COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, July 17, 2018
9:00 a.m.
Bolton Building Auditorium
1141 Bayview Avenue
Biloxi, Mississippi 39530

Commission Members:
Steve Bosarge, Chairman
Ronald Daniels
Mark Havard

Also Present:
Joe Spraggins, Executive Director DMR
Sandy Chestnut, Esq., Assistant Attorney General
COMMISSIONER BOSARGE: I would like to call this meeting to order and welcome everybody to the July meeting of the Commission on Marine Resources.

Looks like we've got a packed house, a full crowd.

To start it all off, I'm going to ask Mr. Joe to lead us in the Pledge of Allegiance.

(Pledge of Allegiance was recited.)

COMMISSIONER BOSARGE: At this time in the meeting, we usually take a moment of silence just to reflect on where we are, who we are, where we are going and there are people that may need a little prayer at this time. Let's take a moment of silence.

(Moment of silence observed.)

COMMISSIONER BOSARGE: Next on the agenda is oath of office for our latest Commissioner, Mr. Ronnie Daniels.

(Oath of Office administered.)

COMMISSIONER BOSARGE: Mr. Daniels is our charter boat representative, and I would ask him to take a moment and just give us a little background on who he is and, if you would, introduce your family.

COMMISSIONER DANIELS: Thank y'all. My name is Ronnie Daniels, a lifelong resident of Long Beach, Mississippi. We now live in Pass Christian, Mississippi.
I have been in the charter boat industry for six years now. My whole life has been spent on, or around, the water. It’s is something I have wanted to do since I was a child.

Being asked to serve on this Commission and represent the charter boat captains and operators along the Mississippi Gulf Coast is a great honor to me.

COMMISSIONER BOSARGE: Introduce your family.
You’ve got some good-looking kids.

COMMISSIONER DANIELS: We’ve got a crowd here today. I’ve got my wife, my daughter Abigail, my little boy Fisher, my mother-in-law, my sister, two aunts and an uncle. I really appreciate them coming out to support me today.

COMMISSIONER BOSARGE: All right. Good deal. Thank you. We look forward to having you on here.

Get ready because we are going to get started.

SANDY CHESTNUT: Hold on.

COMMISSIONER BOSARGE: Hold on is right.

Next was election of officers. Because we’ve got a couple of the Commissioners missing, I had asked if we could maybe postpone it until we get a full crew and have a little more input.

Sandy, you said we need a motion. You’ve got it on the board. You are ahead of us.
We need a motion to be able to accomplish that task.

COMMISSIONER HAVARD: Mr. Chairman, I would like to make a motion to delay the election of officers until August regularly scheduled meeting.

COMMISSIONER BOSARGE: We have a motion.

Do we have a second for that motion?

COMMISSIONER DANIELS: I'll second that.

COMMISSIONER BOSARGE: We have a motion and a second.

All those in favor aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed same sign.

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

Approval of the minutes.

Do we have a motion for approval of the minutes of the June 19th meeting?

COMMISSIONER HAVARD: Mr. Chairman, I would like to make a motion that we approve the minutes of the June 19th, 2018, meeting.

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

COMMISSIONER DANIELS: I'll second that one, too.
COMMISSIONER BOSARGE: We have a motion and a second.

All those in favor aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed like sign.

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

Next will be approval of the agenda.

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

(No response.)

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

COMMISSIONER HAVARD: I’ll make a motion that we approve the agenda as written.

COMMISSIONER DANIELS: I’ll second that.

COMMISSIONER BOSARGE: We have a motion and a second.

All those in favor aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed like sign.

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

Next is the Executive Director’s report.

JOE SPRAGGINS: Thank you, sir.
This is kind of normal to me because, on the Air Port Board, there are only three Commissioners. I’m sitting here listening to this, and we have to do the same thing y’all are doing all the time.

I want everybody to please remember Commissioner Gollott. He went through some extensive surgery. He is fighting cancer. He is home, back from the hospital in Houston, Texas, but I think he is still having some complications.

Please just keep him in your prayers and let’s hope he will be back next month with us and be able to be back on the board.

Our new Commissioner, welcome.

COMMISSIONER DANIELS: Thank you.

JOE SPRAGGINS: We are glad to have you. You are replacing a good man, Ron Harmon. Ron did a great job, and I know you will do a great job.

We look forward to having you represent this group of people. I know the charter boats are looking for you to help them, too, and we look forward to doing that.

Other than that, sir, I think that’s about it. Most of it will be brought up in the meeting.

COMMISSIONER BOSARGE: Good deal.

We have added a Commissioners’ report. There are only three of us here.
Does anybody have anything they want to say, or report on?

COMMISSIONER HAVARD: I don’t have anything to say.

COMMISSIONER DANIELS: No, sir.

COMMISSIONER BOSARGE: We will move on, then.

Up next will be Office of Marine Patrol, Chief Davis.

KEITH DAVIS: Good morning Commissioners.

Mr. Daniels, welcome aboard.

You have the June report in front of you. There is no heavy lifting on the report this month, with the exception of each year I like to point out kind of a recap of the year and where we are in terms of recreational fishermen and commercial fishermen.

I would like to direct your attention to page two of the report.

If you notice, under the “Miscellaneous Commercial Seafood Violation Citations”, we were down just a little bit this year, and that represents an eighteen percent decrease in the amount of citations that were written.

If you skip down to the second category, under “Fishing Violation Citations”, there is a fifty-seven percent increase in citations. In review of that, I
believe it is due to the added enforcement of Red Snapper.

Then, finally, I would like to point out under “Boat and Water Safety Violation Citations”, we had a twelve percent increase in citations.

As far as the report goes, are there any questions about the monthly report?

COMMISSIONER BOSARGE: It looks like we have been working on the Tails n’ Scales.

KEITH DAVIS: Yes, sir, Tails n’ Scales as well as Spotted Seatrout.

After last year, when the Commission implemented the size change, we went out and heavily enforced Spotted Seatrout.

COMMISSIONER BOSARGE: Good deal.

Any other questions?

(No response.)

KEITH DAVIS: Moving on to a couple of things I would like to point out to you, the commercial Spotted Seatrout issue that we had a few months ago, the Commission instructed Marine Patrol and counsel to bring all of those cases before you for disposition.

I would like to report that that process has started. Counsel has reviewed the cases and, as a result of counsel’s review, I ask that you allow us to bring one case, without going into it, through criminal court. This
is based on counsel’s recommendation.

If you would indulge me by allowing us to take that case -- I bring that to you because upon counsel’s review, she informed me that she was recommending this.

I said, well, the Commission has got to tell me that it’s okay to do that because you voted for us to bring the cases before you.

If the Commission would, I would like to have you make a motion to grant the Department the authority to take specific cases involving Spotted Seatrout violations to criminal court, based upon advice of counsel.

COMMISSIONER BOSARGE: I think, in closed session, we had an update on these cases.

I guess my only concern is because we asked for them to be brought before us.

If it’s possible, instead of just giving the authority to do a specific case, can we still have those brought before us?

In other words, have those cases brought before the Commission and we can say we don’t have a problem having this case taken to court?

Right now, it kind of takes us out of the loop.

SANDY CHESTNUT: Right, but the decision has to be made up front whether you are going to go civil, or criminal. You can't have the civil process, review it,
and, then, throw it to the criminal court because, once that process is started, there are informal settlement conferences and things like that which have to take place before it even comes to the Commission for final decision.

KEITH DAVIS: We are only talking about one specific case, and we really don't need to get into the criminal side of it here, I don't think.

COMMISSIONER HAVARD: I would like to make a motion to grant the Department the authority to take specific cases involving Spotted Seatrout violations to criminal court, based upon the advice of counsel.

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

COMMISSIONER DANIELS: I'll second that.

COMMISSIONER BOSARGE: All those in favor aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed same sign.

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

KEITH DAVIS: Finally, on my report to you, I need to inform the Commission that in addition to everything else we have been doing, Marine Patrol has been heavily involved in a covert case where restaurants are purchasing recreational fish.

Last week, we issued several citations to
several local restaurants here on the Mississippi Gulf Coast, and those cases will be going through the criminal court.

Any questions on that?

COMMISSIONER BOSARGE: No, sir.

If I could stop you just one minute because I do this every time, and Mr. Joe keeps hitting me under the chair over here.

I would like to recognize Supervisor Randy Bosarge and our Senator Mike Seymour for coming here and taking the time out of their days to join us in our meeting.

RANDY BOSARGE: Thank y'all.

MIKE SEYMOUR: Thank you.

COMMISSIONER BOSARGE: It's good to have you here.

KEITH DAVIS: Other than the next presentation on two no-wake zones by Captain Patrick Levine, that's all I have, unless you have any questions for me.

COMMISSIONER BOSARGE: Good job. Thank you, sir.

JOE SPRAGGINS: Chief, I want to thank your Department. I want to thank the men and women that are working for you because I tell you what, there have been a lot of hot days here recently that they have had to be out
there in the heat of the day in the hundred-and-something
degrees and, yet, they have not stopped enforcing the
rules that we need to be doing. That’s not just your
department. That is this whole agency, but I want to
thank you.

KEITH DAVIS: Thank you, Director.

PATRICK LEVINE: Good morning Commissioners.

I want to thank you for the opportunity to
present two no-wage zone proposals to you this morning.

I would like to recognize that the President of
the Jackson County Board of Supervisors, Randy Bosarge, is
with us today because he has personal concerns with both
of the areas we will be discussing.

The first one we are going to discuss is the
Davis Bayou, Eagle Nest and Eagle Point communities
located, as it says, off of Davis Bayou.

On June 25th, I received a letter outlining
Jackson County Board of Supervisors' passage of a no-wage
zone establishment in Davis Bayou Bordering the Eagle Nest
and Eagle Point roads and communities.

In the letter, the Jackson County Board of
Supervisors approved a stretch of marine waters extending
from a set of coordinates.

If you notice in this picture, you can see how
close the channel is to each of those piers that
landowners have.

On June 27th, Chief Davis, myself and Steve Trosclair surveyed the area to establish probable cause for the establishment of a no-wake zone.

It was immediately noticed, when surveying the property, that the channel has direct contact with the homeowners’ piers. Considering this, vessels often navigate the channel at high rates of speed only a few feet from where the residents congregate.

Considering the proximity of the channel, boat operators have no reaction time, should they have to deviate from the channel.

Additionally, the property owners have vessels moored in the location.

Finally, there is an increased risk of injury, or death, considering there are residents swimming near the piers.

In addition to the property observations, we established that the idle speed took approximately three minutes from the proposed points.

Considering the nature of the circumstance, the Office of Marine Patrol strongly recommends that the Commission on Marine Resources consider the establishment of a no-wake zone for the specified location.

This decision rests on the proximity of the

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channel in relation to piers on which people fish, swim, boat and socialize.

This is the proposed area (indicating photograph).

Do you have any questions?

COMMISSIONER BOSARGE: Before any questions, I think Supervisor Randy Bosarge wants to speak on this.

RANDY BOSARGE: Thank you, Patrick.

PATRICK LEVINE: Yes, sir.

RANDY BOSARGE: Good morning Commissioners, and the new Commissioner, glad to have you onboard.

I have been out there personally to watch the boat traffic on the weekends and during the week.

Back in the day when we had single-engine boats, you could run through there and be okay, but I saw triple-engine boats. I saw quad-engine boats running through there at sixty and seventy miles an hour, and I'm going to tell you. It scared me because, if the steering malfunctioned, or they had a malfunction with the engine, they would be up in somebody's pier, yard, or whatever. The danger is there.

Like Captain Levine said, it is quite a danger with the high speeds that go through that channel, and all the other Board members agreed at the time. We were presented with a presentation with some video and
everything.

   We really appreciate your support on this, and we will take care of the no-wake zones. I have already talked with the Sheriff and they will help patrol it, along with Marine Patrol. We will take care of the signs, and we will help you monitor it.

   Appreciate you having us here today. Thank you.

COMMISSIONER BOSARGE: Thank you, Randy.

Any questions for Patrick?

(No response.)

PATRICK LEVINE: I want to thank Supervisor Bosarge for saying that because we have had the same observations as he stated.

   With that said, I would like a motion to establish a no-wake zone as requested by the Jackson County Board of Supervisors on Davis Bayou south of Eagle Nest and Eagle Point Roads.

COMMISSIONER BOSARGE: Do we have a motion?

COMMISSIONER DANIELS: I’ll make a motion to establish a no-wake zone as requested by the Jackson County Board of Supervisors in Davis Bayou south of Eagle Nest and Eagle Point Roads.

COMMISSIONER BOSARGE: We have a motion.

Do we have a second for that motion?

COMMISSIONER HAVARD: I'll second the motion.
COMMISSIONER BOSARGE: Any further discussion?
(No response.)

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

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

COMMISSIONER BOSARGE: Motion carries.

PATRICK LEVINE: On April 17th, I presented a potential no-wake zone on the East Pascagoula River.

At the time, the vote was two to two, so it died.

Today, we are going to put up for reconsideration the no-wake zone establishment on the East Pascagoula River.

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

In the letter, the Jackson County Board of Supervisors approved a stretch of marine waters located between the Highway 90 and CSX train bridges.

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

Investigation on December 17th, 2017, and
subsequent reviews of the proposed area revealed the following indicators that justify a no-wake zone establishment:

There are two public boat launch facilities. You have Scranton Pier. You also have Lighthouse Park. That causes an increase in boat traffic, congestion and the number of recreational boats in the area.

There are numerous access points for public fishing.

There is use of green space for civic functions.

There are private docks and shipyards with evolving industrial risk and activity and threats, with work boats going back and forth from both shores of the Pascagoula River, east and west.

There are the Highway 90 and CSX bridges.

On March 20th, I spoke with Jackson County Board of Supervisors President Randy Bosarge about the identified hazards in the proposed no-wake zone, along with those in the surrounding area.

As a result, the Jackson County Board of Supervisors presented an extension to the original proposal.

The length of the proposed no-wake zone, in conjunction with the existing no-wake zone, is approximately five thousand one hundred and sixty feet.
The length of the no-wake zone proposal is approximately four thousand feet.

You can see that in the blue area is what we are discussing. This no-wake zone starts at the southeast corner of the NOAA dock on the East Pascagoula River, and it will extend at the Krebs Lake Channel Junction Daybeacon K. It will tie into the existing no-wake zone at Clark's (indicating photograph).

On March 26th, 2018, the Jackson County Board of Supervisors amended the original resolution to extend the no-wake zone.

On April 4th, Investigator Michael Strickland established that it took nine minutes thirty-seven seconds to travel the length of the updated proposed no-wake zone at idle speed, and that may fluctuate, depending on wind and tidal influence.

Today, we brought this to you as a reconsideration.

Once again, Jackson County Board of Supervisors President Randy Bosarge is here, if you have any questions for either of us to discuss this.

Do you have any questions, before we move forward?

COMMISSIONER BOSARGE: I know we’ve got a couple of people who want to speak.
PATRICK LEVINE: Yes, sir.

COMMISSIONER BOSARGE: Randy Bosarge.

Just to reiterate, you guys actually brought it before the Board of Supervisors, and I think it was a unanimous vote.

RANDY BOSARGE: It was. Correct.

We received a letter of support from the City of Pascagoula. The City is onboard with it, also.

Most of y'all might have seen the news recently that the Pascagoula Police Department has reenacted their marine patrol with a new boat and two officers assigned to the marine patrol.

I was talking with the Mayor yesterday who was going to try to be here this morning, but he had another meeting. He strongly supports this, and he will also assist with his marine patrol in assisting your Marine Patrol in coordinating and keeping the no-wake zone intact.

Of course, there again, the County will take care of the no-wake zone signs, and we will probably end up doing some buoys and some signs, but we will coordinate with your Marine Patrol to find out the best locations for the signs and the buoys and whatever else we need.

During the course of this, I did receive a phone call from the Director at NOAA that was asking if we could
get it extended down to them, and I saw no problem with that. It’s just that NOAA’s headquarters in Washington will not allow them to get involved in local situations like this.

I told him that I would definitely reach out and try to make that a possibility.

That’s the reason why it extended on down to NOAA because they do have some smaller boats in the water, now, and what is happening is those boats are getting beat up against the docks and causing damage to them, like the other boat owners along there. It’s just that now more people have access to boats.

That channel, it might look big, but it is small when you get multiple boats in there. It’s not like it was when I was growing up. You could run through there and not have an issue.

I literally watched some boats go through at high rates of speed with wakes, and watched a guy trying to put his boat on the trailer at that Lighthouse Park, and the boat got pushed up over the top of the trailer with all the wake that came in.

Therefore, this is a much needed safety issue, in my opinion, and I appreciate your support on this.

Thank y’all.
Colle.

I know Mr. Colle from the years of my time on the river.

Just how many years have you spent on that river?

Probably most of your adult life. He owns Colle Towing.

JOHN COLLE: Yes, sir. We have been there a long time.

I’m here to request approval of the no-wake zone. I think it has pretty well been covered, the need for it.

Our property is just south of the boat launch on the east side of the river. We have two fifty-foot boats there, and they are rocking and rolling, especially on the weekends. It is really a burden to try and keep them from getting damaged.

I just want to request that you do approve the no-wake zone. I think it has pretty well been covered, the need for it. I just want to thank you for this opportunity.

COMMISSIONER BOSARGE: Thank you, Mr. Colle.

Mr. Rickey Brown.

RICKEY BROWN: Thank you for letting me get up and speak about this. I believe they pretty well covered
everything.

COMMISSIONER BOSARGE: State your name, please.

RICKEY BROWN: Rickey Brown. I have WRB Boats. I have two shrimp boats there on the east side of the river, and we are getting beat up pretty bad.

As Mr. Colle said, I see his boats slamming the dock up there.

It's like Randy Bosarge said. It's not like it is little outboards anymore. It's thirty and forty foot boats. It's like crew boats running up and down this river.

I really hope we can do something to fix this, before this goes to court over a death, or property damage, or anything, because it's coming.

COMMISSIONER BOSARGE: I know from my time on the river, it's like Randy said that the boats are getting bigger.

RICKEY BROWN: The boats are getting larger and larger. The swells are getting bigger, and you have the train bridge right there. They slow down to come through that, and, then, they take back off, so I'm getting the largest swell there is, that half-throttle swell.

Thank you.

COMMISSIONER BOSARGE: Thank you.

I see Mayor Maxwell made it.
Is there anything you would like to say?

DANE MAXWELL: Yes, I would.

COMMISSIONER BOSARGE: Come to the podium and state your name, please, sir.

DANE MAXWELL: My name is Dane Maxwell. I'm the Mayor of Pascagoula, and I wanted the opportunity to come today and speak in regard to the no-wake zone.

We are doing some things in the City that this certainly has an impact on. There are a couple of things that I really can't speak about on the economic development side, but suffice to say that we are for the first time ever putting together a marine unit, and it will be a full-time marine patrol unit with the Pascagoula Police Department.

Where the river park is, we are doing some expansions out there with some economic development and, also, just south of there is where we intend on building the new Marine Patrol building.

There by Signet all the way to the Scranton boat which is our museum which takes a pounding, as you can imagine as the boats fly through there, but we are planning on putting boat slips there.

In addition to that, a little further south, you will see where we are putting together some development by the parking garage. They have already started building
and construction is on its way, but, as soon as they get
towards the end, we will be putting in a bulkhead with
boat slips there that will be used for the public, as well
as the residents.

We are going to have a long line of boat slips
that will go down towards Ingalls. Those are future
projects that we are literally working on right now.

With the larger boats that we have now, it is a
big problem.

There are a couple of other things that are
going on. I hate to say that out here in a public forum
because I'm sure those developers don't want anybody to
know, at this point, but we are building new things in
Pascagoula.

I hope that you will take that into
consideration, when you decide whether you can allow a no-
wake zone in that area.

I will be glad to answer any questions, if you
have any.

COMMISSIONER HAVARD: Mayor Maxwell, I would
like to commend your new marine enforcement division.
They are out there and they are very visible and they are
doing a good job. Y'all continue to beef up the marine
patrol.

DANE MAXWELL: Well, thank you. Being retired
law enforcement, I never thought I would ever been in an
elected position, number one, especially mayor of my city,
but I will say those guys love it because I'm so pro law
enforcement. We come up with creative ideas.

We started the bike unit. We have ten full-time
bikes, now, and we are adding to the motor units, and it’s
just natural.

We are the only city that is surrounded four
ways with water, and our line goes all the way out to
Round Island. You would think that we would have done
this before.

We are going to do it. We are going to do it in
conjunction with the county. The county is helping. They
have been very supportive of us, and I want to thank them
publicly.

I want to thank Randy publicly for all the
support that he gives. Being retired law enforcement,
too, he is a good friend to have.

Thank you guys for your support and all that you
do for us, as well.

I look forward to building those things and
having that no-wake zone to help those residents, as well
as the businesses.

We will have two restaurants on that side. Just
can't tell you where.
Thanks so much.

COMMISSIONER BOSARGE: I'm just glad to hear we've got some development coming. That is good news.

Thank you, sir.

PATRICK LEVINE: Any other questions?

COMMISSIONER BOSARGE: No, sir.

COMMISSIONER HAVARD: That is an area that I travel on a regular basis, and it is a congested area that needs a no-wake zone.

I would like to make a motion to establish a no-wake zone requested by the Jackson County Board of Supervisors for the East Pascagoula River.

COMMISSIONER BOSARGE: I'll second that motion because I'm from that area, too, and I tell you it has been needed for a long time. There is a lot of traffic and it bottlenecks, two bridges, two boat launches. People need to slow down.

Any further discussion?
(No response.)

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

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

COMMISSIONER BOSARGE: Motion carries.

PATRICK LEVINE: Thank you.
COMMISSIONER BOSARGE: Thank you.
I'm going to let Mr. Joe speak just for one moment.

JOE SPRAGGINS: I wanted to bring up something real quick.
Chief, if you've got just a second, I'm going to try to pull up a slide for you that is about the air show this weekend.

There is an air show coming up. It is Thursday, Friday, Saturday and Sunday, and we are going to be closing off some areas to boating.

Chief Davis and all the departments involved have been working this, and I would like for him to give a quick overview, if you could.

KEITH DAVIS: Yes, sir. Thank you, Director Spraggins.

We do have an air show coming this weekend. In all the discussions with all the departments involved, the City of Biloxi is expecting somewhere between forty and sixty thousand viewers of the air show each day.

What that is going to do is it is going to create a lot of boat traffic, and there are a couple of things that the boating public needs to be aware of.

The Biloxi channel will remain open. However, due to the congestion, Marine Patrol will establish a no-
wake zone from Golden Nugget all the way to Hard Rock Casino.

That area between Kuhn Street Pier and the marina usually is open to full boat traffic, but, during the air show, it will not be open. You will only be able to travel at idle speeds.

The other thing that the public needs to be aware of is the box that you can access on the internet, you cannot be inside of that box at any time maneuvers are going on.

The reason for that is the Mississippi Marine Patrol boat, our large boat will be anchored there, and that is what the pilots are going to be keyed on.

Any distraction within that box causes distractions to the pilots and causes an issue.

If anyone enters into that box, A, they are going to get a citation and, B, it will shut down the show. We ask everyone to be mindful of that.

The other thing that we are really, really pushing is on the east side, we anticipate a lot of boating traffic to anchor there outside the channel. You cannot anchor inside the channel, but what we are concerned about is medical conditions that happen during the day.

It is going to be very hot Saturday, and we need
everyone to just be mindful that if a medical emergency happens onboard someone's vessel, we have got to be able to get in and out to rescue people off boats. We just want people to be mindful of that.

COMMISSIONER BOSARGE: Sounds good.

JOE SPRAGGINS: The time frame that this will be closed, I think, as far as Deer Island and that box, is 11:30 to 5:00 on Thursday, and, then, 12:30 to 5:00 on Friday, Saturday and Sunday.

Is that correct?

KEITH DAVIS: Yes, sir, and all of that information is available on the City of Biloxi website. If there are any questions, they can also call us here at the Department of Marine Resources.

COMMISSIONER BOSARGE: And that is the Blue Angels that are doing the show?

KEITH DAVIS: This is the Blue Angels, and there are some other performers as well, but the Blue Angels are the headline of the event.

COMMISSIONER BOSARGE: Thank you, sir.

KEITH DAVIS: Thank you.

JENNIFER WITTMAN: Good morning Commissioners, Director Spraggins, Ms. Chestnut.

Jan sends his apologies for not being here today.
Coastal Resources Management has two non-action items on the agenda, and Jennifer Wilder will be the first presenter.

JENNIFER WILDER: Good morning.

I'm Jennifer Wilder and I will be presenting a non-action item this morning on behalf of the Hancock County Port and Harbor Commission.

The location of the project is the main channel and access channels of Port Bienville in Bay St. Louis.

The project is located in the Industrial Development Use District, and the agent is Anchor QEA.

The applicant is requesting to maintenance dredge the main channel which is twenty-one thousand linear feet by a hundred and fifty feet, and access channels which total four thousand five hundred linear feet by a hundred and fifty feet.

They are requesting to dredge to a depth of fourteen feet below mean lower low water.

The existing depth ranges three-and-a half feet -- that's a mistake. I'm sorry -- to ten feet below mean lower low water.

They are requesting to dredge approximately five hundred thousand cubic yards of material.

If the material is found to be acceptable after testing, they would like to use the Heron Bay Beneficial
Use site.

Here is the project location, the Pearl River, Highway 90, and, then, I-10 as reference points (indicating aerial view).

The purpose of the project is to maintain the design channel depth, in order to provide sufficient draft for safe navigation for commercial vessels into and out of Port Bienville.

The project is allowable within the Industrial Development Use District.

Because this is a maintenance dredging project, there are no precedent setting effects anticipated.

Surveys have been done and no shellfish, or SAV, were found in the project area.

A loss of benthic organisms within the dredging area is expected, as well as a temporary increase in turbidity during dredging.

Where minimum buffers cannot be maintained, they will be using turbidity curtains.

Other than the temporary loss of benthic organisms, no adverse impacts are expected.

The increase in turbidity will not exceed the Department of Environmental Quality's guidelines.

The project should not affect the natural supply of sediments, nutrients, temperature, water flow, or
circulation.

They will be using best management practices to keep from having any adverse impacts.

Again, this a maintenance dredging project. They are using the same channel path and, therefore, no off-site alternatives were evaluated.

Because the channel will remain the same, there is also not any anticipated change in the natural scenic qualities.

The project does support he national interest because it supports the national need for transportation, including ports and navigation.

Department of Environmental Quality is still reviewing the project.

Department of Archives and History has no objections.

Mississippi Secretary of State had no issues.

Department of Wildlife, Fisheries and Parks had no comment.

In conclusion, based upon departmental review and evaluation, the staff plans to approve the applicant’s request and issue a Certificate of Exclusion.

Any questions?

COMMISSIONER BOSARGE: In other words, this is not an action item?
JENNIFER WILDER: No, sir.

COMMISSIONER BOSARGE: You are just briefing us on what is going on?

JENNIFER WILDER: Because of the magnitude of the project, we just wanted you to be aware of it.

COMMISSIONER BOSARGE: Good deal. Glad to see them doing some work at Port Bienville.

JENNIFER WILDER: Yes, sir. Thank you.

COMMISSIONER BOSARGE: Thank you.

JAMES DAVIS: Good morning Commissioners. I’m James Davis with the Department of Coastal Preserves. I’m here to give you a brief update on our prescribed fire on Deer Island in August of this year. As you can see, this is a picture of the island shortly after we set it on fire taken from the Golden Nugget Casino.

Why we burned the area. We were removing heavy fuel loads to prevent intense wildfire. This consisted of hurricane debris, pine litter and numerous other things that was on the island.

Invasive species control. We have a lot of Chinese Tallow establishing themselves on the island.

We opened the area up for our staff to treat
cogon grass and other species as needed.

Forest thinning.

We have an extremely dense population of pine trees that came back right after Katrina. In some areas, we were seeing five hundred plus trees per acre and this is not including mature trees.

Habitat enhancement.

Habitat enhancement is for regeneration of ground covers for species that use this for a foraging and nesting area.

Approximately a hundred and thirty acres of the central portion of Deer Island was burned.

This is the pier. This green line is the property line that separates our property from the privately owned areas all the way down to the bayou (indicating aerial view).

These are before, during and after photos.

This is the day after burn here, and this is what it currently looks like as it is regenerating itself (indicating photographs).

What it looked like prior to, and, then, what we hope to have the island looking like in the next five to ten years. You have a lot more undergrowth and the trees are not as dense (indicating photographs).

As you can see here, you can't see through the
trees and grasses don’t grow (indicating photograph).

we are just trying to get the island enhanced a little bit.

This was some drone footage taken by a private company. It's local, and they offered to give it to us at no charge. This is an aspect of fire you don't normally get to see (indicating video).

Then, shortly after, if you saw the news, we had a small wildfire. This was our control line, our property line, and this was mainly on the private portions of the island (indicating aerial view).

There are two small smoke columns towards the private portion of the island. At night, you could see the fires that were burning (indicating photographs).

The next day I went out and investigated and tracked the wildfire back to a campfire that had been burning trash.

That’s it for my presentation.

Do you have any questions?

COMMISSIONER BOSARGE: That control burn, once you guys burn it off, do you go back and plant anything?

JAMES DAVIS: Right now, we have too many trees and what we are doing now is cutting a lot of that out.

We have a population of trees, roughly five hundred per acre. In some areas, almost eleven hundred
trees an acre. The target density is about a hundred and fifty to two hundred.

We are in there, right now, with chainsaws mechanically cutting some of that back.

COMMISSIONER BOSARGE: I see on our barrier islands, from the hurricanes, the trees are just about gone.

JAMES DAVIS: Yes, sir.

COMMISSIONER BOSARGE: Does that fire affect any of the trees on this island?

JAMES DAVIS: We are trying to use it as a tool to take some of them out. We ignited the island in such a way that we can start taking out patches of trees and leave other patches alone, and it worked fairly well. It does affect them, but our habitat, a fire boosts the ecology. The fire helps more than it hurts.

COMMISSIONER BOSARGE: Any more questions? (No response.)

COMMISSIONER BOSARGE: Thank you.

JAMES DAVIS: Thank you.

COMMISSIONER BOSARGE: We will move on to Office of Finance and Administration.

Kacey, you're back.

KACEY WILLIAMS: Yes, I'm back. Thank you.

Good morning Commissioners, Director Spraggins,
Counselor Chestnut and welcome Commissioner Daniels.

At the end of June, our State Revenues were twenty-eight point five million. Our Total Agency Revenue was forty-three million. Our State Net Income was twenty point six million. Our Agency Net Income was twenty-one million.

After twelve months of fiscal year 2018, we had an Operating Funds budget of fifty-seven point five million percent remaining, and Tidelands Trust Fund was at fifty-eight point one percent remaining.

I just wanted to say there are a couple of reasons contributing to those remaining values. We still have two months of spending in fiscal year 18. Even though it is technically over, we still are allowed to spend for trickling in invoices. We will still spend some of that money and some of that budget down.

Then, for fiscal year 18, DFA has also changed the way that we escalate Federal funds. We used to be able to just escalate the percentage, or amount, that we expected to spend during that fiscal year for our long running Federal grants, but they have changed that, and now we are required to escalate all remaining balances whether we are going to spend it in this fiscal year, or not.

That increased our budget authority, even though
we are not actually going to spend all of that this year, and, then, they also gave us additional spending authority in Tidelands. Some of the projects that we forecast to be completed didn't actually happen, so we still are a little bit high on our budget authority.

COMMISSIONER BOSARGE: Some of that will roll over to this coming year?

KACEY WILLIAMS: The budget authority will not, but we have a new budget authority for fiscal year 19 and they are different. Next month when I present, we will be showing different budget values for FY19.

COMMISSIONER BOSARGE: When I look at that, I see fifty-seven percent of the budget remaining, and that tells me we are in pretty good shape.

KACEY WILLIAMS: Yes, sir, we sure are.

JOE SPRAGGINS: We are going to have to ask for some additional spending for 2019, and we are in the process of working with the governor's office and with the legislature about that right now. It's just because of some things like Tidelands coming in and GOMESA, and it's a good thing.

KACEY WILLIAMS: Yes, sir.

COMMISSIONER BOSARGE: Thank you.

KACEY WILLIAMS: Thank you.

COMMISSIONER BOSARGE: Next is Public Affairs,
Charmaine.

CHARMAINE SCHERMUND: Good morning Commissioners, Director Spraggins, Ms. Chestnut. Welcome Commissioner Daniels.

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

Popular news items included the temporary closure of Red Snapper season, an update on shrimp season and the Mississippi Deep Sea Fishing Rodeo.

Marine Patrol taught seven boat-and-water safety classes and certified one hundred and thirty-seven students. So far in fiscal year 18, officers have taught twenty-four classes and certified four hundred and fifty students.

Marine Patrol also participated in several community outreach events, including Boats and Beignets, where we invited the community to meet our agency’s Marine Patrol officers and they answered questions about boater safety and rules of the water.

The Memorial Hospital Foundation was also on hand distributing free life jackets to children at our event.

Marine Patrol also participated in the CCA kid’s fishing rodeo in Long Beach, Woolmarket Elementary
School's Safety Day and several summer camps for the Biloxi and Gulfport school districts.

Marine Patrol also provided assistance at three special marine events in June, including Operation DryWater June 29th through the 31st.

Our staff participated in various events in the community.

Jennifer Frey in the Office of Coastal Resources Management gave two presentations to summer camps at the Humane Society of South Mississippi.

Emily Satterfield in the Office of Marine Fisheries served as a guest lecturer on marine conservation at GCRL.

Public Affairs gave a presentation at the Gulfport Public Library.

The annual Mississippi Deep Sea Fishing Rodeo was held June 29th through July 4th. The agency was on hand each day at the fishing rodeo distributing our new rules and regulations publication, fish ruler stickers, fish posters and other informational pieces to the public.

Lou Larose, owner of Lou’s Full-Serve in Jackson, will represent our state in the Great American Seafood Cookoff in New Orleans in a few weeks, on August 4th.

COMMISSIONER BOSARGE: That’s a bunch.
I see in our books, we've got the new rules for this year. That’s good. I think you can pick them up here.

JOE JEWELL: Yes, sir.

COMMISSIONER BOSARGE: Thank you.

CHARMAINE SCHMERMUND: Thank you.

COMMISSIONER BOSARGE: Joe, before we get started with you, let’s take a quick ten-minute break.

MEETING STANDS IN RECESS

COMMISSIONER BOSARGE: I will call this meeting back to order.

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

JOE JEWELL: Good morning.

I would like to also welcome our elected and public officials to our Commission meeting this morning. It is always important to have them here and have their input.

I would also like to welcome Commissioner Daniels to our meeting and to his post here on the Commission. You picked quite a hefty Commission meeting for your first meeting.

I think I would like to start the meeting by giving the Commission an update on our shrimp season. I think last month I reported an average to below average
season.

We have a little bit more data. Of course, all of this data is preliminary. Where we are right now this month with heads-on data is about one point seven million pounds.

Typically on average over the last four, or five, years, we are usually about two point four million pounds.

We are a little bit below, but I don’t want anybody to get alarmed because we had months where we are below, and, then, we move out of the brown shrimp season into the white season and it picks up a little bit. We are a little bit below where we are normally this time of the year, but that doesn’t set a long-term trend for the rest of the year.

The second thing I would like to mention, I sent an email out to the Commission a couple of weeks ago.

I would like to express thanks to the Department of Marine Resources and the staff of Marine Fisheries, particularly the Bureau of Finfish. Our Tails n’ Scales program was certified by NOAA a couple of weeks ago. That is a great accomplishment for the staff that worked on this program and for our agency.

What that means, I guess in a short sense, is that data can be used in Gulf wide stock assessments and...
it also makes our program eligible for Federal funding.

With that being said, I’m going to move into the main part of the agenda. Most of these are regulatory actions.

I had noted earlier to our Director, in my time here, my career at this agency, these are the most regulatory actions we have ever had on the Marine Fisheries agenda.

Welcome aboard Commissioner Daniels.

First, Matt Hill is going to present Title 22 Part 7, the Spotted Seatrout Endorsement.

MATT HILL: If y'all will bear with me, I'm going to try to be as efficient as possible with this. I know there is probably going to be a little bit of discussion on all four of these first items.

First is going to be the Title 22 Part 7, Spotted Seatrout Endorsement. We are going to get right into it.

A little bit of background.

At the June 19th Commission meeting, the CMR made a motion to accept staff’s proposed regulatory changes and bring these changes forward in July for Notice of Intent.

This is the current regulation, and we refer to this as the marked-up versions. The strike through areas represent proposed deleted language. The underlined
sections represent proposed new language (indicating slide).

I'm going to jump to the next slide which shows all of the clean language, just for a little bit of clarity.

These changes do occur in Title 22 Part 7 Chapter 9 Section 110 where the current Spotted Seatrout Endorsement resides.

What we are looking at here with the clean language -- as I said, this is the proposed clean language, and I will read this into the record, and, then, we will pause in case we have some questions on this.

“Beginning January 1, 2019, individuals commercially harvesting Spotted Seatrout (Cynoscion nebulosus) must possess a Spotted Seatrout Endorsement at a cost of ten dollars, in addition to a current applicable harvester’s license. To qualify for this endorsement, an application must be completed.

“For the 2019 fishing season, the fisher must present documentation that a minimum of twenty percent of their earned income came from commercial fishing activities in a previous tax year between 2013-2018.
“Documentation shall be a copy of the appropriate filed IRS tax form showing the applicant’s taxable income for one of those years.

“A Marine Fisheries Trip Ticket officer will, then, run a sales summary for the year chosen, using trip tickets to determine if the eligibility requirement has been met.

“This endorsement will be valid for a one-year period, at which time a new application with qualifying documents for the previous tax year shall be submitted for a new endorsement.

“These endorsement will be valid from January 1st through December 31st of each year.”

I’m going to stop right there, if we have any questions on the percentages and how this would work, especially for the first year and the years thereafter.

COMMISSIONER HAVARD: Matt, I do have some concerns about the percentage, as well as the previous tax years, the five years.

I think there needs to be some more discussion on the percentage, as well as the five-year window, going forward, before we make a motion to accept this.
COMMISSIONER BOSARGE: Could you give us some of your concerns?

COMMISSIONER HAVARD: Yes. This year, we are looking at a five-year window for tax returns to prove the thirty-five percent.

Next year, are we looking at one year?

COMMISSIONER BOSARGE: It's twenty percent, I believe.

MATT HILL: Yes.

In the beginning, with obviously the hardship that we've had for the 2018 year with the Spotted Seatrout season -- I do want to clarify. This does not just cover Spotted Seatrout. This is all seafood. They can crab. They can shrimp. They can catch other finfish species.

For the first year, what we are proposing to do for the 2019 fishing season, we will allow the fishermen to come in here and present us their tax returns, or summary forms, for any year they choose between 2013 and 2018, which is most beneficial to them.

We also added the word “taxable”, which is a lot less restrictive than what we had in there before “earned”.

This does allow for deductions. It allows for the exemption of Social Security and some other things that I'm not quite clear on, but I have been assured that
this is the least restrictive way to go.

However, after the 2019 season, beginning in 2020, they will have to begin to bring us their previous tax year's form, which is all they will be able to qualify to show that they are continuously active in the fishery.

For the first year, I'm not saying we are giving them a pass, but we are giving them the most opportunity that we feel like we can give them to qualify into the fishery.

COMMISSIONER HAVARD: I can think about what if a natural disaster happens.

What if a fisherman hurt his back and had back surgery. He is out not only for one year, but, now, he can't get this endorsement for the following year. So he is out for two years potentially.

There are just some details in there that I would like to see ironed out, prior to making this motion.

COMMISSIONER BOSARGE: I tend to agree with him just a little bit on the one year because, if you have some hardship, whatever that hardship may be, would it be possible to do for the previous year, also?

MATT HILL: Previous two years?

COMMISSIONER BOSARGE: Yes, just in case, like I say, it was a hardship for whatever reason and having to
leave the state.

Do you see what I’m saying?

MATT HILL: I do understand, and I think that is something we should look into. However, I do think there is a little confusion not necessarily with the Commission, but with some of the fishermen that this particular endorsement is specific to Spotted Seatrout.

If they do not possess this endorsement, they can harvest all other finfish species. It does not stop them from Red Drum, flounder, Black Drum, Sheepshead, in which it will allow them to continue to qualify for the next year.

I do understand that a lot of these fishermen specifically target Spotted Seatrout for their extra income and things like that. It would take them out of that fishery for that one year.

If we do have a hardship, there are definitely some options to where we can look at a two-year average, or possibly a three-year average. Maybe go some route like that.

The key to this is, though, all the qualifications would now be tied to the Trip Ticket system.

COMMISSIONER BOSARGE: If I understood you correctly, the qualifier, of course, would be twenty
percent of the taxable income, and, then, that would be income from commercial fishing of any kind?

MATT HILL: Any kind. Any commercial fish. It says any commercial fishing activity, and we would be able to verify that. All commercial fishing activity runs through the Trip Ticket system.

COMMISSIONER BOSARGE: Okay.

MATT HILL: Commissioner Havard may have a little more insight, but there is a summary form on your tax forms, your filed tax forms, and we would see that. We would see what your taxable income is. We would run it through the Trip Ticket system for all of your commercial seafood activities, and we would just do a simple equation. If it came to twenty percent, then, you would qualify for the endorsement.

COMMISSIONER BOSARGE: I think that sounds good to me.

It does take away the chance somewhat if there is a hardship. In other words, there are always those other fisheries. Most commercial fishermen are involved in more than one fishery. They are not just involved in hook-and-line. Whether it be oystering, shrimping, crabbing, a lot of them do multiple fisheries because they have to.

Are you good with that?
COMMISSIONER HAVARD: I’m okay with the twenty percent.

If we could just add some years there, besides just the previous year. If we could put a three-year window, or even a two-year window, I would be good with that.

MATT HILL: When we are saying a two-year window or a three-year window, will the fishermen be able to choose the year?

After this first year, we are allowing them to choose a year, or would it be better for them to do an average?

COMMISSIONER BOSARGE: I would say the previous two years.

MATT HILL: Previous two-year average, or just any of the previous two years?

COMMISSIONER HAVARD: Any of the previous two years.

COMMISSIONER DANIELS: If they had a hardship, the average wouldn’t work if they were out the entire year.

COMMISSIONER HAVARD: That’s correct.

COMMISSIONER DANIELS: With what they are saying, I would like to say I personally dealt with this issue years ago and, at some point, I would like the
possibility of looking into some type of consideration for
the charter boat operators that do this.

These guys are making all of their money from
fishing, but they may not sell other types of seafood.
They want to supplement their income with catching
speckled trout on their days off.

MATT HILL: That is definitely something we can
look into and look at the options and see.

We do have some of these individuals that you
are speaking of. We do currently have them in the Trip
Ticket system and, if we could have some time to run an
analysis and see what the percentage would be and how many
of these fishermen that it would actually affect.

COMMISSIONER DANIELS: Thank you.
COMMISSIONER BOSARGE: I see you looking
sideways, Mr. Joe.

Are you all right with that?
JOE JEWELL: Well, with some clarification.
Are they both charter boat operators and
commercial fishermen?

Do they hold both licenses?
COMMISSIONER DANIELS: Yes, sir.
MATT HILL: Yes.

JOE JEWELL: We would have to test the Trip
Ticket program and see what threshold they meet and what
their qualification would be.

SANDY CHESTNUT: I have added some language up here. I need y'all to look at that and see if that meets what you discussed (indicating screen).

If not, we need to change it, before they vote.

JOE JEWELL: Sandy, can you direct exactly where the language is you have added?

SANDY CHESTNUT: Right here (indicating screen).

MATT HILL: I don’t see the two. I just see where it says the previous tax year.

We will be looking at the previous two tax years?

SANDY CHESTNUT: I added, on the last sentence: “In the event of a hardship approved by the Commission, the Department may consider qualifying documents for the two years prior to the onset of the hardship.”

Or one year, or how do you want to word that?

JOE JEWELL: I think that's good. I just want to understand, I guess, the definition of hardship because, if we are talking about a natural, or a manmade, disaster like the BP oil spill, or Hurricane Katrina, those are the sort of the events that impact all segments of the industry, both commercial and recreational. I’m trying to understand that.
If we talk about hardship, I'm thinking about some physical disability.

SANDY CHESTNUT: That's correct. We are talking more about a medical hardship.

If there is a natural disaster that affects all the fisheries, I'm sure the Commission would be issuing orders for those specific events.

JOE JEWELL: As we have done in the past.

SANDY CHESTNUT: Correct.

COMMISSIONER HAVARD: Matt, let's get more clarification.

The first year it is going to be twenty percent of your income, and, then, the following year it is going to be thirty-five percent?

MATT HILL: No. It will remain at twenty percent.

COMMISSIONER HAVARD: Remain at twenty percent throughout?

MATT HILL: Yes, sir, remain at twenty percent. The only difference we would see, now that we have added hardship, is the first year beginning 2019, we will allow the fishermen to choose any year between 2013 and 2018, whichever is most beneficial to them.

COMMISSIONER HAVARD: I think we have word smithed this amendment to death. I'm in agreement with it.
and I think the other Commissioners are as well.

At this time, I would like to make a motion for
final adoption of regulatory changes to Title 22 Part 7
Chapter 9 Section 110, modifying the requirements for the
Spotted Seatrout Endorsement.

MATT HILL: I do want to make one comment,
before we do that. I just want all the Commissioners and
fishermen to understand it is upon approval of the
proposed regulation change to Title 22 Part 7 Chapter 9
Section 110, all Spotted Seatrout endorsements shall
expire October 31st, 2018. This was the scheduled ending
of the second segment of the Spotted Seatrout season.

What this will do is it will allow us to start
the qualification process for the 2019 year because this
is going to be a lengthy process. If we allow them to
expire, we can allow the fishermen to begin coming in
sometime in November and December and have this process
started.

We would request that the current Spotted

COMMISSIONER BOSARGE: That makes sense.

JOE JEWELL: I also want to point out the season
is closed for the rest of this year and will not open
until February of 2019. That gives the staff enough time
to evaluate the program and the requirements.
COMMISSIONER BOSARGE: Mr. Joe.

JOE SPRAGGINS: I had a confusion in either my slide that I have, or something. Did y’all change something on this?

MATT HILL: Yes, sir, we did.

JOE SPRAGGINS: You didn’t let me know.

MATT HILL: It was a last minute change. I apologize for that.

JOE SPRAGGINS: All right.

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

COMMISSIONER DANIELS: I’ll second it.

COMMISSIONER BOSARGE: Any further discussion? (No response.)

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

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

COMMISSIONER BOSARGE: Motion carries.

MATT HILL: Thank you.

COMMISSIONER BOSARGE: Thank you.

Next is K2, Matt.

MATT HILL: The next item we are going to bring up is Item K2. This will be an addition in Title 22 Part 5 where we will consider a finfish net endorsement.
Some background.

On June 19th, the CMR made a motion to accept staff’s proposed regulatory changes and bring the changes forward in July for Notice of Intent.

This will be a completely new section in Chapter 4 Section 101 Subsection 101.11, the proposed new language for establishing a finfish net endorsement which I will now read into the record.

“Beginning January 1st, 2019, individuals using a gill net, trammel net, or haul seine, to commercially harvest finfish must possess a finfish net endorsement at a cost of ten dollars, in addition to a current applicable harvester’s license.

“To qualify for this endorsement, an application must be completed.

“For the 2019 fishing season, the fisher must present documentation that a minimum of twenty percent of their taxable income came from commercial harvest of finfish” -- I do want to stress that we did not include all commercial seafood activities. This is strictly for finfish for the twenty percent --

“In a previous tax year between 2013 and 2018.

“Documentation shall be a copy of the
appropriate filed IRS tax form showing the applicant’s taxable income for one of those years.

“A Marine Fisheries Trip Ticket officer will then run a sales summary for the year chosen, using trip tickets to determine if the eligibility requirements have been met.

“This endorsement will be valid for a one-year period, at which time a new application with qualifying documents for the previous tax year shall be submitted for a new endorsement.

“The endorsement will be valid from January 1st through December 31st of each year.”

I will pause.

COMMISSIONER BOSARGE: It is much more restrictive, and I do feel that we need to put the hardship clause in that one, also.

Matt, when you say finfish, can you kind of define that?

MATT HILL: I guess I will define it as simple as I can. If it has fins and it swims, it’s finfish. That’s what we consider. That will exclude crabs, shrimp, oysters, anything like that. Typical finfish is what we would consider, and we have that in the list.
We have the capability in the system to pull out all other species except for the finfish species for that individual.

COMMISSIONER BOSARGE: That’s a tough one. I mean, that is pretty restrictive.

MATT HILL: That is much more restrictive than the Spotted Seatrout Endorsement.

COMMISSIONER BOSARGE: We have a public comment, and I apologize. I missed it. He has marked K1 through K3, Mr. Hal Lusk.

HAL LUSK: Gentlemen on the Commission, I’m Hal Luck. I’m an avid speckled trout fishermen that also possesses a commercial license with an endorsement. Matt Dubuisson and a group of fishermen down in the Pass area put together an email and forwarded it to Ms. Matta. She forwarded that to you.

I hope you have a copy of it. If you do not, I do have a copy I can give you.

We are totally in disagreement with all of this. Everything is directed directly at speckled trout, in an around about manner.

We have run numbers and see no way that somebody makes a living catching speckled trout, but, yet, you are eliminating the speckled trout catching for us, by putting these hardships on us. We don't make a living at it, but
it certainly helps us financially at the end of the day.

There are a lot of options, in our opinion, out there. Have two quotas, if you want to have a net quota, and, then, if you want to have a commercial hook-and-line quota. There are all kinds of options. Limit the guy in the boat to thirty fish a day. That’s another option.

We just don’t see why it is all directed at speckled trout. It was in 2014 and it is directed at them again.

There are a number of options.

The other thing is that Alabama and Louisiana do not allow the use of nets to catch speckled trout, and we do. We don’t understand that.

I certainly appreciate your time, your listening, and I certainly hope that this matter is handled a little bit better for the hook-and-line fishermen because, from what we see, very few, if any guys that have a hook-and-line license will be able to catch and sell speckled trout next year.

Thank you.

COMMISSIONER BOSARGE: Thank you.

I think that is the only public comment we had.

Mr. Eicke, did you fill out a form?

F. J. EICKE: I did not, but I would be happy to.
COMMISSIONER BOSARGE: Would you do that, please?

F. J. EICKE: Yes, sir.

COMMISSIONER BOSARGE: I don't know just how that would actually work. When you say anything that swims, crabs have fins and they swim -- well, they've got paddles, I guess.

MATT HILL: That's our simple definition, but it does exclude, obviously, crab, shrimp, oysters. We have a list of what we consider finfish in the Trip Ticket system.

COMMISSIONER BOSARGE: Okay, Mr. Eicke.

F. J. EICKE: My name is F. J. Eicke. I'm representing CCA Mississippi.

We would be opposed to this, as it currently exists. The major reason is to my knowledge, within the regulations, there is no reference to haul seine, other than what we are putting in here, and we are about to institutionalize a haul seine, when we don't know what a haul seine is and how it has been authorized by the Department.

If this action were to be taken, we would then have an official haul seine which we do not have at present.

We have a net provision which has been
interpreted and now is identified as a haul seine, but we
don't have a definition of a haul seine.

   It is obvious, from what has been in previous
proceedings of the Commission, that CCA has a very real
problem with what is now called haul seines and whether
they are functioning as haul seines, or gill nets.

   The gill net provision here is meaningless
because of the biodegradable nature of gill nets at
present which goes back way into the nineties.

   The gill net provision simply sits there and
it's not active.

   The haul seine is, and that has been our big
argument over the last really couple of years and it
continues to be.

   CCA is really opposed to this. It would need
substantial work, and it comes before the Commission with
us having no notice, prior notice of what this was going
to look like, other than a statement on the agenda that
this particular title, whatever it is, 22 Part 5 was up
for some type of a net endorsement. We didn't know what
that was.

   We now know, and I can tell you that we are
against it.

   Thank you.

COMMISSIONER BOSARGE: Thank you, Mr. Eicke.
MATT HILL: I want to clarify something. When we are talking about the regulations and the definitions and the regulations of certain types of gear, especially when we are talking about nets, there are very few nets actually defined in our regulations.

If we want to go down this road of defining a haul seine, a cast net, a seine, a purse seine, then, we are going to have to define all nets, not just the haul seine.

If this is not an uncommon occurrence in our regulation to not have a specific type of gear defined, we go back and we look at the traditional definitions and, obviously, when you go historically and you go to different regions of the country, everybody has a different opinion on what these nets are.

If we are going to get into the business of defining all this gear, then, this is going to take quite a while and quite a lot of research.

COMMISSIONER BOSARGE: I can tell you with nets everybody has their own opinion, each fishermen. Just because one of them builds a net one way, the next guy is not going to build it exactly the same because he feels like it fishes better his way than it does someone else's way. You could get into a never ending list of definitions.
I have reservations both ways on this.

I think it needs to happen to put an endorsement on it simply because it will kind of almost cap who is there and who is not there, and make sure that the ones that are there are the ones that need to be there.

I do have a little bit of a problem with just using finfish. That is pretty restrictive.

Will there be any of those fishermen actually qualify under this, Matt?

MATT HILL: When we looked at it, there will be some. I see some in the back of the room. I don’t know if they would like to speak about it.

We have contacted some, and we have looked through our numbers. It definitely will cut out some of the fishermen that are in the fishery. The majority of them, their other activities do involve commercial fishing. In the crabbing industry, we have a few of them.

In the menhaden industry, does that count?

No. Under this, it does not count.

It would knock out some of them, but it would get a universe.

It definitely is much more restrictive.

However, one of the things we were thinking about is, if we open this up to all commercial activities, the way the regulation is written right now that individual can --
hate to put it this way. They can get a shrimper, or somebody that crabs, and they can come buy the license, and, then, these individuals can run the vessel for them. Then, we are back in the same situation that we’re in now.

If we just restrict it to finishing -- I do realize this is extremely restrictive -- I think we get down to the core of the fishermen that probably have historically participated in this fishery.

Also, there is one other part of this.

If this does pass, I do want to take some time and explain some of the proposed expiration requirements and what we do not have, now, is an annual inspection of nets covered under the endorsement in this slide and the following slide.

What this would do is:

“Individuals qualifying for the finfish net endorsement must have nets inspected and tagged on an annual basis. The tags associated with each net will be valid from January 1st through December 31st of each year.”

Currently, when we tag a net, there is no expiration date on it. That net lives forever, unless the fisherman tells us that the net is no good anymore and them come and turn their tags into us.

This way, we would be able to keep an accurate
number on how many nets we have each year, the sizes that are being used, who is using it and certain things like that, and some of the abilities that we don’t have currently.

Also, all current tagged nets.

“Upon approval of the proposed regulation change to Title 22 Part 5 Chapter 4 Section 101 Subsection 101.11, all current tags shall expire on December 31st, 2018, and fishermen eligible for the net endorsement shall have their nets inspected and retagged.”

JOE JEWELL: Steve, before we go on to the motion, I thought I heard you say that you want similar language in the draft language to include a hardship clause that Sandy had developed for Agenda Item K1?

COMMISSIONER BOSARGE: Correct.

MATT HILL: You put it in there?

SANDY CHESTNUT: Yes.

MATT HILL: If the Commission so chooses to move forward with the proposed regulatory change, required is a motion for Notice of Intent to establish Title 22 Part 5 Chapter 4 Subsection 101.11 and 101.12, Finfish Net Endorsement and Tagging Criteria.

COMMISSIONER DANIELS: I just have one question about the description of these nets. I know there is with
the gill nets.

Is there a description of a trammel net?

MATT HILL: No. There is no definition of a trammel net in our regulations.

COMMISSIONER DANIELS: I was just wondering.

COMMISSIONER BOSARGE: I’ll make the motion for Notice of Intent to establish Title 22 Part 5 Chapter 4 Section 101 Subsection 101.11 and 101.12, Finfish Net Endorsement and Tagging Criteria.

Do we have a second for that motion?

(No response.)

COMMISSIONER BOSARGE: Seeing none, motion fails.

MATT HILL: Thank you.

COMMISSIONER BOSARGE: Matt, the sunset, do we have to address that for the endorsement on the Spotted Seatrout?

JOE JEWELL: It would be marked out in the proposed changes, but, since the Commission did not act on it, it still would be in place.

Is that correct, counsel?

SANDY CHESTNUT: That’s correct.

MATT HILL: Go back to the Spotted Seatrout Endorsement.

JOE JEWELL: Agenda Item K1.
MATT HILL: Slide three. It is taken care of. We struck it out right there, the income requirement, the sentence right before the last sentence.

COMMISSIONER BOSARGE: Okay. I see it.

MATT HILL: The sunset requirement has expired and is no longer there.

COMMISSIONER BOSARGE: Thank you, Matt.

MATT HILL: Thank you.

JOE JEWELL: I thought you were referencing Agenda Item K2.

I do want to make a sight correction to that. It technically has not expired. It doesn't expire until final adoption, after it has been published on the administrative bulletin thirty days.

COMMISSIONER BOSARGE: All right.

JOE JEWELL: Before I get to Item K3, I want to make a statement, and it has to do with both agenda items K1 and K2.

I want to apologize to Director Spraggins because there were some modifications made to both of those presentations without his knowledge after the fact. I want to kind of address that issue.

That is my responsibility to keep our Executive Director aware of changes as they occur. It is a very dynamic process, both for the staff and the Commission.
As you will recall, we have been discussing the Spotted Seatrout Endorsement for quite some time.

When the Commission directed us to address that issue, we reached out to the commercial fishermen. When I say commercial fishermen, I’m referencing those that ninety, or a hundred, percent of their income is derived from that activity.

They advised us they thought a good threshold would be about fifty percent, and you heard Mr. Bradley who is the President of the commercial fishermen association stand up there and say that his group thought fifty percent was a great threshold.

In consultation with the commercial fishermen, they thought that to be more inclusive for them. They discussed thirty-five percent.

The staff took that recommendation and we put thirty-five percent in there, something the Commission consulted with and I consulted with the Executive Director on, and it was in there.

Subsequent to the filing of the documentation to the paperwork in y’all’s packets, the Commission had some discussion about changing that threshold and reducing it further to twenty percent.

The issue is that I have to be notified of that and it’s my job to notify Director Spraggins.
I apologize for that and would ask the Commission, in the future when y'all make those recommendations, we are certainly receptive to those, but make those directly to me, or Director Spraggins, so that there is no loss of communication between us. We would appreciate that.

COMMISSIONER BOSARGE: All right. Will do, Joe.

JOE JEWELL: With that being said, I'm going to move on to Agenda Item K3 which is the Spotted Seatrout Endorsement Revocation.

As y'all will recall, at the last Commission meeting, a motion was made for us to consider options for this proposal.

This is the motion that was made at the June 19th meeting granting the Commission authority to revoke the Spotted Seatrout Endorsement under certain penalties.

Specifically for the Spotted Seatrout Endorsement, it would occur in Title 22 Part 7 Chapter 9, under the title “Commercial Size, Possession and Catch Limits” in Section 110. Additional language would have to be included.

As Matt pointed out earlier, for Secretary of State filing notices on the administrative bulletin, those issues you want to add are underlined and those issues you want to delete are struck through.
This would be new language in that Section 110:

“The CMR may revoke any person’s, firm’s, or corporation’s, Spotted Seatrout Endorsement for violating any of the endorsement’s regulating provisions.”

Before I go on into the next part of the presentation, I want to make a couple of comments here.

First, if you notice, the motion had a lot of specificity to it. It addresses only the Spotted Seatrout Endorsement.

It is my job to let the Commission know that we have all types of other endorsements that are all over throughout other parts. They are in Part 7, Part 5, Part 20.

The Commission could consider, at this point, all endorsements, any type of endorsement that would occur and not just the Spotted Seatrout Endorsement, and maybe in the future there are other issues very similar to this one with the other endorsements.

I need to make y’all aware of that, that the initial motion was just for the Spotted Seatrout Endorsement, but y’all can take up other endorsements and, if y’all choose to do that, it would be in Title 22 Part 20. That is first up.

Then, I do want to point out that Part 7 gives
the program requirements of the Spotted Seatrout Endorsement, but what we are going to be impacting is those that are in Part 9 which are the reporting requirements for finfish.

Are there any questions?

COMMISSIONER HAVARD: Joe, can we make that change, now, stating that it is for all endorsements?

JOE JEWELL: I absolutely can do that.

There is one other issue I wanted to point out to y'all.

I came prepared for that, if that would occur. Instead of in Title 22 Part 7 which is very specific for the Spotted Seatrout Endorsement, if the commission chose to make it for all endorsements and chose to proceed, this was not an action item requested.

The other agenda items had some specificity in that the Commission asked for a Notice of Intent.

This one the Commission can ask for the Notice of Intent today. I just didn’t have the Notice of Intent because that is not specifically what was asked for.

If you ask to proceed with the Notice of Intent, it would be for all endorsements. It would be for Title 22 Part 20.

If you did that, it would read this way. It would affect Chapter 21 under Administrative Penalties in
Section 104. It would delete the language and it would
include the underlined endorsements so that it would
include all endorsements, and, then, finally we would add
a Section 105 and it would read:

“The Commission may revoke regulatory program
requirements such as, but not limited to,
endorsements, tags, permits, or similar
provisions, for violations related to that
particular program.”

COMMISSIONER BOSARGE: Joe, I’ve got to ask this
question.
Do we not already have the authority to do that?
JOE JEWELL: I’m going to let our counsel answer
that issue.
SANDY CHESTNUT: No, we don’t. That’s why we
are including it into the regulations.
COMMISSIONER BOSARGE: Under the Administrative
Penalties, we don’t have that authority?
SANDY CHESTNUT: We do not, under the
Administrative Penalties.
We have some statutory authority to revoke
license, but that has to be upon five convictions in five
years and things like that. It is very specific in
statute.
This pertains specifically to the Commission-
established program requirements.

JOE JEWELL: That’s correct. We had this issue before and the Commission certainly wanted to consider those people that violate that provision most egregiously to revoke their endorsement, or incur some other penalty, other than just requiring that they report correctly, and there has been no way that the Commission can enact that.

Having this provision in there will give the Commission authority to do that, or act on that.

COMMISSIONER BOSARGE: I was trying to think back to some of the administrative cases that we have done and let it sink in just a minute.

All right.

JOE JEWELL: There is one other thing I want to point out to the Commission. I have to be very clear on this. This would fall under all endorsements, also.

This is the section in Title 22 Part 9 that would change, or would make it enforceable. If you will notice, there are eight sentences in there.

In the next slide, I just simply bulleted them all. All of these items, once this presentation moves forward and gets to its final conclusion which is final adoption and posting on the administrative bulletin, that would make all of these items listed here ticketable. I just want to make that clear to the Commission.
COMMISSIONER BOSARGE: Say that one more time, Joe.

In other words, any of these items would be...

JOE JEWELL: Offenses that Marine Patrol could act on.

COMMISSIONER BOSARGE: We need just a little bit of time for this to sink in and look at it closer.

JOE JEWELL: You've got several options. You can table it. You can delay it.

COMMISSIONER BOSARGE: Can we table this until next meeting?

In other words, give us a little bit of time.

COMMISSIONER DANIELS: We're not saying that there would be ramifications immediately on any of them. We have the ability.

COMMISSIONER BOSARGE: It gives us the authority, but I would just like to know that I took the time to read through it and make sure that I don't see any pitfalls.

If the group is in agreement, I would like to make a motion that we table this until next meeting.

COMMISSIONER HAVARD: Mr. Chairman, I will second your motion to table it.

COMMISSIONER BOSARGE: We have a motion and a second.
Any further discussion?
(No response.)
COMMISSIONER BOSARGE: All those in favor aye.
(All in favor.)
COMMISSIONER BOSARGE: Opposed like sign.
(None opposed.)
COMMISSIONER BOSARGE: Motion carries.
I would like to take just a little time, Joe.
To me, that is serious. You are giving some authority to
this group. I just want to make sure that it can't be
abused, or that it falls in the scope of what we do.
If you don't mind, we will take it up next time.
Hopefully, we will be better prepared for it.
JOE JEWELL: Yes, sir.
There are no modifications to the presentation.
Y'all would just like to review it and understand it a
little more.
If y'all have any questions on it, feel free to
contact me, or the staff, but, if you make changes,
Director Spraggins and I have to know about it.
COMMISSIONER BOSARGE: That's right.
If you could, send us that because I don't think
we got that in our packet.
JOE JEWELL: No. These are my notes, and I will
send y'all the entire packet, what they are now.
COMMISSIONER BOSARGE: All right. Thank you.

JOE JEWELL: Next on the agenda is Title 22 Part 5, One-Mile Exclusion Zone Around Cat Island.

As y'all will recall, at the June meeting, a motion was made to consider this item. CMR adopted a motion for the staff to come back at the July meeting with a Notice of Intent for a one-mile commercial net exclusionary zone around Cat Island.

COMMISSIONER BOSARGE: Joe, not to interrupt, but that's not what I remember. The motion was for a one-mile haul seine exclusionary zone around Cat Island. Correct?

JOE JEWELL: Your recollection is correct. The exact motion was a motion for the staff to come back next month with a Notice of Intent to establish a one-mile haul seine exclusionary zone around Cat Island. That's the way the motion specifically read into the public record, but I'm going to let Counselor Chestnut address that issue.

COMMISSIONER BOSARGE: That's what was given to me in my packet anyway.

JOE JEWELL: That's correct.

SANDY CHESTNUT: In reviewing the regulations, the current exclusionary zones around all the other islands apply to all types of nets that are listed in the regulations. Instead of just specifically limiting one
type of net around Cat Island and limiting all types of
nets around the other islands, to maintain consistency
with the regulations, we wanted to make it the same.

COMMISSIONER BOSARGE: Which other islands are
you referring to?

JOE JEWELL: The other islands in the
Mississippi Sound are Horn, Petit Bois, Ship.

COMMISSIONER BOSARGE: Those are all Federal
islands and, even though I will admit that I haven’t read
the statute on it, what I remember is that it doesn’t
necessarily say that the islands are closed for commercial
fishing, as much as it says the islands are closed for
commercial activity, any commercial activity.

Just like for Ship Island and the charters, they
have to get a special permit every year for that to take
place.

JOE JEWELL: That’s correct.

COMMISSIONER BOSARGE: I don't think that in
their rules, it actually spells out commercial net
fishing.

SANDY CHESTNUT: What the regulation currently
says, under Chapter 4 Section 101:

“It shall be unlawful for any person, firm, or
corporation, to catch, take, or carry away, any
saltwater fish by, or with, any gill nets,
trammel nets, purse seines, seines, fish traps
and other like contrivances, except permitted
eel traps, in following areas of the State of
Mississippi",
And, then, it goes on to 101.04:
“Within an area formed by a line running one
mile from the shoreline of Cat, Ship, Horn,
Petit Bois and Round Island, or from the Shoals
of Telegraph Keys and Telegraph Reef, (Merrill
Coquille), during the period from May 15th to
September 15th of each year.”

COMMISSIONER BOSARGE: Which statute takes
precedence, the Federal statute, or the State statute?
Now, we don’t have any authority in that one-
mile zone, if I’m not mistaken. I mean, it is territory
of the State of Mississippi.

JOE JEWELL: Well, Cat Island is a little bit
different than the other islands that are in Gulf Islands
National Seashore in that the State of Mississippi, when
it took possession of it, did not acquiesce the
territorial waters of it.

When Gulf Islands National Seashore was
established, the State of Mississippi granted a one-mile
commercial exclusionary zone around those islands.

When we incorporated Cat Island into our
program, we did not have that one-mile boundary around it.

What Counselor Chestnut is referring to is the specific language that sets up the authority for a net season around Cat Island between the period of May 15th through September the 15th, and, then, she read into the record for y'all the requirements of that fishery during that time frame.

COMMISSIONER BOSARGE: I don't know how we got from a haul seine exclusionary zone to a commercial net exclusionary zone.

COMMISSIONER HAVARD: We don't have a definition of any type of net. We've got to put a commercial net closure in there to cover the haul seine, if it is going to be called something different.

COMMISSIONER BOSARGE: Can you give us the reasoning?

JOE JEWELL: Well, don't shy away from the conversation because having these types of conversations is what makes the rules and regulations stronger and makes the Commission better and makes our agency better.

COMMISSIONER BOSARGE: I agree.

If you look, we've got six items that are regulations on commercial fisheries at this one meeting.

All of this began some time ago and when it was put on the agenda, we had representation here, until the last
meeting when we voted to have this added to the agenda
where there would be no representatives in the audience
for my sector anyway and, now, we are here where we are,
and we have gone from a haul seine to a total net ban.

You look at it, even at Cat Island, the way it
stands right now, how many months a year are we closed for
commercial net fishing, without doing anything more?

JOE JEWELL: Six, or seven, months.

COMMISSIONER BOSARGE: Seven months. So we are
here now to close it for the other five.

Where I’m at is, what is your reasoning?
What is the need for it?
Do we need to go back and look at everywhere it
is closed already, the mouth of the river, twelve hundred
feet from a pier, half a mile from the beach, Round
Island, Horn Island?

I mean, what more do you want?

It just gets a little bit infuriating.

I’ve been involved in fisheries management a
long time and sitting in meetings where you get fingers
pointed at you. You’re the problem. You’re the one doing
all the damage. You’re the one catching all the fish.

Laws take place. Things change, get more
restrictive, and the worse part of it is you are a second
class citizen because you are a commercial fisherman.
That’s where it gets you. That’s where it really hurts.

I said, it’s all right. I can live through it. We will make it because at some point in time, the science will be in our favor and the science will dictate what needs to be done in fisheries management.

Now, here I am today. We’ve got a fifty thousand pound quota on Spotted Seatrout. We’ve got one point seven million on the recreational side. We’ve got every island closed, except for Cat Island, and Cat Island is closed seven months out of the year.

I know Commissioner Havard. I respect the man. He is honest.

I’m just getting to know this gentleman here (indicating Commissioner Daniels). Think about it. Think about what you are doing here.

I mean, is this really necessary?

COMMISSIONER HAVARD: We are not trying to eliminate commercial fishing altogether around Cat Island; just the gear type.

COMMISSIONER BOSARGE: That’s like saying you are going to have gill nets, but you’ve got to have them out of biodegradable material. You just outlawed them because there is no material, and it’s the same thing you are doing now.
In other words, you know me. I'm pretty easy to get along with and I look at everybody's side of the situation, and I try to put myself in somebody else's shoes.

Give me a reason why we need to do this.

I'm just being honest and trying to get to the real facts. If the facts are, we just don't like commercial fishermen and we don't want them out there fishing where we're trying to fish, then, say it.

Do you see what I mean?

I can't believe that I am where I am right here today, knowing that there is one group with an agenda against another group.

JOE JEWELL: I do want to point one thing out, Commissioner Bosarge, if the Commission chooses to move forward with this. Some of your comments are quite saline to the conversation right now.

I know there have been people that objected to this in the past, but, if you looked at those maps that we provided -- all we can do is provide the Commission with the current rules and regulations and data that we acquire and that is provided -- the commercial net industry is restricted to very specific areas in the Mississippi Sound.

Currently that is just over in eastern Jackson
County and Cat Island. If Cat Island is removed for consideration from that industry, that pushes them all back over into eastern Jackson County where the issue first arose.

The Commission has to consider that sort of global issue that will occur, once the net industry, the haul seine industry is no longer allowed on Cat Island. You can’t haul seine a mile off shore.

It is correct that it is not removing them from Cat Island. They just can’t be within a mile. The issue is not going to go away.

COMMISSIONER BOSARGE: Well, I mean, the commercial fishermen provide for the rest of the people that can’t go out and fish. They still want to eat fish in their restaurants, their local restaurants. That’s what we provide it for.

We’ve got fifty thousand pounds and we’ve got five months that we can actually fish that island.

COMMISSIONER HAVARD: Last year we started out and we established an SPR because our speckled trout fishery was considered overfished.

COMMISSIONER BOSARGE: Correct.

COMMISSIONER HAVARD: So we wanted to do things to try to get our SPR up to twenty and get our fishery back to a normal level.
Now, solely due to the commercial net fisheries, they fished with the haul seine the whole year's quota. It's because of the haul seines.

COMMISSIONER BOSARGE: And that's the point I'm trying to make. It's almost like if you were in the business of cutting grass and you had one acre, a lot of grass you had to cut, would you rather cut it with a zero turn fifty inch, or a weed eater?

If you use the weed eater, you are going to have to go out there for two weeks and you might finally get that cut.

Whereas, with this piece of gear, these guys went out and they filled their quota, but they made money because they didn't have to go for five months without fishing.

COMMISSIONER HAVARD: We've got sixteen haul seine licenses that are out there. There were eleven folks that were under reporting their trip tickets.

COMMISSIONER BOSARGE: We don't want to go there because it happens on both sides.

COMMISSIONER HAVARD: It does. I agree.

COMMISSIONER BOSARGE: Now that we have the system in place, we can target those guys and we can punish them for what they did. We don't have that in place on the other side.
COMMISSIONER HAVARD: We do. We have the whole enforcement. It’s not recreational versus commercial.

COMMISSIONER BOSARGE: I agree. When you say fifty thousand pounds, what does that equate to in -- I don't want to pitch one side against the other, but you have got to have the facts.

Fifty thousand pounds, I think is three days’ catch, or four days, or a week.

What does it take for the recreational sector to catch fifty thousand pounds?

JOE JEWELL: It depends on what the total average landing is for that year. It’s about a million pounds. If you look at that, it is probably a couple of weeks.

COMMISSIONER BOSARGE: Do the math on that. It's not very long.

My point is, this is what the guys have to catch all year long. This is it, fifty thousand pounds. If they catch it in two weeks, so be it. They are done with it. They can forget Spotted Seatrout and move on.

COMMISSIONER DANIELS: What about our tourist industry, if they are caught in two weeks and no one is able to eat fresh gulf caught speckled trout here and they have got to eat what comes from Mexico?

COMMISSIONER BOSARGE: That’s my point.
If you take away that commercial fishery, what are they going to eat? Where are they going to get it from?

COMMISSIONER DANIELS: I don’t think Mr. Havard is talking about taking way the entire commercial industry.

COMMISSIONER BOSARGE: If you do this, you just -- in other words, where did they catch most of their fish last year?

Cat Island.

COMMISSIONER DANIELS: They can still go to Cat Island. It’s not eliminating the commercial fishery.

COMMISSIONER HAVARD: It’s a gear issue.

COMMISSIONER BOSARGE: There we go. We are picking and choosing who is going to be able to go fish around there.

In other words, you are excluding one group, eighteen people. To me, it’s discrimination in a big time way. It’s eighty-two thousand people that don’t like eighteen, so they are going to tell them to go to the back of the bus.

Yes, sir, Mr. Joe, please.

JOE SPRAGGINS: We all know what is going on here. I have listened to every side of this story for the last five months now.
It all happened because the fish got pushed up to Cat Island and they got pushed up there because of the Bonnet Carre and some other issues that were going on which, in turn, caused them to be able to go make a mecca at that point, and I'm talking about the commercial fishermen who were able to see what happened and they said, hey, we can go catch a lot of fish here.

Now, some of them did something wrong and they didn't report it and, because of that, it caused another thing to happen where people are getting upset about why did they not report it and they are doing everything wrong.

Well, that same thing, like you said, it can happen either way. I don't know and neither does Chief Davis, or anybody else, how many private fishermen catch more than their fifteen a day. I don't know. Some of them probably do and try to get away with it.

How many of us ride down the interstate and break the speed limit?

I think some of us do it every day.

The point I'm getting at is that we are getting caught up on something here about one little thing, and that's what happened at Cat Island and that's what we are getting caught up on. We are getting caught up on what happened at Cat Island, and it was just one two-week
period out of the year that basically this happened.

It may not happen again for another five years.

It may not be the same thing.

I see the commercial side of it, and I see the
private side of it. I see both sides of this and I
understand.

We need to find a happy medium. We of all
people in South Mississippi who work out here for a living
every day and enjoy fishing and enjoy eating, we need to
find a happy medium here and not be against one another.

We need to get together. If it's not the right
thing to do right now, let's table this and move forward
so we can set that and get a happy medium, and let's make
it work for everybody.

We are sitting here putting out a message across
south Mississippi that shouldn't go across.

COMMISSIONER BOSARGE: It's more of a political
issue than it is a resource issue.

If it's a resource issue, I don't care who is
doing it wrong. We are going to fix it.

This is not a resource issue and, therefore,
that's why I am so strongly against it.

In other words, if I saw it as a problem, that
this is a problem, we are overfishing this area, then, I'm
going to be the first one to stand up and say shut it
down, but we are not there. We are strictly voting on a political issue; one group that doesn’t like the other group being there.

COMMISSIONER HAVARD: It sounds like the discussion is over.

At this time, I would like to make a motion for final adoption of regulatory changes to Title 22 Part 5 Chapter 4 Section 101, adopting language to establish a one-mile haul seine exclusion zone around Cat Island.

JOE JEWELL: Before we proceed on that, this would be a Notice of Intent.

At the previous Commission meeting, we were directed to come forward with a Notice of Intent. That has not been filed yet.

In lieu of the final adoption, it would be a Notice of Intent.

If you could amend your motion?

COMMISSIONER HAVARD: I thought we sent it out for a Notice of Intent at the last meeting.

JOE JEWELL: No. The last meeting, there was a lot of discussion about it. We had added it as an item, K5(a), and there was some discussion on that.

It was a three to one vote. Commissioner Havard, Commissioner Trapani, Commissioner Harmon voted yes to move forward with a Notice of Intent and
Commissioner Bosarge voted no, and that was to bring this forward to the July Commission meeting for a Notice of Intent.

We are prepared to move forward with a Notice of Intent.

I would get through the slide. There is really only one more section. I can go through and show you exactly what the regulatory changes would be, if we did that.

COMMISSIONER BOSARGE: I’ve also got one public comment I was about to forget about. A gentleman wants to make a public comment on this issue.

JOE JEWELL: I appreciate all the comments by the Commission and both communities. Like I said, I think we make better decisions, when we have this open dialog, but I do know there are a lot of commercial fishermen here, and I know they have some difficulty standing in public. They are people who spend sort of a solitary life working out in the environment.

If they have any comments, I would encourage them to make those, or anyone that wants to comment on this issue, because we have a lot of people here from the recreational community, also.

COMMISSIONER BOSARGE: Joe, we, as a Commission, have certain guidelines that we are supposed to follow,
and I know they can be interpreted a bunch of different way, but I know when we make management decisions, we are supposed to make them based on the best available science, and that's why I keep asking, just give me some science.

There are things that we should do and things that we should not do. I won't bring that up.

Mr. Eicke and CCA, you have an agenda. This is on their agenda and we, as a group, are supposed to leave any affiliations like that behind and make our decisions based on science.

You are a CCA member.

Correct?

COMMISSIONER HAVARD: I'm a CCA member.

COMMISSIONER BOSARGE: Are you a CCA member?

COMMISSIONER DANIELS: I am not a CCA member.

COMMISSIONER BOSARGE: Good, and I say just leave that at home. That group has an agenda and Mr. Eicke, I appreciate your agenda. You fight for your group.

We have to make decisions not based on what is best for one group, but what is best for the resource.

JOE JEWELL: I will complete the presentation. It is only a couple more slides, and, then, we can allow public comment and, if the Commission would like to make any additional comments, or have questions, I will glad to
answer those.

We proceeded with changes to Title 22 Part 5 Chapter 4, Commercial Net Closure Areas and Gear Size Restrictions, specifically Section 101. This area reads:

“Within an area formed by a line running one mile from the shoreline of Cat, Ship, Horn, Petit Bois and Round Island, or from the shoals of Telegraph Keys and Telegraph Reef (Merrill Coquille), during the period of May 15 to September 15 of each year."

To achieve the Commission’s objective, as the motion was made to create a one-mile commercial net exclusionary zone around Cat Island, we would delete “Cat Island” from Section 101.04 and would create a new Section 101.05, and that language would read this way:

“Within an area formed by a line running one mile from the shoreline of Cat Island.”

That would look like this. This is a map of approximately the one-mile boundary around Cat Island.

Then, subsequent sections under 101, I’m not going to read all of these into the record because none of this language is changing. All we are doing is renumbering these sections to accommodate for that additional Section 101.05. This would be the requirement.

At this point, Chairman Bosarge, if you would
like to call for public comment, or if the Commission has any additional questions, I would be glad to answer them.

COMMISSIONER BOSARGE: We have one public comment, Ryan Bradley.

RYAN BRADLEY: Thank you, Commissioners.

My name is Ryan Bradley. I'm the Director of the Mississippi Commercial Fisheries United.

Thank you, General, for that presentation.

I've got a couple of questions.

Commissioner Havard, you brought this motion before the Commission at the last meeting.

Is that correct?

COMMISSIONER HAVARD: That's correct.

RYAN BRADLEY: For the record, could you please state the reason why this regulation was proposed?

COMMISSIONER HAVARD: To get it in line with the other islands that are out there that currently have a one-mile restriction around them.

RYAN BRADLEY: That one-mile restriction around these other islands prohibits commercial shrimping and commercial crabbing.

Is that correct?

COMMISSIONER HAVARD: To the best of my knowledge, yes.

RYAN BRADLEY: Would this regulation be the
same?

Would that be prohibiting commercial shrimping and commercial crabbing, as well, around Cat Island?

COMMISSIONER HAVARD: It is prohibiting commercial net fishing.

RYAN BRADLEY: It is still not clear to me. The motion on the floor was to prohibit nets around Cat Island.

Your motion that was stated verbally was for haul seines only.

I think we need to clarify that before any vote is taken, first of all.

Additionally, at the last meeting I took notes and you had mentioned that you are interested in pursuing this regulation to protect seagrass around Cat Island.

Is that correct?

COMMISSIONER HAVARD: That was a reason that was presented, but, now, that is not valid, the statement that I made about the seagrass, although nets do tear up seagrass.

RYAN BRADLEY: For the record, I want to state that I haven’t seen any evidence that seagrass was being damaged by these nets around Cat Island.

If that’s what we want to do is protect seagrass, we would definitely support you in that and we
would say let’s protect seagrass. Let’s stop anchoring. Let’s stop bottom fishing. Let’s stop wading. Let’s stop using power poles, push poles. Let’s stop doing all of that in the seagrass. If that’s what we want to do to protect seagrass, we will definitely support you on that.

Can we get some clarity from Joe?

Is this going to be a commercial net ban, or a commercial haul seine ban, around Cat Island?

JOE JEWELL: The section of the language that it is addressing and that the changes would take place on is in Section 101 and this is the explanatory chapter that all the other subsequent sections are under, and it reads:

“It shall be unlawful for any person, firm, or corporation, to catch, take, or carry away, any saltwater fish by, or with, any gill net, trammel net, purse seines, seines, fish traps, and other like contrivances, except permitted ell traps, in the following areas of the State of Mississippi.”

If the Commission moves forward with this section of regulatory change, it applies specifically to these types of commercial gear. It does not include shrimp trawls, or menhaden purse seines, or any other type of commercial fishing gear, other than those that are listed in the explanatory section of 101.
RYAN BRADLEY: Thank you, Joe, for clarifying that.

At this point I would say that we would be opposed to this one-mile net ban around Cat Island. I still haven’t heard a reason why this should be banned. I think it is highly discriminatory. I think that is wrong and it may, in fact, be illegal.

The bigger picture here is that we have gone down this road of banning gear of commercial fishermen without any science to back it up, and that is a dangerous road to go down.

Be aware that that sword can cut both ways. Just like y'all are banning gear on commercial fishermen with no science, that can fall the other way on recreational fishermen.

The last gear that was banned with no science, this agency was sued over it and that is a very real proposition here. It is very costly to the state and to the taxpayers, when the state has to go through litigation.

With that being said, I will close my argument saying that we are opposed to this one-mile net ban. Thank you.
look at the minutes and see exactly what was said about the motion?

I was under the impression that we asked the department to send it out for Notice of Intent the last meeting.

Can you verify that in the minutes?

JOE JEWELL: I can verify that in the minutes.

I do have my notes. I file motion reports that we act on, when we are developing the agenda.

Motion two inside of the Fisheries section, Commissioner Harvard motioned to add Agenda Item K5(a) to include a discussion on establishing a haul seine exclusionary zone around Cat Island.

The motion was made by Commissioner Havard. It was seconded by Commissioner Trapani, and it passed three to one. Harvard, Trapani and Harmon in favor. Commissioner Bosarge opposed.

That item was added to the agenda, so I go through my notes and I go to Agenda Item K5(a). Commissioner Havard motioned to add the item. The specific motion read:

“Motion for the staff to come back next month, July, with a Notice of Intent to establish a one-mile haul seine exclusionary zone around Cat Island.“
The motion was made by Commissioner Havard. It was seconded by Commissioner Trapani. It passed three to one. Havard, Trapani and Harmon yes. Commissioner Bosarge no.

Then, immediately after those, Commissioner Harmon left the meeting.

COMMISSIONER BOSARGE: Sandy is looking at the minutes.

SANDY CHESTNUT:

“Commissioner Havard: It’s a gear issue. It’s not recreational. It’s not commercial. It’s about preserving the grass beds and making sure that they don’t get completely destroyed by these nets.

“What I would like to do is make a motion for staff to come back with a Notice of Intent to establish a one-mile haul seine exclusionary zone around Cat Island.”

COMMISSIONER HAVARD: Thank you, Sandy.

SANDY CHESTNUT: And there was some discussion after that.

JOE JEWELL: While Sandy is looking at that, I want to take the opportunity to sort of update our new Commissioner on that process. I know some of y’all have had some experience with that.
The Commission, at any point, can make a motion to proceed with a Notice of Intent, as long as the public is given the opportunity to comment.

The Commission votes on an item, and that becomes a part of our regulatory process. The staff prepares all of the notification paperwork and filing notices to the Secretary of State who then publishes it on the administrative bulletin.

The minimum requirement for public comment is twenty-five days. In most instances, between the Commission meeting which is the third Tuesday of each month and the subsequent month, there is at least twenty-five days.

If there is not twenty-five days, we have to wait two months, or some condition that happens, or reconsideration, we have to wait two months, but, in most instances, we can advise the Commission it takes a minimum of sixty days to make a regulatory change.

After the twenty-five public day notice for comment, we come back to the staff for final adoption, and, then, once that happens and the Commission approves it, we file all that documentation for final notice and final approval, again, to the Secretary of State and administrative bulletin.

At that point, it has to be published on the
administrative bulletin for a minimum of thirty days.

If you don't check that box that says a specific date, once the Commission votes on it and it passes and it is updated on the administrative bulletin, thirty days from that stamped date it becomes law.

That is sort of the regulatory process and, if you look at last month’s Commission agenda, the only thing that we had on there that was a Notice of Intent that is up for consideration for the Commission for final adoption is a reclassification of Area VI.

All the other actions that were requested, or required, by the Commission -- I know Commissioner Havard, in particular, we have been discussing these things for months, some of them almost a year at this point. They have been on the agenda two, three, four times, some of them. We have delayed them. We postponed one from last meeting. We tabled the hand dredge. We took no action. We are going to take that up again in a few minutes. That is sort of the overview, the process where we are.

I'm pretty sure that we were asked for the Notice of Intent, but it is confusing with that many items on the record and that much process going on.

I will apologize to Commissioner Havard for this. If you noticed when the motion first came up, it did say final adoption, and we have a review of all of our
presentations the Friday prior to the Commission meeting and we caught that, but I’m having problems with my computer.

I had Mr. Hill and Mr. Broussard with me reviewing these in my office and I made that change and I tried to save it and it just didn’t save, so it appeared that way, and that could have confused, or exacerbated the situation, even more, but I’m pretty sure that it was a Notice of Intent that we come forward with.

COMMISSIONER BOSARGE: Sandy.

SANDY CHESTNUT: It was definitely a Notice of Intent that Commissioner Havard made. I looked further and Commissioner Trapani seconded his motion.

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

COMMISSIONER DANIELS: I’ll second that motion.

COMMISSIONER BOSARGE: We have a motion and a second.

Before we do that, I would like to do just one quick thing. We’ve got a pretty good cross section of the general public in the audience.

I would like a show of hands of how many people think this needs to go through. Raise your hand, if you are opposed to this going through.

(Hands raised.)
COMMISSIONER HAVARD: Is that necessary?

F. J. EICKE: No, it isn’t necessary. For the same reason --

COMMISSIONER BOSARGE: (Interposing) You are out of order, sir.

F. J. EICKE: I’m sorry.

COMMISSIONER BOSARGE: Now, if you want to come to the podium, I will be more than glad to bring you to the podium.

F. J. EICKE: At a previous meeting, I made a request that the Commission consider having this meeting at a time that would allow more recreational fishermen to attend. I didn’t get any action on that and haven’t to date. I don’t know what is going to happen with it, but I guess --

COMMISSIONER BOSARGE: (Interposing) We have had this --

F. J. EICKE: (Interposing) But the problem is you can’t have a show of hands, if you haven’t had a representative group here and available to put up their hands one way, or the other.

COMMISSIONER BOSARGE: Mr. Eicke, now, we had a motion. This motion was brought forth --

F. J. EICKE: (Interposing) The motion said nothing about putting up hands, sir.
COMMISSIONER BOSARGE: I agree with you, but I’m just saying there was no representation --

F. J. EICKE: (Interposing) I consider that out of order, your request --

COURT REPORTER: I can’t take down what they are saying.

SANDY CHESTNUT: If you talk over each other, the court reporter can’t take the transcript down. Please don’t interrupt.

F. J. EICKE: I’m sorry. I think I have made my point.

COMMISSIONER BOSARGE: Thank you, sir.

Ms. Chestnut, am I out of order by asking for a show of hands?

SANDY CHESTNUT: You are not out of order, no.

COMMISSIONER BOSARGE: Can I have a show of hands of the folks that think that this should go into effect?

(Hands raised.)

COMMISSIONER BOSARGE: Thank you. It’s nice to know that I’m not totally oblivious.

JOE JEWELL: The only comment I would have, Commissioner Bosarge, if you want to know those are opposed to it, I would ask that you ask those that are for it, in favor of it, also.
COMMISSIONER BOSARGE: I did.

JOE JEWELL: I’m sorry.

COMMISSIONER BOSARGE: I think we had a show of three hands.

SANDY CHESTNUT: Mr. Chairman.

COMMISSIONER BOSARGE: Yes, ma’am.

SANDY CHESTNUT: If I could make a suggestion, maybe we could schedule an evening meeting to discuss this as well, not necessarily with the full Commission here, but a public hearing where people can submit comments.

COMMISSIONER BOSARGE: Yes, that would be a great idea.

COMMISSIONER HAVARD: I think we have a motion and we have a second to send it out for Notice of Intent. Is that correct?

COMMISSIONER BOSARGE: That is correct.

JOE JEWELL: As you know, there are three things that trigger a public hearing. One is an elected official can ask for a public hearing, a government body can ask for a public hearing, or ten written comments from the public can ask for a public hearing, the DMR can voluntarily conduct a public hearing, or the Commission can request the DMR to conduct a public hearing.

Whether we go forward with this motion, or don’t go forward, Counselor Chestnut is giving you some sound
advice. We can conduct a public hearing.

COMMISSIONER BOSARGE: How would we go about that, Mr. Joe?

JOE JEWELL: You can just make a motion and request the staff to conduct a public hearing and we can do that.

COMMISSIONER BOSARGE: After we vote?

JOE JEWELL: Whether you take the vote, or not.

SANDY CHESTNUT: You could ask for an amendment to the current motion.

COMMISSIONER BOSARGE: We have a motion and we have a second.

All those in favor aye.

(Commissioner Daniels, Commissioner Havard in favor.)

COMMISSIONER BOSARGE: Opposed like sign.

(Commissioner Bosarge opposed.)

COMMISSIONER BOSARGE: This is kind of a sad day. We see how the general public feels about it and we see what we voted.

I would like to make a motion that we bring this out for public hearing.

Do I have a second on that motion?

(No response.)

COMMISSIONER BOSARGE: Hearing none, the motion
fails.

We will move on. Mr. Joe.

JOE JEWELL: Thank you, Commissioners, we appreciate that.

Next is Agenda Item K5. It is the hand dredge specifications the Commission requested. Mr. Erik Broussard will be doing that presentation.

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

I have before you this morning hand dredge specifications. This was tabled at last month’s meeting.

To give a little background, this was presented on May 29th and we were pretty close to coming to an agreement. I think there was one sticking point, and we will go over that.

Currently Title 22 Part 1 Chapter 7 has our dredge specifications. Subsection 100 currently outlines what the standard dredge specs are.

With the addition of having a definition for a hand dredge, it would create Subsection 101, and it would read:

“It is unlawful for any person, firm, or corporation, to take, or attempt to take, any oysters from the waters under the territorial jurisdiction of the State of
Mississippi by the use of a hand dredge using a mechanical advantage retrieval system having a weight in excess of thirty pounds and a tooth bar cannot have more than ten teeth of not more than five-and-one-quarter inches, unless otherwise permitted by the MCMR, or as hereby authorized by the MDMR, its Executive Director, Director of Marine Fisheries, Bureau Director, Program Coordinator, or other MDMR designee.”

This is very similar language that’s in Subsection 100 for the standard dredge.

I have in here thirty pounds, and the reason for that is that is how we originally presented it to you last month when it was tabled. Thirty pounds came from us calling the local dredge manufacturer here and his specs were twenty-seven pounds. That was just in the frame.

If you recall last month, fisherman Mr. John Livings brought his dredge in and it did weigh twenty-seven pounds, however that was not a fully rigged-out dredge. It didn’t have the full chain necklace, or the rope bag.

In the meantime with comment from fishermen, and we have actually weighed one of our sample dredges and
it’s about thirty-eight pounds. I just wanted to point that out.

This is how it was presented, but that was anticipating the Commission to make some kind of change.

The other proposed change would be striking out Subsection 101, and, then, pulling it down and creating a new Subsection 103, and it would be:

“No persons, firm, or corporation, may use more than two dredges, unless otherwise permitted, or restricted, by MCMR, or as hereby authorized by the MDMR, its Executive Director, Director of Marine Fisheries, Bureau Director, Program Coordinator, or other MDMR designee.”

This was currently in Title 22 Part 1 Chapter 7, and what we are simply doing here is just adding some flexibility.

If the Commission chooses to move forward with a definition for a hand dredge, required is a motion for Notice of Intent to modify Title 22 Part 1 Chapter 7, Dredge Specifications.

COMMISSIONER BOSARGE: If I’m understanding you correctly, your dredge specifications from what we got last time is going to change to thirty-eight pounds. Is that what you’re saying?
ERIK BROUSSARD: I was leaving it up to the Commission.

Commissioner Trapani, I believe, wanted it tabled so she could think about where the weight needed to be.

I think everyone was in agreement on how many teeth, the ten teeth, and et cetera, except for the weight.

I kept thirty pounds because that's how we originally presented it, but I also wanted to give some background on why we started with thirty pounds, and, then, where we could possibly put the range.

COMMISSIONER BOSARGE: What is your recommendation as far as what we need to do on the weight?

That was a naked dredge.

ERIK BROUSSARD: After weighing our dredge which was a non-tooth dredge and it was at about thirty-eight pounds, I think forty pounds would probably be appropriate.

COMMISSIONER BOSARGE: What do we need to do?

ERIK BROUSSARD: Make the motion with the amendment that instead of thirty pounds, the forty pounds.

COMMISSIONER BOSARGE: I'll make that motion.

I make a motion for Notice of Intent to modify Title 22 Part 1 Chapter 7, Hand Dredge Specifications,
with one change being that the weight is changed from thirty pounds to forty pounds.

Any further discussion?

(No response.)

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

COMMISSIONER DANIELS: I'll second the motion.

COMMISSIONER BOSARGE: We have a motion and a second.

Any further discussion?

(No response.)

COMMISSIONER BOSARGE: All those in favor aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed like sign.

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

ERIK BROUSSARD: Thank you.

COMMISSIONER BOSARGE: Thank you.

JOE JEWELL: Thank you, Erik.

Next up for consideration is Agenda Item K6, Final Adoption of the Reclassification of Area VI. Charlie Robertson will be presenting that.

CHARLIE ROBERTSON: Good morning everyone.

My name is Charlie Robertson.

This morning I will be presenting the
information that is a followup to the Title 22 Part 1, 
Area VI Reclassification that we went over last meeting.

If you recall, the Commission directed us to go 
out for Notice of Intent, and we have done that.

Now we are moving forward with the final 
adoption.

On June 19th at the last Commission meeting, the 
Commission passed a motion for us to move forward with the 
Notice of Intent. It was filed on that same day with the 
Secretary of State’s office.

The following day the MDMR web page was updated 
to have the public notice.

The legal notice appeared in the Sun Herald on 

The Notice of Intent was published on June 19th, 
and the public comment period was from June 20th through 
yesterday, twenty-seven days. To date we have received no 
public comments.

If the Commission so chooses to move forward 
with the final adoption of the Area VI Reclassification, 
updated shellfish language for Title 22 Part 1, a motion 
for final adoption would need to be made.

If you have any questions, I will be happy to 
answer those.

COMMISSIONER HAVARD: At this time, do you feel
that our management strategies with our current oyster resource are going in the right direction for us to open up the last healthy reef resource that we have?

CHARLIE ROBERTSON: These changes are going to apply to Area VI growing waters. What the Commission chooses to do, once these areas are reclassified, is really up to the Commission.

COMMISSIONER HAVARD: From a scientist's point of view, do you feel that this is the right move to make for the resource?

JOE JEWELL: Commissioner Havard, our staff assesses all of the reefs in the State of Mississippi and presents to the Commission our findings, our annual findings, usually in September, or October, of each year.

We do advise the Commission about the sustainability in the reef, the current resource and the availability on those reefs at that time.

We are still in sort of our early assessments of all the reefs right now. Those change annually. There are a lot of environmental conditions that impact the reefs. There are a lot of management decisions that could be made that could impact the reefs.

You are correct. The Causeway Reef in Pascagoula in the largest reef that we have right now in the State of Mississippi of our oyster resources. It is
the one that the Commission has dutifully taken management
actions to protect and to make sure it is sustainable.

All the reefs have the ability to have some
harvest off of them, to have some relay activities done to
them.

Some of these management options will make the
reef more viable even more.

The issue that the staff wants and has made the
Commission aware of is that if you take multiple actions
of a very limited resource, they tend to have long-term
impacts.

If the Commission wants to proceed with a relay
activity, whether it be tonging, or dredging, the staff
has advised the Commission as long as those management
actions are done with sustainability in mind, it should
have no long-term impact, if there are no other impacts
that happen to that reef.

Of course, we have established the thirty
percent as our threshold for sustainability of any reef,
or all of our reefs. That is sort of our local states’
standard that they use and it's the one that we have
adopted.

As long as the Commission stays within those
boundaries, we feel relatively confident -- we can’t state
anything with one hundred percent accuracy -- that that
would be an okay management practice by the Commission. The Commission has to consider the totality of all the actions and motions that they make, as far as management on that reef.

We have done past relays off of that reef, and we are considering future activities. I would caution that the Commission be mindful with the current activities that are being proposed and all future activities that are being proposed on that reef.

COMMISSIONER HAVARD: Joe, I appreciate that. Correct me if I'm wrong, since our first relay in 2014, the Pascagoula reef has been reduced by sixty percent of harvestable oysters.

Is that correct?

CHARLIE ROBERTSON: I don't have the exact number.

JOE JEWELL: I don't think it is quite that much, but, like I said, there is this natural fluctuation that occurs. Sometimes it is exacerbated by management practices.

I think the reef overall is sustainable, but it is at lower numbers of harvestable sacks than we first reported in 2014.

CHARLIE ROBERTSON: That's correct. The number of harvestable oysters on the reef has reduced. I don't
know exactly what those numbers are.

COMMISSIONER HAVARD: In my book, sustainability is not having a reduction in a reef by fifty percent, even if it's not sixty. In my opinion, that is not considered sustainable, but that’s my opinion.

COMMISSIONER DANIELS: Is this reduction coming from the last time that something was done on the reef, or is this environmental factors?

JOE JEWELL: It’s a combination of both.

Erik and I were having this conversation this morning. When you think about the Mississippi Sound, it’s sort of a shallow lagoon. The average depth is about ten feet. There are major island passes that provide input and output. We have several major rivers that flow into it, but where the major reefs are found in the western Mississippi Sound, it’s an open environment.

The Pascagoula Reef, at the mouth of the Pascagoula River, it's in a little bit different environment.

If you look at the reefs in the western sound, some of those reefs the acreage approaches six to eight thousand acres of potential acreage for oyster production.

In Pascagoula, it is a relatively small reef. It’s about two eighty, two ninety, three hundred acres period.
The reason why that hasn't naturally expanded to the footprints that we have in the reefs in the western sound is it is in an alluvial environment at the mouth of a river where you have a lot of sediment, fine particulate matter that is suspended in the water column and, when the river loses velocity at the mouth, it tends to distribute that fine mud silt out there, so there is not a firm bottom for oyster reefs to develop.

Most of the hard big particles, the sand particles, they are either pushed out at the mouth of the river, or big sandbars up in the river.

All that fine sediment comes down. What that means, as far as the reef expansion, the reef is about as big as it can get because there are no suitable bottoms for it to expand.

I think what Commissioner Havard is trying to say is if you keep that in mind, it's not like the reefs in the western sound where you can cultivate, you can do cultch planting, you can do different types of management intervention.

In Pascagoula, there are only so many acres of suitable bottom that this reef can expand on, or it would have already naturally done it.

I think the concerns that he is expressing and the concerns the staff has expressed is that we have to
manage Pascagoula in a sustainable way.

If you go in and you say thirty percent one year, you have to manage that reef. You have to assess that reef and make sure that you haven't done any long-term damage, and, then, if the Commission wants to take more action a year, or two, later and the data supports that, we are saying that's okay, but, if the data doesn't support that, the Commission has to take actions that make this reef sustainable.

CommissioNer DanielS: how big is this section we are talking about reclassifying?

Charlie RobertSOn: this section that we are talking about is around a hundred and fifty acres, a hundred and fifty to a hundred and eighty acres.

CommissioNer DanielS: that's about half of the entire reef that is there, now?

Charlie RobertSOn: it is probably two thirds of the entire reef that is there.

Just to answer both of your concerns a little bit further, the oyster reefs are a very dynamic system. There can be good years. There can be bad years that can happen very quickly.

We don't have a whole lot of long-term data on this reef in particular, but what I do feel we can say pretty confidently is the reduction that we see in the
harvestable oysters on this reef isn’t necessarily from
harvest, or from relaying activities. It can most likely
be from natural occurrences.

JOE SPRAGGINS: One of the things we need to
look at, Commissioners, on what y’all are thinking about,
I understand we have not had a lot of information about
the oysters there in Pascagoula, or anywhere in that area
on the eastern part of the sound, and one of the major
things is a lot of people really don’t think they ought to
use dredges on it.

Jackson County just did a resolution and I think
the City of Gautier has done one and some others are
looking at it. They asked us not to do that.

The one thing we need to know and we need to do,
if we are going to do something like this, if we are going
to move any oysters off of one place like that, we need to
have a plan to replenish the cultch that is in there.

That is something that I would like to see. I
would like to have some plan of us saying that we are
going to cultch plant that, and I think that is one of the
major issues.

The seed oysters are there and the environment
is there to grow them, but, if we take all the cultch out
-- I don’t think we have, but we have not replaced any
yet.
CHARLIE ROBERTSON: We have not.

JOE SPRAGGINS: That may be one of your major issues.

CHARLIE ROBERTSON: I absolutely agree and I think every one of us that talked about this program agree to that point specifically.

Again, this regulatory change, as far as what resource we are specifically directly talking about is the water resource. We are not talking about shellfish directly with changing this. That is a decision that the Commission would have to decide later. We are just talking about classifying the waters.

We will be coming forward very soon with the data that we are collecting this year from the Pascagoula Reef, and we will be able to see what the reef looks like this year, as opposed to last year, and we will be able to show you some of the trends that we are seeing. This will be the fifth year, the fifth data set that we have gotten off of this reef.

We will be glad to present that to you guys later so that you can make a decision on any type of activities that would affect the oyster resource.

COMMISSIONER DANIELS: When do you expect to have that information?

CHARLIE ROBERTSON: We actually should be diving
on it within the next month, probably within the next couple of weeks, so we can give you some of the preliminary data, but we will also be coming back at the September Commission meeting for the oyster season recommendation, and we will have the full suite of data from this year’s reef assessment.

COMMISSIONER HAVARD: I would feel a lot more comfortable with this, if we were on the bottom end of our curve. Ten years ago, we harvested five hundred thousand sacks of oysters out of the Mississippi Sound. This year, ten thousand sacks. We haven’t figured out how to correctly manage what we have open.

Why open the last healthy reef?

That’s my concern and until we get a management plan in place that says here’s what we are going to do; we are going to replenish, cultch plant, okay, this one was successful; we successfully put out a cultch plant; we grew oysters to a harvestable age, or size; we have successfully done this; we increased our production; until we do that, I don’t see why we should open any additional areas.

COMMISSIONER BOSARGE: Actually, this is not opening up any additional areas, as much as it is just reclassifying that area to where when and if we decide.

Understand, now, if we don't go ahead with this
-- correct me if I'm wrong -- we will have to go through the process all over again to do anything with that area because, right now, it is classified as prohibited.

   CHARLIE ROBERTSON: This is the map that shows the current classification as it is currently today, if we don't make any changes.

   This area right here is the one that we are specifically addressing right now that we are talking about, but we are making changes within this whole area, Area VI.

   This area specifically will be upwardly classified from prohibited to restricted which doesn't necessarily open it for harvest. It is still restricted.

   The only way that it could be harvested from would be if the Commission made some directive to relay from that area, or transplant oysters from that area to another area, and that is the only activity that could be permitted, if the Commission chose to do so.

   One of the other issues that we are addressing with this regulatory change is the opportunity for aquaculture to be done in the area around Round Island.

   Right now you can see it is actually unclassified, so we can't do anything in there right now, until we classify this area

   COMMISSIONER HAVARD: This is great. This is a
step. It's a step in the wrong direction.

COMMISSIONER BOSARGE: Just to clarify, right now the area that we have actually set aside for oyster aquaculture between Round Island and Singing River Island, without this reclassification, we can’t do any aquaculture.

JOE JEWELL: That’s correct. This is an unclassified area. It has to be classified as something.

I do want to state one other thing. The recommendations that we are making is upwardly classifying it from prohibited to restricted.

All that says, as far as the management, is that we can relay out of there. I want to be clear that this is not harvest for consumption.

COMMISSIONER BOSARGE: That’s correct.

COMMISSIONER HAVARD: How do we get back the Oyster Council?

How do we go about taking that step to get that back in place?

JOE JEWELL: There was some discussion about that actually at the previous two meetings. We met internally with staff. We had a couple of meetings on how we would reassemble that group. I know that Commissioner Bosarge was here.

That group has always been sort of very
impassioned about the resource. I think that would be a
diplomatic way of saying it.

As you know, when Director Miller was here, we
disbanded that group with the clear intention at some
point to come forward and reconstitute it, and the DMR
select those individuals and appoint them to terms on the
Oyster Task Force.

We are meeting on that. We will bring a
recommendation to y'all at some point in the future. I'm
not quite sure when, but we have got to get a lot of the
logistical issues and the representation from each group
sort of sorted out right now, but we do plan on that
absolutely.

COMMISSIONER HAVARD: I think that is an
extremely important part to our --

JOE JEWELL: (Interposing) I'm sorry.

COMMISSIONER HAVARD: I think that is an
extremely important part to our management of the oyster
resource, to have a task force that gives recommendation
and truly studies what our next step needs to be to
achieve our plan.

JOE JEWELL: Well, the Commission has voted on
and approved an oyster management plan. Essentially what
it did was address the management strategies that can be
adopted by the Commission.
As the Commission is aware, I think over the last three years, we have adopted that thirty percent standard, but we have also done things like we have extended the season, we have extended the area for harvest, particularly in Biloxi Bay, and we extended the sacks that could be harvested by ten thousand.

We have done a lot of things that exceeded the adoption of the thirty percent goal that sort of exacerbated the whole concept of sustainability.

That was one of the things I tried to point out as carefully and diplomatically as I can. If the Commission takes a stand and votes on a position that they feel is sustainable to retain those resources long term, the consideration should be long term.

COMMISSIONER DANIELS: Where is the guarantee that if we do reclassify this, we won’t exceed that thirty percent?

JOE JEWELL: Charlie is right. All this is doing is reclassifying the area.

The Commission has already voted on and passed a relay program. In the future, any of those types of things, the Commission would have to consider that.

It’s usually in September, or October, the staff comes forward with a management recommendation, or the data from field findings that we have collected.
The Commission, at that time, is the governing body that makes the recommendation of how we manage it.

The Commission can adopt the oyster shell budget, the oyster model, the thirty percent harvesting practice. The Commission has to vote on and approve the management system that we put in place for the oyster season.

JOE SPRAGGINS: Do we know how many oysters are there?

JOE JEWELL: Right now we have about thirty-seven thousand sacks of legal size oysters.

JOE SPRAGGINS: Have they ever been harvested out of there in the last how many years?

JOE JEWELL: I’m sorry.

JOE SPRAGGINS: Have they been harvested, anything out of there, in the past?

JOE JEWELL: Not harvested. They haven't been harvested.

JOE SPRAGGINS: Have there been any relays?

JOE JEWELL: There absolutely has been.

JOE SPRAGGINS: How did they relay out of a prohibited area?

JOE JEWELL: If you look, the line cuts the reef at about a third, to two thirds. The areas that we designated, we were in the restricted area, not the
prohibited area.

CHARLIE ROBERTSON: I would just like to point on the map here, I don’t have the reefs outlined on here, but there is a reef about here, there’s a reef here that extends into the prohibited area, and the areas that we harvested for relay from previously were from the restricted area, not inside the prohibited.

COMMISSIONER DANIELS: Can we not relay from those same areas again?

CHARLIE ROBERTSON: There are areas there that you could relay from. I think one of the things to consider, though, is that there is a substantial amount of reef that would still be within the prohibited area, if we weren’t to move forward with this.

COMMISSIONER HAVARD: To bring Commissioner Daniels kind of up to date -- correct me if I’m wrong, guys -- we agreed to take thirty percent of oysters out of this area that is currently open. We are going to bring those to Biloxi, set them back in the water for a depuration period, and, then, harvest them. They are not even going to get a chance to go through a cycle of replenishing the current reef that we dump them on.

That was my understanding over the last several meetings where we have been hashing this out.

Is that correct?
JOE JEWELL: That’s correct. That’s the relay program that the Commission adopted and passed.

CHARLIE ROBERTSON: I don’t think the details on where they were going to be relayed to, or the end purpose, whether it be we were going to harvest, or leave them there to create a new reef, were finalized. I’m not sure that the details were finalized.

COMMISSIONER HAVARD: I remember making the comment, why don’t we just dump them in a pile and just pick up the one pile and not go through the motions of catching, trying to find these oysters again, if we are only going to leave them there for a couple of weeks, and, then, take them right back out of the system.

I was just trying to bring the Commissioner up to date.

Is that what you understood, Commissioner Bosarge?

COMMISSIONER BOSARGE: There was a lot of discussion and there were certain things that we set down as this is one of things we were going to do, but I do remember that we never actually said where we were going to put them, or what we were going to do with them.

I think some of us were in agreement, as you stated, that if we are going to move them, we put them there and use them to grow the reef, instead of using them
for harvest, but that decision hasn't been made, to the
best of my knowledge.

JOE JEWELL: This was discussed at the May
meeting, and, then, the Commission held a special workshop
in May where the actual program elements were voted on and
passed.

As a recap of that, the primary purpose of the
workshop was to develop a plan to employ the fishermen per
the terms and conditions of the Bonnet Carre Disaster
Grant. That was the main focus of that meeting and the
workshop, and that was the development of the elements in
the plan that passed.

You are correct that we left some of the
language in the actual program management up to the staff
to decide that, how we were going to implement it, who was
going to tong, who was going to dredge, what days they
were going to dredge. Those things were left up to the
staff, as they typically are in any of those big grants.

There was a lot of discussion on what the
ultimate goal was.

The purpose was to fulfill the terms and
conditions of the contract, by employing the fishermen,
but there was a lot of discussion, as has been for about a
year now, as to what is the ultimate goal of the
Commission in doing these types of relays.
Is it for harvest, or is it strictly for relay to create conditions to expand the reefs?

There were decidedly conversations on both sides.

COMMISSIONER DANIELS: I’ve got two questions about the parts that have already been harvested, or relayed.

One, the oysters that we moved off of those before, I’m assuming if they were relayed, they were relocated.

Do we have data on how many of those made it, how good they were doing?

Two, the reefs that we pulled off of there, how have they rebounded?

Is that what we were talking about a minute ago with the reef still being down, or have they rebounded from the thirty percent that we previously took off of it?

CHARLIE ROBERTSON: To address your first question, we do have the numbers on how much we harvested and where we took it.

The fishermen were allowed to immediately harvest afterward from that specific area, so we do have some numbers on that as well.

What was your second question?

COMMISSIONER DANIELS: The area that you relayed
off of previously, that was 2014?

CHARLIE ROBERTSON: Yes.

COMMISSIONER DANIELS: When was the last relay?

CHARLIE ROBERTSON: It was in 2014 when we relayed.

In October of this past year, 2017, we also relayed I believe around three thousand sacks off of this reef as well.

COMMISSIONER DANIELS: How many of those sacks have we regrown on those reefs from what we have taken off?

What are the numbers on the reefs now?

How have they rebounded?

CHARLIE ROBERTSON: We don’t have the data yet to make any kind of statements on whether, or not, they have rebounded. We are going to be collecting that shortly. We will be able to make some kind of estimate for you soon.

What I can tell you, when we harvested the first relay we did off it, the following year there wasn’t a significant difference in the amount of oysters that we estimated still being there from pre-relay estimates to post-relay estimates of the following year.

JOE JEWELL: There is one thing I want to clarify. When I said approximately thirty-seven thousand
sacks of legal size oysters, that was from our last assessment.

As Charlie mentioned, we haven’t done this year’s current assessment, so things can change.

COMMISSIONER BOSARGE: For Commissioner Daniels’ benefit, the relay that was done in 2014, was not legal oysters. It was material. In other words, they would dredge up just material and take that.

There is a vast difference between the amount of material that is on that reef versus the amount of harvestable oysters.

You have got to get those numbers in your head. Don’t think that thirty-seven thousand sacks is all that is on that reef. That is just probably a small percentage.

JOE JEWELL: There is considerably more material out there, correct.

CHARLIE ROBERTSON: Correct.

JOE JEWELL: Then, I do want to point out to the Commission that we are trying to cultch plant. We did a very small shell planting, cultch planting this year out on the reef, but these things are very laborious and they are very expensive.

If the Commission is going to choose to do large relays from the area, I completely agree with Commissioner
Havard. We should have a plan in place to cultch plant those areas.

CHARLIE ROBERTSON: I just want to point out, too, I think most of you are aware that our oyster population is not in good shape right now. It is not going to miraculously rebound this year.

I think moving forward with this would give you a good option, if you chose to use it, to have some type of backup plan to help employ some of the fishermen using some type of program.

Now, you don’t have to. That is the Commission’s decision.

We are talking about the water resource here. The oyster resource and what we do with that would have to be later decided by the Commission. Right now we are just talking about reclassifying the waters so that the possibility is there, if the Commission so chooses.

COMMISSIONER BOSARGE: I agree and, also, we could do some aquaculture in that area.

CHARLIE ROBERTSON: That’s correct.

I’m going to the map of what it is actually going to look like. This is what the proposal is. We are going to be upwardly classifying that area that was previously prohibited, and we are adding this
conditionally approved area around Round Island and the
waters within the vicinity of it for aquaculture,
potential aquaculture programs.

COMMISSIONER HAVARD: I think adding the area
for aquaculture program is great. It will help our
resource, but the other is not.

I would like to table it.

COMMISSIONER BOSARGE: If you look at where we
are with this, we are all the way down to final adoption.
We would have to start over.

Is that correct, Sandy?

SANDY CHESTNUT: Yes, you would have to start
the process over.

COMMISSIONER BOSARGE: I understand your
concerns, but anything that goes on there has to go on
through us. It’s not like we are changing something that
is going to change up the whole way things are done. It’s
just giving us one more option to be able to do things
that we haven’t before been able to do.

It opens up a little bit of that right next to
that causeway is what it does. When I say, opens up, it
doesn’t open up anything. It just approves the waters.

In my opinion it is really a little better
because instead of taking oysters from a small area, we
are opening it up to a bigger area; taking the same
amount, but spreading it out.

    JOE JEWELL: I sort of want to echo that.

    COMMISSIONER BOSARGE: Go ahead.

    JOE JEWELL: I know that Commissioner Havard, you have some reservations about this, but we are in the process of getting towards final adoption, and all this is doing is giving the Commission more tools. It is not actually implementing anything, any management plan, or any regulatory program. All it is doing is changing the classification of the area.

    If you think of it like a set of steps, at the very top of those steps are the approved areas which they have no restrictions on them, they can be open year round, they can do all kinds of different resource management.

    At the very foot of those steps is prohibited where little, or no, action can be taken in those areas.

    All this is doing is taking it one step up which the next category is restricted and, in that area, very limited management activities can take place. Certainly no harvest can take place in those areas, particularly harvest for consumption.

    All that can occur in a restricted area is a relay activity which, as Commissioner Bosarge pointed out, the Commission would have to approve and do those types of things for these types of activities.
COMMISSIONER DANIELS: If we are within thirty days of having this extra data which would be beneficial, could we not wait to see that before we actually approve this?

JOE JEWELL: Well, the actual data collection is not going to have any impact on the reclassification. The reclassification is just changing a line on a map. It is not changing the management system, the abundance of the resource, the depletion of the resource, the stability of the resource. All that is doing is moving a line.

If the assessment comes back good, or it comes back bad, it is not going to have any impact on moving the line.

ERIK BROUSSARD: I also want to point out, we are still a good three, or four, months out before any type of program can even be implemented. You will have plenty of time, without failing this, to look at what this year’s reef assessment is going to be.

Even if we do present in September, the program is not going to take place in September. This is a long process. The Commission will have plenty of time to comment, review the data, and make decisions accordingly, within reason. You are not buying yourself any extra time.

COMMISSIONER HAVARD: I just think if we could
find one year where we could show an increase in production, it would be a lot easier to swallow.

We have been shown over the past ten years nothing but our harvestable numbers going down.

JOE JEWELL: We absolutely don’t disagree with that, but my recommendation would be to proceed with the final adoption.

I do want to point out and I’m sure Counselor Chestnut will point out, the Commission can choose to withdraw the Notice of Intent at this point.

Is that correct?

SANDY CHESTNUT: Yes. They can withdraw the Notice of Intent which, like I said, it would start the process over.

If you do decide later on in the year that you do want to use these waters, we are starting the process over from Notice of Intent which has to go back out for twenty-five days, and, then, another thirty days before it can be effective.

You are creating a situation where you may be under the gun to get these waters reclassified, if you decide you want to use them.

If you go ahead and reclassify them, they are available and you get to vote on whether you use them, or not.
COMMISSIONER BOSARGE: If I saw a problem with it, I would be the first to say. I don’t see a big problem with it, but the downside, the real downside to it is the folks in Jackson County which I know are looking at oyster aquaculture, this takes them out of the loop.

JOE JEWELL: That’s correct. We would have to delay it, until future action by the Commission.

COMMISSIONER BOSARGE: I would like to make a motion that we proceed on the final adoption of Area VI Reclassification.

COMMISSIONER DANIELS: Just to be clear, this is not saying that we are going to go in there and harvest the last part of that reef.

That has to come before us again to approve any oysters coming off of the last part of that reef.

Is that correct?

JOE JEWELL: That’s correct.

COMMISSIONER BOSARGE: Correct.

COMMISSIONER DANIELS: But we will open up the possibility for aquaculture by this.

COMMISSIONER BOSARGE: Correct.

Most people, especially people in the audience know we spend a lot of time on oysters, with due right because it’s not just in the State of Mississippi. It is Gulf wide. It is everywhere. We have got to be very
careful with what we do.

I have got to go with Joe. This is just another took in the toolbox for us to be able to hopefully use this resource to try to restore some of the resources that have been depleted.

COMMISSIONER HAVARD: I’ve got one last question.

When are we going to get a task force in place? I know we are trying, but we could try for the next two years to get one in place. I would like to see a time frame set up where we can make good decisions about the last of our resource. We are opening up the last of our resource and I’m okay with doing that, as long as we get a plan in place to get the right people helping everyone make the right decisions.

JOE JEWELL: We can do that as quick as the Commission would like us to, but I do want to point out a task force is made up of the constituents that the resource is impacted by.

For instance, our crab task force was one of the more successful ones. It had representation from the commercial crab industry, it had representation from the recreational crab industry, they had a representative from the shrimp industry and they have a representative from
the Commission.

Now, we have a for-hire task force that is the same.

COMMISSIONER BOSARGE: They also have law enforcement.

JOE JEWELL: That’s correct.

On our For-Hire Task Force, they have the Federal Reef Permit holders, for-hire holders, they have the state for-hire charter boat fisheries and they have the inshore charter boats and they have a Commission representative and they a Marine Patrol representative on that task force.

I just want you to recall back the comments that the commercial oyster fishermen have made before the Commission and understand that those people will be on this task force making very similar recommendations that they have made here before the Commission.

The expectation that there is going to be a sudden change in that philosophy, or the comments that are made, I don’t think that is going to happen. I just want to be clear about that.

We can establish it. We can move forward and put representatives on it, but I think the expectation that the commercial fisheries expectations about when they harvest and how they harvest and what they can harvest is
not going to change.

COMMISSIONER BOSARGE: It's all according to the makeup of the group a lot of times. Let's hope that we've got the right folks in place.

I know I'm a member of the Crab Task Force. Traci is the one that started that. I've got to give kudos to her. She put it together and did a really good job of it.

JOE JEWELL: It is our most successful task force. They work really good together, and I would say on the other perspective our least successful task force was the Oyster Task Force, but we can reconstitute it quickly.

COMMISSIONER BOSARGE: I would rather see all those debates go on in that group and let's see what comes out of it. We still have time.

COMMISSIONER HAVARD: Absolutely.

You made the motion?

COMMISSIONER BOSARGE: Yes, sir.

COMMISSIONER HAVARD: I will second that motion.

COMMISSIONER BOSARGE: Any further discussion?

(No response.)

COMMISSIONER BOSARGE: All those in favor aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed like sign.

(None opposed.)
COMMISSIONER BOSARGE: Motion carries.

CHARLIE ROBERTSON: Thank y'all.

I do want to say I appreciate the discussion on the topic. If y'all want to talk about it more, I will be glad to clarify, or answer any more questions you might have.

COMMISSIONER BOSARGE: We hate to take up so much time, but it is an issue that is important to everybody here, plus the folks that are part of that industry. If we don't protect and grow what is there, then, they are not there either.

JOE JEWELL: I would like to point out to the Commission that Item K7 is one that was tabled last time because Commissioner Gollott could not be here.

Again, Commissioner Gollott is in a medical condition and he cannot be here today, so I would respectfully request that the Commission make a motion and table this issue until Commissioner Gollott can be here.

COMMISSIONER BOSARGE: Yes. I think that is only appropriate.

COMMISSIONER HAVARD: I'll make a motion that we table Item K7 until Commissioner Gollott can be here.

COMMISSIONER BOSARGE: We have a motion.

Do we have a second to that motion?

COMMISSIONER DANIELS: I'll second it.
COMMISSIONER BOSARGE: We have a motion and a second.

All those in favor aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed like sign.

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

JOE JEWELL: Thank you, Commissioners.

The final agenda item for Marine Fisheries is adoption of a new state record, and that will be presented by Mr. Jonathan Barr.

JONATHAN BARR: Thank you, Joe.

Good morning Commissioners, General Spraggins, Ms. Chestnut.

This month we have one record up for consideration. It is conventional tackle.

It is a new record for our books. It is a Graysby. It's a member of the seabass family, Cephalopholis cruentata. One pound one point nine three ounces. The angler is Mr. Matt Glenn.

Here is Mr. Glenn with his fish (indicating photograph).

Required is a motion to adopt this new State record.

COMMISSIONER HAVARD: I would like to make a
motion to adopt the new State record on Graysby.

COMMISSIONER BOSARGE: We have a motion.

Do we have a second to the motion?

COMMISSIONER DANIELS: I'll second the motion.

COMMISSIONER BOSARGE: All those in favor aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed like sign.

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

JONATHAN BARR: Thank you.

COMMISSIONER BOSARGE: Do we have any other business?

(No response.)

COMMISSIONER BOSARGE: Seeing none, do we have a motion to adjourn?

COMMISSIONER HAVARD: I'll make the motion to adjourn.

COMMISSIONER DANIELS: I'll second that motion.

COMMISSIONER BOSARGE: All those in favor aye.

(All in favor.)

COMMISSIONER BOSARGE: Motion carries. We are adjourned.

(Whereupon, at 12:30 o'clock, p.m., the July 17, 2018, meeting of the Commission on Marine Resources was concluded.)
CERTIFICATE

I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above and foregoing is a true and correct transcript of the July 17, 2018, meeting of the Commission on Marine Resources, as taken by me at the time and place heretofore stated in the aforementioned matter in shorthand, with electronic verification, and later reduced top typewritten form to the best of my skill and ability; and, further, that I am not a relative, employee, or agent, of any of the parties thereto, nor financially interested in the cause.

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