

COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, October 16, 2018
10:00 a.m.
Jackson County Board of Supervisors Boardroom
2915 Canty Street
Pascagoula, Mississippi 39568

Commission Members:

Steve Bosarge, Chairman

Ronald Daniels

Richard Gollott

Natalie Guess

Mark Havard

Also Present:

Joe Spraggins, Executive Director DMR

Sandy Chesnut, Esq., Assistant Attorney General

Lucille Morgan, CSR 1251

COURT REPORTER

(228) 396-8788

1 COMMISSIONER BOSARGE: I call this meeting to
2 order, our regular scheduled October meeting. Looks like
3 we've got a good crowd.

4 We are going to work through this. We've got
5 some new folks in the audience here. I see Senator
6 Seymour is here, and we've got our new Commissioner, Ms.
7 Natalie Guess.

8 We have a lot to do. We've got a full agenda.
9 We are going to get started.

10 We are going to let Natalie lead us in the
11 Pledge of Allegiance.

12 (Pledge of Allegiance was recited.)

13 COMMISSIONER BOSARGE: Next on the agenda is a
14 moment of silence.

15 I have some in-laws that were just a little bit
16 out of the city limits of Panama City. I went down this
17 weekend and I'm going to tell you what. Hurricane Katrina
18 was bad, but I never made it into the City of Panama City.
19 That is bad. I have never seen so many trees down and
20 power lines down and houses destroyed.

21 Maybe, in our moment of silence, we can say a
22 silent prayer for those folks. If anybody can help them,
23 please do.

24 (Moment of silence observed.)

25 COMMISSIONER BOSARGE: Thank you.

1 Next up on the agenda is approval of the
2 minutes.

3 Do we have any changes to the minutes?

4 (No response.)

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

7 COMMISSIONER GOLLOTT: Mr. Chairman, I make a
8 motion we approve the minutes as written.

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

11 COMMISSIONER HAVARD: I'll second the motion.

12 COMMISSIONER BOSARGE: We have a motion and a
13 second.

14 All those in favor say aye.

15 (All in favor.)

16 COMMISSIONER BOSARGE: Opposed like sign.

17 (None opposed.)

18 COMMISSIONER BOSARGE: Motion carries.

19 Next up will be approval of the agenda.

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

22 COMMISSIONER GOLLOTT: Mr. Chairman, I would
23 like to make a change. If it's all right with the
24 Commission, I would like to put grass beds on Cat Island
25 on the agenda.

1 COMMISSIONER BOSARGE: You want to add that as
2 K-7?

3 COMMISSIONER GOLLOTT: That sounds good.

4 COMMISSIONER BOSARGE: Ms. Chesnut, we need a
5 motion for that?

6 SANDY CHESNUT: Yes, sir.

7 COMMISSIONER BOSARGE: Richard, you make that
8 motion?

9 COMMISSIONER GOLLOTT: Yes.

10 COMMISSIONER BOSARGE: We have a motion to talk
11 about grass beds on Cat Island.

12 Do we have a second for that motion?

13 (No response.)

14 COMMISSIONER BOSARGE: I will second his motion.
15 Any further discussion?

16 (No response.)

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

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

21 COMMISSIONER BOSARGE: Motion carries.
22 Any other changes to the agenda?

23 JOE SPRAGGINS: Yes, sir, Mr. Chairman. If we
24 could, I would like to ask if you could possibly change C-
25 1 to modify the agenda for the oath of office to be

1 administered to our new Commissioner, Natalie Guess, by
2 the Court Reporter.

3 COMMISSIONER BOSARGE: We are going to move E up
4 to C-1.

5 JOE SPRAGGINS: Also, if we could, modify the
6 agenda and make D-1, request for Executive Session to
7 discuss possible litigations, and move D-1 that is now
8 Administrative Penalties to D-2.

9 COMMISSIONER BOSARGE: Let me make sure I write
10 it down correctly on here.

11 I will make that motion to make those changes.
12 Do we have a second for that motion?

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

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

17 COMMISSIONER BOSARGE: Opposed same sign.
18 (None opposed.)

19 COMMISSIONER BOSARGE: Motion carries.

20 Now, we will go to Oath of Office.

21 SANDY CHESNUT: You need a motion to approve the
22 agenda as modified.

23 COMMISSIONER BOSARGE: You're right.

24 Do we have a motion to approve the agenda as
25 modified?

1 COMMISSIONER DANIELS: I will make a motion to
2 approve the agenda as modified.

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

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

7 COMMISSIONER BOSARGE: We have a motion and a
8 second.

9 All those in favor aye.

10 (All in favor.)

11 COMMISSIONER BOSARGE: Opposed like sign.

12 (None opposed.)

13 COMMISSIONER BOSARGE: Motion carries.

14 Next, we go to Oath of Office for Ms. Natalie
15 Guess.

16 Before we do that, introduce your family.

17 COMMISSIONER GUESS: Sure.

18 COMMISSIONER BOSARGE: You've got some family
19 members here. I don't want to put you on the spot.

20 COMMISSIONER GUESS: I have my husband, Eric
21 Guess, and I have my mother-in-law and father-in-law,
22 Linda and Kenneth Guess.

23 COMMISSIONER BOSARGE: Nice to meet you.

24 (Oath of Office was administered.)

25 COMMISSIONER BOSARGE: We welcome you aboard.

1 COMMISSIONER GUESS: Thank you.

2 COMMISSIONER BOSARGE: Sometimes it gets a
3 little rocky, but you will make it through.

4 Next up on the agenda will be executive session.

5 COMMISSIONER GOLLOTT: Mr. Chairman, I make a
6 motion that we go into closed session to discuss the need
7 for executive session to discuss perspective litigation.

8 COMMISSIONER BOSARGE: We have a motion.

9 Do we have a second for that motion?

10 COMMISSIONER HAVARD: I'll second the motion.

11 COMMISSIONER BOSARGE: We have a motion and a
12 second.

13 Any further discussion?

14 (No response.)

15 COMMISSIONER BOSARGE: All those in favor aye.

16 (All in favor.)

17 COMMISSIONER BOSARGE: Opposed like sign.

18 (None opposed.)

19 COMMISSIONER BOSARGE: Motion carries.

20 We are going to step out here for a little bit.
21 We won't take any longer than we have to, and we will be
22 right back.

23 MEETING STANDS IN RECESS

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

1 Ms. Chesnut, if you will, give everybody an
2 update on the closed session.

3 SANDY CHESNUT: At 10:08, a motion was made by
4 Commissioner Gollott to go into closed session to discuss
5 the need for executive session to discuss perspective
6 litigation. That motion was seconded by Commissioner
7 Havard.

8 Commissioners present at the closed session were
9 Chairman Bosarge, Commissioner Gollott, Commissioner
10 Daniels, Commissioner Havard and Commissioner Guess. Also
11 present were legal counsel Sandy Chesnut, Kim Papania and
12 Executive Director Spraggins.

13 At 10:11, a motion was made by Commissioner
14 Gollott to go into executive session to discuss
15 perspective litigation. That motion was seconded by
16 Commissioner Havard.

17 There was one motion made during the executive
18 session and that was to give legal counsel the authority
19 to establish a payment plan for fines established under
20 the Administrative Penalties procedure.

21 That motion was made by Commissioner Guess and
22 seconded by Commissioner Daniels.

23 At 11:08, Commissioner Havard made a motion to
24 end the executive session, and that motion was seconded by
25 Commissioner Gollott.

1 COMMISSIONER BOSARGE: We move on down to
2 Administrative Penalties.

3 Ms. Kim.

4 KIM PAPANIA: Good morning Commissioners,
5 Director, Ms. Sandy.

6 We are glad to have you, Ms. Guess.

7 COMMISSIONER GUESS: Thank you.

8 KIM PAPANIA: This is the result of the
9 investigation that was ordered a few months ago for the
10 failure to report Spotted Seatrout landings.

11 Sales receipts provided by Alabama Marine
12 Resources Division revealed thousands of pounds of Spotted
13 Seatrout sold in Alabama that were never reported on
14 Mississippi trip tickets, during the spring commercial
15 season.

16 The sales receipts indicated Mississippi
17 licensed commercial fishermen were selling their own catch
18 directly to Alabama dealers.

19 Marine Patrol interviewed the fishermen to
20 investigate noncompliance. The interviews resulted in an
21 additional twenty-eight thousand six hundred and sixty-
22 three pounds of Spotted Seatrout submitted to the
23 Mississippi Trip Ticket Program.

24 Currently, one thousand two hundred and ninety
25 pounds of Spotted Seatrout are still unreported.

1 Is Mr. Stork present today, Bills stork?

2 BILLY STORK: Yes.

3 KIM PAPANIA: Are you prepared to proceed with
4 your case?

5 BILLY STORK: Yes.

6 KIM PAPANIA: The first case is going to be Mr.
7 Billy Stork.

8 On, or about, July 25th, 2018, a Notice of
9 Violation was served on Mr. Stork by Marine Patrol officer
10 Patrick Carron.

11 On, or about, August 6th, 2018, the MDMR received
12 a written response from Mr. Stork.

13 If any of you would like to see that, I brought
14 copies. I think that was also in your packets.

15 Mr. Stork does possess a valid Mississippi
16 Spotted Seatrout Endorsement and a Fresh Products Permit.

17 Mr. Stork sold two thousand seventy-nine pounds
18 of Spotted Seatrout to PJ Seafood in Coden, Alabama,
19 between February 1st and April 27th of 2018.

20 As of May 15th, 2018, Mr. Stork had reported two
21 hundred and sixty pounds of Spotted Seatrout on
22 Mississippi Trip Tickets.

23 Upon learning of the investigation, Mr. Stork
24 late reported one thousand eight hundred and nineteen
25 pounds.

1 The administrative penalty would be a fine in
2 the amount of four thousand five hundred and forty-seven
3 dollars.

4 Upon payment of one thousand eight hundred and
5 nineteen dollars within forty-five days of the
6 Commission's final decision and have no new fishing
7 violations in any jurisdiction for a period of one year,
8 the remaining two thousand seven hundred and twenty-eight
9 dollars will be forgiven.

10 At this time, the Commission can either accept,
11 reject, and/or modify the Executive Director's
12 recommendation upon motion.

13 SANDY CHESNUT: Can we see if Mr. Stork would
14 like to make a statement, before the Commission takes
15 action?

16 KIM PAPANIA: Mr. Stork, would you like to make
17 a statement?

18 BILLY STORK: No.

19 COMMISSIONER BOSARGE: I have a couple of
20 questions for you, Mr. Stork.

21 I see on some of these receipts from PJ Seafood
22 where it lists "area fished". It's hard to make out these
23 tickets, but it says, "eleven three".

24 SANDY CHESNUT: Mr. Stork, could you come to the
25 podium, please?

1 COMMISSIONER BOSARGE: Please step forward, Mr.
2 Stork.

3 BILLY STORK: Eleven three, that is east Jackson
4 County?

5 COMMISSIONER BOSARGE: I don't know. That's
6 what I'm asking you.

7 BILLY STORK: I think so.

8 FROM THE FLOOR: You need to turn your volume
9 up.

10 COMMISSIONER BOSARGE: Pardon?

11 FROM THE FLOOR: Turn your volume up. It's hard
12 for us to hear back here.

13 BILLY STORK: I fish east Jackson County.

14 COMMISSIONER BOSARGE: I will get closer to the
15 mike.

16 How about that?

17 Can you hear, now?

18 FROM THE FLOOR: Yes, sir.

19 We are having trouble hearing her (indicating
20 Kim Papania).

21 COMMISSIONER BOSARGE: I was just curious
22 because on some of the receipts it actually lists "area
23 fished", and it looked to me like "eleven three".

24 You say you think that is east Jackson County?

25 BILLY STORK: Yes. That's where I fish. That's

1 what they put down for that area.

2 COMMISSIONER BOSARGE: And, then, on another
3 one, I noticed it had your license number. I went back
4 and tried to look to see -- let's see if I can find one
5 where it had your license number on it -- but I didn't see
6 your license number as being that number.

7 Did you actually present a license?

8 BILLY STORK: Yes.

9 As a matter of fact, I had two boats. I had two
10 licenses.

11 COMMISSIONER BOSARGE: It says, "1633864". I
12 noticed, on any of your licenses, that number and I was
13 just wondering if that was a mistake.

14 BILLY STORK: I don't believe.

15 Since then, I haven't bought but one license
16 that I've got now on the boat I've got. I sold the other
17 boat.

18 COMMISSIONER BOSARGE: Okay. That's fine.

19 Does anybody else have any questions for Mr.
20 Stork?

21 COMMISSIONER DANIELS: What was the difference
22 between the eighteen hundred and nineteen pounds and the
23 two thousand seventy-nine pounds?

24 BILLY STORK: What I did, I had lost tickets.
25 I filled out trip tickets. When I first went in

1 the deposition, they had me been down for seven hundred
2 and something pounds that I had turned in.

3 Then, since I got this paperwork, they said I
4 didn't turn in but two hundred and something.

5 what it was, they didn't match up with the
6 tickets they got over there, but everything I sold was at
7 PJ Seafood. I didn't sell none nowhere else.

8 They had me down for seven hundred. That other
9 four hundred and something pounds they added went to PJ's
10 because I turned them in, but they added it back.

11 COMMISSIONER BOSARGE: Yes. I read it, and it
12 was a little bit confusing. It said there was a two
13 hundred and eighty-nine pound discrepancy which was a
14 result of two double entries into the system; one for one
15 sixty-four and a second one for one twenty-five. It was a
16 little confusing for me, too, to try to kind of follow the
17 rationale there.

18 BILLY STORK: what it was, I was filling out
19 trip tickets. I couldn't remember the exact weight I had
20 caught because I didn't have the trip ticket. I had lost
21 it, and I put it down and it didn't correspond with what
22 PJ had. I did report -- the seven hundred and something
23 pounds I had reported, they all went to PJ. I caught them
24 in east Jackson County.

25 COMMISSIONER BOSARGE: And your reasoning for

1 not reporting?

2 BILLY STORK: Just not keeping up with it. I
3 didn't think it was such a big issue, at the time, because
4 it hadn't been brought up that much -- you know what I
5 mean -- and I wasn't keeping up with my tickets, and
6 that's the truth.

7 COMMISSIONER BOSARGE: Thank you, Billy.
8 Anybody else have any questions?

9 (No response.)

10 COMMISSIONER BOSARGE: Kim.

11 KIM PAPANIA: The Commission can either accept,
12 reject, and/or modify the Executive Director's
13 recommendation.

14 COMMISSIONER BOSARGE: We need somebody to make
15 a motion to that affect.

16 COMMISSIONER HAVARD: I make a motion that we
17 move forward with the administrative penalty as presented.

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

20 COMMISSIONER GOLLOTT: I'll second the motion.

21 COMMISSIONER BOSARGE: Before we move on, we
22 need to have a little further discussion. You have to
23 bear with us. We have done this a little bit before, but
24 we are working our way through it now and we will try to
25 make it the best we can.

1 We need to change the payment schedule and we
2 have elected, I think, to give as much as six months.

3 What we are going to do for those folks who
4 can't afford to pay the fine at the present, we will have
5 to do it in the form of a motion, but we are going to give
6 Ms. Chesnut the authority for you guys to work with her
7 and set up a payment plan.

8 Correct?

9 SANDY CHESNUT: Yes.

10 COMMISSIONER BOSARGE: The motion would be to
11 accept the administrative penalty, with the changes being
12 upon payment of eighteen hundred and nineteen dollars
13 within one hundred and eighty days of the Commission's
14 final decision.

15 SANDY CHESNUT: Yes.

16 COMMISSIONER BOSARGE: And have no new fishing
17 violations in any jurisdiction for a period of one year.

18 SANDY CHESNUT: Yes.

19 COMMISSIONER BOSARGE: Then, if you pay your
20 fine prior to that six-month termination date, then, it
21 will only be eighteen hundred and nineteen dollars.

22 Are we still doing if they don't, then, the fine
23 goes to the two thousand seven hundred twenty-eight
24 dollars?

25 SANDY CHESNUT: That is up to the Commission.

1 COMMISSIONER BOSARGE: I think we decided
2 against that.

3 So there won't be any remaining -- in other
4 words, your fine is set at what it is.

5 JOE SPRAGGINS: Commissioner, if I could real
6 quick?

7 COMMISSIONER BOSARGE: Yes, sir.

8 JOE SPRAGGINS: I think, when you made the
9 motion in the executive session, it was to be a dollar per
10 pound.

11 Is that not correct?

12 SANDY CHESNUT: Correct.

13 JOE SPRAGGINS: It was for a dollar per pound,
14 and, then, if they couldn't pay it within forty-five days,
15 then they could come to legal and set up a payment plan to
16 be able to pay it within six months.

17 If you didn't pay it within that amount of time,
18 it went to the other, I think that was taken out and I
19 also think the no new fishing violations was taken out, if
20 I'm not mistaken.

21 COMMISSIONER BOSARGE: I don't think we took
22 that out.

23 Sandy, you were taking notes.

24 SANDY CHESNUT: I don't recall that being taken
25 out.

1 I think what we need to do is revise the
2 recommendation to establish the fine at the eighteen
3 hundred nineteen dollars, and they can set up a payment
4 plan with the department, through the legal counsel, up to
5 six months.

6 COMMISSIONER BOSARGE: I'm going to ask
7 Commissioner Havard to modify his motion to include that.

8 COMMISSIONER HAVARD: I would like to modify the
9 motion of administrative penalties.

10 COMMISSIONER BOSARGE: Can you use the mike,
11 please, because surely they will record it?

12 COMMISSIONER HAVARD: At this time, we would
13 like to modify the administrative penalties to read,
14 instead of forty-five days, up to six months, upon payment
15 of the eighteen hundred nineteen dollars.

16 COMMISSIONER BOSARGE: And, then, add to give
17 the authority to Ms. Chesnut to set up a payment plan.

18 COMMISSIONER HAVARD: Yes.

19 COMMISSIONER BOSARGE: Correct?

20 SANDY CHESNUT: Yes. The fine is just going to
21 be established at the eighteen hundred nineteen dollars.

22 COMMISSIONER DANIELS: Shouldn't we strike the
23 have no new fishing violations and the remaining balance?

24 SANDY CHESNUT: That's what I'm understanding
25 that the Commission wants to do.

1 COMMISSIONER HAVARD: Let's just rewrite the
2 motion on the screen.

3 SANDY CHESNUT: Yes, let's do that.

4 COMMISSIONER BOSARGE: Let's rewrite the motion
5 and put it back on the screen.

6 Just a little clarification, Ms. Chesnut.

7 SANDY CHESNUT: Yes, sir.

8 COMMISSIONER BOSARGE: Commissioner Guess made
9 the motion and she said her motion was that they will have
10 forty-five days to pay the fine, at which point if they
11 don't have it paid, then, you have the authority to set up
12 a payment plan. That would be what you need to add to the
13 motion.

14 SANDY CHESNUT: Okay.

15 COMMISSIONER BOSARGE: I appreciate you guys
16 being patient with us. We are going to work the bugs out
17 of this.

18 JOE SPRAGGINS: Sandy, we need to change that to
19 where it says the fine of eighteen hundred nineteen
20 dollars needs to be paid within the forty-five days. If
21 not, then, counsel may establish a payment plan.

22 SANDY CHESNUT: We are still working on it.
23 Did your motion include no new fishing
24 violations?

25 COMMISSIONER BOSARGE: Strike that. Strike both

1 of the last two (indicating screen).

2 SANDY CHESNUT: The fine in the amount of one
3 thousand eight hundred and nineteen dollars within forty-
4 five days. If necessary, legal counsel may establish a
5 six-month payment plan.

6 COMMISSIONER BOSARGE: Correct.

7 SANDY CHESNUT: Is that good?

8 COMMISSIONER HAVARD: That looks good.

9 I would like to make a motion that we move
10 forward with administrative penalty, a fine in the amount
11 of one thousand eight hundred and nineteen dollars to be
12 paid within forty-five days. If it is not able to be paid
13 within the forty-five days, if necessary, legal counsel
14 may establish a payment plan, a six-month payment plan.

15 COMMISSIONER BOSARGE: That's the motion.

16 Do we have a second for that motion?

17 COMMISSIONER GOLLOTT: I'll second it.

18 COMMISSIONER BOSARGE: Any further discussion?

19 (No response.)

20 COMMISSIONER BOSARGE: All those in favor aye.

21 (All in favor.)

22 COMMISSIONER BOSARGE: Opposed like sign.

23 (None opposed.)

24 COMMISSIONER BOSARGE: Motion carries.

25 KIM PAPANIA: The next case we have is Mr. Ira

1 Martin.

2 Mr. Martin, are you present today?

3 (No response.)

4 KIM PAPANIA: I would just like to say right now
5 that he did request a settlement conference with the
6 Executive Director. We did meet with him before this.

7 He just did ask that if you raise the fines, if
8 you would continue it to another meeting so that he would
9 be able to make a statement to you.

10 JOE SPRAGGINS: If I could make a statement, Mr.
11 Martin's wife is having chemo today and that is the reason
12 he was not able to be here.

13 COMMISSIONER BOSARGE: Thank you.

14 KIM PAPANIA: On, or about, July 25th, 2018, the
15 Notice of Violation was served on Mr. Martin by Marine
16 Patrol Officer Patrick Carron.

17 MDMR has not received a written response from
18 Mr. Martin.

19 Mr. Martin possessed a valid Mississippi Fishing
20 Boat License. However, he did not possess a Mississippi
21 Spotted Seatrout Endorsement, or a Mississippi Fresh
22 Products Permit, at the time of the violation.

23 Ira Martin sold one hundred and three pounds of
24 Spotted Seatrout to PJ Seafood in Coden, Alabama, between
25 February 1st and April 27th, 2018.

1 As of May 15th, 2018, Mr. Martin had reported
2 zero pounds of Spotted Seatrout on Mississippi Trip
3 Tickets.

4 On this one, you will notice that we did add a
5 hundred dollars per permit that he did not have, so the
6 fine on him would be increased two hundred dollars over
7 the one dollar per pound. The fine is in the amount of
8 seven hundred and fifty-seven dollars.

9 Upon payment of three hundred and three dollars,
10 one hundred and three for not reporting one hundred and
11 three pounds, one hundred dollars for not having a Spotted
12 Seatrout Endorsement and one hundred dollars for not
13 having a Fresh Products Permit, within forty-five days of
14 the Commission's final decision and have no new fishing
15 violations in any jurisdiction for a period of one year,
16 the remaining four hundred and fifty-four dollars will be
17 forgiven.

18 At this point, the Commission may accept,
19 reject, and/or modify the Executive Director's
20 recommendation upon motion.

21 I have already informed you about Mr. Martin's
22 request, and I would just like to inform you that during
23 our settlement conference with Mr. Martin, he did take
24 responsibility for his mistake and attempted to pay the
25 fine during the settlement conference, but we informed him

1 he can't do that until the Commission makes a ruling.

2 Also, Mr. Martin was charged with tickets for
3 not having the two licenses. Those are charged in
4 criminal court, right now. If the Commission were to fine
5 him for that and those criminal cases go forward, it would
6 be unconstitutional. If you do fine him for that, Marine
7 Patrol is prepared to dismiss those cases in criminal
8 court.

9 COMMISSIONER BOSARGE: In your fine for Mr.
10 Martin, did you include those two?

11 KIM PAPANIA: I did.

12 He sold a hundred and three pounds of fish not
13 reported. That would be a hundred and three dollars for
14 that fine, and, then, you add a hundred dollars for not
15 having a Spotted Seatrout Endorsement, plus a hundred
16 dollars for not having a Fresh Products Permit.

17 COMMISSIONER BOSARGE: When you spoke with Mr.
18 Martin, was he okay with paying this fine?

19 KIM PAPANIA: He was.

20 He did just ask if the Commission was going to
21 raise it, if you would allow him the opportunity to speak
22 to you first.

23 COMMISSIONER BOSARGE: Is Mr. Martin present?

24 KIM PAPANIA: He is not present.

25 COMMISSIONER BOSARGE: Do we have a motion for

1 Mr. Martin's administrative penalty?

2 COMMISSIONER GOLLOTT: Mr. Chairman, I will make
3 a motion that we accept the Executive Director's
4 recommendation on this.

5 A fine in the amount of three hundred and three
6 dollars for not reporting a hundred and three pounds of
7 spotted Seatrout, a hundred dollars for not having a
8 Spotted Seatrout Endorsement and a hundred dollars for not
9 having a Fresh Products Permit within forty-five days of
10 the Commission's final decision. If necessary, legal
11 counsel may establish a six-month payment plan.

12 COMMISSIONER BOSARGE: We have Commissioner
13 Gollott's motion.

14 Do we have a second for his motion?

15 COMMISSIONER HAVARD: I'll second the motion.

16 COMMISSIONER BOSARGE: We have a second by
17 Commissioner Havard.

18 Any further discussion?

19 (No response.)

20 COMMISSIONER BOSARGE: All those in favor aye.

21 (All in favor.)

22 COMMISSIONER BOSARGE: Opposed like sign.

23 (None opposed.)

24 COMMISSIONER BOSARGE: Motion carries.

25 KIM PAPANIA: The next case is Melissa Ryan.

1 On, or about, July 25th, 2018, the Notice of
2 Violation was served on Melissa Ryan by Marine Patrol
3 Officer Patrick Carron.

4 MDMR has not received a written response.

5 Melissa Ryan possesses a valid Mississippi
6 Spotted Seatrout Endorsement and a Fresh Products Permit.

7 She sold three thousand six hundred and ninety-
8 seven pounds of Spotted Seatrout to Bryant Products, Inc.,
9 in Bayou La Batre, Alabama, between February 1st and April
10 27th, 2018.

11 As of May 15th, 2018, Melissa Ryan had reported
12 zero pounds of Spotted Seatrout on Mississippi Trip
13 Tickets.

14 Upon learning of the investigation, Melissa Ryan
15 late reported three thousand six hundred and ninety-seven
16 pounds.

17 The recommendation is a fine in the amount of
18 nine thousand two hundred and forty-two dollars.

19 Upon payment of three thousand six hundred and
20 ninety-seven dollars within forty-five days of the
21 Commission's final decision and have no new fishing
22 violations in any jurisdiction for a period of one year,
23 the remaining five thousand five hundred and forty-five
24 dollars will be forgiven.

25 The Commission can accept, reject, and/or modify

1 the Executive Director's recommendation upon motion.

2 Ms. Ryan also did request a settlement
3 conference and met with the Executive Director previous to
4 this meeting.

5 Ms. Ryan would like to make a statement to the
6 Commission, at this time.

7 Ms. Ryan, are you here?

8 MELISSA RYAN: I'm here. I'm good.

9 COMMISSIONER BOSARGE: You don't have anything
10 to say?

11 MELISSA RYAN: It's my fault. There is not much
12 else I can say. I just need time to pay it.

13 COMMISSIONER BOSARGE: Do we have a motion for
14 the administrative penalty for Ms. Ryan?

15 COMMISSIONER DANIELS: I'll make the motion for
16 the fine in the amount of three thousand six hundred and
17 ninety-seven dollars with forty-five days to pay. If
18 necessary, legal counsel may set up a six-month payment
19 plan, if she needs it.

20 COMMISSIONER BOSARGE: I have a motion.

21 Do I have a second for that motion?

22 COMMISSIONER HAVARD: I'll second the motion.

23 COMMISSIONER BOSARGE: We have a motion and a
24 second.

25 Any further discussion?

1 (No response.)

2 COMMISSIONER BOSARGE: All those in favor aye.

3 (All in favor.)

4 COMMISSIONER BOSARGE: Opposed like sign.

5 (None opposed.)

6 KIM PAPANIA: The next case is Marcene and Rayme
7 Ryan.

8 On, or about, July 25th, 2018, the Notice of
9 Violation was served on Rayme Ryan by Marine Patrol Office
10 Patrick Carron.

11 On, or about, August 7th, 2018, the MDMR received
12 a written response from the Ryan's.

13 I have a copy of that, if any of you would like
14 to see it, but it is in your packets.

15 Marcene and Rayme Ryan possess a valid
16 Mississippi Spotted Seatrout Endorsement, but do not
17 posses a Fresh Products Permit.

18 Marcene and Rayme Ryan sold four thousand seven
19 hundred and sixty-one pounds of Spotted Seatrout to PJ
20 Seafood in Coden, Alabama, between February 1st and April
21 27th, 2018.

22 As of May 15th, 2018, the Ryan's had reported
23 zero pounds of Spotted Seatrout on Mississippi Trip
24 Tickets.

25 Upon learning of the investigation, the Ryan's

1 late reported four thousand three hundred and ninety-seven
2 pounds, and there are still three hundred and sixty-four
3 pounds that have not been reported.

4 The recommendation is a fine in the amount of
5 ten thousand dollars because administrative penalties
6 can't exceed ten thousand dollars.

7 Upon payment of four thousand seven hundred and
8 sixty-one dollars within forty-five days of the
9 Commission's final decision and have no new fishing
10 violations in any jurisdiction for a period of one year,
11 the remaining five thousand two hundred and thirty-nine
12 dollars will be forgiven.

13 Also, the reason we did not add a hundred dollar
14 penalty for not having the Fresh Products Permit was
15 because they already met the ten thousand dollar threshold
16 with just the pounds.

17 The Commission may accept, reject, and/or modify
18 the Executive Director's recommendation upon motion.

19 SANDY CHESNUT: Are they here to speak to the
20 Commission?

21 KIM PAPANIA: I apologize.

22 Marcene and Rayme Ryan, would you like to make a
23 statement to the Commission?

24 RAYME RYAN: Yes, ma'am, if you don't mind.

25 KIM PAPANIA: Yes.

1 COMMISSIONER BOSARGE: You have to come to the
2 podium and state your name.

3 RAYME RYAN: My name is Rayme Ryan.

4 COMMISSIONER BOSARGE: Thank you, sir.

5 RAYME RYAN: The reason I didn't turn this in is
6 because I didn't know nothing about it because we didn't
7 even know we could even fish with the nets to start with,
8 until I found out from Larry.

9 I haven't sold no fish in Alabama, since way
10 before pawpaw ever died which is Willie Harris and, back
11 then, we didn't have all of this.

12 As a matter of fact, one day about two, or
13 three, months before, a couple of months before all this
14 took place, I asked Rickey.

15 I said, "How does this work?" because I know
16 Jennifer was selling crabs over there and had to turn in
17 trip tickets.

18 well, he told me that he turns it into Alabama
19 and Alabama turns it into the State of Mississippi.

20 well, the following morning, I was fishing out
21 here in Bayou Heron and every night we come in. It ain't
22 like we can hide fish because ninety-nine percent of the
23 time -- you can ask anybody that fishes -- we get checked.

24 That's one thing you can say about Marine
25 Patrol. They are not buttoholes, or nothing else, but they

1 are doing their job, and they see our fish. They check
2 our fish. There ain't no way we can hide these fish.

3 COMMISSIONER BOSARGE: Move that mike just a
4 little closer, please.

5 RAYME RYAN: All right.

6 COMMISSIONER BOSARGE: There you go.

7 RAYME RYAN: I'm sorry, sir.

8 COMMISSIONER BOSARGE: That's okay.

9 RAYME RYAN: Anyway, I was telling them about
10 this because of what Rickey had told me. Well, not one of
11 them said anything about having to have all this. That's
12 what gets me.

13 There was three of them there, whenever I was
14 telling them about all of this, and nobody ever told me
15 anything until Larry Lee called me and told me that we had
16 to have all this.

17 well, I jumped in the truck because he had me
18 paranoid. I went over there and got my Fresh Products
19 Permit, and the reason I didn't have it is because I
20 didn't know I had to have it.

21 I've got hundreds of dollars worth of licenses I
22 buy every year.

23 why wouldn't I get one that's free?

24 I try to do everything I can to make things
25 legal because I've got granddads and everything else

1 trying to raise.

2 COMMISSIONER BOSARGE: Yes, I know. It's a
3 learning curve, and the trip tickets provide the
4 information for us.

5 I'm with you. I've been through trip ticket
6 systems in a bunch of different states. I learned my
7 lesson the hard way, also.

8 You always want to turn the trip ticket in, but
9 retain your copy of your trip ticket. You make sure you
10 keep that.

11 RAYME RYAN: Well, see, that's like us. We've
12 got all our tickets and that's like they've got us for
13 four hundred and something pounds that we don't even know
14 nothing about because we've got every copy we ever sold.

15 Like this fine, I don't see how somebody can get
16 charged like me four thousand dollars and something, when
17 some of them get charged eighteen hundred for the same
18 dadgum thing.

19 We all done wrong. I will admit we all done
20 wrong, but we ought to at least have one -- if it's
21 fifteen hundred dollars, charge us all fifteen hundred
22 dollars.

23 I know y'all got a job to do on the Commission.
24 I appreciate that, but that's just my opinion.

25 COMMISSIONER BOSARGE: We have had a lot of

1 discussion on that. I appreciate you. Thank you.

2 RAYME RYAN: Thank you.

3 COMMISSIONER BOSARGE: We need to modify the
4 administrative penalty.

5 Do we have a motion for the penalty?

6 COMMISSIONER DANIELS: I will make the motion
7 for the fine in the amount of four thousand seven hundred
8 and sixty-nine dollars within forty-five days. If
9 necessary, legal counsel may establish a six-month payment
10 plan if needed.

11 COMMISSIONER BOSARGE: We have a motion.

12 Do we have a second?

13 COMMISSIONER HAVARD: I'll second the motion.

14 COMMISSIONER BOSARGE: All those in favor aye.

15 (Commissioner Daniels, Commissioner Gollott,
16 Commissioner Guess, Commissioner Havard in favor.)

17 COMMISSIONER BOSARGE: Opposed same sign.

18 (Commissioner Bosarge opposed.)

19 COMMISSIONER BOSARGE: Motion carries.

20 KIM PAPANIA: The next case is Wayne Tillman.

21 On, or about, July 25th, 2018, the Notice of
22 violation was served on Mr. Tillman by Marine Patrol
23 Officer Patrick Carron.

24 On, or about, August 1st, 2018, the MDMR received
25 a written response from Mr. Tillman.

1 Mr. Tillman possesses a valid Mississippi
2 Spotted Seatrout Endorsement and a Fresh Products Permit.

3 Mr. Tillman sold five hundred and fourteen
4 pounds of Spotted Seatrout to PJ Seafood in Coden,
5 Alabama, between February 1st and April 27th, 2018.

6 As of May 15th, 2018, Mr. Tillman had reported
7 zero pounds of Spotted Seatrout on Mississippi Trip
8 Tickets.

9 Upon learning of the investigation, Mr. Tillman
10 late reported five hundred and fourteen pounds.

11 The recommendation is a fine in the amount of
12 one thousand two hundred and eighty-five dollars.

13 Upon payment of five hundred and fourteen
14 dollars within forty-five days of the Commission's final
15 decision and have no new fishing violations in any
16 jurisdiction for a period of one year, the remaining seven
17 hundred and seventy-one dollars will be forgiven.

18 At this time, the Commission can accept, reject,
19 and/or modify the Executive Director's recommendation upon
20 motion.

21 Is Mr. Wayne Tillman present?

22 WAYNE TILLMAN: Yes.

23 KIM PAPANIA: would you like to make a statement
24 to the Commission?

25 WAYNE TILLMAN: No, ma'am.

1 COMMISSIONER BOSARGE: We had to modify the
2 administrative penalty.

3 Do we have a motion to proceed with the
4 administrative penalty?

5 COMMISSIONER GUESS: I'll make a motion.

6 COMMISSIONER BOSARGE: We have a motion by
7 Commissioner Guess.

8 Do we have a second for that motion?

9 COMMISSIONER HAVARD: I'll second the motion.

10 COMMISSIONER BOSARGE: Seconded by Commissioner
11 Havard.

12 Any further discussion?

13 (No response.)

14 COMMISSIONER BOSARGE: All those in favor aye.

15 (Commissioner Daniels, Commissioner Gollott,
16 Commissioner Guess, Commissioner Havard in favor.)

17 COMMISSIONER BOSARGE: Opposed like sign.

18 (Commissioner Bosarge opposed.)

19 KIM PAPANIA: The next case is Larry Ryan, Jr.

20 On, or about, July 25th, 2018, the Notice of
21 violation was served on Larry Ryan, Jr., by Marine Patrol
22 Officer Patrick Carron.

23 On, or about, August 1st, 2018, the MDMR received
24 a written response from Larry Ryan, Jr.

25 Mr. Ryan possesses a valid Mississippi Spotted

1 Seatrout Endorsement and a Fresh Products Permit.

2 Mr. Ryan sold twelve thousand seven hundred and
3 fifty-two pounds of Spotted Seatrout to PJ Seafood in
4 Coden, Alabama, between February 1st and April 27th, 2018.

5 As of May 15th, 2018, Mr. Ryan had reported zero
6 pounds of Spotted Seatrout on Mississippi Trip Tickets.

7 Upon learning of the investigation, Mr. Ryan
8 late reported twelve thousand five hundred and five
9 pounds, and there are still two hundred and forty-seven
10 pounds that have not been reported.

11 The recommendation is a fine in the amount of
12 ten thousand dollars because, again, that is the maximum
13 administrative penalty that you can give.

14 Mr. Ryan did request a settlement conference,
15 but did not make it. He contacted us and said that his
16 daughter went into labor four months early and he had to
17 go out of town. He was not able to make that conference
18 and has not contacted us since to set up the meeting.

19 The Commission may accept, reject, and/or modify
20 the Executive Director's recommendation upon motion.

21 SANDY CHESNUT: Is Mr. Ryan here?

22 LARRY RYAN, JR.: Yes.

23 COMMISSIONER BOSARGE: Would you like to say
24 something, Mr. Ryan?

25 LARRY RYAN, JR.: No, not really.

1 COMMISSIONER BOSARGE: Ms. Chesnut is putting
2 the motion on the screen.

3 Do we have a motion for Mr. Ryan's ten thousand
4 dollar fine?

5 COMMISSIONER HAVARD: I'll make a motion that we
6 move forward with the administrative penalty as written.

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

9 COMMISSIONER DANIELS: I'll second that.

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

12 COMMISSIONER BOSARGE: All those in favor aye.
13 (Commissioner Daniels, Commissioner Gollott,
14 Commissioner Guess, Commissioner Havard in favor.)

15 COMMISSIONER BOSARGE: Opposed same sign.
16 (Commissioner Bosarge opposed.)

17 COMMISSIONER BOSARGE: Motion carries.

18 KIM PAPANIA: The next case is Mr. Mark Lewis,
19 Sr.

20 On, or about, July 25th, 2018, the Notice of
21 violation was served on Mark Lewis, Sr., by Marine Patrol
22 Officer Patrick Carron.

23 On, or about, August 5th, 2018, the MDMR received
24 a written response from Mr. Lewis.

25 Mr. Lewis does possess a valid Mississippi

1 Spotted Seatrout Endorsement and a Fresh Products Permit.

2 Mark Lewis, Sr., sold three hundred and seventy-
3 one pounds of Spotted Seatrout to Bryant Products, Inc.,
4 in Bayou La Batre, Alabama, between February 1st and April
5 27th, 2018.

6 As of May 15th, 2018, Mark Lewis, Sr., had only
7 reported seventeen pounds of Spotted Seatrout on
8 Mississippi Trip Tickets.

9 Upon learning of the investigation, Mr. Lewis
10 late reported three hundred and nineteen pounds, and there
11 are still fifty-two pounds that have not been reported.

12 The recommendation is a fine in the amount of
13 eight hundred and eighty-five dollars.

14 Upon payment of three hundred and fifty-four
15 dollars within forty-five days of the Commission's final
16 decision and have no new fishing violations in any
17 jurisdiction for a period of one year, the remaining five
18 hundred and thirty-one dollars will be forgiven.

19 The Commission may accept, reject, and/or modify
20 the Executive Director's recommendation upon motion.

21 Is Mr. Lewis present today?

22 MARK LEWIS, SR.: Yes, ma'am.

23 KIM PAPANIA: would you like to make a
24 statement?

25 MARK LEWIS, SR.: No, ma'am.

1 COMMISSIONER BOSARGE: This Commission would
2 like to modify that administrative penalty.

3 SANDY CHESNUT: Yes, sir.

4 COMMISSIONER BOSARGE: Do we have a motion for
5 Mr. Lewis' penalty?

6 COMMISSIONER GUESS: I'll make a motion.

7 COMMISSIONER BOSARGE: We have a motion by
8 Commissioner Guess.

9 Do we have a second for that motion?

10 COMMISSIONER GOLLOTT: I'll second it.

11 COMMISSIONER BOSARGE: Seconded by Commissioner
12 Gollott.

13 All those in favor aye.

14 (Commissioner Daniels, Commissioner Gollott,
15 Commissioner Guess, Commissioner Havard in favor.)

16 COMMISSIONER BOSARGE: Opposed like sign.

17 (Commissioner Bosarge opposed.)

18 COMMISSIONER BOSARGE: Motion carries.

19 That concludes the administrative penalties?

20 KIM PAPANIA: Yes, sir.

21 COMMISSIONER GOLLOTT: Mr. Chairman.

22 COMMISSIONER BOSARGE: Yes, sir.

23 COMMISSIONER GOLLOTT: Could we ask for a five-
24 minute break?

25 COMMISSIONER BOSARGE: Yes, sir, Commissioner

1 Gollott.

2 We will take a five-minute break.

3 MEETING STANDS IN RECESS

4 COMMISSIONER BOSARGE: I'm going to call the
5 meeting back to order.

6 We have one request for public comment by State
7 Senator Mr. Seymour.

8 MIKE SEYMOUR: Mike Seymour, State Senate.

9 I've just got one question.

10 Is this a finished investigation, or is it
11 ongoing?

12 COMMISSIONER BOSARGE: This should be considered
13 a finished investigation, as far as I know.

14 SANDY CHESNUT: As far as I know, the
15 investigation is complete.

16 KYLE WILKERSON: That's correct. It is
17 finished.

18 SANDY CHESNUT: Thank you.

19 JOE SPRAGGINS: There was one that did not get
20 the information quick enough because they were out, and
21 that will be brought up in the next meeting.

22 That one person, we were not able to serve him
23 because he was out fishing and we couldn't catch up with
24 him. By the time we got to him, there was not enough time
25 for him to be able to have the proper time.

1 MIKE SEYMOUR: Thank y'all.

2 COMMISSIONER BOSARGE: Thank you, Senator
3 Seymour.

4 Next up on the agenda is Commissioner's report.
5 Do we have any Commissioners that have anything
6 they want to report, or talk about?

7 (No response.)

8 COMMISSIONER BOSARGE: Hearing none, we will
9 move on.

10 Office of Marine Patrol, Chief Davis.

11 KYLE WILKERSON: Good morning. Chief Davis is
12 out of pocket so I'm going to take his spot, Deputy Chief
13 Wilkerson.

14 The Commission report for this month is pretty
15 straight forward. Nothing jumps out at me that we need to
16 discuss, but, if you have any questions on anything here,
17 I will try to answer your questions.

18 COMMISSIONER BOSARGE: I'm trying to locate
19 where I saw it, but we had a dead dolphin?

20 KYLE WILKERSON: Yes, sir. It was found at Cat
21 Island. I think it was dispatched from Pass Christian
22 Harbor. IMMS was contacted.

23 COMMISSIONER BOSARGE: And they said something
24 about two dolphins?

25 KYLE WILKERSON: No. That's another one. It

1 survived. It is being cared for right now by IMMS.

2 COMMISSIONER BOSARGE: That was my only
3 question.

4 Does anybody else have any questions?

5 (No response.)

6 KYLE WILKERSON: Congratulations on your
7 appointment, Commissioner Guess.

8 COMMISSIONER GUESS: Thank you.

9 COMMISSIONER BOSARGE: Next up is Office of
10 Coastal Resources Management, Mr. Jan Boyd.

11 JAN BOYD: Good morning Mr. Chairman,
12 Commissioners, Director Spraggins, legal.

13 We have one action item for your consideration
14 this morning, and Chris Pickering will be presenting that.

15 CHRIS PICKERING: Good morning.

16 Next up is an action item, request for a permit
17 by the City of Biloxi. It is DMR Number 060766.

18 It is located on the Back Bay of Biloxi at 578
19 Bayview Avenue in Biloxi, it is in the Industrial Use
20 District, and the agent is Seymour Engineering.

21 The project purpose and need is to reconfigure
22 the existing Sherman Canaan Commercial Harbor to provide a
23 more stable docking facility, reduce collision and
24 maintenance costs, mitigate impacts from storms, provide a
25 safer work environment for mariners to service their

1 vessels, and to develop the area into a working waterfront
2 shoreline.

3 The City is proposing to fill eight hundred and
4 fifty-two square feet of Coastal Wetlands, dredge thirty-
5 three thousand four hundred and twenty-five cubic yards.

6 They are requesting a ten-year permit for this.
7 The rest of the impacts will be a five-year permit.

8 They will get a letter of exception from Jared
9 Harris, our BU Director. This material will not have to
10 go to beneficial use. He doesn't think it is going to be
11 suitable.

12 They are proposing to remove the existing piers
13 and mooring pilings, construct a bulkhead eight hundred
14 eight hundred and eighty linear feet in length, construct
15 a low profile bulkhead two hundred and ninety-eight linear
16 feet in length -- this will help protect the marsh in the
17 area along the dredging limits -- and put in fourteen new
18 pilings.

19 There will be impacts to six hundred and eighty-
20 nine square feet of tidal marsh.

21 They have proposed mitigation for this marsh
22 where they are going to go in and create two thousand and
23 seventy square feet of marsh near the existing boat
24 launch.

25 There will be a net increase of seven thousand

1 four hundred and forty-three square feet of unvegetated
2 waterbottoms.

3 There were six requests for variance to the
4 Coastal Program. Those are listed here. You also have
5 them in detail in your writeup packet.

6 If you want me to go over them, I will.

7 They justified those six variance requests under
8 Chapter VIII, Section 2, Part 1.E.2.c.iii. and iv.

9 If you want me to go over that in detail, I will
10 also.

11 They did meet all the statutory requirements for
12 notification, and that is there is detail. You have that
13 in your writeup, if you want me to go over it.

14 COMMISSIONER GOLLOTT: Mr. Chairman, I think we
15 probably can forgo reading this and not go over it.

16 COMMISSIONER BOSARGE: Yes, sir. I had one
17 question.

18 Just looking at the drawing, I guess what the
19 plan is, is to take that dock down that they have, now,
20 and, then, basically put it back up to a bulkhead.

21 Is that what I'm understanding?

22 CHRIS PICKERING: Correct. They are going to
23 reconfigure the shoreline to where they will be able dock
24 from the stern of the boats.

25 COMMISSIONER BOSARGE: And, then, it looks like

1 do some more in that low profile bulkhead that will be
2 coming up in the slip.

3 Is that correct?

4 CHRIS PICKERING: Yes. That manmade canal area
5 there where that existing boat launch is, they will be
6 dredging that out, and that is why they are putting in the
7 low profile bulkhead to protect that marsh.

8 COMMISSIONER BOSARGE: All right.

9 CHRIS PICKERING: The staff has conducted a
10 thorough evaluation of the project and has made findings
11 on the decision factors in accordance with Chapter VIII,
12 Section 2, Part 1:E:2 of the Mississippi Coastal Program.
13 These findings have been provided to the Commissioners.

14 Based on the results of these findings, it is
15 has been determined that the project is consistent with
16 the Coastal Program because it will have a significant
17 public benefit.

18 Therefore, staff recommends that the Commission
19 approve the requested variance and issue a permit.

20 COMMISSIONER GOLLOTT: Mr. Chairman, I make a
21 motion that we accept the recommendation of the staff.

22 COMMISSIONER BOSARGE: We have a motion by
23 Commissioner Gollott.

24 Do we have a second for Commissioner Gollott's
25 motion?

1 COMMISSIONER HAVARD: I'll second the motion.
2 COMMISSIONER BOSARGE: Second by Commissioner
3 Havard.

4 Any further discussion?

5 (No response.)

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

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

10 COMMISSIONER BOSARGE: Motion carries.

11 Thank you.

12 CHRIS PICKERING: Thank you.

13 COMMISSIONER BOSARGE: Next is Office of Finance
14 and Administration, Ms. Shavay Gaines.

15 SHAVAY GAINES: Good afternoon Director
16 Spraggins, Commissioners, Ms. Chesnut.

17 I'm Shavay Gaines, the Finance Director, and I
18 will be presenting the financials for September 30th, 2018.

19 At the end of September, our State Revenues were
20 three point five million. Our Agency Revenue totaled
21 three point nine million.

22 Our State Net Income was two million and our
23 Agency Net Income was thirty-two thousand. Of that
24 thirty-two thousand, that one point three million we
25 received one million last week and the remainder is

1 requested for NFWF.

2 After three months of the fiscal year 2019, we
3 have ninety-one percent of Operating Funds remaining and
4 ninety-two point four percent of Tidelands Funds
5 remaining.

6 Do you have any questions?

7 COMMISSIONER BOSARGE: Commissioner Havard is
8 the one that has to look at it. He is our money guru.

9 Thank you, Shavay.

10 SHAVAY GAINES: Thank you.

11 COMMISSIONER BOSARGE: Next up on the agenda
12 will be Office of Public Affairs, Charmaine.

13 CHARMAINE SCHMERMUND: Good morning
14 Commissioners, Director Spraggins, Ms. Chesnut, and
15 welcome Commissioner Guess.

16 COMMISSIONER GUESS: Thank you.

17 CHARMAINE SCHMERMUND: The Mississippi
18 Department of Marine Resources was mentioned thirty-two
19 times in local, state and national media since the
20 September CMR meeting.

21 Popular news items included previous director
22 Bill Walker and the Airman who went missing on the
23 Tchoutacabouffa River.

24 So far in fiscal year 19, Marine Patrol has
25 taught six boat-and-water safety classes and certified one

1 hundred and six students.

2 Marine Patrol also participated in National
3 Estuaries Day at the Grand Bay NERR, at the National Night
4 Out Expo in Hancock County and Career on wheels at Pass
5 Road Elementary in Gulfport.

6 Our agency also participated in various events
7 in the community. Kevin Landry and Tammy Reese in Oyster
8 Aquaculture took part in Science Career Day at Pass Road
9 Elementary, and Marty Jones in Fisheries took part in
10 College and Career Day at West Harrison High School.

11 The FDA issued an In Compliance Rating to the
12 MDMR Seafood Technology Bureau's inspection of the seafood
13 processing industry. This is the tenth year in a row that
14 this positive rating has been achieved by the bureau and
15 serves as a testament to their dedication and hard work to
16 ensure safe seafood products for the public.

17 NOAA's phytoplankton monitoring network was here
18 October 11th and 12th in our Fisheries lab, updating staff
19 on the latest information regarding phytoplankton
20 monitoring which is crucial to our detection and
21 preparedness for harmful algal blooms.

22 Finfish scientist Wade Hardy participated in the
23 U.S. Coast Guard area committee meeting on October 10th at
24 the Grand Bay NERR, hosted by the Mobile sector.

25 Pollution preparedness, oil spill research and

1 Coast hurricane response are several of the important
2 topics for our agency.

3 The Seafood Technology Bureau taught the Basic
4 Sanitation Control Course with seventeen students
5 representing our seafood industry and partners.

6 Fisheries did a great job with the Jimmy Sanders
7 Memorial Lionfish Challenge which recently concluded with
8 Todd Cospelich as the all around winner.

9 The challenge honored DMR's Jimmy Sanders who
10 initiated the event, and he passed away prematurely this
11 year.

12 Jimmy was devoted to eradicating invasive
13 Lionfish which would eventually endanger the offshore
14 reefs he worked to deploy, enhance and maintain.

15 COMMISSIONER BOSARGE: He did a good job.

16 JOE SPRAGGINS: Charmaine, one thing real quick.
17 Is it five December we are having the
18 legislative forum?

19 CHARMAINE SCHMERMUND: Yes, December 5th.

20 JOE SPRAGGINS: Can you brief that real quick?

21 CHARMAINE SCHMERMUND: Our legislative forum
22 that the Director presents everything about the agency and
23 talks to the legislators to kind of get them ready for the
24 upcoming legislative session, we will have it at the
25 agency in the auditorium. It will be a breakfast. We

1 will start at 8:00 a.m.

2 COMMISSIONER BOSARGE: It will be where?

3 CHARMAINE SCHMERMUND: At the auditorium where
4 we normally have the CMR meetings in Biloxi.

5 COMMISSIONER BOSARGE: The 5th of December?

6 CHARMAINE SCHMERMUND: Yes. You will get
7 everything.

8 COMMISSIONER BOSARGE: All right. Thank you.

9 CHARMAINE SCHMERMUND: Thank you.

10 COMMISSIONER BOSARGE: Next up on the agenda is
11 Office of Marine Fisheries, Mr. Joe Jewell.

12 JOE JEWELL: Good morning Commissioners.

13 I would like to welcome our new Commissioner.

14 Commissioner Guess, we look forward to working
15 with you. If there is anything you need, or require, just
16 please feel free to reach out to me, or the Marine
17 Fisheries staff. We will be glad to assist you with that.

18 COMMISSIONER GUESS: Thank you.

19 JOE JEWELL: I have several items for the
20 Commission's consideration, before we move into the
21 agenda.

22 First, I want to give you a brief update of the
23 shrimp season. We are a little behind where we are
24 typically at this point. Just for the month of September,
25 our average landings is a little over eight hundred

1 thousand, about eight-and-a-half thousand. Right now, we
2 are about three hundred thousand pounds. We are a little
3 down, behind where we are, but we haven't processed all of
4 the trip tickets that were submitted prior to the 10th of
5 this month, and we anticipate that being a little more
6 equitable once that is done.

7 If you look at the entire shrimp season, January
8 through September, we are usually at about seven point
9 seven million pounds landed and, right now, we are at
10 about five point seven million pounds which is a little
11 under, couple of million pounds under where we normally
12 are.

13 We anticipate it being a little below, or
14 average, season overall, when we shut down on December the
15 31st of this year.

16 Next, I have a couple of housecleaning issues.

17 As you may note, at the last Commission meeting
18 in September, Chairman Bosarge made a request for
19 modifying the agenda, the agenda minutes that were
20 submitted by the Ms. Lucille for the August meeting.

21 I went back. I gave the staff the authority to
22 modify those minutes as necessary. I went back and
23 reviewed what happened and, at the August meeting, I was
24 responding to the Commission's request of how we got to
25 the motion on haul seines versus all commercial fishing

1 nets and in saying that in August, I said two things that
2 were incorrect.

3 The first thing was is I said Commissioner
4 Trapani seconded the motion, when it should have been
5 Commissioner Daniels seconded the motion. That was
6 incorrect, but Ms. Lucille recorded it corrected, so it is
7 going to stay in the record like that because I misspoke.

8 Then, the second thing I did in error and I
9 don't think you caught that, Commissioner Bosarge, but I
10 went back and did a thorough review of the minutes. I
11 said the vote was three one, when it was actually two one
12 because there were only three Commissioners present.

13 I want to say that for the public records. It
14 is a correction to the misstatements I made in August,
15 even though the minutes have to stand as they were.

16 COMMISSIONER BOSARGE: I caught it, Mr. Joe, but
17 I didn't say anything.

18 JOE JEWELL: Now, the second faux pas that I
19 committed was, as you noted during the oyster season
20 update, I had said that last year's sack limits -- we did
21 a separate motion. We didn't include that in the original
22 motion. I pointed it out to the Commission. The
23 Commission took that on and y'all had requested what was
24 the sack limit last year, and the limit was fifteen
25 tonging and twenty dredging.

1 Originally, I said the correct statement, but
2 there was some discussion between myself and Mr. Broussard
3 about what it was. It was a little confusing and I said
4 twenty-five, and the Commission voted on fifteen tonging
5 and twenty-five dredging.

6 The Commission can take that on any way they
7 want. If they want to readdress it and go back to the
8 twenty, or just leave it like it is, it is up to the
9 Commission.

10 COMMISSIONER BOSARGE: I think it was
11 Commissioner Gollott's motion.

12 COMMISSIONER GOLLOTT: Seems like it was.

13 COMMISSIONER BOSARGE: Do you want to put it
14 like we agreed, in other words where it will be the same
15 as it was last year, twenty and fifteen?

16 COMMISSIONER GOLLOTT: Yes. I will straighten
17 it out.

18 COMMISSIONER BOSARGE: Can you make a motion to
19 change that sack limit?

20 COMMISSIONER GOLLOTT: I'll make a motion that
21 we change the sack limit to agree with last season's
22 limits.

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

25 COMMISSIONER HAVARD: I'll second the motion.

1 COMMISSIONER BOSARGE: We have a motion and a
2 second.

3 Any further discussion?

4 (No response.)

5 COMMISSIONER BOSARGE: All those in favor aye.

6 (All in favor.)

7 COMMISSIONER BOSARGE: Opposed like sign.

8 (None opposed.)

9 COMMISSIONER BOSARGE: Motion carries.

10 JOE JEWELL: Thank you, Commissioners.

11 With that being said, we are going to move --

12 COMMISSIONER BOSARGE: (Interposing) One thing,

13 Joe.

14 JOE JEWELL: I'm sorry.

15 COMMISSIONER BOSARGE: I'm sorry. I don't mean

16 to interrupt you, but on our agenda is the Spotted

17 Seatrout Stock Assessment.

18 JOE JEWELL: That's correct.

19 COMMISSIONER BOSARGE: I still haven't gotten

20 it. In other words, I requested that stock assessment and

21 I haven't gotten it yet.

22 JOE JEWELL: Well, I apologize for that,
23 Commissioner Bosarge. That is sort of my responsibility.

24 COMMISSIONER BOSARGE: I guess my point is would
25 the Commission mind if we tabled that to give me just a

1 little time to look at it?

2 JOE JEWELL: The staff has no issue with that.

3 JOE SPRAGGINS: Joe, what he wants is not what
4 we have here on the paper. He did get that.

5 what he didn't get is he wants how we got the
6 figures.

7 COMMISSIONER BOSARGE: I got your presentation,
8 but I want --

9 JOE JEWELL: (Interposing) You want the actual
10 stock assessment?

11 COMMISSIONER BOSARGE: Yes.

12 JOE JEWELL: We can send that to you absolutely.

13 COMMISSIONER BOSARGE: It's kind of like a math
14 problem. You don't want the answer. You want the
15 problem.

16 JOE JEWELL: That's the normal procedure. I
17 apologize for that. Usually I send that out in advance.
18 I hadn't realized that I hadn't done that.

19 If the Commission wants to table that item, we
20 completely understand and we will respect that.

21 COMMISSIONER BOSARGE: Well, I'll make a motion
22 we table K-5 until the November meeting.

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

25 COMMISSIONER BOSARGE: We have a motion and a

1 second.

2 Any further discussion?

3 (No response.)

4 COMMISSIONER BOSARGE: All those in favor aye.

5 (All in favor.)

6 COMMISSIONER BOSARGE: Opposed like sign.

7 (None opposed.)

8 COMMISSIONER BOSARGE: Motion carries.

9 All right, Joe. Continue.

10 JOE JEWELL: Okay.

11 Next up for the Commission's consideration is
12 Title 22, Part 20, Chapter 21, Revocation of Endorsements
13 under Certain Penalties.

14 This slide represents all of the public and
15 legal and regulatory requirements that we are required to
16 make, under the Administrative Procedures Act.

17 If there are no questions, I'm going to move on.

18 We only received one public comment and this is
19 from the Mississippi Commercial Fisheries United
20 organization by Mr. Ryan Bradley.

21 I'm going to summarize the comment pretty
22 quickly, but y'all should have that in your packet for
23 review.

24 COMMISSIONER BOSARGE: Yes, sir. It's in very
25 small print, but we have it.

1 JOE JEWELL: Mississippi Commercial Fisheries
2 United supports the revocation of fishing endorsements,
3 tags, or permits, for bad actors in all sectors of the
4 Mississippi saltwater fisheries.

5 However, we recommend that the Commission
6 consider adopting additional language to the proposed
7 regulation to ensure that only violations directly related
8 to the regulatory program that revocations are sought are
9 included and clearly articulate Mississippi Commercial
10 Fisheries United argues that the current language of the
11 proposed regulation is vague and gives the Commission
12 broad discretionary powers that could be used for
13 political purposes.

14 As I said, this is up for final adoption by the
15 Commission. These are the regulatory actions that will be
16 modified in Title 22, Part 20. For the record, I will
17 read that.

18 In Chapter 21, Section 104, it will modify
19 Section 104 to read:

20 “Suspension, or revocation, of licenses,
21 permits, or endorsements, may be commenced,
22 in addition to seeking administrative
23 penalties.”

24 It will add Section 105, under Section 104:
25 “The Commission may revoke regulatory

1 program requirements, such as, but not
2 limited to endorsements, tags, permits,
3 or similar provisions, for violations
4 related to that particular program.”

5 I think that would address Mr. Ryan’s concern.

6 COMMISSIONER BOSARGE: Yes. When you say “that
7 particular program”, that would mean whatever it is the
8 fisherman might have been violating.

9 JOE JEWELL: Exactly. There are several
10 endorsements that are issued. The Spotted Seatrout
11 Endorsement, it would address specifically that issue, if
12 the Commission wanted to consider it.

13 COMMISSIONER HAVARD: Essentially, what we are
14 doing here is making sure that there is no possibility of
15 taking away a Spotted Seatrout Endorsement for a shrimp
16 violation.

17 Right?

18 JOE JEWELL: That’s correct. That’s exactly it.

19 Like I said at the original meeting in August
20 where this was presented, this has the unique feature of
21 addressing those bad actors, or those people that violate
22 the procedures that y’all had discussed earlier in the
23 presentation.

24 It doesn’t necessarily punish the good people
25 that are obeying the rules. It addresses those that are

1 not doing good practices obeying what the regulations are.

2 COMMISSIONER BOSARGE: So you did change the
3 wording somewhat to make sure that there was no way we
4 could just...

5 JOE JEWELL: No. This is the exact language as
6 it was presented to the Commission in August and this is
7 the exact language that is currently on the Administrative
8 Bulletin at the Secretary of State's office.

9 Let me be a little bit clearer. It says:
10 "Provisions for violations related to that
11 particular program."

12 For instance, the Commission couldn't consider -
13 - if there was one violation of the Spotted Seatrout
14 Endorsement, the Commission couldn't consider everything,
15 or a blanket statement for all issues that may come up.

16 COMMISSIONER BOSARGE: If a fisherman was
17 boarded by the DMR and he got violations for no life
18 jackets, no toilet facilities while he was oystering,
19 could those violations be added to -- do you see where I'm
20 going, Joe?

21 In other words, something that maybe wasn't a
22 fishing violation, but a safety violation.

23 JOE JEWELL: Those are issues that are already
24 in the regulations and Marine Patrol could give those
25 violations at any point.

1 Certainly, an example of a MSD is what is
2 considered a pretty important violation and a significant
3 one that affects public health, but that wouldn't come
4 under this provision. That is a separate regulation that
5 addresses that.

6 This one simply allows for administrative
7 penalties with any endorsements. That's all it does.
8 That is all it modifies.

9 SANDY CHESNUT: Commissioner Bosarge, I would
10 like to point out that this would only apply if those
11 administrative penalties were brought before the
12 Commission, and the Commission would have that decision as
13 to whether it should be.

14 COMMISSIONER BOSARGE: I see. Okay.

15 JOE JEWELL: Very similar to the procedures that
16 y'all considered this morning.

17 All other issues for regulatory violations and
18 the other parts would be considered separate. If they
19 were in violation of it, they were in violation of it.

20 COMMISSIONER BOSARGE: I just have to ask these
21 questions because my legal background is about this much
22 (indicating).

23 All right, Joe.

24 JOE JEWELL: For the Commission to move forward
25 with the final adoption, a motion would be required for

1 final adoption of modifications to Title 22, Part 20,
2 Chapter 21, Section 104, including language to revoke
3 endorsements under certain penalties, and addition of
4 Section 105 to include language for revocation of tags,
5 permits, endorsements and similar provisions for
6 violations related to that particular program.

7 COMMISSIONER BOSARGE: Do we have a motion?

8 COMMISSIONER DANIELS: I'll make a motion for
9 final adoption for modifications to Title 22, Part 20,
10 Chapter 21, Section 104, including language to revoke
11 endorsements under certain penalties and addition of
12 Section 105 to include language for revocation of tags,
13 permits, endorsements and similar provisions for
14 violations related to that particular program.

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

17 COMMISSIONER HAVARD: I'll second the motion.

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

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

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

24 COMMISSIONER BOSARGE: Motion carries.

25 JOE JEWELL: Next up for the Commission's

1 consideration are changes to Title 22, Part 7, Chapter 9,
2 Spotted Seatrout endorsement, and Mr. Matt Hill will be
3 doing that presentation.

4 MATT HILL: Good afternoon Commissioners,
5 Director Spraggins, Sandy, and I would like to welcome our
6 new Commissioner, Ms. Guess.

7 COMMISSIONER GUESS: Thank you.

8 MATT HILL: It is going to be interesting.

9 I do want to take up for Joe a little bit on the
10 comment on the Spotted Seatrout Assessment.

11 COMMISSIONER BOSARGE: I know.

12 MATT HILL: Well, our staff has been nitpicking
13 it, just for some wordsmithing, but what is in the actual
14 presentation is accurate numberwise. There are just a few
15 changes we are making, and we actually have not gotten him
16 the final document that I have signed off on yet.

17 We are working closely with Dr. Leaf and,
18 hopefully, here shortly we will actually have the
19 document.

20 COMMISSIONER BOSARGE: I would like to see the
21 document.

22 MATT HILL: Yes, sir. I understand.

23 We will move on. This is Title 22, Part 7,
24 Chapter 9, Spotted Seatrout Endorsement. This is the
25 final adoption.

1 We have met all of our public notice
2 requirements and legal notice requirements per the
3 Administrative Procedures Act, as you can see on this
4 slide.

5 Public comment period ran from September 20th
6 through October 15th for a total of twenty-six days, and no
7 public comments have been received during this time
8 period.

9 Here is the marked-up language. The underlined
10 language is the new language. The strikethrough
11 represents the deleted language.

12 We will go to the clean version and I will read
13 it into the record.

14 “Title 22, Part 7, Chapter 9, Commercial
15 Size, Possession and Catch Limits, Section
16 110.

17 “Beginning January 1, 2019, individuals
18 commercially harvesting Spotted Seatrout
19 (*Cynoscion nebulosus*) must possess a
20 Spotted Seatrout Endorsement (\$10.00), in
21 addition to a current applicable harvester’s
22 license.

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

25 “For the 2019 fishing season, the

1 fisher must present documentation
2 that a minimum of twenty (20) percent
3 of their taxable income came from
4 commercial fishing activities in a
5 previous tax year between 2013-2018.
6 “Documentation shall be a copy of the
7 appropriate filed IRS tax form showing
8 the applicant’s taxable income for one
9 of those years.
10 “A Marine Fisheries Trip Ticket Officer
11 will then run a sales summary for the
12 year chosen using trip tickets to
13 determine if the eligibility requirement
14 has been met.
15 “This endorsement shall be valid for a
16 one-year period at which time a new
17 application with qualifying documents
18 for the previous tax year shall be
19 submitted for a new endorsement. The
20 endorsement will be valid from January
21 1st through December 31st each year.
22 “In the event of a hardship approved by
23 the Commission, the Department may consider
24 qualifying documents for the two years
25 prior to the onset of the hardship.”

1 what will be required to put this language into
2 the regulation will be a motion for final adoption of
3 regulatory changes to Title 22, Part 7, Chapter 9, Section
4 110, Changes to Spotted Seatrout Endorsement.

5 Upon final adoption of the proposed regulation
6 changes to Title 22, Part 7, Section 110, all spotted
7 seatrout endorsements shall expire November 1st, 2018.

8 COMMISSIONER BOSARGE: Do we have a motion for
9 final adoption?

10 COMMISSIONER GOLLOTT: Mr. Chairman, I make a
11 motion that we move to final adoption on this Title 22,
12 Part 7, Chapter 9, Section 110.

13 COMMISSIONER BOSARGE: We have a motion.

14 Do we have a second for that motion?

15 COMMISSIONER BOSARGE: I'll second the motion.

16 Any further discussion?

17 (No response.)

18 COMMISSIONER BOSARGE: All those in favor aye.

19 (Commissioner Bosarge, Commissioner Daniels,
20 Commissioner Gollott, Commercial Guess in favor.)

21 COMMISSIONER BOSARGE: Opposed like sign.

22 (Commissioner Havard opposed.)

23 COMMISSIONER BOSARGE: Motion carries.

24 MATT HILL: Thank you.

25 JOE JEWELL: Next up for the Commission's

1 consideration is establishing a Mississippi Oyster Task
2 Force.

3 As you may recall, in September the Commission
4 asked us to come back with a presentation with two items;
5 to actually list the membership that we are proposing for
6 consideration, and, then, for it to expire in one year.

7 Ms. Kristina Broussard will be giving that
8 presentation.

9 KRISTINA BROUSSARD: Good afternoon. I'm
10 Kristina Broussard with the MDMR Shellfish Bureau, and I
11 am going to present you the recommended names for the
12 Oyster Task Force.

13 COMMISSIONER GOLLOTT: Ms. Broussard, have you
14 contacted these people to see if they would accept it?

15 KRISTINA BROUSSARD: Yes, I have. I have
16 contacted everyone on the list, with the exception of Mike
17 Cure. I have left him several messages and he hasn't
18 returned my call, but everyone else has accepted.

19 COMMISSIONER BOSARGE: I don't mean to get ahead
20 of you with your presentation.

21 Do we have an alternate for Mike Cure, if he
22 decides not to serve?

23 KRISTINA BROUSSARD: We can definitely offer an
24 alternate. I have not contacted anyone else to be an
25 alternate, at this time, but we can do so.

1 COMMISSIONER BOSARGE: Okay. Thank you.

2 KRISTINA BROUSSARD: We have two different
3 groups of members.

4 We have voting members. Nine are recommended.

5 Then, we also have non-voting members, seven.

6 For our voting members, we have two
7 dealers/processors, Jennifer Jenkins from Crystal Seas
8 Seafood and Mike Cure from Bayou Caddy Fisheries.

9 We have two dredgers, John Livings who is a Pass
10 Christian harvester and Keo Nguyen who is a Bayou Caddy
11 harvester.

12 We have two tongers, George Storrs a Pass
13 Christian harvester and Andrew Livings also a Pass
14 Christian harvester.

15 We have one oyster aquaculture voting member,
16 Walter Boasso with Spat Tech.

17 We have one recreational harvester, Dennis
18 Laubmeir.

19 Then, finally, we have our MDMR Shellfish Bureau
20 Director Erik Broussard.

21 These are our nine recommended voting members
22 for the Oyster Task Force for your approval.

23 COMMISSIONER GOLLOTT: I have a question.

24 What does it mean, voting and non-voting?

25 KRISTINA BROUSSARD: Voting members would

1 actually have a say in what is brought to the Commission
2 for recommendation.

3 Non-voting members would be there for -- you
4 will see in the list, they are people that can make
5 recommendations to the voting members, they can offer any
6 science that has been done to help with the voting
7 process.

8 COMMISSIONER BOSARGE: I guess to answer your
9 question, those voting members, when there is an issue
10 brought to the task force, everybody looks at the issue
11 and weighs it out. We've got scientists. We've got law
12 enforcement. We've got recreational.

13 They work out the issues, vote on it and, then,
14 bring it as options to us. In other words, we look at
15 what they voted on and that holds weight as to what they,
16 as an industry, want.

17 KRISTINA BROUSSARD: Just a reminder, the task
18 force will be making recommendations to the Commission.
19 It is just an assistance. There aren't any decisions made
20 from this group.

21 Then, to move on with the non-voting members, we
22 have seven.

23 First is our CMR Commissioner, Steve Bosarge.

24 We have our MDMR Oyster Aquaculture Extension
25 Agent, Jason Rider

1 We have our MDMR Chief Scientific Officer, Dr.
2 Paul Mickle.

3 Our Marine Patrol Officer will be determined.
4 We have the Gulf Coast Research Laboratory
5 representative, Dr. Read Hendon.

6 We have the State Representative for District 93
7 in Poplarville, Timmy Ladner.

8 Finally, we have Johnny Marquez who is Director
9 of Coastal Programs for the Mississippi wildlife
10 Federation.

11 You can see that the non-voting members are all
12 part of the science community and DMR to offer assistance
13 with decision making.

14 COMMISSIONER BOSARGE: We need a motion?

15 KRISTINA BROUSSARD: Yes.

16 Finally, we need a motion to adopt the CMR
17 recommended membership of the Mississippi Oyster Task
18 Force and proceed with the establishment of the
19 Mississippi Oyster Task Force which will expire one year
20 from the first scheduled meeting.

21 COMMISSIONER BOSARGE: Mr. Harold Strong asked
22 for public comment.

23 You wanted to speak on this?

24 HAROLD STRONG: No. Actually, it was about the
25 oyster season.

1 COMMISSIONER BOSARGE: Can we have you right
2 after this?

3 HAROLD STRONG: You can, but I can tell you Mike
4 Cure, I talked to him a while ago and he is not going to
5 do it.

6 COMMISSIONER BOSARGE: We will have to come up
7 with an alternate.

8 KRISTINA BROUSSARD: I would like to get in
9 touch with him and have him tell me that personally,
10 before we move on.

11 COMMISSIONER BOSARGE: That's fine.

12 So we need a motion to proceed forward.

13 COMMISSIONER HAVARD: I'll make the motion we
14 adopt the motion as written.

15 COMMISSIONER BOSARGE: We have a motion.

16 Do we have a second for that motion?

17 COMMISSIONER GUESS: I'll second it.

18 COMMISSIONER BOSARGE: We have a motion and a
19 second.

20 Any further discussion?

21 (No response.)

22 COMMISSIONER GOLLOTT: I still think it's a bad
23 idea.

24 COMMISSIONER BOSARGE: I just hope we can prove
25 you wrong. I'm banking on it. You see my name up there.

1 We have a motion and we have a second.

2 All those in favor aye.

3 (Commissioner Bosarge, Commissioner Daniels,
4 Commissioner Guess, Commissioner Havard in favor.)

5 COMMISSIONER BOSARGE: Opposed like sign.

6 (Commissioner Gollott opposed.)

7 COMMISSIONER BOSARGE: Commissioner Gollott
8 opposed.

9 Motion carries.

10 KRISTINA BROUSSARD: Thank you.

11 COMMISSIONER BOSARGE: Thank you.

12 JOE JEWELL: Thank you Commissioners.

13 Before we move on to the next presentation, this
14 might be a good point where you could --

15 COMMISSIONER BOSARGE: (Interposing) I'm sorry.
16 We've got Harold Strong.

17 JOE JEWELL: I just want to make a comment.

18 COMMISSIONER BOSARGE: Okay.

19 JOE JEWELL: We have two regulatory actions that
20 were approved and the Commission adopted the sack limit
21 which means the season opening order needs to be signed.

22 If Director Spraggins and you could just wait
23 briefly afterwards, I need y'all to sign those three
24 documents.

25 with that being said, now that we have all the

1 requirements for the opening order which part of it was
2 the sack limits, this would be a good time for Harold to
3 make a comment, if he would like.

4 COMMISSIONER BOSARGE: Mr. Strong.

5 JOE JEWELL: And, then, afterwards, Mr. Matt
6 Hill is going to give the recommendation for the Spotted
7 Seatrout.

8 HAROLD STRONG: Hi. Harold Strong.

9 Good morning Commissioners, or afternoon now, I
10 guess.

11 If we are going to do a five-day oyster season
12 in November, and, then, you are talking about doing a
13 relay in December, five days is not going to do anything.
14 It's like putting a band-aid on an amputation. It's just
15 not enough. It ain't really going to help.

16 why don't you do the December relay and, if
17 something happens and you can't do the relay, open it for
18 ten days in December, instead of five and five?

19 That makes a lot more sense. That way, if we
20 get to do the relay, we just don't have a season because
21 all we have left down there -- St. Joe channel is the only
22 place you are going to be able to open. It is the only
23 place that's got any oysters. Probably don't have but
24 fifteen, or twenty, thousand sacks of oysters down there
25 to start with.

1 You can't keep taking all the brood stock and
2 expect to have spat and stuff to cover the rest of this
3 state.

4 It really needs to stay closed, if it possibly
5 can and, if we are going to do a relay, let's do a relay.

6 That's just food for thought. You are just
7 really not helping. Five days is not enough to do any
8 good for anybody.

9 That's just a suggestion from me. Leave it
10 closed and, if you can do the relay in December, do the
11 relay. If not, just give us ten days in December. That's
12 better than a week and a week.

13 COMMISSIONER DANIELS: Would it make a
14 difference harvesting them in December?

15 You say you would rather see it stay closed.
16 would it make a difference harvesting them in
17 December, as opposed to November?

18 HAROLD STRONG: Well, if you don't have to
19 harvest them at all is the best process, if we can just
20 leave the oysters down there.

21 We don't have enough oysters, now, for brood
22 stock. What you are taking is what we've got left.

23 Now, for some reason if we don't get to do the
24 relay -- I understand people have got to eat -- just do
25 ten days in December, instead of five and five.

1 If you can do the relay, just leave it closed
2 and not have an oyster season this year. It's not really
3 enough oysters to make a difference anyway you go about
4 it.

5 COMMISSIONER BOSARGE: I guess really to answer
6 your question would be as we get closer to our five-day
7 opening -- I don't know where Erik is, but does it look
8 like we are still in line for doing the relay?

9 JOE SPRAGGINS: Yes, sir. As a matter of fact,
10 right now we have sent it up to Jackson to approve the
11 processors and we are working on the barge. That's the
12 issue. If the barge comes back in the price range that we
13 think it will come back, then, we will not have to take it
14 to that other board, and we could even make the relay in
15 November, or first of December.

16 we feel strongly we are going to be able to make
17 the relay by the first of December.

18 COMMISSIONER BOSARGE: That was my point last
19 time. If we are going to do the relay, we would be better
20 off to kind of hold that season closed and let them grow.

21 I know we had all these discussions at the last
22 meeting. It was quite a bit of discussion.

23 HAROLD STRONG: I didn't make that one.

24 COMMISSIONER BOSARGE: I know.

25 COMMISSIONER GOLLOTT: Let me say something,

1 with all due respect.

2 COMMISSIONER BOSARGE: Yes, sir.

3 COMMISSIONER GOLLOTT: I think Mr. Strong, with
4 all due respect, is speaking for himself. I don't think
5 he is talking for a lot of fishermen down in the Pass
6 area.

7 we didn't harvest but thirty percent of the
8 oysters in St. Joe channel last year. It didn't help out
9 any. They thought all this brood stock was going to
10 explode the spat set, and it didn't do it.

11 Before we change anything, I would want to talk
12 to a lot more fishermen and see what their opinion is. It
13 might not be worth them even gearing up to harvest.

14 HAROLD STRONG: That's my point.

15 COMMISSIONER GOLLOTT: I would just like to hear
16 from those fishermen down there.

17 HAROLD STRONG: I have talked to some and some
18 are here actually. I'm speaking for myself, but I was out
19 there last year and a lot of other ones was, too.

20 In the beginning when we first started with that
21 thirty percent that we took, it was fine. The first week
22 we got it with no problem, and, then, it started dropping
23 off day after day after day after day, until the last
24 couple of days we were out there were pretty hard. In
25 fact, I didn't even go the last two days because it was

1 too hard to catch them, and I'm a pretty decent fisherman.

2 I've been knowing you for over fifty years.

3 COMMISSIONER GOLLOTT: Yes, sir.

4 HAROLD STRONG: I have been doing this a while.

5 COMMISSIONER GOLLOTT: We are also talking about

6 maybe eight hundred to a thousand dollars a day these

7 fishermen can make and they will be better off for

8 Christmas and Thanksgiving.

9 HAROLD STRONG: I'm just telling you there is
10 not that much out there. That's my recommendation to you.

11 You do what you want.

12 COMMISSIONER GOLLOTT: I understand.

13 COMMISSIONER BOSARGE: Mr. Strong, we appreciate
14 it.

15 Yes, sir, Mr. Spraggins.

16 JOE SPRAGGINS: Joe, you can help me with this,
17 too, but I think, Mr. Gollott, leaving the oysters in
18 there was a very good thing.

19 Tell me Joe, did we not have probably the best
20 spat season we have had in years?

21 JOE JEWELL: First, I want to apologize for Mr.
22 Broussard. He is down in Brownsville attending Gulf
23 States, representing me on the TCC. We had to kind of
24 split forces there.

25 we have had one of the more significant spat

1 sets we have had in quite a while. We feel very
2 optimistic about that.

3 COMMISSIONER GOLLOTT: Now, wait a minute.
4 That's not what you told me.

5 JOE JEWELL: What did I tell you?
6 If I told you anything other than that, I'm
7 wrong.

8 COMMISSIONER GOLLOTT: You told me that
9 harvesting the thirty percent really didn't make a lot of
10 difference, that we don't have that many oysters.

11 JOE JEWELL: Now, harvesting and spat set are
12 two different things.

13 I absolutely told you that harvesting thirty
14 percent, or closing the season, or those recommendations
15 that we had were not going to have serious impact on the
16 stability, or the sustainability, of the oyster reef. I
17 absolutely said that.

18 COMMISSIONER GOLLOTT: Okay.

19 JOE JEWELL: But, now, spat set is a different
20 thing.

21 COMMISSIONER GOLLOTT: But spat set is not
22 putting them in a sack either.

23 JOE JEWELL: That's right.

24 Now, Erik, in last month's presentation, clearly
25 made the point that we do have significant spat set,

1 unlike the past years.

2 COMMISSIONER GOLLOTT: They have just got to
3 survive.

4 JOE JEWELL: That's right. Exactly.

5 I do want to point out one final thing. If the
6 Commission changes, I will have to readdress the opening
7 order and delay that a little bit.

8 If the Commission so chooses to act on those
9 recommendations, I will be delayed in getting those
10 opening orders signed.

11 COMMISSIONER BOSARGE: I understand, and that's
12 what I was trying to tell Mr. Strong. We battled this out
13 last time.

14 I think maybe, at this point, we are a little
15 too far in the game to change a whole lot.

16 JOE JEWELL: There are still a lot of things
17 that could, or could not, happen to the relay program, so
18 I think probably the wise course is to stay on point.

19 COMMISSIONER DANIELS: What is your suggestion?

20 JOE JEWELL: The wise course right now is to
21 stay where you are. I mean, that's what I would
22 recommend, but y'all can clearly change it at y'all's next
23 meeting, if you wanted to readdress Mr. Strong's question,
24 and we would be further enough along to give you a more
25 definitive answer on the relay.

1 COMMISSIONER BOSARGE: We do this first five
2 days, and, then, if we see this relay is going to take
3 place, and, then, maybe this Commission and maybe if the
4 Oyster Task Force meets -- I don't know when that first
5 meeting is scheduled.

6 COMMISSIONER GOLLOTT: Wasn't that in the motion
7 last meeting, Steve, that we open it for a week?

8 COMMISSIONER BOSARGE: That's right.

9 JOE JEWELL: It is.

10 COMMISSIONER BOSARGE: And I think we could come
11 back and change that. We could probably change it, now,
12 if we wanted to, but I would rather --

13 COMMISSIONER GOLLOTT: (Interposing) I would
14 rather go ahead and keep it like it is.

15 JOE JEWELL: The staff will do whatever the
16 Commission decides. We certainly will honor that.

17 COMMISSIONER BOSARGE: I think we are so far
18 down the path, now, it would be kind of hard to back up.

19 If everybody is in agreement, we will continue
20 on as decided.

21 JOE JEWELL: I do believe the Commission will
22 meet before that November season opens, so you will have
23 an opportunity to readdress, if you choose.

24 JOE SPRAGGINS: The Commission will not meet
25 before the opening of the season.

1 JOE JEWELL: The season was the week before...

2 COMMISSIONER GOLLOTT: One week before

3 Thanksgiving and one week before Christmas.

4 JOE SPRAGGINS: We are going to change the
5 meeting date.

6 COMMISSIONER BOSARGE: We are going to move the
7 meeting until after Thanksgiving.

8 JOE JEWELL: All right. I apologize.

9 without any further ado, I will invite Mr. Hill
10 to step up and give the presentation for Spotted Seatrout.

11 MATT HILL: I do want to start out by saying
12 whatever we decide, or whatever path we take with this, it
13 is going to be a very challenging process.

14 COMMISSIONER BOSARGE: You will have you
15 something to do, Matt.

16 MATT HILL: I just do want to put that out
17 there.

18 We will give a little bit of background. In the
19 past year, CMR has inquired about the viability of using
20 an electronic reporting program to monitor Spotted
21 Seatrout recreational landings in Mississippi waters.

22 In the August meeting, CMR passed a motion for
23 staff to provide information regarding this subject at the
24 October meeting.

25 This presentation will outline the potential use

1 of electronic reporting in the Spotted Seatrout fishery
2 and provide alternatives for consideration.

3 I do want to do a little comparison because the
4 electronic program that we have in place right now is for
5 Red Snapper. I just want to put this into perspective,
6 when we are talking about electronic reporting for Spotted
7 Seatrout versus the electronic reporting for Red Snapper
8 which is a very successful program.

9 The first point, Red Snapper has a small
10 population of anglers, approximately twenty-five hundred
11 anglers.

12 Spotted Seatrout has a large population of
13 anglers, approximately eighty thousand anglers.

14 The Red Snapper has a limited season, usually
15 less than a hundred days.

16 Spotted Seatrout is open year round.

17 Red Snapper is a single mode. You must be on a
18 vessel to catch Red Snapper.

19 Spotted Seatrout is a multi-mode. They can
20 catch them on boat, by shore, or the private recs can also
21 have their own methods.

22 Red Snapper is a localized habitat. We know
23 where they are.

24 Spotted Seatrout, a large amount of diverse
25 habitat, especially during certain seasons and times of

1 the year.

2 Red Snapper is a highly enforceable program, the
3 electronic program we have in place.

4 Spotted Seatrout, although not unenforceable,
5 will be difficult to enforce.

6 Red Snapper. Statistically sound validation
7 procedure.

8 Spotted Seatrout. Currently no feasible
9 validation procedure in place.

10 COMMISSIONER BOSARGE: Matt, there is so much of
11 this I don't understand.

12 You guys developed that Tails n' Scales, and I
13 understand the difference in the number of anglers and I
14 understand one season is open year round, but, when you
15 talk about diverse habitat, look at the square miles of
16 area for Red Snapper enforcement. It's out to two hundred
17 miles; out to the shelf anyway. Whereas Spotted Seatrout
18 is from the pilings to the CSX railroad bridge.

19 MATT HILL: I guess our biggest, when we were
20 saying that, is we know where they are and we know where
21 these boats have to come back through. We have
22 bottlenecks, so it is very enforceable. They are coming
23 through the islands. They have got to come under a bridge
24 somewhere, and Marine Patrol knows when the season is and
25 they know, for the most part, most of our anglers are

1 going to fish on fish havens right now. You have three
2 highly productive fish havens, so those are the areas they
3 go to.

4 spotted Seatrout, my big concern with that is
5 not that is not enforceable at the ramps, it's not
6 enforceable at piers, or things like that.

7 My biggest concern --

8 COMMISSIONER BOSARGE: (Interposing) Wait a
9 minute.

10 what do you mean, it's not enforceable?

11 MATT HILL: It is enforceable there. It is not
12 enforceable at somebody's private pier at nighttime, when
13 they walk down there. We just have too much of that that
14 goes on.

15 COMMISSIONER GOLLOTT: Wait a minute.

16 why can't they go in on a cell phone and tell
17 you that they are fishing speckled trout, just like they
18 would tell you any other time?

19 MATT HILL: Well, the other problem with Spotted
20 Seatrout is, also, it's a bycatch. They are not -- when
21 you go Red Snapper fishing, that is what you are going to
22 catch.

23 when you go white Trout fishing, maybe you are
24 just going white Trout and Ground Mullet fishing and you
25 catch three, or four, trout. It is hard for them to get

1 this identification number and use the authorization code
2 like we do for Red Snapper. They may only catch one, or
3 two.

4 Maybe their intent was to catch Red Drum, or
5 Sheepshead, and they may get lucky and catch two trout.

6 COMMISSIONER GOLLOTT: well, wouldn't it be
7 better off just to have them reporting everything, then,
8 if they go fishing?

9 MATT HILL: We are going to get to that. Just
10 give me a little bit longer.

11 COMMISSIONER GOLLOTT: We are going to do this.

12 MATT HILL: What we have come up with is more of
13 a survey. The survey needs to provide a better estimate
14 of recreational Spotted Seatrout fishing effort. That is
15 what we have to focus on, and I think the new ways that we
16 are seeing NOAA do things have shown that with the
17 inflated numbers we have, and it is strictly from effort.
18 It has nothing to do with catch-per-unit effort. It has
19 nothing to do with the average weight of the fish. It is
20 strictly an effort survey. That's what we have to get a
21 hold on.

22 MRIP currently gathers accurate data on catch
23 metrics for the fishery.

24 The survey needs to provide an effort estimate
25 from all fishing modes, shore, ramp and charter.

1 Monitoring options.

2 A mandatory reporting program for the entire
3 recreational fishery. This option is difficult to enforce
4 and would be very difficult to implement.

5 For large angler populations, a survey-based
6 approach is the most practical to estimate harvest.

7 There are multiple options for survey-based
8 approaches.

9 This is where Captain Daniels would come in and
10 our task force. We do believe that, at some point, we can
11 institute some type of electronic reporting, but we
12 believe that we would need to start with the charter-for-
13 hire industry.

14 It is a very small universe of anglers.

15 It would almost be a logbook-style approach
16 where they would report everything. It is already coming
17 down the pipeline with the Federal government, so we are
18 studying that, and this would allow us to work with this
19 smaller universe and evaluate the efficiency of electronic
20 reporting with the Spotted Seatrout.

21 We will be taking a chunk out of the
22 recreational fishery and almost do a panel study with it
23 to see what would work and what wouldn't work, before we
24 launch it to eighty thousand people.

25 That would be our plan, and I think that is

1 something that we could institute fairly quickly, with the
2 support of the charter-for-hire industry which I believe
3 we would have that.

4 It may not be completely mandatory at first, but
5 I believe that we could get that started and see the
6 efficiency of the program.

7 COMMISSIONER DANIELS: Are your thoughts on that
8 pen and paper, or electronic?

9 MATT HILL: Electronic. Everything would be
10 electronic. It would be very similar to the Tails n'
11 Scales system. We would almost copy the logbook program
12 that they have developed for the permitted charter-for-
13 hire industry.

14 We could set up the surveys like that, but it
15 would be all encompassing, all species. It would be
16 everything and it would be somewhere for us to start to
17 have a study to see just how feasible this is and the
18 tweaks we would need and, when we are dealing with eighty
19 people, it is going to be a lot easier for us than eighty
20 thousand people.

21 COMMISSIONER GOLLOTT: Matt, how many charter-
22 for-hire licenses have we issued in Mississippi?

23 I only know of three, or four.

24 Are there more than that?

25 MATT HILL: Charter for hire?

1 COMMISSIONER GOLLOTT: Yes.

2 MATT HILL: It's fluctuates between ninety and a
3 hundred and twenty, and it is variable.

4 COMMISSIONER GOLLOTT: Charter for hire?

5 MATT HILL: Yes, sir.

6 COMMISSIONER GOLLOTT: Wow.

7 COMMISSIONER DANIELS: I've got that. It's
8 around a hundred, maybe a hundred and twenty.

9 MATT HILL: And that is a much more of a
10 manageable --

11 COMMISSIONER GOLLOTT: (Interposing) Of course,
12 that's Red Fish. That's everything.

13 MATT HILL: That's everything.

14 COMMISSIONER GOLLOTT: Okay. That sounds good.

15 MATT HILL: What we would do is -- what I would
16 recommend doing is we obviously have some of the larger
17 multi-passenger vessels that do not target, or never catch
18 Spotted Seatrout, so we would give them the opportunity to
19 maybe do their panel study on Red Drum, or some other
20 species, but focus on these inshore guides, develop an
21 electronic reporting system similar to the one we have
22 now, and let them test this out, tell us what we are doing
23 and what we need to do and how we can transition this into
24 eighty thousand anglers.

25 That would be step one, and I think that is

1 something we could do very quickly, but in the meantime --

2 COMMISSIONER BOSARGE: (Interposing) I don't
3 think you need to waste your time in the meantime.

4 I don't mean that in a bad way, but MRIP data.
5 All you hear is MRIP data is bad this way, it's bad that
6 way, and that's all MRIP data is, is surveys.

7 why do we want to waste our time doing more
8 surveys that everybody is going to dispute the information
9 that you provide?

10 The only way that I see, if we are going to
11 spend our time and effort doing anything, is maybe taking
12 the charter-for-hire and trying to tweak a system.

13 I personally think we already have a system,
14 but, if that's where you think we need to go, I don't
15 think we need to waste our time doing surveys. That is
16 just information everybody is going to dispute. I agree
17 with it. I don't agree with it. You didn't do this
18 right. You didn't do that right. You didn't check these
19 people. You didn't call that one.

20 MATT HILL: When we are dealing with a large
21 group with the resources we currently have, it would be --

22 COMMISSIONER BOSARGE: (Interposing) A bunch of
23 extrapolations.

24 MATT HILL: Exactly.

25 we have contacted Mississippi wildlife,

1 Fisheries and Parks, and we have asked them about some
2 type of point of sales survey, just like they do with the
3 migratory birds to begin with. Give us an idea. When
4 they buy their license, have a survey there that would be
5 mandatory for them to fill out strictly for speckled
6 trout, and it would not be exact. How many times did you
7 spotted Seatrout fish? How many times did you catch
8 speckled trout in the last year?

9 we would begin to compile this information, but,
10 also, when we are doing these surveys, have a completely
11 different add-on survey which we have done successfully
12 before. We did a flounder survey, with our MRIP.

13 we would partner it with MRIP, but it would have
14 nothing to do with it. While we are out there, we would
15 also survey these anglers with a specialized questionnaire
16 just on specked trout that would be our data and we would
17 keep that.

18 Yes, there would still be some extrapolations
19 involved in that, but, then, we would also do the mail-
20 based survey like what Louisiana is doing and do some call
21 downs which we don't think would be very successful, but
22 we think that it would be worth trying in the short term
23 until we can get this system, and it is something that we
24 would like to concentrate with the charter guys, a system
25 that would transfer to the entire population, something

1 that would be very user friendly for everybody.

2 COMMISSIONER GOLLOTT: What do we need to do,
3 Matt, the first step?

4 MATT HILL: I don't believe we would need a
5 motion to begin doing this. This is something, honestly,
6 we have already started working on since we did this.

7 COMMISSIONER BOSARGE: You will take it to the
8 charter-for-hire task force and bring it before them?

9 MATT HILL: Yes, and I think we a mechanism that
10 maybe we can go ahead and start -- I can get Commissioner
11 Daniels something, and we can put it out there and just
12 get a feeler for how they feel about it and start getting
13 a few more answers from them, but we have already begun
14 working with Bryan on developing the electronic collection
15 system for them.

16 The wheels are spinning. They are turning, but
17 the main thing would be the buy-in for the charter-for-
18 hire industry.

19 COMMISSIONER HAVARD: Matt, is there any other
20 state in the country that is attempting to do something of
21 this magnitude?

22 MATT HILL: No. The closest we have found so
23 far, and I was concentrating on the Gulf, but Virginia has
24 a very successful program. We just got a hold of that
25 program and we began some talks with them, but they are an

1 all encompassing mandatory reporting everything you catch.
2 If it hits the dock, you have to report it.

3 We are seeing exactly how that system works, and
4 we just began talks with them to see what the pros and
5 cons of it are.

6 COMMISSIONER GOLLOTT: Don't you need a motion
7 for, like, your endorsement, or something?

8 JOE JEWELL: Commissioner Gollott, not right
9 now. The Commission has already directed the staff to
10 look into it. There was no motion made because we didn't
11 have enough information, or structure, to establish a
12 program.

13 what we are doing to do is act on the
14 Commission's request and start outreaching to the charter-
15 for-hire industry and, once we get to that point where we
16 are going to try and establish a program, then, clearly,
17 like Tails n' Scales, it would require a motion by the
18 Commission.

19 COMMISSIONER BOSARGE: Thank you, Joe.
20 Matt, is that it on that?

21 MATT HILL: That's it.

22 COMMISSIONER BOSARGE: Are you satisfied,
23 Commissioner Gollott?

24 COMMISSIONER GOLLOTT: Yes.

25 COMMISSIONER BOSARGE: Thank you, Matt.

1 COMMISSIONER DANIELS: Matt, if you will, get
2 that to me.

3 MATT HILL: I will, yes, sir. We will take care
4 of it.

5 COMMISSIONER DANIELS: And we will see where we
6 are.

7 MATT HILL: Yes, sir.

8 JOE JEWELL: Commissioners, up for your
9 consideration is the last Marine Fisheries item. It's
10 some State Saltwater Fish Records presented by Mr.
11 Jonathan Barr.

12 JONATHAN BARR: Good morning, and welcome
13 Commissioner Guess.

14 COMMISSIONER GUESS: Thank you.

15 JONATHAN BARR: We have two new State Saltwater
16 Fishing Records up for your consideration this month.

17 The first one is a Gulf Flounder, *Paralichthys*
18 *albigutta*. The old record was one pound two point four
19 ounces. The new record is one pound seven point six eight
20 ounces.

21 The angler is Mr. Kevin Sikes.

22 It is hard to see here, but there are three
23 distinct oscillated spots on this. This is a different
24 species than the Southern Flounder (indicating
25 photograph).

1 COMMISSIONER HAVARD: what did you say the
2 differences were?

3 JONATHAN BARR: There are a few, mainly habitat.
4 This was caught around the islands.

5 COMMISSIONER BOSARGE: It's got spots on it.

6 JONATHAN BARR: There are three oscillated spots
7 much like you would have on a Red Fish, the one oscillated
8 spot.

9 It is a little hard to tell. It had been in the
10 cooler for a little while. It had faded.

11 COMMISSIONER BOSARGE: And that is a good one.

12 JONATHAN BARR: The next one is actually new to
13 our records. There is no old record. It's a Lowfin
14 Pomfret, *Brama dussumieri*. This is a deepwater species.
15 It is four point three seven ounces.

16 The angler is Mr. Junie Creel.

17 This is not a large species of fish. They
18 usually max out around twelve, or fourteen, inches.

19 There is Mr. Creel with the fish (indicating
20 photograph).

21 Required is a motion to adopt these new State
22 Saltwater Records.

23 COMMISSIONER HAVARD: I would like to make a
24 motion that we adopt the new State Saltwater Finfish
25 Records.

1 COMMISSIONER BOSARGE: We have a motion.

2 Do we have a second for that motion?

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

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

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

9 COMMISSIONER BOSARGE: Motion carries.

10 JONATHAN BARR: Thank you.

11 COMMISSIONER BOSARGE: Thank you.

12 Next up will be K-7 which Commission Gollott
13 wanted to talk about the grass beds at Cat Island.

14 COMMISSIONER GOLLOTT: The last time we were
15 talking about the nets around Cat Island somebody brought
16 it up that what is damaging the grass beds around Cat
17 Island worse than the nets would be the propellers, the
18 props on the back of these outboard motors crossing the
19 grass beds and everything and they were cutting lanes in
20 them.

21 what I would like to see is the staff to come
22 back and give us a study on that.

23 I would like to do like some of the other
24 states. Maybe fix it to where they can't take an outboard
25 motor across these beds. Maybe go across with a trolling

1 motor, or something like that. Drift across them, instead
2 of tearing these beds up, strictly trying to take care of
3 these grass beds.

4 They are wonderful speckled trout habitats. It
5 would be a shame to just sit there and destroy them.

6 JOE SPRAGGINS: Dr. Mickle, are you not working
7 on that, as we speak?

8 I had given it to Dr. Mickle, to look at that,
9 to look at the grass beds.

10 COMMISSIONER GOLLOTT: I didn't know.

11 JOE SPRAGGINS: Would you mind if he addresses
12 this real quick?

13 COMMISSIONER GOLLOTT: No, sir. I would be
14 glad.

15 PAUL MICKLE: Thank you, Commission.

16 Yes, I will address that topic. I have been
17 tasked with looking at a scientific literature search on
18 impacts of seagrass by different types of gears.

19 I can include equipment on top of gears. When
20 the specific request was for fishing type, or fishing
21 gear, I was looking at all sorts of different gears.

22 Equipment will be in addition to that, and I can
23 bring that back for next meeting and provide a
24 presentation, if needed, to look at that. There is a lot
25 of literature out there.

1 Florida has gone through this for over twenty-
2 five years. They have looked at it. There has been a lot
3 of scientific studies done on it.

4 I have accumulated everything as far as types of
5 gears, at this point, but I can add equipment type and
6 bring that as well, but there is a lot of literature to
7 talk about, and I can bring it to you.

8 COMMISSIONER BOSARGE: Maybe not just equipment,
9 but anything that affects that grass.

10 PAUL MICKLE: All the way to pollutants?

11 That is going to be a long of presentation.

12 COMMISSIONER GOLLOTT: Stuff that we can do
13 something about.

14 PAUL MICKLE: Sure. Yes. Absolutely. No
15 problem.

16 JOE SPRAGGINS: Do we need a motion to do that?

17 SANDY CHESNUT: Yes.

18 JOE JEWELL: Yes. You would need a motion to
19 direct Dr. Mickle to come back next month with
20 recommendations for consideration of all type issues that
21 would affect seagrass beds around Cat Island.

22 COMMISSIONER GOLLOTT: Can we let our
23 environmentalist have a chance to make the motion?

24 COMMISSIONER GUESS: I'll make a motion to have
25 him create a presentation on all the different components

1 that could be endangering the grass beds.

2 PAUL MICKLE: Cat Island specifically, or the
3 state of Mississippi?

4 COMMISSIONER GUESS: Cat Island.

5 COMMISSIONER GOLLOTT: And I'll second that
6 motion.

7 COMMISSIONER BOSARGE: Motion by Commissioner
8 Guess. Seconded by Commissioner Gollott.

9 Any further discussion?

10 (No response.)

11 COMMISSIONER BOSARGE: All those in favor aye.

12 (All in favor.)

13 COMMISSIONER BOSARGE: Opposed like sign.

14 (None opposed.)

15 COMMISSIONER BOSARGE: Motion carries.

16 PAUL MICKLE: Thank you.

17 COMMISSIONER BOSARGE: Thank you.

18 Under other business, at the last meeting, I
19 asked to put something under other business and I
20 apologize because I did not put it on the agenda. I meant
21 to.

22 I guess Richard and I are the two that have been
23 on this Commission the longest and Ms. Chesnut, also.

24 Peer Review Committees. I remember back years
25 ago when there was a lot going on within the DMR and it

1 involved Dr. Walker, and we had law enforcement folks come
2 to us and say, you should have been watching what was
3 going on.

4 Seeing Dr. Walker back in the news again, I know
5 it brought back a bunch of memories to me and I'm sure it
6 has to you.

7 COMMISSIONER GOLLOTT: Well, we were threatened
8 by some senators and stuff.

9 COMMISSIONER BOSARGE: In an effort just to make
10 sure, especially me now in the position because, if it
11 comes down, they are going to look at me and say, why
12 didn't you do something?

13 I'm not saying there is anything wrong, but
14 Chairman Vernon Asper set up -- we actually went through
15 the procedure to set up some oversight committees.

16 If I remember correctly, Joe, you were here and,
17 Matt, you were here.

18 JOE JEWELL: Yes.

19 COMMISSIONER BOSARGE: If I remember correctly,
20 we went through the motions, we put them in place and, at
21 that point, I think Vernon Asper resigned his position and
22 we never had the first meeting.

23 In an effort to, I think, do some good, I think
24 it's something we need and I think it's something that we
25 need to put back in place. Well, it is already in place.

1 We just need to exercise it.

2 Bear with me because I've got to find where I
3 put it. There it is (indicating document).

4 If you go back to the minutes of the meeting, it
5 was back on January 15th, 2013.

6 We actually set up three committees, a Financial
7 Oversight Committee, a Contract Review Committee and a
8 Program Review Committee, and it is all in the minutes.

9 Financial Oversight Committee.

10 The purpose of this committee is to closely
11 monitor the financial status of the MDMR to ensure that
12 the agency is financially sound and that expenditures on
13 programs and facilities are justified and that the
14 expenditures further the policy of the State as it relates
15 to the management of the marine resources and coastal
16 wetlands.

17 Contract Review Committee.

18 The purpose of this committee is to monitor and
19 review contracts entered into by the MDMR. The committee
20 will primarily review contracts with a value in excess of
21 ten thousand dollars to determine the necessity of the
22 contract and to ensure that the contract was not
23 inappropriately awarded to a family member, or business
24 associate, of other MDMR employees, or awarded as a result
25 of undue influence from an elected, or appointed, public

1 official.

2 Program Review Committee.

3 The purpose of this committee is to review MDMR
4 land acquisition and land management programs to ensure
5 that the programs have established and justifiable
6 criteria for identifying properties for inclusion in the
7 programs and provisions for long-term management of
8 properties acquired.

9 Vernon Asper, he did all of this, and those were
10 the three committees. We can't have but two members on
11 each committee, and they could meet semi-annually.

12 I don't want to make any motions, but I would
13 like to ask the different members if they would agree to
14 serve on these committees.

15 On the Financial Oversight, I would like Mark
16 Havard and myself.

17 Are you agreeable?

18 COMMISSIONER HAVARD: I would like to learn a
19 little more about what these committees are trying to do,
20 but, if that were the case, I would be glad to serve.

21 COMMISSIONER BOSARGE: On the Contract Review
22 Committee, you weren't here, but I put the environmental
23 representative down and, of course, Mark, I felt like you
24 were probably the best person for that.

25 On the Program Review Committee, Ronnie Daniels

1 and Richard Gollott.

2 COMMISSIONER GOLLOTT: Mr. Chairman, let me pass
3 on that. I have been sick pretty regular here lately. I
4 couldn't give it my all.

5 COMMISSIONER BOSARGE: Unless somebody wanted to
6 volunteer, I'll step in, in your place.

7 These are things that I respected, and I thought
8 a lot of Vernon Asper. He did a really good job in
9 overseeing this Commission and the process over the years,
10 and he put a lot of thought into it, and I think it is
11 something we need to put back in place and see how it
12 works.

13 At the next meeting, Mr. Joe, could we actually
14 add this as an agenda item, and, then, take a vote on it?

15 JOE SPRAGGINS: Be more than glad to. As a
16 matter of fact, we will even get you some more details on
17 it and have it there for you. I don't have a problem with
18 any oversight.

19 A lot of things have been added, since January
20 of 2013. The State has implemented a lot of oversight,
21 and I think you are going to see that on the Contract
22 Review which is fine. There is nothing wrong with having
23 more eyes on it.

24 I think you are going to see that the contract
25 review is pretty scrutinized pretty hard right now, but,

1 if you want more eyes on it, I don't have a problem with
2 it.

3 COMMISSIONER BOSARGE: Like I said, when that
4 went down last time, Commissioner Gollott and myself, we
5 had some people pointing fingers at us.

6 I just think it's a good thing.

7 If we could get some copies of this maybe and
8 let everybody look at it because it goes into detail on
9 when to meet and how to meet (indicating document).

10 That's all I had.

11 JOE SPRAGGINS: I have one other thing, if I
12 could, under other business. We would like to change the
13 meeting, if possible.

14 If y'all would make a motion to change the
15 November 20th meeting to November 27th, at 9:00 a.m., at the
16 Bolton Building.

17 COMMISSIONER BOSARGE: Instead of having it
18 before Thanksgiving, have it after Thanksgiving.

19 JOE SPRAGGINS: Right.

20 COMMISSIONER GOLLOTT: It's on the 20th, now?

21 COMMISSIONER BOSARGE: Yes, and move it to the
22 27th.

23 COMMISSIONER GOLLOTT: Okay.

24 JOE SPRAGGINS: We would like to move it to the
25 27th, and I need y'all to vote on that.

1 COMMISSIONER BOSARGE: Do we have a motion to
2 make that change?

3 COMMISSIONER GOLLOTT: I'll make the motion, Mr.
4 Chairman.

5 COMMISSIONER BOSARGE: We have a motion to
6 change the November meeting from the 20th of November to
7 the 27th of November at the Biloxi Bolton Building.

8 JOE SPRAGGINS: At 9:00 a.m.

9 COMMISSIONER BOSARGE: At 9:00 a.m.
10 Do we have a second for that motion?

11 COMMISSIONER DANIELS: I'll second it.

12 COMMISSIONER BOSARGE: We have a motion and a
13 second.

14 All those in favor aye.

15 (All in favor.)

16 COMMISSIONER BOSARGE: Opposed like sign.

17 (None opposed.)

18 COMMISSIONER BOSARGE: Motion carries.

19 Public comments.

20 Do we have anybody wishing to make public
21 comments?

22 FROM THE FLOOR: (Indicating).

23 COMMISSIONER BOSARGE: Yes, sir. Step up to the
24 podium and state your name, please.

25 J. KHAYAT: I'm J. Khayat, and I have a

1 question.

2 I know I'm a little late in the game. Y'all
3 have done all of your studies and everything about Section
4 K, Item 2, about the endorsement which y'all voted on to
5 change the way the endorsements were issued.

6 Maybe I should have made my comment earlier, but
7 I'm sure you noticed that this is endorsing people that do
8 commercial fishing mostly for a living.

9 If they are going to show that twenty percent of
10 their income comes from commercial fishing, a part-time
11 fisherman probably is not going to make that, if he's got
12 a decent job somewhere.

13 I'm particularly talking about the hook-and-line
14 fishermen, not the net fishermen because they do it for a
15 living.

16 As you see what happened this year, all of your
17 quota was caught up within about a month and a half.

18 I guess that's what y'all were trying to get to
19 by doing this because the hook-and-line guys really didn't
20 have a chance to get out there and do what we normally do,
21 keep fresh fish on the market for the restaurants
22 throughout the year.

23 COMMISSIONER BOSARGE: Jimmy, I guess it has
24 been a lot of years back, but do you know where that
25 commercial hook-and-line license came from?

1 It was actually put in place -- and correct me
2 if I'm wrong, but, when we started displacing all the
3 commercial net fishermen, that's when this commercial
4 hook-and-line license actually came about.

5 In my opinion, the original intention was to
6 give the commercial net fishermen that were put out of
7 business another way to catch fish.

8 It has been a commercial license this whole
9 time. I hope that kind of answers one of your questions.

10 J. KHAYAT: So you are saying that they have a
11 hard time catching a limit of speckled trout with a net,
12 so you are giving them a better chance to catch them?

13 COMMISSIONER BOSARGE: No. I'm saying when we
14 outlawed their gear, and, then, pushed them half a mile
15 off the beach, thirteen hundred foot off a pier, a mile
16 from the islands, they didn't have much left.

17 J. KHAYAT: Well, they took care of that with
18 the haul seine.

19 Right?

20 They don't have to be that far out, according to
21 the rules.

22 COMMISSIONER BOSARGE: They have to be a mile
23 from the islands. They can't be north of the CSX. They
24 can't --

25 J. KHAYAT: (Interposing) I could see this year

1 that they really had a hard time catching speckled trout.
2 I mean, y'all see the results.

3 I'm just saying, did you really think about what
4 you were doing?

5 I know you did a study. I understand. Speckled
6 trout, we want to keep that resource here. I do, too. I
7 enjoy catching them. I enjoy selling them, too, because
8 it pays for my passion, but, now, I can't do that.

9 I really think that it was sort of
10 discriminatory, the way this was presented because I will
11 be curious to see how many hook-and-line fishermen get an
12 endorsement this year.

13 Plus, I paid for an endorsement two years ago
14 that is supposed to go through the next year which you are
15 rescinding that from me.

16 Are you going to reimburse me part of that ten
17 dollars I paid?

18 I doubt it.

19 COMMISSIONER GOLLOTT: Sir, could you
20 commercially fish?

21 How do you make a living?

22 J. KHAYAT: I'm just retired. I was hoping to
23 do a lot more hook-and-line fishing.

24 COMMISSIONER GOLLOTT: I think, if you check
25 into it, you will find that you don't have a problem, if

1 you just retired.

2 J. KHAYAT: Really?

3 It's hard enough for me to catch the...

4 COMMISSIONER GOLLOTT: Well, it's earned income.

5 Or have we changed that?

6 JOE JEWELL: Taxable income.

7 COMMISSIONER GOLLOTT: Twenty percent of your
8 earned income.

9 J. KHAYAT: I'm not just speaking for me. I'm
10 speaking for the other guys who do have a job and do this
11 on the side.

12 COMMISSIONER GOLLOTT: I think we had over four
13 hundred commercial speckled trout fishermen, when we got
14 started. Everybody was buying a commercial license
15 because they could go catch all the fish they wanted and
16 sell them.

17 J. KHAYAT: Right.

18 COMMISSIONER GOLLOTT: So we had to cut it back.

19 I mean, speckled trout were clearly being
20 overfished, and this is a way to control it and get it
21 down so the commercial people can make a living, or try to
22 make some money catching speckled trout.

23 The price on speckled trout, since we put this
24 endorsement in there, has more than doubled.

25 J. KHAYAT: What I'm saying is you are pretty

1 much limiting speckled trout fishing to a select few, and
2 that's what you want.

3 Right?

4 COMMISSIONER GOLLOTT: We had to limit it some
5 kind of way, or either shut it down completely.

6 J. KHAYAT: Talking to Steve earlier this year,
7 he was saying that the recreational people were really the
8 major harvesters of speckled trout, by your statistics.

9 what are we doing about that?

10 COMMISSIONER BOSARGE: That's why we are trying
11 to get some reporting in place where we can see where the
12 effort is and find out the true numbers where we can
13 better manage this fishery. We want a fishery for
14 everybody.

15 J. KHAYAT: Well, y'all have got a big job and I
16 realize that, and I appreciate what you are doing, but I
17 just feel like I have been discriminated against, and I
18 know several other hook-and-line guys feel the same way.

19 COMMISSIONER BOSARGE: We appreciate your
20 concerns.

21 J. KHAYAT: All right. Thank you.

22 JOE JEWELL: I just wanted to address Mr.
23 Khayat's concerns there.

24 He is not locked out of the fishery. That's not
25 the way the program works. That's not the changes the

1 Commission made.

2 He is certainly correct that if he can't meet
3 that twenty percent for the Spotted Seatrout Endorsement
4 initially, he could not get that, but he can fish other
5 species at some point and make the twenty percent
6 threshold, and, then, get the Spotted Seatrout
7 Endorsement.

8 He is not locked out of the commercial
9 fisheries, as he transitions into retirement.

10 COMMISSIONER BOSARGE: I got you.

11 JOE JEWELL: But all the other comments y'all
12 made are correct.

13 COMMISSIONER GOLLOTT: If you are in retirement,
14 you are not going to make any money anyhow. I mean, it's
15 feasible that twenty percent might be several hundred
16 dollars. It doesn't have to be big money to be twenty
17 percent.

18 JOE JEWELL: That's right.

19 COMMISSIONER BOSARGE: Thank you, Mr. Joe.

20 Any other public comments?

21 (No response.)

22 COMMISSIONER BOSARGE: Seeing none, I need a
23 motion to adjourn.

24 COMMISSIONER HAVARD: I make a motion that we
25 adjourn.

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COMMISSIONER GOLLOTT: I'll second it.

COMMISSIONER BOSARGE: We have a motion and a
second.

All those in favor aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed like sign.

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

Meeting is adjourned.

(Whereupon, at 1:22 o'clock, p.m., the October
16, 2018, meeting of the Commission on Marine Resources
was concluded.)

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C E R T I F I C A T E

I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above and foregoing is a true and correct transcript of the October 16, 2018, meeting of the Commission on Marine Resources, as taken by me at the time and place heretofore stated in the aforementioned matter in shorthand, with electronic verification, and later reduced to typewritten form to the best of my skill and ability; and, further, that I am not a relative, employee, or agent, of any of the parties thereto, nor financially interested in the cause.

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