COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, May 29, 2018
9:00 a.m.
Bolton Building Auditorium
1141 Bayview Avenue
Biloxi, Mississippi 39530

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Commission Members:

Steve Bosarge, Chairman

Richard Gollott

Mark Havard

Jolynne Trapani

Also Present:

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





COMMISSIONER BOSARGE: I would like to welcome everybody to our special meeting.

Hopefully we can make a little headway and try to make some decisions on this oyster relay.

We will start the meeting off with The Pledge of Allegiance, and I would like to ask Commissioner Trapani to lead us in the pledge.

(Pledge of Allegiance was recited.)

COMMISSIONER BOSARGE: At this time, we always try to ask for a moment of silence to reflect on where we are in this country and where we may need to be and especially Memorial Day, the folks that gave it all.

(Moment of silence observed.)

COMMISSIONER BOSARGE: Thank you.

Approval of the agenda.

Do we have any modifications to the agenda?

COMMISSIONER HAVARD: Mr. Chairman, I would like to make a motion that we go into closed session to determine the need to go into an executive session to discuss data exempt from the Public Records Act, Section 25-11-121, and we can do that on Item E2.





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

COMMISSIONER BOSARGE: We have a motion and a second to amend the agenda.

All those in favor say aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed?

(None opposed.)

COMMISSIONER BOSARGE: Motion carries. The agenda is amended.

Executive Director's report, Mr. Joe Spraggins.

JOE SPRAGGINS: Yes, sir.

Once again, I guess we can all be thankful that we had a wonderful weekend and not as bad as some of the people across the United States. I'm thankful it was a little better than it could have been.

If I could, real quick, Chief Davis, would you give us an update?

I know snapper season started.

Can you tell us about anything that happened during this week?

KEITH DAVIS: Yes, sir.

Since snapper season opened, we have





documented about a hundred and fifteen trips. Marine Patrol stopped thirty-three of those trips.

I had the opportunity to go out on Saturday and stop several boaters, and I would like to report that everybody had their Tails n' Scales number, with the exception of one. However, they did not have fish. We caught them right before they started fishing.

In fact, there was only one fish onboard, when we stopped them, and it was undersize. They got a courtesy citation and they went back in to file their Tails n' Scales number. That guy launched out of Pascagoula.

Marine Patrol was very visible this weekend, and everybody had their Tails n' Scales number.

COMMISSIONER BOSARGE: Sounds good.

Thank you, Chief.

Commissioners report.

Do we have any Commissioners who would like to say anything, or report on anything?

COMMISSIONER HAVARD: Yes, sir.

COMMISSIONER BOSARGE: Commissioner Havard.

COMMISSIONER HAVARD: I would like to thank the enforcement for being so visible over the holiday weekend. I know several folks who saw them out and about, and they were very thankful to have them very visible. Thank you guys.

COMMISSIONER BOSARGE: Good job.

Moving on to Office of Marine Fisheries, Mr. Joe Jewell.

I'm sorry. I didn't see you. Mr. Mike Seymour, our representative, we appreciate you being here.

MIKE SEYMOUR: Thank you.

JOE JEWELL: Good morning Commissioners.

I would also like to thank Senator Seymour for attending, the Commissioners here and all of the fishermen who are attending this meeting.

As you know, we have taken up this discussion on the Oyster Relay Program under the Bonnet Carre Grant before. This will be about the third time the Commission has considered this program.

I want to remind the Commissioners of





the motions that were passed at the last Commission meeting.

The first one was to have this meeting today on the 29th.

The second motion was to move thirty percent of the Pascagoula oysters, minus the thirty-one seventy-three from last year's relay, and for the staff to significantly modify the options so that the Commission can consider the relay program.

This slide is just for the Commission, to remind the Commission that only the fishermen that qualify under the Bonnet Carre Grant from 2011 will be eligible for this program.

Again, this slide is just to remind the Commission of the resources available, how we came to those numbers and, also, to remind the Commission of the motion that passed, thirty percent minus the thirty-one seventy-three for a total of eighteen thousand eight hundred and sixty-four sacks of potential harvest from the Pascagoula Reefs.

This is a map from the previous presentation that shows the area. These are very small reefs. The Causeway Reef is two





hundred and thirty-three acres, the West Pascagoula Reef is a hundred and eight acres, for a total of three hundred and forty-one acres.

I do want to point out to the Commission, if you see this yellow line, that is the line that designates the boundary between the prohibited and restricted areas.

As you know, we have been working diligently the FDA and our other partners at the ISSC to restructure this line and move it to the east so that it incorporates the entire Causeway Oyster Reef, and we will be coming forward to the Commission to make those modifications shortly.

COMMISSIONER BOSARGE: On this relay, we won't be able to go east of the yellow line.

Correct?

JOE JEWELL: We anticipate that you will be able to. We think either this next coming Commission meeting, or the following, we will come forward with a proposal to modify Title 22 Part 1 to redesignate those areas from prohibited to restricted, so that entire reef would be able to be available for this relay





program.

COMMISSIONER BOSARGE: All right. Thank you.

COMMISSIONER HAVARD: Mr. Jewell, would you go back to the previous map?

JOE JEWELL: Yes, sir.

It is showing, on the hundred and eight acre reef, that we have nine thousand nine hundred and eighty-four harvestable sacks?

JOE JEWELL: Correct.

COMMISSIONER HAVARD: Harvestable oysters?

JOE JEWELL: Legal size oysters, and on the Causeway Reef, sixteen thousand seven hundred and forty-five. That is from our last year's assessment. That is not the current assessment which will begin shortly.

COMMISSIONER HAVARD: Thank you

JOE JEWELL: We have narrowed it down to two options for the Commission. As the Commission requested, they wanted the staff to narrow it down.

Under the relay options, we have three options for the Commission to consider. I'm going to read those out and discuss them in

general.

The first option is to contract with the Bonnet Carre qualified fishermen to harvest and deploy the material.

Option two would be to contract with the Bonnet Carre qualified dealers/processors for the purchase of relayed oysters and a contractor to deploy the material.

Option three would be to contract with a contractor to harvest and deploy the material.

I want to keep the argument, or discussion, that we have at a pretty high level. I know we got into the weeds on this, at our two previous meetings, when discussing this.

I just want to give some pros and cons.

If we consider option one, we could potentially have some logistical problems with the fishermen both harvesting and relaying.

It is a thirty-eight mile round trip. You have different size boats and they move at different speeds. They will be harvesting at different rates.

There are all kinds of issues that the Commission has considered and the staff has





considered, also.

Then, I want to talk about option three. Now, this option is not feasible, in terms of the grant, because the grant was to have a relay program for the fishermen, and this would just be contracted out and would employ the least amount of fishermen.

We think it would be in our best interest to consider option two. This is very similar to the way we did it with the 2016 contract.

Contract with the Bonnet Carre qualified processors, and, then, the processors would contract with the fishermen, and, then, we would have a second contract for the barge to relay the material back and forth.

I know there are some questions.

COMMISSIONER BOSARGE: When we did this at the last meeting, the first thing that came to my mind, of course, was option one, but, after giving it some thought, the fishermen were affected and, also, the processors were affected, and option one would shut the processors out.

JOE JEWELL: That's correct.





COMMISSIONER BOSARGE: Option two, to me, probably makes more sense, in an effort to be fair to everybody, because I want to be fair to everybody. I think option two would probably be the best option, looking back.

JOE JEWELL: It will employ the most amount of fishermen and they will do the same amount of work for the least amount of effort, in that they will harvest, and, then, they don't have to relay.

They get forty-five dollars a sack, whether they harvest and relay. This way, they will only have to harvest for that.

They will do twice the work, under option one.

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

COMMISSIONER BOSARGE: Yes, sir.

COMMISSIONER GOLLOTT: Joe, is it not correct that anything that was passed at the last meeting can be brought up for reconsideration?

JOE JEWELL: I believe so, but I think I will ask the advice of our attorney.

SANDY CHESTNUT: Yes, you can make a





motion to reconsider.

COMMISSIONER GOLLOTT: I know this is not going to make me a popular guy, but --

JOE JEWELL: (Interposing) Can we do one thing, Commissioner Gollott, because I think I know where you are going to go?

There is only one other slide for the Commission to consider. We narrowed it down pretty good.

COMMISSIONER GOLLOTT: There is a fourth option here, and I want to make that point.

JOE JEWELL: You want to add an option to this?

COMMISSIONER GOLLOTT: Yes.

JOE JEWELL: Absolutely. If you want to make that motion, sure.

COMMISSIONER GOLLOTT: I got a letter from Bayou Caddy Fisheries proposing to move these oysters, everything from Pascagoula to Biloxi, for twelve dollars and fifty cents a sack.

Now, that is everything. That's not picking them, or anything like that. That's just shovel in the bag like they did last year.

That is a big savings right there.

One of the things we probably need to consider is, if we did this savings, then, we could take the money and put it in cultch material to plant Pascagoula back a lot heavier than what it is right now.

JOE JEWELL: Before you make a motion, I will say a couple of things.

I agree that is a tremendous amount of savings and it absolutely would save the contract, and, then, that could be moved over into the cultch planting portion of it.

It would not employ the fishermen in any way. They would not be compensated for the disaster that happened in 2011, and the point of the grant was to employ the fishermen to participate in relays.

COMMISSIONER GOLLOTT: Well, didn't we spent a million dollars moving oysters last year, or year before last, because of the Bonnet Carre Spillway?

JOE JEWELL: That's correct, we did.

COMMISSIONER GOLLOTT: Then, they got to go catch the oysters. Their benefit is catching the oysters. That's what they do the





best is catch the oysters and sell them, rather than relaying.

Again, this same party has brought up another point. He would move them to the west Sound, the west end of the Sound for fifteen dollars a sack.

You could move some of them for tonging in Biloxi Bay and you could move some of them maybe for dredging in the western Sound. That would help both dredgers and tongers in the catching.

We are only looking at a few months before this product would be harvested. What you would be doing is just putting it off.

I mean, you are not going to move that many sacks at forty-five dollars a sack, and it would help the fishermen more to move the oysters and put them down there and let them catch more oysters in, say, October.

JOE JEWELL: Again, a couple of considerations, if the Commission is going to move in that direction.

That option is like option three, similar to option three. It employs the least amount of fishermen.





This job had a little over two million dollars, and we did use around a million dollars for the St. Joe relay, and this will be a little under a million dollars, and our intention was anything left over to roll that into cultch planting.

I think there is going to be some logistical budgeting, and I think our legal would like to weigh in.

SANDY CHESTNUT: Another thing to consider is, when you are using one company, that is going to have to go out on bid. It may, or may not, end up to be this company and that price. It would have to go through the competitive bid process.

COMMISSIONER GOLLOTT: It could only be cheaper because he is bidding on this and I'm sure he is not going to go up.

I know that is not making me popular, but that is the most economically feasible way to revitalize these reefs.

What, in this grant, said that we have to help the fishermen?

Why don't we just give them the money and forget the relaying?





JOE JEWELL: Well, the language in the grant was to employ the fishermen to participate in the relay.

COMMISSIONER GOLLOTT: Can you read it to us, Sandy?

SANDY CHESTNUT: I don't have a copy of the grant with me. Joe is very familiar with the grant.

JOE JEWELL: It is the same language that we used under the 2016 relay from St. Joe. It's the same language.

COMMISSIONER BOSARGE: Mr. Joe would like to say something.

JOE SPRAGGINS: Just a couple of things, sir.

Once again, if you go into that single contract, like Sandy said, it would have to go to reverse auction which takes about three months, or more, to be able to do it.

I think we might get ourselves into the situation that we could not get it done between now and the time that you are looking at.

I think y'all wanted to deploy in August, or somewhere in that time frame.

Is that correct, Joe?

JOE JEWELL: Well, the Commission has made their intention known that it is August, or September.

I do just want to point out that when we get into that time frame, the fishermen are still shrimping during that time, so it would be difficult for them to participate in the program and shrimp. That is one consideration that the Commission has to think about.

COMMISSIONER GOLLOTT: Another consideration is the liability in this thing. I think that is the reason we are going into executive session is to discuss that.

JOE JEWELL: Well, the Commission can choose to do that, but the way we have structured the presentation, we are trying to move around this issue. We are trying not to discuss those.

We really prefer all the details of the structuring of the contract, or the program, to be left up to the staff.

When we talk about the previous relay program, that was all under a grant very similar to this. The staff developed and implemented





all of those.

The commission, in this particular one, has weighed in and wanted to make certain decisions about the programmatic issues. That's what makes this different from any other one. Now, typically, we just do it all.

What we would ask is to consider these two options, and, then, let us deal with the details like we normally would in a contract.

COMMISSIONER BOSARGE: As much as I appreciate Commissioner Gollott trying to save money and spend money in the right direction, this all began with the Bonnet Carre Spillway disaster and trying to make sure that those that were most affected by the disaster are compensated through this grant and, at the same time, trying to get the most value we could out of our buck by taking those fishermen and using those fishermen to move oysters to try to help restore some of our reefs.

I don't think that really is the way we need to go, just hiring one fisherman, one processor, contractor to move the oysters.

I would rather see the whole industry involved in this and use that money the way, in





my opinion, it was intended to be used.

One other thing, I would like to recognize Senator Tommy Gollott. We appreciate you being here, sir.

TOMMY GOLLOTT: Thank you.

JOE JEWELL: I do want to point out that Commissioner Gollott does bring up an issue. This program is for only those people that are eligible under the 2011 Bonnet Carre Disaster Grant.

I know there are going to be a lot of fishermen that did not have licenses, or were not eligible in the program, that are going to be disappointed, but, like the previous program that was implemented, they have to be eligible, and the eligibility requirements are they have to have had a license in 2010-2011 and one of the previous years, and that is what makes them eligible.

A lot of fishermen will qualify. There is a total of a hundred and fifty-five. A hundred and thirty-three dredgers and twenty-two tongers, but not every fishermen will be qualified. They have to have had a license and participated in the industry during the time of





the disaster grant.

COMMISSIONER TRAPANI: I have a question.

JOE JEWELL: Sure.

COMMISSIONER TRAPANI: Going back to the slide that has the volume estimates, we are looking at eighteen thousand eight hundred and sixty-four sacks. That would be the thirty percent.

Right?

JOE JEWELL: The thirty percent minus the thirty-one seventy-three, correct.

COMMISSIONER TRAPANI: I just want to clarify, with all of that being said, pure number wise -- because I think this needs to be brought up.

If someone is willing to do that, we are looking at two hundred and thirty-five thousand dollars to relay those oysters, and we are going to spend seven hundred and fifty thousand.

That is one fourth of what it would cost, and the fishermen still get the benefit of going and catching the oysters, and, then, you would have another seven hundred and fifty

thousand dollars left to go cultch plant because you have this budget.

I just can't see throwing away almost -- we have a million dollars left and we could do it for two hundred and thirty-five thousand dollars, and we are going to pay seven hundred and fifty thousand dollars.

JOE JEWELL: Well, it will be a little more than that because we are going to employ a barge to relay.

COMMISSIONER TRAPANI: Is that including the transport?

That is everything?

JOE JEWELL: No. The barge is an additional cost. It will be a second contract.

COMMISSIONER TRAPANI: How much is that?

JOE JEWELL: We don't anticipate more than a hundred thousand dollars.

COMMISSIONER TRAPANI: Y'all are at eight hundred and fifty thousand dollars versus two hundred and thirty-five thousand.

JOE JEWELL: If you choose option two, it is the option that provides the most savings.

COMMISSIONER BOSARGE: One other thing





that maybe you didn't follow us, that is twelve dollars and fifty cents a sacks for material.

JOE JEWELL: That's correct.

COMMISSIONER BOSARGE: What we are going to harvest is oysters.

COMMISSIONER TRAPANI: I think we need the material. We need everything. You have got to move everything on that reef. That seeds the reef. That gives you substrate. You need material and oysters to relay.

JOE JEWELL: What we had discussed at the previous Commission meetings and the way that we came up with that eighteen thousand is a volumetric data set that included all the shell that had oysters on it, not just the legal size oysters. If it has a spat on it, then, it would be acceptable under this program.

Any oyster that is harvested is acceptable, not just the legal size oysters.

Now, they can't take the reef, the grit material, the blank shells and things like that.

COMMISSIONER TRAPANI: I just think everybody needs to look at those numbers because, when you vote on something and you





spend money, you have got to be responsible for the money you spend.

Now, we would have that budget left over to cultch plant, if we chose the one that costs less, and the fishermen would get the benefit from that because we need to cultch plant more.

We would have seven hundred and fifty thousand dollars left to cultch plant, or we are going to use it all on one relay.

JOE JEWELL: When I multiply eighteen thousand eight hundred and sixty-four times forty-five dollars which is what we discussed --

COMMISSIONER TRAPANI: (Interposing) And that is with transport.

Right?

JOE JEWELL: That is not with the transport.

COMMISSIONER TRAPANI: Now, we are at fifty dollars a sack. Let's just say.

JOE JEWELL: That is a little over eight hundred thousand.

COMMISSIONER TRAPANI: Right, and, then, we have somebody offering to do this same job for two hundred and thirty-five thousand





dollars.

JOE JEWELL: That's correct.

COMMISSIONER TRAPANI: You can still take the remainder of the money and cultch plant and the fishermen, they have a bigger win. We need shells out there.

JOE JEWELL: Well, the only issue with that is that --

COMMISSIONER TRAPANI: (Interposing) We still have that money.

JOE JEWELL: That's correct.

COMMISSIONER TRAPANI: We don't have to use it just for relay.

COMMISSIONER TRAPANI: The statements that you are making are correct. Whatever is residual, left over in that job can be rolled over into the cultch planting, but, again, the issue is that it does not employ the fishermen.

COMMISSIONER TRAPANI: I understand that, Mr. Jewell, but, at the same time, when you look at the numbers, a child can look at those numbers and see which one is the better one.

You still have seven hundred and fifty thousand dollars left to cultch plant and it

does help the fishermen.

The fishermen are asking us to go back there and plant the reefs and turn them, and that gives you more of a budget. That is just a point I wanted to make.

JOE JEWELL: Sure.

COMMISSIONER TRAPANI: Secondly, we have the point -- and I guess that's why we are going into executive session -- are these fishermen insured.

JOE JEWELL: The reason why we are suggesting option two, that resolves that issue because the dealers and processors would have to employ the fishermen.

COMMISSIONER TRAPANI: They are insured?

JOE JEWELL: That's correct, and that is the way they did it before.

COMMISSIONER GOLLOTT: Let me ask you a question.

If you are saving seven hundred and fifty thousand dollars, couldn't you get material to go back into Pascagoula, this much material, and, then, the third year down the road we would have more oysters to relay out of





Pascagoula?

JOE JEWELL: Like I said, the seven hundred thousand dollars potential savings, or somewhere around there, we absolutely can petition the grantee, the grant to move that over into the other job for cultch planting.

Now, they typically have done that. That hasn't been an issue, but I do want to point out to the Commission they may not. In most instances, they have. Any request that we have had to move funds like that, they certainly have been obligatory and allowed us to do that.

COMMISSIONER GOLLOTT: To me, we would be looking down the road another two, or three, years. If we planted that area, we would have a lot more oysters to relay in a couple of years. We would be looking at the future and not just for today.

JOE JEWELL: Sure, but keep in mind part of the intent of the Bonnet Carre Grant was to keep the fishermen employed and keep them in the industry.

Everything that Commissioner Trapani and Commissioner Gollott are saying is absolutely true. It would be a cost savings and





it can roll over into the other savings.

COMMISSIONER BOSARGE: There are a lot of ifs involved in if we do this. Right now, by doing the relay, it takes the ifs out. It puts money in those fishermen's pockets.

There is no guarantee if we cultch plant, or we do whatever, that that is going to make it, that it is going to survive and it is going to be money in their pockets later on.

This total of eleven million dollars that is the Bonnet Carre Spillway money, of that, so far we have done one relay to the west.

Correct?

JOE JEWELL: Correct.

COMMISSIONER BOSARGE: And we spent what, Joe?

JOE JEWELL: It was a little over a million dollars.

COMMISSIONER BOSARGE: A little over a million dollars?

JOE JEWELL: And we have about a million dollars remaining.

Now, remember this job duty is specific for relaying.

There are other job duties in the





grant for cultch planting.

We are talking about two separate ones, but we do have the capability of --

COMMISSIONER GOLLOTT: (Interposing) How much money is left?

JOE JEWELL: A little over a million dollars.

COMMISSIONER GOLLOTT: And that's it.

It will be all over with?

JOE JEWELL: Yes.

COMMISSIONER GOLLOTT: Does the grant actually say we are to help the fishermen with this money?

JOE JEWELL: It is a very specific job -- well, there are actually five separate jobs in the grant. There is the stewardship program and several other ones. One is a relay program and one is a cultch planting program, and they are very specific.

COMMISSIONER HAVARD: Joe, since we are talking about real numbers, this eighteen thousand eight hundred and sixty-four sacks of material, what percentage of those sacks will be mature oysters?

JOE JEWELL: Legal size oysters?

COMMISSIONER HAVARD: Yes.

JOE JEWELL: I'm not aware of that.

COMMISSIONER HAVARD: Fifty percent?

JOE JEWELL: About half of that, correct.

COMMISSIONER HAVARD: What we have is a hundred and eight acres with nine thousand nine hundred and eighty-four sacks on it. We are going to take half of the eighteen thousand.

We are going to take a hundred percent of the harvestable oysters from Pascagoula, just based off of taking thirty percent?

JOE JEWELL: There is the potential for that. It depends on which reef they get on.

COMMISSIONER HAVARD: Since we are talking about raw numbers, that is what it shows. We are taking a hundred percent of the legal harvestable oysters off the reef in Pascagoula, off the reef that is open for harvesting at this point.

JOE JEWELL: Like I said, there is the potential for that. The fishermen are not going to be culling the oysters.

When they dredge up, or they tong up, what they are going to do is any shell that has





an oyster on it is going to be eligible for the relay.

There will be a lot of sublegal oysters that will be in that sack. It won't be a hundred percent legal size oysters. They are not culling to legal. They are just providing the oysters that are available on the shell.

There is going to be a lot more in the sack. We estimate about a fifty-fifty split between legal and all the rest of the size oysters.

COMMISSIONER GOLLOTT: Wouldn't that give you more incentive to save some of this money and go back with a cultch planting in Pascagoula so, in two years, you would have another round of oysters that would be ready for relaying?

JOE JEWELL: I think that is covered under option three. If the Commission votes on that and approves that, then, that is the decision of the Commission.

COMMISSIONER GOLLOTT: Which option?

JOE JEWELL: I think that is option three, contract with a contractor to harvest and deploy the material.





What we would have to do, as Director Spraggins pointed out, we would have to go out for a bid, or a reverse bid option to employ a contractor to both of those things.

COMMISSIONER GOLLOTT: Is that correct, Sandy?

SANDY CHESTNUT: That's correct.

JOE JEWELL: I keep turning around here looking to see if Kacey is here because I know they have some issues when you only get one bid. There is an issue with that. I don't quite know what that is.

JOE SPRAGGINS: I can tell you one bid won't go because they won't pass it in Jackson. You would have to go back and rebid it again, or through some way where it is a sole source only because that's what we have had the last few times.

JOE JEWELL: Thank you, Director Spraggins.

COMMISSIONER GOLLOTT: I think the last time we did this, we were able to get three bids together.

JOE JEWELL: I just wanted to point that out.





COMMISSIONER GOLLOTT: Just because this guy said he would do it for that doesn't mean -- there might be somebody to do it cheaper.

JOE JEWELL: Sure.

These are the options. I think we prefer option two. It does employ the fishermen and it does give them the opportunity to recover. Like I said, it will be limited to just those eligible fishermen.

The Commission certainly can choose option three, if they choose.

COMMISSIONER BOSARGE: I tell you what, Joe, at this time, before we make any motions, would it be all right with you if we listen to some public comment?

JOE JEWELL: Absolutely.

COMMISSIONER BOSARGE: We will start with Mr. John Livings.

John, state your name and we will give you three minutes, even though last time I think I took a bunch of your time.

JOHN LIVINGS: That's fine. My name is John Livings. I'm a fishermen.

I know we are going back and forth

about the money, but, if it wasn't for the fishermen in the disaster, there would be no money anyway. Keep that in mind, too.

Out of the eleven and a half million dollars, only one million dollars so far has gone towards putting fishermen to work, and only probably fifty percent of the fishermen actually got to work because the smaller boats, you can't tong on St. Joe. Only the dredge boats got to dredge. All the tongers got left out.

This part of the program for Pascagoula was supposed to be for the smaller boats that couldn't work so they could get their part in, too.

Sooner or later, it has got to help the fishermen.

I understand that there are people that want to do all the relay and all the cultch planting.

When are we going to quit giving the millionaires the money and let the fishermen do some of the work for our resources?

COMMISSIONER BOSARGE: If I recall correctly, it was the fishermen that actually had to fill out all of your trip tickets and you





had to do the paperwork for us to qualify for the disaster grant.

JOHN LIVINGS: Yes. If it wasn't for the fishermen, there wouldn't be any money to even argue about anyway.

I don't understand where the argument is, trying to cut the fishermen out. That makes no sense. I don't get it.

Yes, one man definitely wants to do it. He wants all the money. He doesn't want to share it with anyone.

If we are not going to take care of the fishermen, I just don't understand it.

That's pretty much all I had to say.

COMMISSIONER BOSARGE: Thank you, John.

JOHN LIVINGS: Thank you.

COMMISSIONER BOSARGE: Mr. Drew Livings.

DREW LIVINGS: My name is Drew Livings.

How are y'all doing today?

COMMISSIONER BOSARGE: Pretty good.

DREW LIVINGS: The money was allocated for the fishermen to compensate for loss of





wages that we had during the Bonnet Carre Spillway opening.

The commercial people who buy oysters, they have their own income through their private leases and other things, so they didn't lose as much as we did.

Also, when it comes to the liability of the fishermen, all we need to do is have a paper filled out where we will gladly sign releasing liability to all of the State, and the State would not be responsible for anything that happens.

That would take care of that situation, I believe, because fishermen need the work and we need the money that was allocated for us.

That's what it was for. It was for our fishermen to be compensated for loss of wages.

It just seems like they are trying to cut us out, now, and, like John said, if it wasn't for us, there wouldn't be any money.

That is pretty much what I've got to say.

The liability deal, that can be worked





around by legal paperwork drawn up and signed releasing the State of any situation that may occur.

COMMISSIONER BOSARGE: Thank you, Drew.

DREW LIVINGS: Thank you.

COMMISSIONER BOSARGE: Mr. Edward Groves.

EDDIE GROVES: My name is Eddie Groves.

We lost our living in 2010 and 2011 because of the spillway opening, and we were never compensated.

It has never come back. The reefs are still poor. You can't even hardly make a living on them anymore.

Even the oysters that y'all put out there, they are going to be so scattered that they are not going to be very much to us.

There is nothing to do, unless oyster shells are put back on the reefs.

We lost our living back then, and most of us have not oystered since then because of it. The reefs are all torn up, and we are just not able to make a living with it.

The contractor should be the fishermen doing all the work. They are the ones that lost all their income.

The dealers and all that, they have still got other income from other states and they never slowed down. They haven't lost anything.

That's what I've got to say.

COMMISSIONER BOSARGE: Thank you, Edward.

EDDIE GROVES: Thank you.

COMMISSIONER BOSARGE: Mr. Ryan Bradley.

RYAN BRADLEY: Ryan Bradley. I'm the Executive Director of the Mississippi Commercial Fisheries United.

Good morning Commissioners, General, Ms. Chestnut.

I'm not surprised to hear anyone cut the fishermen out of this work. It's the same song and tune every time opportunity comes about.

One thing I want to reiterate here is that it is more than just employing these fishermen.





These fishermen are major contributors to the local economy. They are purchasing big quantities of fuel, ice, groceries, employing a number of people and they are paying stall rent.

When I sit down with the Mayor of Pass Christian, he is deeply concerned about his harbor and how he is going to keep that harbor afloat. These fishermen are the ones that keep it afloat, when they pay that stall rent.

If we don't take care of these fishermen and we put them out of business because we are not looking after them, these cities suffer, as well.

I think that is a key consideration that we need to consider here today.

One thing I want to read into the record is Mississippi Code 25-4-101 through 25-4-119. It involves conflict of interest on the Commission, and it pretty much says:

No public servant shall use his official position to obtain a cursory benefit for himself, or his family member, or any business he has an interest in.

I'm not sure that applies here today, but I just want to put that on the record.





COMMISSIONER BOSARGE: Let's don't go there, Mr. Bradley.

RYAN BRADLEY: I don't have anything against Bayou Caddy Fisheries. Actually, I like them, but I think there is a greater good to be served here by putting these fishermen to work.

Once again, the money that we received from the Bonnet Carre damages was because the fishermen could prove the lost revenue because they did the work, they reported the loss in income, and we essentially stole that money from them.

I remember when y'all came out with this, y'all were on the news and y'all were trying to get that money. We are going to put the fishermen to work. We are going to do this for the fishermen.

When it came down to it, it was stolen from us, and that is pretty much what happened.

Do what you are going to do. We know what you want to do here today.

I wish y'all the best. Thank you very much.

COMMISSIONER BOSARGE: Thank you, Ryan.





Ms. Thao Vu.

THAO VU: Good morning General, Commissioners, Ms. Chestnut.

My name is Thao Vu. I'm the Director of the Mississippi Coalition for Vietnamese-American Fisher Folks and Families.

It is beyond words what this board is actually considering. How egregious that we are actually considering taking work that rightly belongs to our fishermen.

I want to reiterate. I have actually read a copy of the Bonnet Carre Spillway Grant. There are specific jobs. One is a relay. One is cultch planting. One is bagless dredging.

We all have proper roles. The fishermen's role is to let them do the work because they have the traditional ecological knowledge of the waters, of the oysters and the reefs. That is their role.

Let them do all the work that they should be doing. Let them.

Processors have a different role. They process seafood.

Let's remember everyone's proper role here. The fishermen should be doing this work.

They know and care more about our reefs than anyone, than anyone.

Why?

It's their livelihood that is at stake here. It's their way of life and tradition and culture.

It's not just a paycheck. There is so much at stake here.

I don't think anyone in this agency realizes how much is at stake. No one knows what has happened, how our fishing communities have been eroded and diminished year-by-year.

They need to do this, and another thing is why aren't oyster shells being put back on our reefs?

These processors who have access to these shells, they should be legally mandated to put the shells back.

We have not seen scientific evidence that cultch planting has worked.

There are several funds for cultch planting. We shouldn't even think about using any of this money for cultch planting activities when, in the Bonnet Carre Spillway Grant, you have designated funds strictly for cultch





planting, and you have future funds and other funds for cultch planting.

On top of that, where has it produced any oysters for us, all of these cultch planting projects?

It could all be from the ph. We have had enough stressors on our reefs already, from BP to the Bonnet Carre Spillway.

Placing cultch material could be making it worse.

Is there any scientific research being done on this, on the feasibility of cultch planting versus putting oyster shells back versus bagless dredging?

That is what we need. We need a good thorough project to compare, a feasability study, demonstration project to see which is more outcome oriented.

At the end of the day, our fishermen need to be hired to do this work. They know the waters. They know the fisheries more than anyone, and they care more than anyone.

Thank you.

COMMISSIONER BOSARGE: Thank you, Thao.





Mr. George Storrs.

GEORGE STORRS: I will withdraw my request at this time. They covered just about all of it.

COMMISSIONER BOSARGE: All right.

Thank you, George.

Those are all who requested to speak.

COMMISSIONER GOLLOTT: Can I say something, Mr. Chairman.

COMMISSIONER BOSARGE: Yes, sir.

COMMISSIONER GOLLOTT: First of all, someone has eluded that there is a conflict of interest.

I know there have been stories about me being kin to Mike Cure. Believe me, I'm no kin to Mike Cure.

One of my distant cousins married his sister, but that doesn't make me and Mike kin.

I really don't care what fishermen move these oysters, but I want them moved at a decent price.

Forty-five dollars a sack is ridiculous to pay to relay these oysters. Maybe we can come to some kind of agreement there on a lesser price than forty-five dollars, or forty





dollars, a sack.

Other than that, I would like to know exactly what this contract says. One part of it is for relaying oysters.

Well, Mike Cure is a fishermen. There are other fishermen at Bayou Caddy that have the reefs and same boats that Mike Cure has. If we don't do this with our local fishermen, there is no guarantee that Mike Cure is going to get awarded this bid.

Like I said, I would like to hear the full story before I vote on anything, exactly what it is going to cost us.

JOE JEWELL: Well, I think we have those options here.

I want to comment on a couple of things. There are two different jobs, in the Bonnet Carre Grant.

One job is for a relay which we have talked about. It's a little over two million dollars, and we have expended about half of that, so there is about a million left.

Two, there is a job for cultch planting. There is a little over three million dollars in that and, as you know, we started

last year cultch planting, and, then, this year we had a six hundred thousand dollar cultch plant.

We do have a contract out right now that is exclusively for shell.

We have listened to the fishermen, and we are planting not only limestone, but we are going to try and plant some shell and concrete, if possible, in the future.

Of that three million dollars, we are just over halfway through that.

I just wanted the Commission to understand there are two different jobs and they have two different functions.

How we move it doesn't change the amount of sacks available at Pascagoula. It's eighteen thousand eight hundred and sixty-four.

COMMISSIONER TRAPANI: I have a question.

To compare our last relay, how much did we pay for a sack in 2014?

JOE SPRAGGINS: It was twenty-two dollars a sack, and two dollars went to the processors.

JOE JEWELL: That's correct. It was





twenty dollars for the fishermen, and two dollars to the processors.

COMMISSIONER TRAPANI: I want the fishermen to get what they want.

More than y'all think, I fight for y'all all the time.

We also have to be financially responsible. In 2014, we spent twenty-two dollars a sack.

Where did we go from twenty-two dollars a sack to forty-five dollars a sack?

This is outrageous that we would go that much more.

JOE JEWELL: The difference, Commissioner Trapani, is that the market value changed over those two, or three, years.

Last year, the fishermen were paid anywhere between forty and sixty dollars a sack. It varied throughout the year, depending on demand.

COMMISSIONER TRAPANI: You are saying that a sack of oysters, from 2014 to 2018, has gone up that much?

JOE JEWELL: Yes. Absolutely.

COMMISSIONER TRAPANI: I'm not trying





to be ugly. I buy them for a restaurant. That is double the amount. I would know if it went up double because I promise you my menu would get changed. It has not gone up double.

We are here to do two things. We are here to make a decision to help the fishermen. This is the money that was supposed to help them.

We also cannot make careless decisions that are not financially responsible.

JOE JEWELL: I can say where we got the figures. We polled the dealers and processors that were purchasing the sacks, during 2017, and the price varied throughout the season. It was anywhere between forty and sixty dollars, what they were buying directly from the fishermen.

COMMISSIONER TRAPANI: Well, I don't see that on the market. If that is what happened, evidently we are getting a good deal on oysters, but I call around every week. I literally call three different places every week and price them. I'm listening to you, but I'm telling you I buy them so I know.

JOE JEWELL: Overall in the Gulf, the





production of oysters is down. When you have a demand for a product and the product is limited, the price does go up.

COMMISSIONER GOLLOTT: Joe, we are also talking about a polished oyster in a sack.

Here, you're not. You're talking about roughly a shovel in a bag.

That is two different animals right there.

JOE JEWELL: That's correct.

COMMISSIONER GOLLOTT: I wouldn't be as opposed to this thing if it wouldn't be so far out of kilter.

COMMISSIONER BOSARGE: We are going to have this discussion further down the line on the proposal.

Right now we need to decide on option one, two, or three.

COMMISSIONER TRAPANI: I have one more question I would like to ask Sandy.

COMMISSIONER BOSARGE: Sure.

COMMISSIONER TRAPANI: I just want to clarify. I think that I'm right. I know that we said if we do option two, we take the insurance out of it.

Is there a legal way that you actually can say that a fisherman, if they sign something, that they will be responsible, or can that never happen?

SANDY CHESTNUT: That would constitute legal advice that I would be giving to the department, and that is something that we would need to go into executive session to discuss.

COMMISSIONER TRAPANI: I think that is part of it, that we have to go into executive session to discuss that, but we should not be voting on something that we don't have all the answers to yet. That's my opinion.

We are about to go into executive session, and we are going to vote on something that we don't have the answers to. I can't do that yet.

COMMISSIONER GOLLOTT: I agree with Commissioner Trapani on this. We need to see the whole picture, before we vote on anything.

COMMISSIONER BOSARGE: All right.

JOE JEWELL: Since the next slide, or the next option for the Commission was contingent on what is voted on in this slide, I think you would need a motion to go into





executive session.

COMMISSIONER BOSARGE: We have already modified the agenda.

Do I have a motion?

COMMISSIONER HAVARD: Mr. Chairman, I would like to make a motion that we go into closed session.

COMMISSIONER BOSARGE: So that we can go into executive session?

COMMISSIONER HAVARD: So that we can go into executive session.

COMMISSIONER BOSARGE: We have a motion.

Do we have a second?

COMMISSIONER GOLLOTT: I'll second that.

COMMISSIONER BOSARGE: Any further discussion?

(No response.)

COMMISSIONER BOSARGE: All those in favor say aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed?

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.





DOUG WALKER: Mr. Chairman?

COMMISSIONER BOSARGE: Yes, sir.

DOUG WALKER: Could I indulge the board for just a moment?

COMMISSIONER BOSARGE: Yes, sir.

DOUG WALKER: I would like to ask what is the specific reason for going into executive session?

I hear a very general reason, but I do not hear a specific reason.

SANDY CHESTNUT: The specific reason would be perspective litigation.

DOUG WALKER: Perspective litigation?

SANDY CHESTNUT: Perspective litigation. Exemption from the Public Records Act.

COMMISSIONER BOSARGE: Does that answer your question, sir?

DOUG WALKER: Yes.

COMMISSIONER BOSARGE: We will be in recess.

MEETING STANDS IN RECESS

COMMISSIONER BOSARGE: I would like to call the meeting back to order. I want to thank everybody for hanging in there with us.





Ms. Chestnut, would you give everybody an update on our closed session?

SANDY CHESTNUT: Yes, sir.

At 10:00 o'clock, Commission Havard made a motion to go into closed session to discuss the need for executive session to discuss the perspective litigation from the options presented for the Oyster Relay Program. That motion was seconded by Commissioner Gollott.

At 10:07, Commissioner Gollott made a motion to go into executive session to discuss the same issue. That motion was seconded by Commissioner Havard.

Commissioners present were Steve Bosarge, Richard Gollott, Mark Havard, Jolynne Trapani, legal counsel Sandy Chestnut, Executive Director Joe Spraggins, Marine Fisheries Office Director Joe Jewell and Director of Shellfish Bureau Erik Broussard.

There were no motions made. Legal counsel just briefed the Commissioners on the different liabilities presented for each option.

At 10:41, a motion was made by Commissioner Havard to end the executive

1 session. That motion was seconded by
2 Commissioner Trapani.
3 COMMISSIONER BOSARGE: Thank you, Ms.
4 Chestnut.
5 SANDY CHESTNUT: You're welcome.
6 COMMISSIONER BOSARGE: We will
7 continue on, now, Mr. Joe.
8 JOE JEWELL: As I said, the Commission
9 has these three options to select from. I think
10 we are leaning towards option two; potentially
11 option three.
12 Option two would be to contract with
13 the Bonnet Carre qualified processors. The
14 processors, then, would contract with the Bonnet
15 Carre qualified fishermen to harvest, and we
16 would initiate a separate contract to deploy the
17 material.
18 COMMISSIONER BOSARGE: Do we have any
19 further discussion?
20 (No response.)
21 COMMISSIONER BOSARGE: Do we have a
22 motion?
23 COMMISSIONER GOLLOTT: Mr. Chairman, I
24 would like to make a motion that the Commission
25 adopt option two.





1 COMMISSIONER BOSARGE: We have a
2 motion on the table.
3 Do we have a second to that motion?
4 COMMISSIONER TRAPANI: I'll second
5 that.
6 COMMISSIONER BOSARGE: We have a
7 motion and a second.
8 Any further discussion?
9 (No response.)
10 COMMISSIONER BOSARGE: All those in
11 favor say aye.
12 (All in favor.)
13 COMMISSIONER BOSARGE: Opposed?
14 (None opposed.)
15 COMMISSIONER BOSARGE: Motion carries.
16 JOE JEWELL: Thank you, Commissioners.
17 The next slide is the method of take.
18 There are simply three options that we
19 are considering; toning only, dredging only, and
20 dredge and tong.
21 Under option one which is toning only,
22 as I stated before for the record, there are
23 only twenty-two qualified tongers qualified
24 under the Bonnie Carre Grant. Tonging takes a
25 significant amount of time.





1 Many dredgers have never tonged.
2 Dredgers would have to purchase the actual tongs
3 to engage in this activity.
4 Option two is very similar to what
5 happened in 2016.
6 Dredge boats might have draft
7 constraint issues.
8 Tongers may not have a dredge boat, or
9 access to a dredge boat, or an actual dredge.
10 Option three. This is the one that
11 internally staff discussed that actually is a
12 combination of dredge and tonging.
13 The reefs are small, as stated before.
14 Both of the reefs combined are about three
15 hundred and forty-one acres.
16 With the potential of a hundred and
17 fifty-five vessels, it might cause some user
18 conflicts. Tongers are stationary. Dredgers
19 move around. There could be some issues there.
20 What we are proposing, under option
21 three, is that we employ both user groups. They
22 are both qualified under the Bonnet Carre Grant,
23 and they are both eligible under the job that is
24 for this purpose.
25 What we are proposing to do is employ





1 both of the user groups through the eligible
2 dealers and processors.
3 The tongers would be allowed to have
4 approximately two days and maybe another day for
5 a weather day, or mechanical issues.
6 Then, after the tonging is done, we
7 would allow the dredgers to participate in the
8 program.
9 COMMISSIONER GOLLOTT: Mr. Chairman, I
10 make a motion that this Commission adopt option
11 three to be fair to the dredgers and the
12 tongers.
13 COMMISSIONER BOSARGE: We have a
14 motion.
15 Do we have a second to that motion?
16 COMMISSIONER HAVARD: Mr. Chairman,
17 I'll second the motion to adopt option three.
18 COMMISSIONER BOSARGE: We have a
19 motion and a second.
20 Any further discussion?
21 (No response.)
22 COMMISSIONER BOSARGE: I guess I would
23 like to say one more thing.
24 In looking at this whole relay and
25 trying to be fair to everybody, I guess we are

1 going to have to leave some of it on your
2 shoulders as to how you are going to come up
3 with who gets what.
4 There are a lot of issues you are
5 going to have to look at to see what the tongers
6 can take and what the dredgers can take.
7 We just want to be fair across the
8 board.
9 JOE JEWELL: That's correct.
10 COMMISSIONER BOSARGE: Any further
11 discussion?
12 (No response.)
13 COMMISSIONER BOSARGE: All those in
14 favor say aye.
15 (All in favor.)
16 COMMISSIONER BOSARGE: Opposed?
17 (None opposed.)
18 COMMISSIONER BOSARGE: Motion carries.
19 Joe, at the last meeting, we actually
20 made a motion where it was going to be tonging
21 and hand dredging.
22 JOE JEWELL: I will talk a little bit
23 about that, Commissioner Bosarge.
24 One of the motions the Commission made
25 and asked the staff was to sort of restrict all





1 of the options that were being considered
2 because we have a huge universe and the
3 Commission wanted the staff to come together and
4 narrow that down a little bit.
5 One of the options that we did
6 eliminate was the hand dredge for a lot of
7 different reasons.
8 A lot of the fishermen don't have a
9 hand dredge. They would have to purchase the
10 hand dredge. The Commission would have to come
11 up with a definition of a hand dredge. The
12 staff would have to modify Title 22 Part 1
13 within a time constraint. We are sort of up
14 against the wall to issue the contract to get
15 this done as early as this year.
16 The hand dredge option, we decided
17 that because of those and many other issues,
18 that we would eliminate that option.
19 COMMISSIONER BOSARGE: To eliminate
20 that, don't we have to have a motion to rescind
21 that?
22 JOE JEWELL: Well, the Commission made
23 no motion on that. They made no motion to adopt
24 it.
25 COMMISSIONER BOSARGE: I recall we did





1 make a motion. If I recall correctly, there was
2 a motion made to do tonging and hand dredging.
3 SANDY CHESTNUT: I don't know that it
4 was seconded. I don't know that it was ever
5 voted on. I would have to check the meeting
6 transcript. I know we talked about it, but I
7 don't think it was seconded.
8 JOE JEWELL: I think the Commission
9 asked the staff to look into the hand dredge.
10 COMMISSIONER GOLLOTT: Wouldn't it be
11 better to just go ahead and make another motion
12 just to cover ourselves, in case it was like
13 that?
14 JOE JEWELL: If the Commission wants
15 to consider hand dredges as a part of this, they
16 would have to make a motion.
17 COMMISSIONER GOLLOTT: Option three
18 has dredging and tonging.
19 If a person wanted to hand dredge,
20 they could.
21 Right?
22 JOE JEWELL: Well, not now because we
23 would have to adopt a definition of a hand
24 dredge.
25 COMMISSIONER GOLLOTT: Oh, okay.





1 SANDY CHESTNUT: You would have to
2 change the regulation to allow for a hand dredge
3 and define it, and that would have to go out on
4 Notice of Intent to get passed.
5 COMMISSIONER GOLLOTT: Right now, it's
6 tonging and dredging, period?
7 JOE SPRAGGINS: Joe, I remember. we
8 did not pass anything on the hand dredge the
9 last time.
10 JOE JEWELL: That's correct.
11 JOE SPRAGGINS: The reason for that
12 was because we had no definition a hundred
13 percent of what it was.
14 JOE JEWELL: That's right. There is
15 no definition of a hand dredge in any of our
16 regulations.
17 There is a definition for a dredge.
18 We work with one of the local welding
19 shops that has experience in making hand
20 dredges, and this is sort of the definition that
21 we came up with:
22 It cannot exceed twenty-eight pounds.
23 The tooth bar cannot exceed ten teeth. The
24 teeth cannot be longer than five and a quarter
25 inches. Now, remember, our regulations

1 currently say five inches for a regular dredge.
2 You cannot deploy, or reprieve, with any
3 mechanical assistance.
4 COMMISSIONER BOSARGE: Let's just go
5 back and let Erik read the minutes and make sure
6 we didn't pass that. If we did, we need to
7 correct it.
8 JOE JEWELL: I have the motions that I
9 compile for each of the Commission meetings.
10 I agree with legal counsel -- these
11 are informal minutes that I take during the
12 Commission meetings -- they would have to be
13 formally reviewed by our legal counsel.
14 As I recall, there was a motion made
15 and passed for the shrimp season.
16 There was a motion made and passed for
17 Southern Flounder.
18 There was motion to accept the state
19 record.
20 There was a motion passed for the
21 oyster depuration review, the continuation of
22 that project.
23 The scientific research motion. There
24 was a motion to remove it for consideration off
25 the agenda. That passed.





1 The state saltwater fishing records
2 that was presented by Jonathan Barr, that
3 passed.
4 Then, we get into this presentation
5 that was given.
6 There was a motion to research more on
7 the liability insurance for the Oyster Relay
8 Program. It was made by Commissioner Bosarge
9 and was seconded by Commissioner Harmon. That
10 motion was withdrawn.
11 The next motion was to table the relay
12 program and conduct a workshop on May the 29th
13 for Oyster Relay Program. That motion was made
14 by Commissioner Gollott. Seconded by
15 Commissioner Trapani. The motion failed because
16 an alternate motion was made and passed which is
17 the next motion.
18 That motion was to narrow down the
19 options and consider the method of take. That
20 motion was tied two to two. The motion was made
21 by Commissioner Havard and seconded by
22 Commissioner Bosarge. Commissioner Harvard and
23 Commissioner Harmon voted yes. Commissioner
24 Gollott and Commissioner Trapani voted no. The
25 Chairman broke the tie, and it passed three to





1 two.
2 The next motion was to meet on
3 Tuesday, the 29th, to discuss this program.
4 That passed unanimously.
5 The final motion was to harvest thirty
6 percent of the Pascagoula Reef, minus the
7 thirty-one seventy-three, and that motion passed
8 unanimously.
9 You are correct. There was some
10 discussion about the actual dredge and the
11 requirements. Y'all asked us for a definition.
12 We had no definition.
13 There was no motion that I recall, but
14 legal will have to confirm that.
15 Now, if the Commission so chooses to
16 direct us to proceed with a Notice of Intent, my
17 understanding is that they could do that.
18 Legal counsel would have to confirm
19 that.
20 SANDY CHESTNUT: Yes. If they wanted
21 to consider a hand dredge, it would have to go
22 out on Notice of Intent.
23 JOE JEWELL: That concludes my
24 presentation.
25 Like I said, we will update you as we





1 move forward into the program.
2 COMMISSIONER BOSARGE: We have one
3 more option we have to talk about, price per
4 sack.
5 Is that correct?
6 JOE JEWELL: This is an overall review
7 of the program, where we are over the last three
8 months of presentations that we have given
9 (indicating slide).
10 We discussed the forty-five dollars a
11 sack. That was the fair market value
12 considered, based on the pricing last year.
13 There was no motion on that. There
14 was no voting on that.
15 The Commission did vote on vote number
16 two and that was thirty percent minus three
17 thousand one hundred and seventy-three which
18 gave us a total relaying of sacks as eighteen
19 thousand eight hundred and sixty-four.
20 This nine hundred thousand is
21 variable. It depends on how many participants,
22 how much the bid goes for the barge and all
23 those issues. Approximately nine hundred
24 thousand.
25 Then, a hundred thousand for the

deployment contact, for a total of approximately a million dollars.

Since the Commission chose option two, there is a cost savings there. We don't anticipate it being quite that much.

There was some discussion about the forty-five dollars a sack, prior to us going into executive session.

I think the Commission would like to have some further discussions on that.

COMMISSIONER GOLLOTT: Well, I, for one, think forty-five dollars is too much money.

Since they are not really culling the oysters. It's more of a shovel bag. I would be more in favor of a total of thirty dollars a sack, and that includes the transportation.

I think y'all had mentioned, in previous meetings, that the transportation was, like, sixty-six cents a sack, or something like that.

JOE JEWELL: I do want to make the Commission aware that we have no idea. That includes all of the barge cost that we anticipated at a hundred thousand dollars.

If the Commission says, I don't want





that option, I want the thirty dollars a sack to include the entire program, I want the Commission to understand that we do have to go out on bid. We do have to issue a contract, and we have no idea what we will be bid during that time.

If the lowest bid exceeds that, then, the fishermen could get substantially less. They would already get less than thirty dollars a sack, but they would get substantially less than that.

COMMISSIONER GOLLOTT: Well, can we make a motion for twenty-eight dollars and it wouldn't have to go out on bid, and you could take the two dollars for the overhead, or a dollar overhead. I don't know.

What do you think?

JOE JEWELL: Like I said, the --

COMMISSIONER GOLLOTT: (Interposing) Why does it have to go out on a bid, now, all of a sudden and, before, we didn't have to?

JOE JEWELL: We did. We absolutely did.

When we did the relay before on St. Joe, we had to go out on bid.





JOE SPRAGGINS: Joe, real quick. What that was with St. Joe, we were under emergency, also.

JOE JEWELL: That's correct.

JOE SPRAGGINS: This is not an emergency.

Once we were under emergency, we were allowed to do things a little quicker, and that's why the bid is going to be different here.

JOE JEWELL: Thirty dollars a sack would include whatever we pay the dealers and processors.

Before, it was two dollars. That would mean the fishermen would get a minimum of twenty-eight dollars, but it would also include the contract for the barge, the relay barge, and whatever that is would have to be subtracted off of the twenty-eight dollars, also.

COMMISSIONER GOLLOTT: I would like to let the fishermen catch whatever they can catch in a day. We shouldn't be in the business of telling them they can only take fifty sacks.

JOE JEWELL: Like I said, it's great that the Commission is going to allow the Marine





Fisheries staff to decide that.

We had decided some options, like, sack limits of fifty sacks.

If we do that, we absolutely agree with you. The tongers are going to do that for two days. How and when they catch that total of a hundred sacks is not the issue. It is that they have the availability of a hundred sacks.

We agree with you and we would like that included in the contract.

COMMISSIONER GOLLOTT: We still want to put the maximum amount of money that you can pay a fisherman to move a sack.

JOE JEWELL: We would have control over that, if the Commission votes and says thirty dollars a sack includes all costs associated with that.

COMMISSIONER BOSARGE: I disagree with that. We started out at forty-five dollars a sack which was market value. Of course, it's not culled oysters. We are not having to cull oysters, but still and all I don't think we need to go back to where we were with the last relay when it was an emergency and we were just putting anything we could put on deck.

In all fairness, to me, I like to meet people in the middle. To meet somebody in the middle right now, in my opinion, would be at least thirty dollars to the fishermen, and, then, there is still money left to contract the barge and everything.

What I'm worried about is where we moved forty thousand sacks of material the last time. It was a large enough amount that the processor could make some money out of it at two dollars a sack.

This time, we are going to move eighteen thousand sacks.

JOE JEWELL: I agree that the Commission is considering compromise. I appreciate that, but I would respectfully ask that whatever that compromise is that it be for unit price per sack for the fishermen and allow us the flexibility to contract with this other stuff.

We have no control over that, but the Commission has control over how much per sack for the fishermen.

COMMISSIONER TRAPANI: I understand, but I do think we need to put an amount, that it





doesn't exceed a certain amount.

JOE JEWELL: Sure.

COMMISSIONER TRAPANI: That's what we are trying to do. We are trying to give the fishermen money, and we are also trying to be able to take this money and use it for the best use, possibly cultch planting. We need to have that it doesn't exceed a certain amount.

I think that's what Mr. Gollott is trying to do; keep it at thirty, including everything, so it is not going to exceed that.

COMMISSIONER BOSARGE: I would like to see nothing less than thirty dollars a sack to the fishermen.

JOE JEWELL: A couple of things.

Like I said before, we have a separate job for relays. There is still money remaining.

Like I keep saying, we have no flexibility over how much will be bid for the barge, or how much for the dealers and processors.

If we say a dollar a sack, they may not bid on it, or two dollars. We may get three, or four, bids. We have no impact on that process.





If the Commission wants to make a compromise for the per unit for sack, we certainly are acceptable to that compromise.

COMMISSIONER TRAPANI: I think we need to make the motion and not say exactly what the fishermen are getting because we don't know what the other part of the bid is coming in at, but we need to say it doesn't exceed this amount. Whatever comes off of that, comes off of it. We need to say it doesn't exceed a certain amount.

COMMISSIONER BOSARGE: Then, I will make a motion that we pay the fishermen thirty dollars a sack, with the cost not to exceed thirty-five.

COMMISSIONER HAVARD: Mr. Chairman, I will second that motion.

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 Harvard in favor.)





COMMISSIONER BOSARGE: Opposed?

(Commissioner Gollott, Commissioner Trapani opposed.)

COMMISSIONER BOSARGE: Tie vote. Motion fails.

We are back to square one.

JOE JEWELL: Let me understand that motion.

There were two for and two against, and it's a tie.

COMMISSIONER BOSARGE: When it is a tie, the motion fails.

COMMISSIONER GOLLOTT: Well, obviously, are going to have to compromise here somewhere.

Why don't you start on the other end, Mr. Chairman, and ask each Commissioner what their opinion would be, what should the amount be?

COMMISSIONER BOSARGE: While we are having this discussion, if one of the Commissioners would like to make a motion, we can poll the Commissioners, but I don't know if that would be quite fair.

COMMISSIONER TRAPANI: I make a motion

that we pay thirty dollars total per sack and that includes transportation and all the things involved.

COMMISSIONER GOLLOTT: I'll second that motion.

COMMISSIONER BOSARGE: We have a motion and a second.

Any further discussion?

(No response.)

COMMISSIONER BOSARGE: All those in favor say aye.

(Commissioner Gollott, Commissioner Trapani in favor.)

COMMISSIONER BOSARGE: Opposed?

(Commissioner Bosarge, Commissioner Havard opposed.)

COMMISSIONER BOSARGE: Motion fails.

Back to square one.

JOE JEWELL: Commissioners, in the spirit of compromise, I would ask that since we have two opposing positions on the sack price, the sack price is the issue.

Like I said, if you go from a high of forty-five dollars and considering the low that we have ever done it for before which I don't





know if it is an equitable comparison, but it's twenty, the difference would be twenty-five dollars.

COMMISSIONER BOSARGE: That's where I was, halfway.

JOE JEWELL: If you did thirty-five dollars a sack -- and the motion was thirty-five dollars a sack to include all components -- I think that might be a better solution for everybody because it leaves the flexibility to issue the barge contract and, as we discussed, it is probably going to be substantially lower than the previous one issued because it is only going to be from Pascagoula to Biloxi.

COMMISSIONER GOLLOTT: The motion is thirty to thirty-five dollars. You could be looking at thirty-seven, or thirty-eight, dollars a sack under that motion that Commissioner Bosarge made.

COMMISSIONER BOSARGE: The motion I made was for thirty dollars a sack.

JOE JEWELL: His motion could not exceed thirty-five dollars, and the second motion could not exceed thirty dollars. It was a range from thirty to thirty-five.





I thought maybe the compromise the Commission might want to consider is thirty-five dollars to include all costs.

COMMISSIONER BOSARGE: The difference in that motion would be that there would be no guarantee of thirty dollars a sack to the fishermen. It would be the total cost of thirty-five dollars, and anything from that point to make it all work would be deducted from that.

JOE JEWELL: That's correct.

Of course, the Commission could resolve the matter by voting outright on the price per sack for the fishermen that the Commission feels is a fair and equitable amount.

COMMISSIONER GOLLOTT: Let me make this motion that we do thirty dollars to the fishermen, not to exceed thirty-two dollars.

Or should we just make a motion not to exceed thirty-two dollars and whatever you get the barge for you take that off of it and give the fishermen the rest of it?

COMMISSIONER BOSARGE: Well, the dealers and processors would have to have a portion of it.





JOE SPRAGGINS: That's the whole point. We don't know what the dealers and processors amount would be at that point. We would have to figure that out.

JOE JEWELL: What I was asking the Commission to consider is just establishing a price per sack for the fishermen, and, then, we will do the rest of that internally because we have to go out for the lowest bid.

I'm just saying I don't know what that is. It may be substantially more than what people are thinking, and, then, if you roll that all into one unit price, the fishermen, it may not be worth their effort.

COMMISSIONER GOLLOTT: Joe, what are you going to do, if somebody comes in and bids twelve fifty a sack?

COMMISSIONER BOSARGE: Well, that would be twelve fifty on top of what you are going to pay the fishermen.

COMMISSIONER GOLLOTT: Are you talking about bidding for the fishermen, or just bidding for the contracting purposes?

JOE JEWELL: The Commission has already voted on option two. We would have to

go out for a bid to the dealers and processors for them to employ the fishermen.

It is possible that any person can bid on that, but they would have to be a dealer with a dealer, or processor, license during the Bonnet Carre Disaster Grant.

The second contract is the barge contract for the relay because the way that works is the fishermen, under option one, they would have to do twice the work for the same pay, whatever that is.

Under option two, all they have to do is harvest and that's it.

COMMISSIONER BOSARGE: Joe, we're not very far off here.

I heard Commissioner Gollott, I think, make a motion to offer the fishermen thirty dollars a sack and not to exceed thirty-two, or thirty-two fifty. We are close.

SANDY CHESTNUT: I would just like to ask Joe, or Erik, if you set it not to exceed thirty-two dollars per sack, and, then, when you get the higher price for the processor/dealer and the deployment contract, the money would have to come out of the fishermen's pocket.





Right?

JOE JEWELL: Yes.

SANDY CHESTNUT: I just want to make that clear because there are so many unknown variables under contracting, when you are contracting with two different parties, and you have to take that into consideration.

JOE JEWELL: That's the point that I'm trying to make. The dealers/processors may say that we need five dollars a sack. Now, the cost per unit is twenty-five dollars for the fishermen.

We haven't employed the barge yet. That's a separate contract.

It may be to the point where we don't have lot of participation because it's just not worth their effort.

COMMISSIONER TRAPANI: What was it last time?

Let's go back and look at history.

JOE JEWELL: The last time was twenty dollars a sack, but the contract was for twenty-two dollars a sack. Two dollars per sack went to the dealers and processors.

COMMISSIONER TRAPANI: The





transportation, how much was it?

JOE JEWELL: It was about a hundred thousand dollars for the barge. It was somewhere around there.

COMMISSIONER TRAPANI: What you are saying is it cost two dollars extra, or did it cost two dollars, plus the transportation?

JOE JEWELL: The twenty-two was just for the dealer and processor contract and the fishermen.

The barge contract was a separate contract, and that is what we are proposing to do under option two, very similar.

Now, keep in mind it was a two hundred sack limit per day on that operation and it was for just dredgers only.

The tongers could contract with the dredgers to try and participate, but there were very few of them that did that.

COMMISSIONER BOSARGE: I'm with you, but I would like these fishermen to know what they are going to get and not actually telling them something, and, then, we start deducting from that point on.

JOE JEWELL: We are about to approach





the shrimp season and they will have to make a choice. We could be shrimping into as late as October for white shrimp and pink shrimp.

COMMISSIONER GOLLOTT: The way I'm looking at this thing is they got twenty dollars a sack last time.

Twenty-eight dollars, that is almost a thirty-three percent increase in the price they will be getting.

I would be willing to do no less than twenty-eight dollars for the fishermen, and, then --

JOE JEWELL: (Interposing) The staff to do the rest of the contracts?

COMMISSIONER GOLLOTT: We probably need to put a cap on what a processor can get. He has nothing to do, really, but furnish the liability for two dollars a sack. That's a lot of money.

JOE JEWELL: Keep in mind we harvested forty thousand sacks over there in St. Joe. This one, we are only doing eighteen thousand.

COMMISSIONER GOLLOTT: Well, what did they get last time, the processors?

JOE JEWELL: Two dollars a sack.

COMMISSIONER GOLLOTT: The processors got two dollars a sack?

JOE JEWELL: Right.

COMMISSIONER GOLLOTT: What did you pay the barge to transport the oysters, sixty-six cents a sack?

JOE JEWELL: It was sixty-seven, or sixty-eight, thousand dollars. They did three deployments.

COMMISSIONER TRAPANI: If we go by history, thirty-two dollars should cover that and they should be able to get their twenty-eight dollars a sack. I mean, we're talking this was only a few years ago.

JOE JEWELL: That's assuming that the barge contract is exactly the same.

COMMISSIONER TRAPANI: Right, and it might not be sixty-six cents, and we are giving two more dollars to play with -- I mean, another dollar forty to play with.

That gives a cushion of four dollars per sack. That is a pretty good cushion.

You have to put it cannot exceed something because, if not, you can come in and we can do all of this for nothing and someone





comes in and offers some outrageous price.

I understand you have to take the lowest bid, but, if it is some kind of outrageous price, you still take the lowest bid of an outrageous price.

We have to do that it cannot exceed a certain amount.

COMMISSIONER GOLLOTT: I do agree with Steve on setting the fishermen's price. I don't want some greedy processor to be getting four dollars a sack and cutting back on the fishermen.

JOE JEWELL: We have no control over that.

COMMISSIONER GOLLOTT: Surely you can bid it and if they don't want it, if you only have one processor...

JOE JEWELL: When we issue the contract, we would say the Commission directs us to say not to exceed four dollars a sack, or something like that.

COMMISSIONER GOLLOTT: Are we going to have to replace you with Donald Trump, or somebody who knows how to negotiate?

COMMISSIONER TRAPANI: I will make a





motion.

My motion is that the fishermen will receive twenty-eight dollars per sack, and the total price will not exceed thirty-two dollars per sack.

COMMISSIONER BOSARGE: We have a motion.

Do we have a second for the motion?

COMMISSIONER GOLLOTT: I will second it in the spirit of compromise.

COMMISSIONER BOSARGE: Before we vote on that motion, I have been informed that our public comment is for this same issue, and we need to ask if any of these folks that gave public comment want to comment again on this issue.

JOHN LIVINGS: I do.

COMMISSIONER BOSARGE: Go ahead, John.

JOHN LIVINGS: I'm John Livings.

You were talking about back in history, the price. You are not giving any consideration that this is tonging, compared to dredging. It is already double work.

I don't understand why you are nitpicking over two dollars. I don't get it.





COMMISSIONER TRAPANI: We are already going up thirty percent over what we did, so we did give an increase.

JOHN LIVINGS: But the whole purpose of this relay is for the boats that got left out of the other relay, and it is already twice the work for tonging than it is for dredging, and, then, when we unload on a barge instead in an oyster boat, that is four, or five, foot sides. We've got to throw those sacks up on top of there (indicating). It's not like we are not working for the money.

I know y'all don't know because you haven't been out there to see how it's done, but I think thirty dollars is probably about the very minimum.

I don't know if you really actually realize how much work it is to do what we are going to be doing. We are just not going out there getting free money.

If we were just dredging in deep water, you would have a winch to pull the dredge up.

When you are tonging, this is your winch right here (indicating arms). That's it,

and, after you tong a hundred sacks, you've got to throw those hundred sacks up on a five-foot tall barge and dump those sacks out in the middle of that barge by hand.

Everybody keeps saying it is too much money. Do it for one day. I promise you that you will change your mind.

That's all I've got to say.

COMMISSIONER BOSARGE: Thank you, John.

GEORGE STORRS: Could I have my three minutes back, please?

I didn't know it was going to go this far.

COMMISSIONER BOSARGE: Yes, sir. We are going to give you your say, George.

Mr. Drew Livings.

DREW LIVINGS: My name is Drew Livings.

Once again, because of the price range that we are trying to set here, if the dealers/processors don't want to do it for the two dollars a sack -- I don't know what y'all's discussion was on what I said last time about signing a waiver. If they don't want to do it,





then, the heck with them. Let us do it and pay us that two dollars a sack.

Like y'all said, thirty dollars a sack, not to exceed thirty-two, or thirty-five, whatever. If they don't want to do it for that allotted price, then, shut them out and give it to us. We will be glad to add that money to it, and we will haul them to where we need to put them, if they don't want to do it.

Cutting us out of the money like that, it is really hard work. It is really labor intensive, and you have to have the amount of crew that it takes. One man can't throw a sack five feet in the air -- well, some men can; some others can't. Some are just not built for it.

You have to hire enough people to be able to move those oysters from a vessel down low to up high like John was saying, and it takes two, three, or four, people to do that.

You have got to also keep in mind that every time you load those oysters into that sack and you throw it and it hits, you are taking a chance of damaging and killing that oyster. Every time you dump it on that barge, it's more dead loss that you are going to have, more





percentage of dead loss.

The less times you move that oyster the better off you are going to be because an oyster if a very delicate animal.

I really think thirty dollars is too low. I believe it should be at least forty dollars because of cost and employment.

COMMISSIONER BOSARGE: Thank you, Drew.

Edward Rhodes.

EDWARD RHODES: They said it all.

COMMISSIONER BOSARGE: Okay.

Ryan Bradley.

RYAN BRADLEY: Ryan Bradley, Mississippi Commercial Fisheries United.

I just want to reiterate, when we talked with the fishermen and brought forth some ideas for this relay, there was one in the interest of the best conservation of this reef, and that's why we said we would agree to tong it and agree to hand dredge it because we felt like that would have the minimal impact on the reef.

We said that we would agree to transport the oysters because we felt like that would have the best chance for success and the





minimal amount of mortality.

Loading oysters up on the barge, letting them sit out all day in the sun and blowing them off with a high-pressure hose increases the chance of mortality.

We can do this relay and do it the cheapest, and we are going to get what we paid for.

We can pay a little bit more and do a little bit harder work and have a lot better chance of success.

I think that's how we have to look at this, and I really would appreciate if you take that into consideration because these guys are working hard. It's a lot of work just to tong these oysters up, and, then, to transport them on a boat and you have to transfer them from the tonging boat.

I would like to see them put directly on bigger boats, so they go ahead and take off with those oysters and get them back in the water quicker than later.

Then, they have got to deploy them, pick them up by hand and deploy them over the sides of the boat.

We are asking for a lot of work, and I think they deserve to be fairly compensated. I think paying a little bit extra will go a lot further. It will produce a lot more fruit in the long run.

These guys deserve it, and I think they deserve this shot to do what they feel is best for this resource.

That's what we put forward, and that is what we feel like will give us the best outcome.

COMMISSIONER GOLLOTT: Mr. Bradley, what I'm hearing from you is we would be better off going with the twelve fifty, where a guy is going to go dredge them and deploy them.

RYAN BRADLEY: Well, we agreed to hand tong them.

Going out there dredging on the reef, is that --

COMMISSIONER GOLLOTT: (Interposing) That's your choice. You can use a dredge, if you want to. We are not making that decision for you.

RYAN BRADLEY: Well, you are going to blow them off and kill half of them. They use a





big dredge and tear up the Pascagoula Reef. That's your decision.

COMMISSIONER GOLLOTT: Have you got any scientific evidence where a dredge tears up a reef?

RYAN BRADLEY: I don't have any scientific evidence for a lot of the decisions that are made with this Commission.

COMMISSIONER BOSARGE: Mr. Bradley, we are out of time.

Once again, I thank Senator Gollott for attending today.

Ms. Thao Vu.

THAO VU: Thao Vu, Director of the Mississippi Coalition for Vietnamese-American Fisher Folks and Families.

First of all, in terms of compensating fishermen, I think they should be fairly compensated for their very labor intensive hard work, and I think they should be compensated forty dollars per sack. I think that is fair.

It is much higher fuel cost now. They have to hire additional crew and the distance from the Pascagoula Reef. You mentioned thirty-eight miles. You have to factor all of that in.





Another comment I would like to make is that the majority of Vietnamese-American oyster harvesters are also shrimpers and they are shrimping right now. Today is the opening day of shrimp season in Louisiana waters, and that is why they did not attend.

There is a deadline to exchange for the bag dredge. This Friday is the deadline, June 1st. I respectfully request that the Commission consider extending the deadline to give the Vietnamese-American oyster harvesters who are not here because they are shrimping in Louisiana waters some additional to consider turning in their basket dredge for bag dredge.

Thank you.

COMMISSIONER BOSARGE: Thank you, Ms. Vu.

Mr. George Storrs.

GEORGE STORRS: I'm George Storrs, commercial fisherman.

I listened to all of this and it sounded good. It all started off at forty-five dollars a sack, and, then, all of a sudden, we are backing up and I, for one, don't like backing up.





I understand that everybody needs to make a dollar out of this, or a little more.

If they can't bring a barge in here for eighteen thousand dollars, even at a dollar a sack, there is something wrong with them. Eighteen thousand bucks and that's at a dollar a sack.

I think we need to leave the price at forty-five dollars a sack. I don't like backing up. I don't gouging anybody, but, if you want to help the fishermen, the physical hardworking fishermen that we are because that's what we do, then, I think you ought to leave it a forty-five dollars a sack, and, then, let those others fight over what they are going to get, after we get ours first.

It's like America First. I'm saying Fishermen First.

Thank you.

COMMISSIONER BOSARGE: Thank you, Mr. Storrs.

Mr. Joe.

JOE JEWELL: A couple of clarifying comments.

The contracts you were talking about,

they are two separate contracts.

The one issued to the dealers/processors and the fishermen is a separate contract that wouldn't impact the contract for the barge.

The barge, like I said, last time was around sixty-five, or seventy, thousand dollars.

Now, the barge, the way we have it planned -- that's one of those details that we want to take on -- the fishermen would not be lifting the sacks all the way up. We would have the system where they just pull along side and dump in the big net.

That would be a safety issue that we would have, and we would make it very similar to the way it was done in 2016 in Biloxi Bay.

I think there is a motion on the floor.

COMMISSIONER GOLLOTT: Who made that last motion?

JOE JEWELL: The last motion was made by Commissioner Trapani. It was seconded by Commissioner Gollott. It was for the fishermen to receive twenty-eight dollars per sack total, and, then, the overall contracts that are issued





not to exceed thirty dollars.

COMMISSIONER GOLLOTT: Let me make an alternative motion. Maybe we can satisfy everybody. I know that's impossible.

I would like to make a motion we give the fishermen thirty dollars a sack guaranteed, and the dealers two dollars a sack, and let you go bid for the barge and see whatever that is.

JOE SPRAGGINS: Commissioner, sir, we would have to bid that dealer.

COMMISSIONER GOLLOTT: If the dealer doesn't want to do it for two dollars a sack --

JOE SPRAGGINS: (Interposing) We can't do that, believe me. We have to bid. We can say not to exceed two dollars a sack according to the contract.

COMMISSIONER GOLLOTT: Sitting there and doing nothing and they get two dollars a sack is pretty doggone good.

COMMISSIONER TRAPANI: I'll second that.

COMMISSIONER BOSARGE: We have a motion and a second.

Any further discussion?

(No response.)





COMMISSIONER BOSARGE: Just so I'm clear on this, your motion will be thirty dollars a sack to the fishermen?

COMMISSIONER GOLLOTT: Exactly.

COMMISSIONER BOSARGE: Not to exceed two dollars a sack to the processors?

COMMISSIONER GOLLOTT: Right.

COMMISSIONER BOSARGE: Then, the deployment of the barge would be outside.

COMMISSIONER GOLLOTT: They would bid.

JOE JEWELL: They would bid it out, correct.

COMMISSIONER BOSARGE: I will have to give that some thought.

COMMISSIONER HAVARD: Why don't we add another facet to the motion, not to exceed thirty-three dollars?

Thirty dollars per sack goes to the fishermen, and the rest of it for the barge and the processors, not to exceed thirty-three dollars per sack.

Otherwise, you are leaving it open-ended, but I think the department is going to do their due diligence to make sure it's fair for the barge.





COMMISSIONER GOLLOTT: What is the difference?

JOE JEWELL: Well, the difference is it will be restricting the amount of money we could offer for the barge.

COMMISSIONER GOLLOTT: You are not limited to the barge.

JOE JEWELL: The total of the contract for all three components is a maximum of --

COMMISSIONER BOSARGE: (Interposing) Thirty dollars per sack to the fishermen.

JOE JEWELL: Correct.

COMMISSIONER BOSARGE: Not to exceed two dollars to the processor, and, then, the barge is outside of this.

Now, Commissioner Havard's motion --

JOE JEWELL: (Interposing) He is offering an amendment.

Is that the way I understand that?

COMMISSIONER GOLLOTT: He would be putting a dollar a sack on for the barge.

COMMISSIONER BOSARGE: Basically, amending the motion to thirty-three dollars.

Correct?

COMMISSIONER HAVARD: That is correct.

COMMISSIONER BOSARGE: Would you like to amend the motion to include that?

COMMISSIONER GOLLOTT: No. I think I would like to keep it like that because you don't know what a barge is going to do, and, then, there is plenty of competition out there on these barges.

JOE JEWELL: The way I understand it, if it is a dollar a sack for the barge, it will be about nineteen thousand dollars maximum for the contract?

COMMISSIONER GOLLOTT: If he comes in at a dollar and ten cents, you don't need to put a cap on it.

If the barge wants a dollar ten, then, you wouldn't be able to do it. You would have to come back to the Commission, or something.

If it's a dollar, or a dollar and a quarter, it doesn't make that much difference.

If you got it for sixty-six cents last time, I don't think it is going to go up that much, and I would like to give you a little freedom.

JOE JEWELL: I don't think it was sixty-six cents. It was sixty-seven thousand





dollars.

COMMISSIONER GOLLOTT: How many sacks did you move, forty thousand?

JOE JEWELL: Forty thousand.

COMMISSIONER BOSARGE: Just so we understand, Commissioner Gollott made a motion.

JOE JEWELL: The motion was made by Commissioner Gollott. It was seconded by Commissioner Trapani.

There was an alternative motion to the prior motion. It was for thirty dollars a sack for the fishermen, not to exceed two dollars a sack for the dealers/processors, and, then, to bid the barge.

Then, Commissioner Havard offered a friendly amendment to the motion for the barge contract not to exceed a dollar a sack which would be about nineteen thousand dollars.

COMMISSIONER GOLLOTT: If the barge bid comes in at a dollar and ten cents, it is going to lock you out, and you are not going to be able to do it until you come back to the Commission.

SANDY CHESTNUT: Under that motion, the barge contract would be separate and would





not have to come under the per sack price.

JOE JEWELL: Commissioner Gollott's motion was that.

COMMISSIONER GOLLOTT: Yes.

JOE JEWELL: But I think Commissioner Gollott, you would have to accept Commissioner Havard's friendlier motion for it to move forward.

COMMISSIONER BOSARGE: I don't know if he has to accept, but he has to have a second for his motion.

COMMISSIONER HAVARD: Or he has to withdraw.

COMMISSIONER GOLLOTT: I don't have a problem with the thirty-three dollars. I just don't want to lock the Commission in to where you have to come back to us for something, if it's another ten cents a sack, or something like that.

JOE SPRAGGINS: Commissioners, if I could comment real quick.

We cannot say what the price is going to be. We can say we are not willing to exceed something, but we cannot give a price on a bid that has to go out.





COMMISSIONER GOLLOTT: Well, General, I think I understand that. What you are saying is if the dealer gets two dollars, the fishermen gets thirty dollars and the maximum is thirty-three dollars, you are locking them in at a dollar. They do it for a dollar, or it's not any good.

Is that right?

JOE SPRAGGINS: Yes, sir. That is what would happen, in that case.

COMMISSIONER GOLLOTT: They would have to rebid it.

COMMISSIONER HAVARD: I rescind my ??? to the motion.

COMMISSIONER BOSARGE: Commissioner Havard rescinds his ???

We have a motion on the table, and we have a second.

Any further discussion?

COMMISSIONER HAVARD: Yes.

Can you repeat the motion one more time?

COMMISSIONER BOSARGE: The motion would be Commissioner Gollott's motion that says that we pay the fishermen thirty dollars a sack,

not to exceed two dollars a sack to the processor, and, then, anything that it costs for the barge is taken out the grant. It's not in the sack price.

COMMISSIONER HAVARD: Thank you

COMMISSIONER BOSARGE: Any further discussion?

(No response.)

COMMISSIONER BOSARGE: All those in favor say aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed?

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

COMMISSIONER GOLLOTT: Now, we get to discuss how many sacks they can harvest.

JOE JEWELL: We have already done that. The Commission has already passed that.

COMMISSIONER GOLLOTT: No. Let's bring it back up. I want to bring it up for reconsideration.

JOE JEWELL: The Commission can't do that.

COMMISSIONER GOLLOTT: The Commission can bring something up for reconsideration.





JOE JEWELL: Our legal counsel would have to speak to this.

SANDY CHESTNUT: It is not specifically on the agenda and, if another Commissioner objects, they can make that objection, but they have to make it.

COMMISSIONER BOSARGE: I object to it. I think we have set that, and we need to leave it where it is.

COMMISSIONER GOLLOTT: How many sacks?

Are you talking about fifty sacks?

JOE JEWELL: The total amount is thirty percent minus thirty-one seventy-three.

COMMISSIONER GOLLOTT: How many sacks per person?

Didn't you set that up?

JOE JEWELL: We asked the Commission to give the Marine Fisheries staff the flexibility to set that.

The Commission did talk about fifty sacks for the tongers, and that would be about a hundred.

Like I said, the flexibility with that we would like to be with the staff because there may be less tongers and there may be more





dredgers.

COMMISSIONER BOSARGE: Joe, just for clarification, now.

JOE JEWELL: Sure.

COMMISSIONER BOSARGE: This discussion we are having, now, on this issue that you are referring to, are you talking about total sacks harvested, or --

COMMISSIONER GOLLOTT: (Interposing) No. I'm talking about per day per fisherman.

COMMISSIONER BOSARGE: I thought that the way we said it in option two is that the staff would make that decision as to what the fishermen are allowed to harvest.

JOE JEWELL: That's correct.

We had some discussion, at the prior commission meetings, that the tongers would have a minimum of fifty sacks per day.

We asked the Commission -- that's why we voted on two -- to give us some flexibility because that could vary. If there are only ten tongers, it might be sixty sacks per day. We asked the Commission to give us a little bit of flexibility.

COMMISSIONER GOLLOTT: Well, I had





fishermen fussing about that. They said let them catch some oysters.

Why tie their hands at fifty sacks, or twenty sacks, or whatever?

It's whatever their ability is.

JOE JEWELL: Well, we are going to have both tonging and dredging that will be occurring on different days. We are trying to split the resource as equitable as possible.

SANDY CHESTNUT: And we are trying to build some safety measures in there, as well, for the boat capacity and things like that.

JOE JEWELL: Correct.

COMMISSIONER GOLLOTT: If the fishermen are here and they want to say something to this specific thing, please come up.

If not, we will just let it go.

COMMISSIONER BOSARGE: Is there anybody who wants to comment on this issue?

COMMISSIONER GOLLOTT: On how many sacks a day you can catch.

COMMISSIONER BOSARGE: I see we have one gentleman, Ryan Bradley.

Come on, Ryan. Step it up.

RYAN BRADLEY: The dredge boats are going to have a hard time floating on that reef. If you want to let them go at it, don't set a -- if you say a hundred sacks, let them get twenty at a time. Let them go unload, back and forth.

We need to have an interest in safety on the boat. A lot of these small boats aren't going to hold more than forty sacks at a time. I would take that into consideration.

I agree that if a guy can produce more than the next guy, let them keep working on that reef.

COMMISSIONER BOSARGE: That's where we are and that's why we are kind of leaving it with the staff to set a limit, but enable them to make multiple trips where we are not overloading the boats.

RYAN BRADLEY: That's what I wanted to be clear. Let them make multiple trips in one day.

COMMISSIONER BOSARGE: All right.

JOE JEWELL: Absolutely. That was one of the discussions. They will be allowed to make multiple trips, and we did acknowledge, in the presentation, that certain boats may have





some draft limitations.

I thank the Commission. I know this has been a very difficult process, but I think it is going to work very well for the fishermen.

COMMISSIONER HAVARD: At this time, I would like to make motion that we go into closed session to discuss trip ticket data that is exempt from the Public Records Act and protected by the Federal Law 16-USC-1881 and used in investigative procedures.

COMMISSIONER TRAPANI: I'll second that.

COMMISSIONER BOSARGE: We have a motion and we have a second to go into closed session to discuss the need for executive session.

All those in favor say aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed?

(None opposed.)

COMMISSIONER BOSARGE: We had one hand up.

DOUG WALKER: I would like to ask for the Commission's indulgence for just a moment.

I have been doing this for many, many





years. I have never heard the term "trip ticket data", and I would like to know what that is and what it falls under, such as personnel. Does it fall under legal? Does it fall under potential litigation? I have never heard the term before.

COMMISSIONER BOSARGE: That's fine, but can you take it up with Sandy, and she would be more than glad to explain it to you.

DOUG WALKER: That's fine. I had never heard the term before.

COMMISSIONER BOSARGE: Trip tickets is something we are all familiar with here. I know that you may not be, but we are all familiar with trip tickets.

DOUG WALKER: Thank you.

SANDY CHESTNUT: I will be briefing everyone after the executive session, and it will be included in that.

MEETING STANDS IN RECESS

COMMISSIONER BOSARGE: I would like to call this meeting back to order, and ask Sandy Chestnut to give us an update on the executive session.

SANDY CHESTNUT: At 11:43 a.m., a motion was made by Commissioner Havard to go





into closed session to discuss the need for executive session to discuss the following:

Trip ticket data which is exempt from the Public Records Act and protected by Federal Law 16-USC-1881 and used for investigative proceedings.

That motion was seconded by Commissioner Trapani.

At 11:52 a.m., Commissioner Gollott made a motion to go into executive session to discuss the same issue. That motion was seconded by Commissioner Trapani.

Present at the executive session was Steve Bosarge, Richard Gollott, Mark Havard, Jolyene Trapani, Sandy Chestnut, Joe Spraggins, Joe Jewell, Keith Davis, Patrick Carron, Bryce Gex and Shay Smith.

A briefing was given on the investigative proceedings and, at 12:51 p.m., Commissioner Gollott made the motion to end the executive session, and that motion was seconded by Commissioner Havard.

COMMISSIONER BOSARGE: Thank you, Sandy.

I think that concludes Marine

Fisheries.

We go on, now, to other business, and I think Mr. Joe has a statement he would like to make.

JOE SPRAGGINS: Yes.

After looking into the situation and because of unreported fish that we have found being sold in other states and in the State of Mississippi under speckled trout, we will not be allowed to open the June 1 season for commercial speckled trout fishing.

We will give you more information as we get it, but, as it stands right now, the second season will not be allowed.

COMMISSIONER BOSARGE: Thank you, Mr. Joe.

Do we have any other business?

(No response.)

COMMISSIONER BOSARGE: Come on up, John.

JOHN LIVINGS: I'm just trying to make sure I understand.

COMMISSIONER BOSARGE: Turn the mike on, please, and state your name.

JOHN LIVINGS: John Livings.





When we were talking the dredging and the tonging, we are allowed to dredge and tong, but we are not going to be allowed to hand dredge with our tonging boats?

COMMISSIONER BOSARGE: Is that correct, Joe?

JOE JEWELL: That's correct.

JOHN LIVINGS: I don't understand. A dredge is a dredge. I don't understand the difference.

JOE SPRAGGINS: If you want to use a hand dredge, that's fine. It's just not required.

JOHN LIVINGS: That's what I'm asking.

SANDY CHESTNUT: We don't have any regulations to prescribe what a hand dredge is. We would have to pass regulations to tell you what a hand dredge is, the specifics of it, and what would be allowed.

JOHN LIVINGS: Yes, but that doesn't pertain to this, though, because you are allowed dredging and tonging on the same reef.

What's the difference in a little dredge and a big dredge?

SANDY CHESTNUT: Because we don't have





those set by regulation.

JOHN LIVINGS: If we are allowed to pull a big dredge, we can pull it by hand?

SANDY CHESTNUT: In order to do that, we would have to go out on Notice of Intent to change the regulations.

COMMISSIONER GOLLOTT: I will ask them right now to put it on the agenda for our next meeting, and we will get it underway where you can pull a hand dredge.

COMMISSIONER BOSARGE: Turn on your microphone.

COMMISSIONER GOLLOTT: The hand dredge hasn't specifically been authorized like the big dredge where we said it's got to be this big and this weight and all this stuff. We haven't done that on the hand dredge.

JOHN LIVINGS: Well, that's what we used in the first relay. I pulled two hand dredges off my tonging boat.

COMMISSIONER GOLLOTT: Well, apparently nobody caught it, but we will put it on the agenda for the next meeting.

COMMISSIONER BOSARGE: Joe, you will cover that?





JOE JEWELL: Absolutely. Y'all are describing the situation correctly.

The regular dredge is defined very specifically in our regulations, where the hand dredge is not.

If the Commission wants to approve the hand dredge as an approved gear, it would have to be defined in our regulations.

COMMISSIONER BOSARGE: And we can make that happen?

JOE JEWELL: Absolutely. Legal counsel mentioned you can make it at a regular meeting. We will come forward with a Notice of Intent for language describing a hand dredge.

JOHN LIVINGS: Well, they have the measurements. They have one on their boats that they catch with.

COMMISSIONER BOSARGE: Do we need a motion for that?

COMMISSIONER GOLLOTT: No. We can put it on the agenda. We can't make a motion now because it's not on the agenda. We can deal with it at the next meeting.

JOHN LIVINGS: Not to be petty, but one more thing is we were talking about the

price for oysters before.

I had the dealer send me a copy of my last check, if you would like to see it, for what the price for oysters were the last day I worked in Mississippi.

COMMISSIONER BOSARGE: I think we've got that. It's what they were in 2012, I think was the question.

Correct?

JOHN LIVINGS: Yes.

COMMISSIONER BOSARGE: We were trying to determine what they were then versus what they are, now.

JOHN LIVINGS: No. We were talking about what they were at the end of this last oyster season.

COMMISSIONER BOSARGE: We're good.

JOHN LIVINGS: You're good?

COMMISSIONER BOSARGE: We're good.

JOHN LIVINGS: Thank you.

COMMISSIONER BOSARGE: Thank you, John.

Other business.

I would like, if we could, maybe ask Marine Fisheries to come back at the next





meeting to look at the endorsement on Spotted Seatrout and maybe what we could do to tweak that a little bit to make it better. It's not in the form of a motion; just a request.

JOE JEWELL: We can do that, absolutely.

COMMISSIONER BOSARGE: Okay. Thank you, sir.

Is there any other business?

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

COMMISSIONER BOSARGE: We have a motion.

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. We are adjourned.

(Whereupon, at 1:10 o'clock, p.m., the





May 29, 2018, Special Session 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 29, 2018, Special Session 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

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