption of this regulation would negate any concerns and provide clear regulatory guidelines for the future.

That is the conclusion of my report, and you have the definition which I did not want to repeat at this time.

COMMISSIONER BOSARGE: Thank you, Mr. Eicke.

F. J. EICKE: Thank you.

COMMISSIONER BOSARGE: Next we have Mr. Ryan Bradley.

RYAN BRADLEY: Commissioners, glad to be up here again and speak to you, General and Ms. Chestnut.

COMMISSIONER BOSARGE: State your name.

RYAN BRADLEY: My name is Ryan Bradley, Director of Mississippi Commercial Fisheries United, Incorporated.

Speaking on behalf of some of these net fishermen and commercial fishermen, I really think it is unjust that they have been attacked for the use of these nets.

When you look at the landings of the overall commercial versus recreational, it blows my mind that commercial is being allocated such a low percentage of fish.

Fisheries allocation is a big deal. There are big battles that are fought at the Gulf Council level and the fisheries management all across the nation over is it fifty-one percent, is it forty-nine percent, whatever it is going to be split commercial-recreational.

Here we are in Mississippi, and we've got two percent commercial for speckled trout. I think there should be an uproar over that.

With that being said, I think the Commission deserves a big pat on the back when y'all changed the regulation to fifteen inches for the recreational sector.

I pulled the preliminary MRIP numbers

for 2017 to see how many speckled trout were caught in 2017.

The numbers indicate seven hundred and twelve thousand six hundred and four pounds recreational speckled trout in Mississippi.

That is down from two point one three four million pounds in 2016.

Y'all did a great job in that change.

Also, the charter boats gave up some, too. They no longer keep a bag limit for the captain and crew on charter vessels and that doesn't contribute.

Thank you. You did a good job. You deserve a big pat on the back for that.

With that, I also would like to read into the record and remind the Commission that there are options to address some of these shortfalls in the recreational sector.

Title 22 Part 5 Chapter 7 Section 100 -- and I will just summarize -- the Commission may establish an annual total allowable catch for both commercial and recreational fishermen. Said catch rates may apply to Red Drum, Speckled Trout, Mullet, et cetera.

The Commission may close a fishery and

disallow the taking of any particular species of fish by commercial fishermen, recreational fishermen, or both commercial and recreational fishermen, in responses to catches meeting, or exceeding, a total allowable catch established by the Commission.

We have a total catch allowed in the Commercial sector.

Why don't we have a total allowable catch in the recreational sector?

This is about conservation, and we need to be looking at limiting some of that effort.

With that being said, I will leave it there.

I don't see a problem with these net fishermen. They are landing very little, and the only people that have a concern are the hook-and-line. Speckled Trout seems to be the only issue that is the problem.

We could look at things like trip limits and stuff like that, if you wanted to spread the season out longer.

Thank you.

COMMISSIONER BOSARGE: Thank you, Mr.

Bradley.

COMMISSIONER HAVARD: I just want to remind everybody this is not a recreational versus commercial problem. We are talking about a gear issue.

COMMISSIONER BOSARGE: Ms. Jean Lebow, Sierra Club.

JEAN LEBOW: Thank you for the opportunity to speak.

COMMISSIONER BOSARGE: State your name, please.

JEAN LEBOW: I certainly will. It's Jean Lebow, and I live in Jackson County, in Ocean Springs. I represent myself, as well as the Sierra Club.

The State of Florida, I think most people would agree, has a vast amount of fishable water compared with the State of Mississippi.

In Florida, they have decided to limit both recreational and commercial fishing to two types of gear, cast nets and hook-and-line.

They do not have a problem with their sea markets, their fish markets. They have quite a few of them and they are full. You can

get pretty much whatever you would like.

They do not have haul seines, or, as I like to call them, nontraditional haul seines that are equipped with non biodegradable monofilament gill net mesh.

The main functionality of these nets is to catch everything by gilling it essentially. The bag obviously is going to catch some, but this is a very indescriminent way of fishing.

People who fish hook-and-line can always throw back fish. In fact, I have thrown back quite a few more speckled trout that I have ever kept.

COMMISSIONER BOSARGE: Continue on.

JEAN LEBOW: I really think that the way the haul seines are being used is not necessarily a good thing for the fisheries of the State of Mississippi.

I would like to see, at some time, the State of Mississippi do what Florida has done and have equal commercial and recreational fishing, hook-and-line and cast nets.

Thank you.

COMMISSIONER BOSARGE: If we were

1 going to make it equal, we would divide the
2 resource down the middle, also?
3 JEAN LEBOW: I don't know if you could
4 ever divide resource down the middle. There is
5 not going to be any way of doing that.
6 It just depends on how many people want to pay
7 their hundred dollars, or whatever, to get a
8 commercial license and to supply fish markets
9 with fish and to do more than supply their
10 families.
11 I don't know if you are ever going to
12 able to split it fifty-fifty, and I don't think
13 the fish will tell you the answer either.
14 COMMISSIONER BOSARGE: Thank you.
15 Mr. Steve Shepard, Sierra Club.
16 STEVE SHEPARD: My name is Steve
17 Shepard. I'm the Gulf Coast group chair of the
18 Sierra Club.
19 This presentation was ridiculous, as
20 far as trying to equate recreational fishing to
21 haul seine, and, then, to list all --
22 COMMISSIONER BOSARGE: (Interposing)
23 Excuse me.
24 Can you explain how it is ridiculous?
25 STEVE SHEPARD: Yes. It's ridiculous

1 because, first of all, you show all these
2 regulations.
3 You don't have any enforcement. I
4 have seen illegal netting in my area in the last
5 month, and Marine Patrol cannot reach it and
6 enforce it.
7 The netting is going on in the areas
8 that you have said it's not allowed, period.
9 It is ridiculous that a gill net is
10 disguised as a haul seine. That is very
11 offensive, and we have the film footage to show
12 these fish are being gilled.
13 COMMISSIONER GOLLOTT: Mr. Shepard?
14 STEVE SHEPARD: Yes.
15 COMMISSIONER GOLLOTT: Would you
16 repeat that, now that our chief law enforcement
17 officer is here?
18 STEVE SHEPARD: Yes, and listen -- I
19 mean, the Marine Patrol is very nice when I call
20 them. They are very nice people.
21 COMMISSIONER GOLLOTT: That's not what
22 you just said.
23 STEVE SHEPARD: I said they did the
24 best they could.
25 Here's the thing. If you're going to

1 have -- I said they did an inadequate -- well,
2 they cannot do it. They cannot enforce it, yes.
3 Is that what I needed to say?
4 COMMISSIONER GOLLOTT: Where were the
5 nets that they can't catch them?
6 STEVE SHEPARD: Mouth of West River up
7 in the marshes where they are not supposed to be
8 netting, and they run in there constantly.
9 Don't always set their nets.
10 They also run right by the wharves,
11 but they don't set their nets, and, then, low
12 and behold once in a while they do set the nets.
13 They also set the nets within twelve hundred
14 feet of wharves.
15 COMMISSIONER GOLLOTT: Have you picked
16 up your cell phone and called Marine Patrol?
17 STEVE SHEPARD: Yes, I did, and they
18 could not get there fast enough.
19 COMMISSIONER GOLLOTT: Okay.
20 STEVE SHEPARD: And I don't blame them
21 for that.
22 That's the old story with the gill
23 nets. They never could get there fast enough.
24 COMMISSIONER BOSARGE: Go ahead, Mr.
25 Shepard. Continue on.

1 STEVE SHEPARD: The bottom line is we
2 should have equal access to the water. We
3 should have hook-and-line fishing and cast net
4 throwing.
5 I just got back from Destin, Florida.
6 I was really surprised by what I saw.
7 First of all, I visited a seafood
8 market. I happen to know the owner of a seafood
9 market, and I do business with him.
10 To be honest with you, when I first
11 met him, I didn't want to come in and say I
12 disliked gill nets and that I was all in favor
13 of Florida's net ban because I didn't want to
14 run off business for myself that had nothing to
15 do with the fishery.
16 The more I talked to him, the more I
17 realized that he didn't like the net fishing
18 either, and that he was getting all the fish he
19 wanted hook-and-line and cast net.
20 I was actually out on his little wharf
21 -- it's about twenty feet long -- over the
22 weekend, and he pointed out.
23 He said, "There's the guy that I get
24 my mullet from", and he had a nice aluminum boat
25 and he was a cast net thrower.

He said the guy goes out at six in the morning, comes in at ten with four hundred pounds of mullet, and he buys them for a buck a pound. That is pretty good money.

They are very happy without haul seines, or gill nets, and it's working, and the seafood market is very happy.

I went in the back of his seafood market. He showed me his boxes of various fish. He showed me his boats he uses for catching snapper. He uses boats for tuna and all that, what you would expect out of Dentin.

Meanwhile, on his wharf -- I've been in Destin on the water now for about thirty minutes.

In a thirty-minute period, while he was out tossing a little lure and catching a couple of rat reds off of a twenty-foot long wharf in four feet of water on sand with a few rocks around, while he is sitting there catching a couple of rat reds, up swims a six pound speckled trout. It swims right up to the wharf. There it is.

We don't do that here. We don't get that opportunity. We are catching too many

fish. You would like to blame the recreational fishermen.

I can tell you those guys at Cat Island, a thousand feet of net is not equal to a rod and reel. I'm sorry. I hate to break that to you, but there is no comparison, and it is much better for this state to have the rod and reel.

COMMISSIONER BOSARGE: Thank you, sir.

STEVE SHEPARD: Thank you.

COMMISSIONER BOSARGE: Mr. Tony Trapani.

TONY TRAPANI: How are y'all doing?

COMMISSIONER BOSARGE: Just fine.

TONY TRAPANI: Tony Trapani.

I'm not here to cause some big giant fight between commercial people and recreational people. All I'm concerned about is -- first of all, what kind of baffles me a little bit is how you come up with recreational will catch one point three million pounds of speckled trout.

COMMISSIONER BOSARGE: That is the fact.

TONY TRAPANI: How do they get the fact?

COMMISSIONER BOSARGE: That is the fact.

TONY TRAPANI: How do they get it?

COMMISSIONER BOSARGE: Mr. Joe can address that.

I think it's two thousand and three hundred actual interviews at the docks.

JOE JEWELL: We do a lot of intervention at the docks.

It's our MRIP surveys that collect all that data and it is reported on the National Marine Fisheries website.

TONY TRAPANI: That's a fact?

JOE JEWELL: That was an average over three years.

TONY TRAPANI: If that's the case, then, the haul seine thing is not that big of a deal.

COMMISSIONER BOSARGE: That's why we are here to get this education.

TONY TRAPANI: This is what I would like you to be concerned with.

If the haul seine is only taking this much trout out of here, then, can we maybe get them off the island just a little bit?

COMMISSIONER BOSARGE: They are off the islands.

TONY TRAPANI: Well, not when I saw them a couple of months ago.

COMMISSIONER BOSARGE: They have about three months that they can fish Cat Island, but they can't get within twelve hundred feet of the beach.

TONY TRAPANI: Well, they were on the beach. I was there.

COMMISSIONER BOSARGE: That would be the Chief. The Chief would have to look into that.

TONY TRAPANI: I understand that about the Marine Patrol because I spoke to the guy, one of them -- I can't remember who it was -- and he said, "We can't be everywhere at one time."

I understand that, but, if it is a law for the haul seine to be off the island -- is that right?

COMMISSIONER TRAPANI: I want to interrupt that because I'm from Hancock County, and we don't have any problem with that, but I think that most of the people in the room do not

know that Cat Island is one of the islands that you can go to the island, and the other ones you cannot.

You are right. Y'all did see that.

That is something that we might want to look at, but somehow, when the law was made, Cat Island did get left out.

TONY TRAPANI: So the problem, now, is that the recreational guys are going out there fishing and they are actually seeing the commercial guys with these nets.

This wasn't a problem for a long time. All of a sudden they are seeing the net and, now, it's a problem.

COMMISSIONER BOSARGE: I understand that, and they are upset because they see a net.

TONY TRAPANI: I'm not upset about anything. All I want to understand is that --

COMMISSIONER BOSARGE: (Interposing) I understand where you're coming from.

TONY TRAPANI: Okay.

COMMISSIONER BOSARGE: Understand, now, the marine resources in the State of Mississippi belong to all the people of the State of Mississippi.

TONY TRAPANI: Right.

COMMISSIONER BOSARGE: Just because there are people here on the Coast that own boats and can go harvest that resource, there are people in the other end of this state that like to eat fish, too, and those people, they are the ones that provide that fish for them. You have to both coexist here.

You get upset when you see a net fisherman.

You think those guys don't get upset when they see you fishing places that they can't go?

TONY TRAPANI: Let's get this clear right now. I'm not upset. I'm here to try to make -- I think the whole problem was we had a problem with the depletion of the speckled trout population.

Is that right?

COMMISSIONER BOSARGE: I said --

TONY TRAPANI: (Interposing) Well, let's do this.

Hey man, I'm a recreational person, but I'm not against the commercial guy because I own a restaurant. We need that, but what I

would be willing to do, as a recreational fisherman, is make the recreational fisherman go down to a ten trout per person limit.

Don't get upset. Everybody goes out here and catches fifty.

What did you do with the limit?

I stuck it in the freezer. We are going tomorrow.

Guess what happens in three months?

The trout is garbage.

So let's make it ten, and put one trout over twenty-five inches, in case you catch a really big trout, per person. That would be a lower limit on the recreational side.

COMMISSIONER BOSARGE: I agree, and eventually we've got to come to that because the effort on the recreational side is still continuing to thrive. Eventually we will get there.

We are working on it. We did the fifteen inches. It has helped. We just have to take the time to see how much help it is going to be.

We are out of time.

TONY TRAPANI: I'm good.

I just want y'all to know that I'm not against the commercial person. I'm friends with everybody over there at Jerry Forte Seafood.

COMMISSIONER BOSARGE: Let me get them in order here.

Mr. John Livings.

JOHN LIVINGS: My name is John Livings. I'm for both. I'm a commercial fisherman and I'm a recreational fishermen. I do both.

We had some of the groups that were talking about the gilling of the fish and it kills them.

If you gut hook a trout, dead is dead. It doesn't matter if it's in a net, or if it is on a hook. It really doesn't matter. It's not coming back.

The biggest thing that people have asked me about was the quota, the hook and line versus the haul seine.

If they want a quota, it costs a lot more money to run a net than a hook and line. No doubt. It just does.

Me personally, I think it should be separated. Maybe seventy-five percent haul

seine and twenty-five hook and line, or fifty-fifty. Whatever you think would be fair.

If they feel like the haul seine is catching all the quota and they don't have time to catch them hook and line, I can understand that. Quota is quota regardless.

The time of the year when it's closed where a haul seine can't go to the shoals, or by Cat Island on the shoals, that one-mile perimeter, if you cut off all the shoals and the reefs, then, not that many speckled trout are going to be caught anyway with a haul seine because you can't just go and drop it anywhere, and just automatically there's a haul seine that I'm going to get in it. It doesn't work that way.

COMMISSIONER BOSARGE: Those were some of the points that I was hoping the folks would realize with the presentation that Matt did, shoreline.

JOHN LIVINGS: Right.

COMMISSIONER BOSARGE: How many folks that recreational hook-and-line fish, fish out in the middle of nowhere?

JOHN LIVINGS: Not a one -- well,

maybe the ones that would come back with empty coolers.

COMMISSIONER BOSARGE: There are just a few places left that you can still fish that are out in the middle, but there is going to be some structure, or some reef, or some shoals, or something.

JOHN LIVINGS: The time limits that they have where it is closed for the haul seines are the hottest times for hook-and-line fishing. I don't see where the problem is. I think everybody just wants it their way and they are just too bullheaded and stubborn to look at anybody else's point of view.

COMMISSIONER BOSARGE: To me, this haul seine that everybody is concerned about, as you can see, it is only a little biddy small portion of the catch.

JOHN LIVINGS: That's right.

COMMISSIONER BOSARGE: To me, I look at it as cutting grass. If you had an acre of grass to cut and somebody handed you a weed eater, or a lawnmower, it is going to be more efficient to cut it with that lawnmower and get it done.

The same way with that haul seine. They go out and they catch. When they get to their fifty thousand pounds of speckled trout, they are done.

JOHN LIVINGS: They are done.

COMMISSIONER BOSARGE: They actually were able to make a little money because they did it efficiently.

JOHN LIVINGS: I'm definitely for it.

I mean, how many years have they been sitting making zero money for their families?

COMMISSIONER BOSARGE: We are out of time, again. Thank you, John.

JOHN LIVINGS: Well, you talked most of my time.

COMMISSIONER BOSARGE: Sorry about that.

Mr. Casey Haughton.

CASEY HAUGHTON: Good afternoon. My name is Casey Haughton. I want to speak a little bit on behalf of the recreational side.

One of the biggest issues we see is not -- ninety-five percent of commercial fishing is needed. The five percent of the bad apples give the rest a bad name.

They are running trout which I believe is against the law. They cover up the bayous at Cat Island, run their boats in the back of it and run the fish out.

Most of them don't do it. Most of them are law-abiding trying to make a dollar for their families and are doing the right thing, but nobody sees that.

Everybody sees these bad apples running to Mobile to go drop their catch off and giving a bad name to the rest of the commercial guys.

As a recreational guy, you have got to have a commercial fishery. Ninety-nine percent of Americans don't live on the water, don't get an opportunity to go catch fish and eat these fish, but there needs to be more law enforcement to catch these bad apples, to make sure that these few individuals don't ruin it for the rest of them.

That's all I've got.

Thank you.

COMMISSIONER BOSARGE: Thank you.

Mr. Chad Ryan.

CHAD RYAN: Hello. My name is Chad

Ryan.

I have been in this since I was a kid. This is hereditary to us, our fishermen. They are not just taking their nets and seines and all that. They are taking away our livelihood. This is what we do.

We are not trying to hurt anyone. We are trying to keep it on a professional level. Let's not discriminate against the fishermen, the hook and line, or the haul seine. Let's look at the percentage of what is caught and base it on that. Let us go back to work and do what we've got to do.

I think Mr. John Livings said most of what I had to say.

COMMISSIONER BOSARGE: Thank you, Chad.

CHAD RYAN: Thank you.

COMMISSIONER BOSARGE: Those are all of our public comments.

We have had so many questions, so many people and a lot of finger pointing, a lot of folks that don't understand maybe what we understand.

We get an education because these

folks out here educate us as to who is doing what, how they are doing it and when they are doing it.

If you look at the whole big picture, this haul seine issue is a very small part of it.

I'm not saying that we don't probably need to make some changes. I think there are some things we can do, especially with the qualifier for the hook and line. I think we might could tweak that a little bit and make it a little more stringent so to speak.

I would like to see the haul seine go under that same endorsement.

I would also like to see some of the things with making sure that our fishermen are doing what is right, try to help these guys with enforcement.

I think the hook-and-line license, if we could have these guys where these folks could recognize that hook-and-line license from a distance, whether it's a red flag they have to fly. Something to make it where it is a little easier to enforce because they have got their hands full. They try, believe me, but they

cannot be everywhere all the time.

COMMISSIONER TRAPANI: I would like to add one more thing, too. I think a lot of this, like we said, came from some fishermen at Cat Island.

I myself did not know that they could fish on the shoreline.

For the people in our area, when you saw them doing that, that was legal that they had nets right on the shoreline, and I wasn't aware that it is legal.

I think that is where all of this started, and there might be something we might need to look at.

I will just add this one thing. It is a little ludicrous to say they would have equal rights because, if that was the case, right now from May 15th through September 15th, our recreational guys would not be fishing because it is closed to them, right now.

The recreational guys which I'm one of them can fish all the time. We are lucky. We have to look at that, that we can fish all year long, and they only get a small amount of time to fish and, again, they have limits.

Like Mark had said, this isn't an issue of one, or the other. It's an issue that we just need to look at and, again, learn the numbers and the education and see what is out there and what is actually going on.

COMMISSIONER BOSARGE: Commissioner Havard.

COMMISSIONER HAVARD: From a recreational point of view, I could sit up here and go on and on for a long time. When these nets first got approved --

COMMISSIONER BOSARGE: (Interposing) Speak into the mike just a little bit more.

COMMISSIONER HAVARD: Can you hear me, now?

COMMISSIONER BOSARGE: Yes.

COMMISSIONER HAVARD: There are multiple states up the east coast and on into the Gulf of Mexico that have outlawed these nets totally, and they have scientific evidence, from my understanding, showing why they outlawed these nets. It's not just somebody's opinion.

Before we approved this net, did we do any scientific research?

Did we look at their scientific

research to see if it would pertain to the Gulf of Mexico, Matt?

MATT HILL: I want to be clear on that. I have been here for eighteen years, and these nets have been legal for eighteen years, and they have been in use.

There were between two and five every year, before we started tracking it, because we started getting a few people interested in it, but what you had to have, a Type Eleven license allowed you to fish these nets.

These nets are nothing new. We have some gentlemen back here who have been fishing these nets for a long time and they have been fishing them at Cat Island for a long time, during certain periods.

This is not something that was just constructed. They are not constructed in any different manner.

The mesh sizes, there have never been any restrictions on the mesh size, the material, anything like that, but they were fishing haul seines.

We felt it necessary to start tracking them, and that's what the big question is; how

many of them are out there?

In our opinion, there are not a lot out there. The number is growing, but we look at the active number.

When you start talking about completely outlawing nets, that is not a one hundred percent factual statement. They have done certain things like we have done, area restrictions.

You can still use nets in many states. Louisiana is a perfect example. You can still use nets in those states. It's just for certain species.

Now, what they did do in Louisiana, when they had the controversy -- and they do have a speckled trout quota over there, but they gave the entire speckled trout quota to the fishermen that possessed a gill net license, or what we would call a Type Eleven license, from 1993 through 1995. They had to have it two out of those three years.

They compensated those fishermen for what they had done. You can go catch them with hook and line, now, but you had to be a historical gill netter.

The nets are not outlawed in all these areas as you think they are. There are just some very restrictive areas, as we have, as we showed here earlier, and we can present that at a later date, if we need to, but there are many nets that continue to be used.

You can still net in Alabama for certain species in certain areas, just like we have.

I feel like our area closures are very comparable to all other states' area closures.

Now, certain states have deemed certain species game fish and have not allowed them to be caught in the net. They can't even be caught commercially. Mainly it is Spotted Seatrout and Red Drum. Texas is one. Alabama is another.

To say that net fishing has been one hundred percent banned in all these states, I think that is a misinterpretation.

I was reading through some of the things, and I was actually surprised at some of the things that we did find on what you could and couldn't do.

Maybe we should present that, at some

point.

COMMISSIONER HAVARD: Prior to approving any kind of new taking of fish, I think we need to do our due diligence and check with these other states because they might have already been down this road with this particular type of net, or another type of net, or it might be certain restraints you have to put on them. Whatever it is, just see whatever research is out there.

I have had a lot of folks contact me over the past several months, just as all of us, I believe, have.

I would like to ask Chief Davis a question.

Are you aware of any underreporting of Spotted Seatrout in the State of Mississippi?

KEITH DAVIS: Well, first let me say that you know how I am about talking about ongoing investigations, but I can tell you that Marine Patrol is currently working to identify some underreporting situations that have been talked about today.

COMMISSIONER HAVARD: Is that in Mississippi, or is it out of state, or is it a

mixture, or would you rather not speak on that?

There are concerns from the recreational world, I guess, from the resource standpoint.

There are concerns that these fish -- Whatever the means, whether it is hook and line, or haul seine, it doesn't matter. They are catching these fish in Mississippi waters and scooting right over the Alabama line, or right over the Louisiana line, and selling these fish, and they are selling large quantities of fish daily.

I have even heard numbers such as two thousand pounds a day. That is just what I have heard.

COMMISSIONER BOSARGE: I think that's a lot of hearsay.

Just being devil's advocate here, do you have any reports, or any ongoing investigations, of recreational caught Spotted Seatrout?

We've got eighty-two thousand recreational fishermen.

KEITH DAVIS: Yes, sir.

I was happy to hear the discussion

about more Marine Patrol officers needed. I hope you take that under consideration.

I can tell you both ways. Last summer, you requested that Marine Patrol take a more active approach to individuals, recreational guys keeping undersized speckled trout, and I can assure you that, in our efforts, we have found that has happened.

I can tell you that there is a significant case being worked as we speak dealing with underreporting. As I stand before you today, I can tell you that we do anticipate making several arrests in that active investigation.

COMMISSIONER HAVARD: We appreciate all that Marine Patrol does. Thank you, Chief.

MATT HILL: I do want to clear up one thing, and it has been a question that has come up time and again.

The State of Mississippi does allow intrastate commerce. You are allowed to take your product across state lines. Alabama is a prime example.

The State of Mississippi has no way to force an Alabama dealer, an Alabama licensed

dealer, to fill out a Mississippi trip ticket.

If you read it carefully, if a fisherman takes his product over the line and takes it to Alabama and sells it to a dealer, it is his and only his responsibility to fill out that trip ticket. If he does not fill it out, it is not the Alabama dealer's responsibility.

If that fisherman does not fill out his trip ticket, when he sells those fish in Alabama, or Louisiana, he is breaking the law and he should be ticketed.

We are in contact with Alabama dealers on a regular basis. We know the big players over there. We do talk to them. We get a pretty good idea of the fish that are coming from Mississippi. We do compare it with the trip tickets that do come in and, for the most part, they are fairly accurate. We are very confident in that.

Do I believe there may be some underreporting?

I do.

Do I believe it is significant underreporting?

I do not, just from the numbers that

we see.

What you have to understand, especially when we were talking about the program earlier, when you start talking about moratoriums, when you start talking about disaster relief programs, qualifications -- Commissioner Gollott asked how do they qualify -- how they are going to qualify for fisheries disaster relief is through those trip tickets.

If they don't turn them in, they are not going to qualify and these fishermen, they understand that.

There is no incentive for them to not turn their tickets into us. None at all because, when it comes down to it, if we get to the qualifier, if we do a twenty-five, or fifty-one, percent, if we had a disaster relief program, you can bring us all the licenses you want, but we are going to want to see your sales.

It is the law to turn those trip tickets in. That is where we go, and we are very clear with the fishermen.

Do some of them break the law and not do it?

Absolutely.

We have recreational fishermen that don't buy licenses and go fish, but we are confident that the program is working and it is working adequately to ensure that the quota is not exceeded.

COMMISSIONER GOLLOTT: Matt.

MATT HILL: Yes, sir.

COMMISSIONER GOLLOTT: Do you have any ideas on how we can close the loophole?

What happens if you catch somebody underreporting?

Do they get fined, or are they kicked out where they can't buy a another commercial license?

MATT HILL: They would be charged under Title 22 Part 9 because it is in there that they are required to do that, when they take it over the state lines and, after their third offense, we can come to the Commission and we can revoke their license, or the Commission has the choice to revoke their license.

COMMISSIONER GOLLOTT: Could the Commission revoke the license, on the first offense?

MATT HILL: No.

COMMISSIONER GOLLOTT: Is that State Law, or is that a regulation?

SANDY CHESTNUT: It's State Law.

COMMISSIONER GOLLOTT: Sandy has answered the question.

JOE JEWELL: It is State Law and it is in our regulation.

COMMISSIONER GOLLOTT: I had a recreational fisherman tell me that Quality Market had bought two thousand pounds of speckled trout. He was there and he saw it.

Then, the fisherman told him to hurry up. He was going to get another two thousand that day.

I went down and asked Quality -- we were raised together -- and he pulled his records. He hadn't bought over seven hundred pounds of fish from anybody. I think he bought twenty that month, and nineteen, or eighteen, or maybe fifteen of them, was under a hundred pounds.

MATT HILL: That's correct.

I get in that nervous area, when we are starting to get close to the quota.

We call the dealers every Monday and Thursday. We call them on Monday and get their weekend harvest, and we call on Thursday to get that midweek harvest. We call them religiously, and we also do contact Alabama dealers and we get a feel for what has been brought over there because the only people that can sell Spotted Seatrout in Alabama are Mississippi fishermen.

We do contact them and we do have a very good working relationship with them, and we do our best to match up the tickets.

Do they not match sometimes?

Yes, they do not, but, for the most part, we are confident that we are capturing the sales.

COMMISSIONER BOSARGE: I think Mr. Joe had a comment to make.

JOE SPRAGGINS: Yes. I just want to let everybody know two things.

Number one, the Department of Marine Resources is here to do our job, and our job is to look at everything and look at every angle that we have possible.

Our Marine Patrol is out there working every day trying to do exactly what they can to

make sure that we enforce all the laws.

Our departments here are doing the same thing.

Before you start throwing the hatchet, as I used to call the hatch theory -- before you start throwing the hatchet at people, please know the rules and know the law before you do it because sometimes just because you think it is not legal, it might be legal.

Just like some people didn't know it was legal to use a haul seine around Cat Island, understand the law, first.

I think, if you will do that more, then, we will have less of this controversy that we are having.

I promise you, if you see something that is not legal and you know it's not legal, please pick up the phone.

Chief, our dispatch number, is it publicized?

KEITH DAVIS: Yes, it is.

JOE SPRAGGINS: If it isn't, we will get it publicized, the dispatch number you can call and you can get Marine Patrol there ASAP, if the weather is permitting to put a boat in

the water.

COMMISSIONER BOSARGE: I also want to thank our State Representative and State Senator for attending the meeting and getting educated. That's what you need to do. Thank you.

COMMISSIONER BOSARGE: We will move on.

Any other business?

(No response.)

COMMISSIONER BOSARGE: Hearing none, do we have a motion for adjournment?

COMMISSIONER GOLLOTT: I will make that motion, Mr. Chairman.

COMMISSIONER HARMON: So seconded.

COMMISSIONER BOSARGE: We have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER BOSARGE: Meeting is adjourned.

(Whereupon, at 1:20 o'clock, p.m., the May 15, 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 May 15, 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.

COURT REPORTER

STATE OF MISSISSIPPI
NOTARY PUBLIC
ID # 26561
LUCILLE MORGAN
Commission Expires
July 20, 2021
HARRISON COUNTY