

COMMISSION ON MARINE RESOURCES

SPECIAL SESSION

December 3, 2018  
MDMR 6<sup>th</sup> Executive Conference Room  
1141 Bayview Avenue  
Biloxi, Mississippi 39530

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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

1           COMMISSIONER BOSARGE: We are going to call this  
2 meeting to order with everybody in attendance.

3           First on the agenda will be the approval of the  
4 agenda.

5           Has everybody has had a chance to look over the  
6 agenda?

7           If so, do we have a motion to approve the  
8 agenda?

9           COMMISSIONER HAVARD: I'll make a motion we  
10 approve the agenda as written.

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

13          COMMISSIONER GOLLOTT: I'll second it.

14          COMMISSIONER BOSARGE: You may have to say who  
15 you are because I'm not catching the voice right off.

16          JOE SPRAGGINS: Mark motioned and Commissioner  
17 Gollott seconded.

18          COMMISSIONER BOSARGE: Sounds good.

19          We have a motion and a second.

20          All those in favor signify by aye.

21          (All in favor.)

22          COMMISSIONER BOSARGE: Opposed like sign.

23          (None opposed.)

24          COMMISSIONER BOSARGE: Motion carries.

25          Executive Director's report.

1 Mr. Joe.

2 JOE SPRAGGINS: I just want to thank each of you  
3 for being able to take the time to be on the phone today  
4 and do this, or either come here.

5 One of the things that had happened is that we  
6 were looking into the situation of being able do this  
7 relay and the problem with it was that we were having a  
8 lot of issues with the dealers/processors saying, with the  
9 insurance and the cost of the insurance to work on the  
10 water, that it was just more costly for them to be able to  
11 do this and they could not do it for the two dollars a  
12 sack.

13 That was the issue that brought this about, plus  
14 in talking some of the Commissioners during the time and  
15 also now not understanding a hundred percent where we  
16 stand on the motion that was made about what type of  
17 dredge could be used during this.

18 I know we are going to do tonging to start with  
19 and I think it was three days is what we looked at.

20 Joe, is that correct?

21 JOE JEWELL: Yes.

22 JOE SPRAGGINS: Three days of tonging, and,  
23 then, after that would be dredging, but we need to decide  
24 if it is going to be hand dredge only.

25 The other thing was I know y'all had given me

1 permission to be able to manage this, but I would like to  
2 go ahead, since we are here in a meeting anyway, to set  
3 the sack limit for the tongers per trip because I don't  
4 want to take a chance of somebody going out there, putting  
5 too much on a boat and causing them to have an accident  
6 and maybe putting ourselves in some form of a liability.

7 That said, sir, that's all I have, unless you  
8 have any questions.

9 COMMISSIONER BOSARGE: No, sir. I don't have  
10 any questions.

11 I think we will probably go down through it and  
12 try to make these decisions.

13 Next up would be the Commissioners report.

14 Does anybody have anything they want to report?

15 COMMISSIONER HAVARD: I would like to say that I  
16 did reach out to some friends of mine that are in the  
17 insurance industry and have been in the industry for quite  
18 some time and talked over the premium that these  
19 processors are trying to charge us.

20 Just over the phone, we did some simple math and  
21 with all these Jones Acts and all these different acts  
22 that are required due to people working over the water --  
23 Steve, you might be very familiar with all of these -- it  
24 is very expensive insurance, and what we calculated with  
25 just some fast math is the cost of what we are trying to

1 do to the processors is going to be about a hundred  
2 thousand dollars, and there is going to be about twenty  
3 thousand dollars that is going to be cream, or profit,  
4 right off the top that these processors are getting.

5           Amongst me and my insurance friends, we thought  
6 that that was a very fair rate at six dollars a sack.

7           COMMISSIONER BOSARGE: I know exactly. We deal  
8 with that every day. When you get out over the water, it  
9 does get expensive.

10           Let's go ahead and get into the main part of the  
11 agenda.

12           COMMISSIONER DANIELS: Steve, if I may, just a  
13 quick question.

14           COMMISSIONER BOSARGE: Yes, sir.

15           COMMISSIONER DANIELS: Which processors were  
16 offered the opportunity in participating in this?

17           I paid a visit down to the Pass Christian dock  
18 the other day. One of the people that I talked to down  
19 there was Darlene Kimball and she kind of seemed like she  
20 didn't really know anything about anything that was going  
21 on, and that may be her own fault.

22           I'm just wondering who all was contacted about  
23 this.

24           JOE SPRAGGINS: I know right off the bat it was  
25 Joe Jenkins, Mike Cure and Jerry Forte. They think

1 Kimball was contacted, and William Scarborough (phonetic).

2 I know those, but I will get that answer for  
3 you. I'm trying to get her in here right now to get that  
4 answer for you, but I think those are the ones that were  
5 contacted for sure that I know.

6 I know she and Forte work right beside each  
7 other, so I'm pretty sure they know what is going on. He  
8 was one of the ones that had a real issue with it.

9 COMMISSIONER DANIELS: Another question that was  
10 posed to me by her, is there any other opportunity for a  
11 processor of her size -- she obviously couldn't take on  
12 the whole thing by herself, but is there any other  
13 opportunity for them to get involved, other than as the  
14 processor.

15 One of the things that she mentioned was even if  
16 she just worked helping verify licenses and that type of  
17 stuff for the department.

18 I don't know if there is anything like that, but  
19 I told her I would ask.

20 JOE SPRAGGINS: Hang on one second.

21 Darlene was contacted?

22 MICHELE WILLIAMS: Yes, she was.

23 JOE JEWELL: She participated in the 2016 relay.

24 JOE SPRAGGINS: She was contacted, Commissioner  
25 Daniels. I'm not sure what is going on with her on that.

1 SANDY CHESNUT: For the record, Michele Williams  
2 is in the room and she is the one answering the questions  
3 because this is going to have to be transcribed.

4 COMMISSIONER DANIELS: Okay.

5 JOE SPRAGGINS: Michele, stand up and tell which  
6 ones you contacted so we can have this official.

7 MICHELE WILLIAMS: The ones that were contacted  
8 were B and W Seafood, Bayou Caddy Seafood, Jerry Forte  
9 Seafood, Crystal Seas Seafood. Pinchers was contacted and  
10 Darlene Kimball was contacted.

11 JOE SPRAGGINS: Is William Scarborough in that?

12 MICHELE WILLIAMS: He is with B and W.

13 COMMISSIONER DANIELS: Was that an email that we  
14 sent out, or was there an actual physical contact with a  
15 phone call, or something like that?

16 MICHELE WILLIAMS: Both, with the exception of  
17 Pinchers. I tried calling. I left a voicemail and he  
18 never responded.

19 COMMISSIONER DANIELS: Okay. I just wanted to  
20 make sure I did what she asked me to do, and I think that  
21 satisfies that.

22 JOE SPRAGGINS: Commissioner, on your deal about  
23 the licenses, we have tried that several times to be able  
24 to sell licenses, like, in Pass Christian, or whatever.

25 we go down there and we put people there and we

1 have to put Marine Patrol officers and we have to put our  
2 license personnel there, and very seldom we hardly ever  
3 sell anything. It just is not feasible for us, as far as  
4 the dollar figure.

5 COMMISSIONER DANIELS: I know. I understand  
6 that. We have had that talk before.

7 what she had mentioned was during that last  
8 relay, she said the department had some tables set up, or  
9 something -- I don't know. I wasn't a part of it -- and  
10 they were verifying licenses, or tags, or something.

11 She mentioned possibly if there would be an  
12 opportunity for someone like her to help out with that.

13 JOE SPRAGGINS: Well, we are going to do that  
14 and it will be in the department, and that is going to  
15 happen.

16 As a matter of fact, this week is when we sent  
17 the message out for the ones that want to qualify to come  
18 and meet with the Fisheries Department and make sure that  
19 we can do that.

20 COMMISSIONER DANIELS: Okay. Thank you.

21 COMMISSIONER BOSARGE: Do anymore Commissioners  
22 have anything?

23 (No response.)

24 COMMISSIONER BOSARGE: I don't blame you for  
25 doing your due diligence on that, Commissioner Daniels.



1 Office of Marine Fisheries, Mr. Joe Jewell.

2 JOE JEWELL: There are three items up for  
3 discussion this morning.

4 First is the cost for dealer/processors to  
5 receive per sack of oysters in the relay that starts  
6 December 10<sup>th</sup>.

7 Second is the type dredge allowed during the  
8 December relay for action.

9 Then, finally, consideration for the maximum  
10 number of sacks allowed per trip by tonging fishermen.

11 I will open up with a conversation on item  
12 number one, cost for dealer/processors to receive per sack  
13 of oysters during the relay.

14 I do want to remind the Commissioners that at  
15 the special session on May the 29<sup>th</sup> of this year, the  
16 motion was passed and adopted unanimously that the  
17 fishermen would get twenty-eight dollars per sack and we  
18 were not to exceed two dollars a sack for the  
19 dealer/processors.

20 JOE SPRAGGINS: I thought it went to thirty.  
21 Didn't we change that to thirty?

22 It was changed to thirty. I don't remember  
23 exactly when it was, but it was changed to thirty.

24 JOE JEWELL: You're right.

25 I have that motion, if the Commissioners would

1 like me to read that to you.

2 COMMISSIONER GOLLOTT: What is the bottom line  
3 per sack, by the time you pay the fishermen and the  
4 processor?

5 JOE SPRAGGINS: It is thirty-two as it stands  
6 right not. It will be thirty-six, if we move to the six  
7 dollars for the processors.

8 JOE JEWELL: The actual motion was -- the final  
9 adopted motion -- there were three previous ones. Two  
10 failed for lack of a second, and, then, the other one was  
11 withdrawn.

12 The motion would be Commissioner Gollott's  
13 motion that says we pay the fishermen thirty dollars a  
14 sack, not to exceed two dollars a sack for the processor,  
15 and, then, anything that it costs for the barge is taken  
16 out of the grant. It is not in the sack price. That  
17 motion was passed unanimously, all in favor.

18 JOE SPRAGGINS: Right now, it's thirty dollars  
19 per sack for the oystermen, two dollars for the processor,  
20 plus the barge fee.

21 COMMISSIONER BOSARGE: It appears to me that the  
22 two dollars is not going to work. They can't make any  
23 money.

24 what is the total number of sacks that we are  
25 going to be moving, Mr. Joe, to refresh my memory?

1           JOE JEWELL: It is just over eighteen thousand  
2 seven hundred.

3           COMMISSIONER BOSARGE: That's about a hundred  
4 and eight thousand, or so, or a hundred a ten. Something  
5 like that. Surely they can do their insurance and make  
6 money. Everybody has got to make money.

7           Richard, it was your original motion. Let's  
8 talk about it some.

9           COMMISSIONER GOLLOTT: It's high, but one of the  
10 things that we can do -- I just talked to Mike Cure, and  
11 he says that Louisiana allows them twenty percent shells.  
12 Instead of somebody just filling up the sack with shells,  
13 it has to be eighty percent oysters, and a spat on a shell  
14 says it's an oyster.

15           I would like us to make sure -- give them  
16 another five percent. Say twenty-five percent can be  
17 shells without any oysters, but seventy-five percent  
18 oysters, and that covers ranky oysters.

19           I think we need something in there saying what  
20 we are getting for our money.

21           COMMISSIONER BOSARGE: That's what I had said  
22 before. I was talking about making them cull which, on  
23 that reef, I don't think would be a big deal.

24           I'm with you. I agree with you because there  
25 are places on that reef that they could go tong, or

1 dredge, and get nothing but shell, and that's not what we  
2 need right now.

3 COMMISSIONER GOLLOTT: And the shells could be  
4 already fouled up. They might never catch anything. You  
5 are right. We need to move at least that many oysters, in  
6 order to have some oyster seasons in the future.

7 JOE JEWELL: Commissioner Bosarge, the exact  
8 sack number that we are talking about is eighteen thousand  
9 eight hundred and sixty-four.

10 Commissioner Gollott, if you want to make some  
11 motion for percentage, you would have to do that because,  
12 at the May 29<sup>th</sup> meeting of this year, some discussion  
13 between the Commissioners, Commissioner Trapani said, I  
14 think we need the material. We need everything. You have  
15 got to move everything on that reef. The seeds, that  
16 seeds the reef. That gives you substrate. You need  
17 material and oysters to relay.

18 Currently, the way it reads it is everything.

19 If you want to modify that, you would have to do  
20 that in a motion.

21 COMMISSIONER GOLLOTT: I will make the motion  
22 that the allowable shells is twenty-five percent that the  
23 fishermen can bring in with the oysters. If it is a spat  
24 on a shell, then, it is considered an oyster.

25 COMMISSIONER BOSARGE: Let's address the six

1 dollars, Richard, in that motion also, if we could.

2 COMMISSIONER GOLLOTT: Sure.

3 COMMISSIONER DANIELS: If I may, one question  
4 I've got, I've heard said that a lot of this is being done  
5 to provide work for the oystermen. I know the ultimate  
6 goal is to rebuild our resource.

7 Could we have the oystermen share in some of  
8 this overage with us?

9 Could we go back to twenty-eight dollars a sack,  
10 instead of thirty, and let them eat two of those dollars,  
11 if we are going to put the rest of the money up?

12 COMMISSIONER GOLLOTT: I was sitting here  
13 thinking the same thing. Twenty-eight dollars a sack is  
14 pretty juicy.

15 Let me say this. I will say that we are going  
16 to modify the amount of money that the dealers/processors  
17 get to six dollars and the fishermen, we will go to  
18 twenty-eight dollars with that.

19 JOE SPRAGGINS: Commissioners, we do have some  
20 personnel in here, but we don't have it set up the way we  
21 normally do to have comments on each thing.

22 Do you want to allow public comment, before we  
23 make these motions?

24 COMMISSIONER BOSARGE: I would like to hear, if  
25 you've got some folks in there, yes, sir.

1           JOE SPRAGGINS: It needs a second before we got  
2 any further.

3           COMMISSIONER BOSARGE: Okay.

4           Richard, can you state that motion one more  
5 time?

6           COMMISSIONER GOLLOTT: I'll make a motion that  
7 we pay the dealer six dollars a sack, that we pay the  
8 fishermen twenty-eight dollars a sack for the oysters,  
9 that we allow them twenty-five percent shells in a sack --  
10 there was something else I was just thinking about and it  
11 flew out of my mind.

12          JOE JEWELL: The spat on shell consideration.

13          COMMISSIONER GOLLOTT: Yes, spat on a shell is  
14 considered an oyster.

15          Is that plain enough, Steve, do you think?

16          COMMISSIONER BOSARGE: I think so, yes, sir.

17          COMMISSIONER GOLLOTT: This is what I was  
18 thinking, that the dealers furnish the agency a proof of  
19 insurance.

20          COMMISSIONER DANIELS: Absolutely.

21          COMMISSIONER BOSARGE: Yes, I think that is a  
22 must for sure.

23          JOE SPRAGGINS: I think they have to, before we  
24 can sign a contract with them.

25          COMMISSIONER HAVARD: We need to verify that

1 insurance, as well.

2 JOE SPRAGGINS: We will. That is part of the  
3 rules. That is part of our contract with them. Ms. Faye  
4 is sitting here, and that is exactly what we would have to  
5 do. Leave that in the motion and that would be great.

6 COMMISSIONER BOSARGE: We have the motion and  
7 Joe, you are writing it down I'm sure.

8 Richard has a motion.

9 Do we have a second for Richard's motion?

10 COMMISSIONER DANIELS: I'll second his motion.

11 COMMISSIONER BOSARGE: Seconded by Commissioner  
12 Daniels.

13 Before we do any voting, let's hear some of the  
14 public comment, Mr. Joe.

15 JOE SPRAGGINS: Okay.

16 Is there anyone here who would like to make  
17 public comment?

18 BRAD STAPLETON: I would.

19 JOE SPRAGGINS: If you would, could you step up  
20 here and state your name?

21 BRAD STAPLETON: I'm Brad Stapleton. I'm a  
22 commercial fisherman out of Pass Christian. I have been  
23 doing it for two decades.

24 I don't have any problem with us giving up the  
25 two dollars for the insurance to help put us to work, but

1 our problem is that we are getting reports that a lot of  
2 this reef is dying and it is dead, now.

3 If we go to that twenty-five percent shell, all  
4 of our material on the Pass Christian Reef is gray shell  
5 and dead. I have made trips with Ryan and them, and it  
6 needs any kind of material it could get.

7 If we limit it down to only twenty-five percent  
8 shells, then, we have waited so long on this relay to  
9 where that is dying. It is going to be hard for us to  
10 make it, if we are also looking to substitute an income.

11 That was the only thing I had to say.

12 COMMISSIONER GOLLOTT: Let me assure you the  
13 oysters in the Bay and the oysters in Pascagoula are not  
14 dying -- in certain areas, but there are plenty of areas  
15 that they are just so ranky. They are small. They are  
16 ranky. You are going to be able to load a boat easy.

17 COMMISSIONER BOSARGE: I agree with Richard on  
18 that. I don't think you will have a problem there in  
19 Pascagoula with that.

20 If we do, then, by all means, Mr. Joe, if that  
21 becomes an issue, you will get with us and we will see if  
22 we can't modify it.

23 COMMISSIONER GOLLOTT: Well, we've got the staff  
24 here that has been on the reef.

25 Maybe Mr. Broussard can enlighten us on this.



1           ERIK BROUSSARD: I just want to say the quota  
2 was set based on live oysters. That was everything from  
3 spat to market-size oysters. The eighteen thousand sacks  
4 of material that we estimated, that is all pure live  
5 oysters.

6           when you are including twenty-five percent of  
7 shell, that should make it that much easier.

8           COMMISSIONER BOSARGE: Good.

9           JOE SPRAGGINS: If your research in the past  
10 said that we have ample oysters there to do this, thirty  
11 percent was off of the actual live oyster itself.

12           Right?

13           ERIK BROUSSARD: The thirty percent that we  
14 counted, that's correct.

15           we have covered a lot of this in the previous  
16 Commission meetings on the condition of the reef and the  
17 amount of resource left to the State of Mississippi.

18           JOE SPRAGGINS: One other thing, too, just for  
19 your clarification, sir, as they have stated on there, if  
20 a shell has a spat on it, it is an oyster. It's not a  
21 shell.

22           COMMISSIONER GOLLOTT: If you are getting all  
23 shells, we want you to look for the oysters.

24           JOE SPRAGGINS: Any other public comment?

25           (No response.)

1 JOE SPRAGGINS: I have one other question.

2 Ms. Faye, could you answer something for me?

3 FAYE JAMES: Yes, sir.

4 JOE SPRAGGINS: If we modify this from what we  
5 sent to Jackson, can we do this going to twenty-eight  
6 dollars for the sack because we put thirty dollars, I  
7 think?

8 FAYE JAMES: They have it on the agenda as to be  
9 determined.

10 JOE SPRAGGINS: No. I'm talking about what we  
11 originally passed, what we originally got through Jackson,  
12 was that thirty dollars in there?

13 FAYE JAMES: Yes, thirty dollars, plus two  
14 dollars for the dealer/processors.

15 JOE SPRAGGINS: My question is, can we modify  
16 both of these, if this is passed?

17 FAYE JAMES: Yes, sir, I think you can, once you  
18 are doing a modification. We will just have to explain it  
19 to them, why it is being lowered.

20 JOE SPRAGGINS: That's all I wanted to know.

21 COMMISSIONER BOSARGE: We have a motion and a  
22 second.

23 Any further discussion?

24 COMMISSIONER HAVARD: Just a second, Steve.

25 Commissioner Bosarge, do you feel that this is

1 the right thing to do and will the reef be able to sustain  
2 us taking some seventeen thousand sacks off of it?

3 COMMISSIONER BOSARGE: I do believe so, yes. As  
4 long as we do it correctly, I think it will probably be a  
5 good thing. Yes, I'm good with it.

6 COMMISSIONER HAVARD: Okay.

7 COMMISSIONER BOSARGE: Any other discussion?  
8 (No response.)

9 COMMISSIONER BOSARGE: All those in favor of  
10 Richard's motion, signify by aye.

11 (All in favor.)

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

14 COMMISSIONER BOSARGE: Motion carries.  
15 Okay, Mr. Joe. Continue on.

16 JOE SPRAGGINS: Dredge type.

17 COMMISSIONER GOLLOTT: Let me put this in here.  
18 One more thing, Steve, I want to ask you. You  
19 buy Longshoreman's insurance just like I do.

20 why is the state liable for these people when  
21 they are private contractors, these fishermen?

22 what happened there?

23 Do you have any idea if it has been changed, or  
24 somebody in Jackson has put this in there just to cover  
25 their butt, or what?

1           COMMISSIONER BOSARGE: I don't think that we as  
2 a state would be liable. In other words, I'm sure, yes,  
3 they can come back through the chain of command and get to  
4 us, that is the state, but the first one would be the  
5 person that is administering the contract and actually has  
6 the insurance in place.

7           I'm sure our legal could tell us more than I  
8 can, but, Richard, there is always a path back to the  
9 state.

10          COMMISSIONER GOLLOTT: Yes, I understand that.

11          For years, we have been treating them as private  
12 contractors and they are in business and we are in  
13 business and they are selling us product straight out.

14          JOE SPRAGGINS: Ms. Faye, may be able to help  
15 you with it, as far as legal.

16          FAYE JAMES: Under the contract with the  
17 dealer/processors, it did not mention Longshoreman's  
18 insurance.

19          Normally, when MDMR contracts with a vendor, an  
20 independent contractor, they do require that they have  
21 workers' compensation, and, then, general commercial  
22 liability which is what was required in this contract.

23          COMMISSIONER GOLLOTT: Wait a minute. These  
24 people are not working for us. They are working for the  
25 dealers.

1           JOE SPRAGGINS: The dealers are who we are  
2 talking about, sir.

3           COMMISSIONER GOLLOTT: The dealers are going to  
4 have to have --

5           JOE SPRAGGINS: (Interposing) Insurance.

6           FAYE JAMES: They have to have workers' comp on  
7 their employees, if they have --

8           COMMISSIONER GOLLOTT: (Interposing) But they  
9 are not an employee. They are somebody that is  
10 contracting to them.

11          FAYE JAMES: Yes, sir.

12          We require that the dealers have workers'  
13 compensation on their employees, if they have enough  
14 employees to require workers' comp.

15          If they've got two employees -- and that's the  
16 way it is worded in the contract -- then, they would not  
17 have to have the workers' comp.

18          JOE SPRAGGINS: The problem is that the dealers  
19 have gone back and talked to their insurance companies,  
20 and their insurance companies are telling them that  
21 because they are buying a product from these boats that  
22 they have to consider them as employees.

23          COMMISSIONER GOLLOTT: Employees?

24          JOE SPRAGGINS: Yes, sir, that is exactly what  
25 is happening to them.

1           The reason I say that, sir, I talked to Mr.  
2 Forte and Mr. Scarborough more in detail about this which  
3 are smaller business people, and they both told me. They  
4 said, we can't even afford to buy the insurance by what  
5 the insurance companies are telling us we would have to  
6 pay for it before we turn around and get two dollars. He  
7 said we would pay more for the insurance than we would for  
8 the product that we got.

9           COMMISSIONER GOLLOTT: It's not the six dollars  
10 that is bothering me. It's the internal revenue considers  
11 these people self-employed. I mean, the government  
12 considers them self-employed.

13           I don't want to set a precedent here so they  
14 start beating these people like myself over the head,  
15 saying the state considers them employees. Now, you've  
16 got to have workmen's comp on all these boats that are  
17 selling you shrimp.

18           Do you see where I'm coming from?

19           JOE SPRAGGINS: Yes, sir, and I'm just trying to  
20 tell you we tried to do what you are trying to say. We  
21 tried to do a hundred percent what you are trying to say  
22 right now, that these guys are independent, but the  
23 insurance companies --

24           COMMISSIONER GOLLOTT: (Interposing) Let's get  
25 the attorney general to give us an opinion on that,

1 please.

2 JOE SPRAGGINS: Sir, it's not against the state.  
3 The state is not requiring this.

4 COMMISSIONER GOLLOTT: You just told me you were  
5 going to require it from the dealers.

6 JOE SPRAGGINS: No, sir. The state is requiring  
7 it from the dealer to have insurance and, if they have  
8 more than two employees, they have to have workmen's comp.  
9 That is all we are requiring.

10 COMMISSIONER GOLLOTT: You are not saying they  
11 are employees. All you are saying is they have to have  
12 insurance.

13 JOE SPRAGGINS: That's right. We are saying  
14 that they have to have one million dollars worth of  
15 liability insurance and, if they have more than five  
16 employees full-time, they have to have workmen's comp.

17 They problem is they are coming back telling us  
18 that we can't do it because our insurance companies will  
19 not let us have it because they are saying that these  
20 people that we are buying the oysters from out on the boat  
21 that because they are on the water that we have to insure  
22 them.

23 That's what they are telling me, sir.

24 I can't tell you they are right, or wrong.

25 COMMISSIONER BOSARGE: I'm pretty sure, Richard,

1 yes. In other words, it's just like the way it is kind of  
2 set up with you right now. Those guys, they are going to  
3 have to have a P and I insurance policy for those guys  
4 that are actually delivering oysters to them.

5 In other words, they are not going to be paying  
6 workmen's comp on those guys. They are only going to be  
7 paying workmen's comp on the people that are working for  
8 them.

9 The others are all subcontractors and they will  
10 have to have, I'm sure, quite a few million dollars of  
11 just general liability, and, then, they are going to have  
12 to have P and I coverage for anybody that is coming up  
13 there.

14 It is going to be costly because it is a short-  
15 term thing. It is going to be costly. There is no doubt  
16 about it, anytime you get over the water. I don't have to  
17 tell you. You know and I know.

18 COMMISSIONER GOLLOTT: I know. I pay it on my  
19 people unloading the boats, and maybe that's what this is.  
20 They have to furnish workmen's comp over the water on the  
21 people that are actually unloading the oysters, or  
22 something.

23 Their people are not unloading the oysters, are  
24 they?

25 JOE SPRAGGINS: They are unloading them into a



1 bag, or a sack type, that is on the barge.

2 COMMISSIONER GOLLOTT: The people that you are  
3 buying them from, the dealers?

4 JOE SPRAGGINS: No, sir. That's just the actual  
5 tongs, or the actual dredgers, doing that.

6 COMMISSIONER GOLLOTT: What are the dealers  
7 doing for their money?

8 JOE SPRAGGINS: They are paying the tongs and  
9 the dredgers and taking the insurance and that's it.

10 Sir, the reason we went that way all along, all  
11 the way back from 2016 was that if we didn't and we went  
12 individual contracts with each one of the fishermen, they  
13 would each have to have a million dollars worth of  
14 liability insurance, and a lot of them could not afford  
15 it, or could not get that insurance in a short time enough  
16 to do it.

17 The only way we could get around it was to go  
18 with the dealer/processor.

19 Joe, am I wrong on any of that?

20 COMMISSIONER GOLLOTT: Well, I would just like  
21 to see us straighten it out because it is totally wrong,  
22 as far as I'm concerned, and I would like to see the state  
23 get involved in it. It's stupid.

24 JOE SPRAGGINS: We will be glad to address the  
25 attorney general and ask them if we can.

1 COMMISSIONER GOLLOTT: would you please do that?

2 JOE SPRAGGINS: Yes, sir. We would be more than  
3 glad to.

4 COMMISSIONER BOSARGE: We have had a bunch of  
5 these conversations on this same subject, and we keep  
6 going in circles. Richard, I agree with you.

7 JOE SPRAGGINS: Okay.

8 COMMISSIONER BOSARGE: All right.

9 JOE JEWELL: Next up for consideration is item  
10 two as it appears on the agenda which is type dredge  
11 allowed during the December relay.

12 Before we have any discussion, I want to go back  
13 to how we got here. In the May 29<sup>th</sup> meeting, a motion was  
14 made by --

15 SANDY CHESNUT: (Interposing) Excuse me, Joe.  
16 You will need to go back to the May 15<sup>th</sup> meeting because  
17 the hand dredge was actually discussed at the May 15<sup>th</sup>  
18 meeting before the May 29<sup>th</sup> meeting.

19 I have been looking at this, this morning. It  
20 looks like the Commission actually authorized the hand  
21 dredge on May 15<sup>th</sup>. It was represented at the May 29<sup>th</sup>  
22 meeting that it wasn't authorized, and, then, we went into  
23 further meetings and actually defined what a hand dredge  
24 was and did the regulations.

25 May 15<sup>th</sup>, page one thirty-seven of the

1 transcript, Erik pointed out that there were no current  
2 regulations for hand dredges.

3 "Commissioner Bosarge: I would like to make a  
4 motion that we take option two, tonging and hand  
5 dredge."

6 "Commissioner Gollott: I'll second that."

7 "COMMISSIONER BOSARGE: All those in favor say  
8 aye."

9 They were all in favor, so the motion actually  
10 carried.

11 COMMISSIONER GOLLOTT: It's terrible to get old  
12 and lose your memory.

13 SANDY CHESNUT: That's why we have transcripts.

14 JOE JEWELL: Since Sandy said that, I want to  
15 continue on where I was. There was discussion about hand  
16 dredge and it did come up at the very end of the May  
17 special session.

18 I will read the motion that was passed. That is  
19 the current motion that is active, as I understand it. If  
20 the attorneys feel otherwise, please correct me.

21 The motion starts on page fifty-six of the May  
22 29<sup>th</sup> special session.

23 "Commissioner Gollott: Mr. Chairman, I make a  
24 motion that this Commission adopt Option Three  
25 to be fair to the dredgers and the tongers."

1           There was some small discussion.

2           "Commissioner Bosarge: All those in favor say  
3           aye."

4           "(All in favor.)"

5           "Commissioner Bosarge: All those opposed."

6           "(None opposed.)"

7           I will read to you the presentation that was  
8           given and what Option Three was.

9           There were three options. One was for tonging  
10          only, Option Two was for dredge only, and Option Three was  
11          for dredge and tonging. That was the option the  
12          Commission adopted.

13          Allow tongers to harvest the first two to three  
14          days. It was a consideration for a weather day.

15          After tonging has been completed, dredgers will  
16          be allowed to finish the quota of eighteen thousand eight  
17          hundred and sixty-four sacks.

18          That was the motion that was passed and adopted,  
19          and I will continue on where Sandy left off.

20          At the very end of this session, there was a  
21          motion from the bench made to have the staff come back to  
22          the CMR in the June meeting -- which we did -- with a  
23          proposal for a description of a hand dredge for Notice of  
24          Intent consideration.

25          JOE SPRAGGINS: Commissioners, if I could, I

1 think what happened here is my understanding was that  
2 y'all did set up what you considered as a hand dredge,  
3 and, then, I think the total intent was all along to use  
4 tongers and hand dredge only because of all the discussion  
5 that we had had out of Jackson County with the supervisors  
6 and others that did not want us to do anything with  
7 dredges and about the big boats coming in.

8 I think somehow, or another, in interpretation  
9 it may have gotten misinterpreted the way it should, so my  
10 recommendation is that you look at it and decide if you  
11 want to use hand dredge only, to change that now and say  
12 it is tonging and hand dredge only. That would be my  
13 recommendation to you, sir, if that is what you would like  
14 to do.

15 COMMISSIONER GOLLOTT: Mr. Chairman, let's hear  
16 from these fishermen because a hand dredge is brutal. I  
17 mean, that is a lot of hard work on the back. I would  
18 just like to hear what they would like to say.

19 COMMISSIONER BOSARGE: Joe, you are refreshing  
20 our memory some, but I remember the gist because there  
21 were several meetings that took place.

22 JOE JEWELL: That's correct.

23 COMMISSIONER BOSARGE: Yes, and I don't remember  
24 how we got -- I remember. I'm like Richard now, your mind  
25 the older you get, but I remember we all pretty well

1 agreed that it would be toning and hand dredge only.

2           The reason we didn't actually nail down hand  
3 dredge is because we didn't have a definition of a hand  
4 dredge, and, then, I remember -- I'm trying to remember  
5 his name. The one that brought the hand dredge in so we  
6 could look at it.

7           I even remember that second motion you are  
8 talking about, but it is almost like my time frame is  
9 different than what your time frame is. I thought we did  
10 that motion for the dredging for something totally  
11 different than what we are looking at now, but you are  
12 looking at the minutes and I know you are correct.

13           JOE JEWELL: I can give a little bit of  
14 background to that.

15           Like I said, the staff can only act on the  
16 motion that was passed, and the motion clearly was for  
17 dredgers and tongers, and it referenced option three which  
18 is dredging and tonging.

19           For the staff, there is no misinterpretation, or  
20 misunderstanding.

21           what happened subsequent to that was the  
22 Commission did give some thought about using the hand  
23 dredge, and they required us to come back with a  
24 definition of a hand dredge, and we did do that, but I  
25 think some of the discussion was that by adopting a

1 definition of a hand dredge, only hand dredges that meet  
2 that specific recommendation can be used.

3           Secondly, I think there was some discussion --  
4 Sandy and Erik will have to correct me -- that the  
5 Commission didn't necessarily have to pass the adoption  
6 for a hand dredge because, under the current regulations  
7 at that time, they had the ability to use hand dredges.

8           Is that correct, Sandy?

9           Do you recall that?

10          SANDY CHESNUT: No. We actually did have to  
11 pass regulations for a hand dredge and we did pass  
12 regulations.

13          (Inaudible. Talking at same time.)

14          JOE JEWELL: Hold on. One person at a time.

15          That was the discussion that was going on, and  
16 the Commission decided to proceed with the definition of a  
17 hand dredge which they did ultimately adopt.

18          SANDY CHESNUT: Right.

19          COMMISSIONER BOSARGE: And I think that that  
20 motion that we made where it said dredging and tonging,  
21 the intent was that dredging was the hand dredge, and the  
22 reason that we had to go back and do what we did was  
23 because we made that motion without a definition for a  
24 hand dredge and we had to define a hand dredge where we  
25 would know what we were talking about. Now, that's just

1 me, what I remember.

2 COMMISSIONER HAVARD: I agree with that because  
3 we talked about the depth of the water and the depth that  
4 a dredge boat has to have to operate properly. I think  
5 you are on the right page there, Steve.

6 COMMISSIONER BOSARGE: That's what I remember.

7 JOE JEWELL: There was a lot of discussion on  
8 that. Commissioner Havard, you are correct about that.

9 COMMISSIONER DANIELS: Wasn't there some  
10 correspondence from the Board of Supervisors asking that  
11 regular dredges not be allowed in there?

12 JOE SPRAGGINS: There were some letters that  
13 were sent to us and some of them were in consideration of  
14 not doing anything there, but they were concerned about  
15 tearing up the reef, and that was one of the issues they  
16 had, and I think y'all brought that very much up to your  
17 discussion at the time.

18 I don't want to sit here and tell you I know a  
19 hundred percent because I'm like Commissioners Gollott and  
20 Bosarge. My brain, sometimes I can't remember as much as  
21 I thought I could.

22 COMMISSIONER GOLLOTT: Let me say this. We got  
23 oysters moved for twelve dollars and fifty cents a sack  
24 total amount a couple of years ago.

25 when you limit it to dredge boats -- I'm not



1 saying we should keep all the power dredge boats off of  
2 this reef. We should do it now, but, in the future, let's  
3 don't close the door to that. I mean, that might be the  
4 only way that we have to move volumes of oysters at a  
5 reasonable price.

6 COMMISSIONER BOSARGE: I agree with you,  
7 Richard. I agree. We don't want to close the door to  
8 that for sure, but I think that there has been enough  
9 discussion on this particular relay that that is what we  
10 all kind of agreed to.

11 Now, you may have some folks that want to speak  
12 on this issue there with you. I'm not sure.

13 COMMISSIONER GOLLOTT: I'm not sure either. We  
14 can ask.

15 JOE SPRAGGINS: We do have a couple that would  
16 like to, if y'all would like to hear them now.

17 Is that what you would like, Commissioner?

18 JOE JEWELL: Before we get to that, I want to  
19 point out the discussion. It went on for quite some time,  
20 but clearly the Commission raised the option of a hand  
21 dredge.

22 This is on page fifty-nine of the minutes.

23 "JOE JEWELL: If the Commission wants to  
24 consider hand dredges as part of this, they  
25 would have to make a motion."

1 "COMMISSIONER GOLLOTT: Option three has  
2 dredging and tonging. If a person wanted to  
3 hand dredge, they could.  
4 Right?"

5 "JOE JEWELL: well, not now because we would  
6 have to adopt a definition of a hand dredge."

7 "SANDY CHESNUT: You would have to change the  
8 regulations to allow for a hand dredge and  
9 define it, and that would have to go out on  
10 Notice of Intent to get passed."

11 "COMMISSIONER GOLLOTT: Right now it's tonging  
12 and dredging period."

13 "JOE SPRAGGINS: Joe, I remember we did not pass  
14 anything on the hand dredges the last time."

15 "JOE JEWELL: That's correct."

16 "JOE SPRAGGINS: The reason for that was because  
17 we had no definition a hundred percent of what  
18 it was."

19 "JOE JEWELL: That's right. There is no  
20 definition of a hand dredge in any of our  
21 regulations. There is a definition for a  
22 dredge. We work with that one. We went to one  
23 of the local shops that had experience in making  
24 hand dredges", and on and on it went.  
25 The motion as it was and the motion that passed

1 was for tonging and dredging both.

2 SANDY CHESNUT: Let me just say that that whole  
3 discussion was based upon an incorrect assumption that  
4 hand dredges was not approved. Hand dredging was approved  
5 at the May 15<sup>th</sup> meeting.

6 It was represented at that meeting that the  
7 motion didn't pass. That was incorrect. That whole  
8 discussion was based on an incorrect assumption.

9 COMMISSIONER GOLLOTT: Let me say this.

10 Mr. Chairman, I think the only difference that  
11 it should be in a hand dredge and a dredge pulled with a  
12 winch is that. It doesn't matter. As long as it is a  
13 legal dredge in Mississippi and you want to pull it by  
14 hand, that's up to you, or it's up to us.

15 If you want to make it to where a dredge boat  
16 can go in there with winches and everything like the  
17 Conservationist, we should leave that open.

18 I think the only definition we need is -- what  
19 is it -- sixteen teeth, a hundred and fifteen pounds?

20 COMMISSIONER BOSARGE: I think we actually did  
21 go in there and define it, Richard.

22 COMMISSIONER GOLLOTT: Did we?

23 SANDY CHESNUT: We did.

24 COMMISSIONER BOSARGE: I'm pretty sure we did.  
25 We've got a definition of a hand dredge, as it

1 stands now.

2 SANDY CHESNUT: Yes.

3 JOE SPRAGGINS: Sir, we have two that would like  
4 to talk from the public, if you've got time for that.

5 COMMISSIONER BOSARGE: Okay. Yes, sir. Let's  
6 hear what they've got to say.

7 RYAN BRADLEY: Commissioners, Ryan Bradley here.

8 As it currently stands, we are under the  
9 impression -- I think we are all clear on this -- that the  
10 last motion that was passed was for tonging and dredging,  
11 meaning any size dredge.

12 I think some of the concern from the industry  
13 was during the last relay, there were some Louisiana size  
14 dredges that were used during the emergency relay which is  
15 a lot bigger than a Mississippi dredge.

16 I think if we stick with a Mississippi size  
17 dredge which is maximum one fifteen, we may be fine there.

18 I do want to point out that the Conservationist  
19 has relayed -- correct me if I'm wrong here -- I think  
20 about ten thousand sacks from the Pascagoula Reef with a  
21 dredge, so we wouldn't be doing anything that hasn't  
22 already been done in the recent history on this reef.

23 If the Commission does decide to go to a tonging  
24 and hand dredge only, we are going to need to extend this  
25 out past three days for the tongers because from my

1 estimates it would take about three to four weeks probably  
2 to get this eighteen thousand sacks.

3 Very few people have a hand dredge. Very few  
4 fishermen have a hand dredge. The odds that that many  
5 people are actually going to use a hand dredge are going  
6 to be slim.

7 Being that this relay is scheduled to start on  
8 the 10<sup>th</sup> of this month, I don't think very many will have  
9 time to have one built either. I would like y'all to take  
10 that into consideration, as well.

11 That's all I have. Thank you.

12 JOE SPRAGGINS: One more, sir.

13 EDWARD RHODES: My name Edward Rhodes.

14 We did the relay out of Biloxi here, and we used  
15 a dredge with it and we pulled it by hand. It was a  
16 regular dredge. We had no problem with it.

17 It's like he said. We can't get the hand dredge  
18 made in time to do this. I think all dredges should be  
19 able to be used.

20 COMMISSIONER BOSARGE: That place that the  
21 Conservationist has been working is one little area on  
22 that reef where he can actually get.

23 There has been a lot of talk and a bunch of  
24 people that have kept up with it. They have pretty well  
25 known that the hand dredge and tonging is what the idea

1 was from the start of this, and that is where it has kind  
2 of worked down to up to this point.

3 I would have felt like if most people knew that  
4 that is what we were talking about and what we had  
5 actually put in place, if they were planning on using a  
6 hand dredge, they would have probably had one already  
7 built, or already ready for it.

8 JOE SPRAGGINS: Commissioner, could I say  
9 something, sir?

10 COMMISSIONER BOSARGE: Yes, sir.

11 JOE SPRAGGINS: In the essence of money, we  
12 can't afford to run this two weeks. The barge will cost  
13 us more money than we can afford to do that, if that is  
14 the case.

15 we were looking at one week basically is what we  
16 were looking at, and we can afford to do something under  
17 that.

18 By listening to the fishermen and some others,  
19 obviously the ones who bring a boat in, if they bring too  
20 big of a boat in they are probably going to damage their  
21 boat more than they are going to do any good, if they come  
22 in too close to that, and most of them understand that  
23 anyway, I think.

24 For us to be able to do this in a timely manner,  
25 we might need to do exactly what Commissioner Gollott is

1 talking about and the fishermen, that we just go ahead and  
2 allow them to use a dredge and allow them to do that, but,  
3 obviously, understanding that they are going to do more  
4 damage to themselves than they are to the reef, I would  
5 think, if they tear their boats up.

6 COMMISSIONER GOLLOTT: Steve, you could come in  
7 with a hand dredge and we don't care what size the dredge  
8 is, as long as it is a Mississippi dredge.

9 JOE SPRAGGINS: That's true, too.

10 COMMISSIONER BOSARGE: Yes. That's true.

11 COMMISSIONER GOLLOTT: They are going to  
12 regulate it themselves because they have to pick that  
13 thing up by hand.

14 JOE SPRAGGINS: The only thing I would say  
15 there, Commissioner, we did have a lot of discussion with  
16 the Vietnamese community saying that they couldn't pull  
17 that big dredge and it was discriminatory towards them. I  
18 just want to let you know that, sir.

19 COMMISSIONER BOSARGE: I'm like Richard. In  
20 other words, it would be up to them. I don't know if that  
21 would be discriminatory.

22 COMMISSIONER GOLLOTT: They are not going to bog  
23 the dredge down, if it's by hand. I promise you.

24 COMMISSIONER BOSARGE: Can we hear from some of  
25 the other Commissioners?

1           COMMISSIONER HAVARD: One thing we need to keep  
2 in mind guys is time frame is important, as always. The  
3 cost of the barge is definitely something that we need to  
4 think about in our thought process, but we need to do what  
5 is best for the reef because this is the last reef that we  
6 have that has not been diminished to a point where we are  
7 struggling to figure out how to get it to return.

8           We need to think about what is best for the  
9 reef.

10          COMMISSIONER GOLLOTT: Well, Mark, my experience  
11 says it is better if you cultivate that reef once in a  
12 while, instead of just letting it sit there and die. It  
13 has been sitting there for what, seventy-five years, or  
14 less, just getting dredged really not enough to break it  
15 up and keep it going.

16          Mississippi Law also instructs us to move these  
17 oysters.

18          COMMISSIONER HAVARD: We don't have any oysters  
19 left.

20          COMMISSIONER GOLLOTT: Yes, you do.

21          COMMISSIONER HAVARD: What we have been doing  
22 isn't working. We have got to figure out what will work.

23          COMMISSIONER GOLLOTT: Biloxi Bay is full of  
24 oysters and Pascagoula has got a lot of oysters. Those  
25 areas have not been worked.



1 SANDY CHESNUT: I would just like to remind  
2 everybody to not interrupt because of the transcript. Let  
3 everybody finish their sentence, and, then, make your  
4 statement.

5 COMMISSIONER BOSARGE: Yes, ma'am.

6 COMMISSIONER GOLLOTT: Excuse me. One of the  
7 things we are trying to do is get enough work for these  
8 fishermen. We are not going to go out there and just rape  
9 it because our people have already assessed it and told us  
10 we can move eighteen thousand sacks of oysters without  
11 hurting the reef.

12 COMMISSIONER HAVARD: I'm not saying we don't go  
13 through with the relay. I'm just saying we need to think  
14 about what is best for the reef, as far as mode of  
15 removing these oysters. That needs to be one of our  
16 thoughts, as we move forward.

17 COMMISSIONER GOLLOTT: Well, my experience in  
18 the oyster business was like I said. You go in there and  
19 you cultivate them once in a while. You break them up.  
20 It gives them a chance to grow. You spread them out and  
21 you create a much better reef by cultivating them.

22 COMMISSIONER BOSARGE: Richard, you would be  
23 okay if we stay with tonging and a dredge that is  
24 retrieved by hand no matter what size?

25 COMMISSIONER GOLLOTT: I would. I would let the

1 fishermen make that decision, and the fishermen are saying  
2 they would go with that.

3 JOE SPRAGGINS: Can I ask a question?

4 COMMISSIONER BOSARGE: Yes, sir.

5 JOE SPRAGGINS: How many sacks a day do you  
6 think we can get, if we do the tonging and hand dredge?

7 Does anybody have any idea?

8 COMMISSIONER DANIELS: How far of a run is it  
9 from where they are going to be catching these oysters and  
10 where they are going to be dropping them off?

11 JOE SPRAGGINS: I don't know.

12 Joe, y'all had it mapped out.

13 JOE JEWELL: Initially, we have the barge  
14 between the two reefs so that they could transfer pretty  
15 quickly.

16 ERIK BROUSSARD: No more than a couple hundred  
17 yards.

18 JOE JEWELL: It's no more than a few hundred  
19 yards.

20 COMMISSIONER DANIELS: Are we going to be using  
21 the big hoop with a crane to offload them off of the  
22 boats, or are we going to be hand-loading them onto the  
23 barge?

24 JOE JEWELL: That is the initial plan, although  
25 we haven't gotten the final technical specs for out in the

1 field, but that was the original plan to do like we did in  
2 Biloxi Bay.

3 JOE SPRAGGINS: One of the things I'm thinking  
4 about and I hate to throw something in the middle of  
5 something at the last minute, but, if we are only talking  
6 two thousand sacks a day on the tonging, why don't we use  
7 the Conservationist?

8 why don't we use it for them to load the tonging  
9 on it, and, then, turn around --

10 COMMISSIONER GOLLOTT: (Interposing) It would  
11 give you a lot more money to relay oysters with.

12 JOE SPRAGGINS: It would save you fifteen  
13 thousand dollars a day for a barge. I'm trying to find a  
14 way to work this.

15 ERIK BROUSSARD: It's fine to sit on the deck of  
16 that barge for a day, or two. You will have a couple of  
17 days of harvest, before we send the first barge.

18 COMMISSIONER GOLLOTT: If we use the  
19 Conservationist, that is fifteen thousand dollars. What  
20 difference does it make if it takes us twice as long to  
21 relay them, or it takes us six days, instead of three  
22 days.

23 ERIK BROUSSARD: The money is in the grant for  
24 the barge.

25 JOE SPRAGGINS: I understand that.

1           JOE JEWELL: The Conservationist is going to  
2 hold about a thousand sacks.

3           COMMISSIONER GOLLOTT: You could run it twice a  
4 day.

5           JOE SPRAGGINS: The commonsense thing goes back  
6 to the money that we save for the barge, if we don't have  
7 to pay that much, could be used for cultch in the future.

8           COMMISSIONER GOLLOTT: That's right.

9           ERIK BROUSSARD: There will still be some money.

10          JOE SPRAGGINS: You need to come up here,  
11 Charlie, where we can hear you.

12          CHARLIE ROBERTSON: The capacity on the  
13 Conservationist, we have measured it, and it is maxed at  
14 just under two thousand sacks. Even if they got two  
15 thousand, it would be tough for them to load it perfectly  
16 to where they would be able to fit all two thousand sacks  
17 on there.

18          ERIK BROUSSARD: You would be risking a half a  
19 million dollar vessel to save fifteen thousand dollars.

20          CHARLIE ROBERTSON: We would have to turn on the  
21 water canons constantly and be blowing them back. If they  
22 are trying to load sacks on there and us using the water  
23 canons, it would be pretty tough.

24          COMMISSIONER GOLLOTT: Well, I'm going to tell  
25 you something. I'm sick and tired of that boat just

1 sitting there and not doing anything. That's the reason  
2 we put all that money in that boat and just rebuilt the  
3 whole thing to get it working.

4 we could have already relayed these eighteen  
5 thousand sacks with the Conservationist, if we had just  
6 gotten off our butt and done it.

7 JOE JEWELL: well, a couple of things. we have  
8 been relaying in Biloxi Bay. We have sent that  
9 information out to the Commission.

10 COMMISSIONER GOLLOTT: How many sacks have you  
11 relayed?

12 JOE JEWELL: How many total sacks?

13 ERIK BROUSSARD: In 2017, we moved three  
14 thousand sacks.

15 This year we spent -- we are trying to get out  
16 of the mind set of robbing Peter to pay Paul with the  
17 cultch planting, period, with the boat. We have been  
18 cultch planting is what we have been doing.

19 COMMISSIONER GOLLOTT: How much have you cultch  
20 planted?

21 COMMISSIONER BOSARGE: We are getting off the  
22 subject here now.

23 JOE SPRAGGINS: Sorry about that. I brought up  
24 something. I should have kept my mouth shut.

25 COMMISSIONER BOSARGE: That's okay. Everybody

1 wants to be as cost efficient as we can. I think we are  
2 probably a little bit too far down this bridge to be  
3 turning around now with the plans. We need to keep going  
4 with this one, and we will learn and we will see what  
5 works best and what doesn't.

6 Right now let's get back to the agenda and look  
7 at E-2 which is type of dredge allowed.

8 I understand I think that the consensus will be  
9 that we do tonging and hand dredge, and the hand dredge be  
10 any type of dredge they want to pull that they retrieve by  
11 hand without a mechanical means.

12 Is that correct, Commissioner Gollott?

13 COMMISSIONER GOLLOTT: That's the motion I would  
14 like to make.

15 COMMISSIONER BOSARGE: You are going to make  
16 that motion, then?

17 COMMISSIONER GOLLOTT: You just made it. That's  
18 fine. They got it.

19 COMMISSIONER HAVARD: I'll second the motion.

20 COMMISSIONER BOSARGE: We have a motion and a  
21 second.

22 Any further discussion?

23 (No response.)

24 COMMISSIONER BOSARGE: All those in favor aye.

25 (All in favor.)

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

3 COMMISSIONER BOSARGE: Motion carries.

4 COMMISSIONER GOLLOTT: Let me ask the Director  
5 something here. It just hit me.

6 what happens if we go out there with this barge  
7 and we only load a thousand, or fifteen hundred, sacks?

8 Can we turn this barge back in and go with the  
9 Conservationist?

10 JOE SPRAGGINS: We can do anything under that,  
11 but the point I'm getting at is once we sign up with him  
12 it's like fifteen thousand dollars a day that barge costs  
13 us, and that's what I was trying to get at.

14 When we were doing the thing, when we did it --

15 COMMISSIONER GOLLOTT: (Interposing) well,  
16 then, it is going to be saving more than fifteen thousand  
17 dollars.

18 JOE SPRAGGINS: Yes, sir.

19 When we did this before, when we did it over in  
20 the western sound, we were bringing in quite a few sacks  
21 of oysters every day. It only took a couple of days to do  
22 that forty thousand sacks and that was a very feasible way  
23 to do it, but this was the only way that we could make  
24 this work.

25 Once again, I'm just thinking if nothing but in

1 the tonging side of it, that we limited it to that, that  
2 we could save that money. I'm trying to save money, sir.

3 COMMISSIONER GOLLOTT: You are going to tell the  
4 fishermen how many sacks they can catch?

5 JOE SPRAGGINS: Yes.

6 COMMISSIONER GOLLOTT: How many?

7 Do you have any idea?

8 COMMISSIONER BOSARGE: This will be sacks per  
9 trip. They can make multiple trips, and I'm sure they  
10 will, but we just don't want them to overload their boats  
11 and have a cause to have to use this insurance.

12 That's what we want to do, now, is look at --  
13 and I'm sure Joe is on that -- the maximum number of sacks  
14 per trip. They are not going to be far from the barge.  
15 Let's don't have them putting forty sacks on a boat that  
16 doesn't need to have but twenty, and, then, trying to make  
17 it to that barge, when they could go take twenty, unload  
18 and go back and get twenty more.

19 COMMISSIONER GOLLOTT: Steve, I don't have a  
20 problem with that. What I was getting at is -- let's see.  
21 It's going to be about -- a fisherman can make roughly  
22 four hundred and twenty dollars a trip.

23 If you maybe had to limit them two trips a day  
24 and you could still use the Conservationist, you would be  
25 far ahead, as far as moneywise.



1           Fifteen thousand dollars a day is a lot of  
2 dadgum money to put on a barge, when you could use the  
3 Conservationist, and you would give the fishermen a chance  
4 to do more days.

5           COMMISSIONER HAVARD: I'm with you, Richard. I  
6 think what I'm hearing is the maximum load on the  
7 Conservationist is two thousand sacks.

8           COMMISSIONER GOLLOTT: Yes.

9           COMMISSIONER HAVARD: If we set it down to  
10 fifteen hundred sacks, you are only talking about eleven  
11 days with the Conservationist.

12          COMMISSIONER GOLLOTT: That's all.

13          COMMISSIONER HAVARD: That's all.

14          JOE JEWELL: But that is running two trips a day  
15 seven days a week.

16          COMMISSIONER GOLLOTT: Not necessarily. If you  
17 see how many fishermen you've got, you divide it, and,  
18 then, you can go from there.

19                 would it be too late to get this barge if you  
20 get overwhelmed?

21          JOE SPRAGGINS: The barge, we've got to have it  
22 approved. It is going to be approved in Jackson Wednesday  
23 and, once again, I talked to the owner of the barge which  
24 is J. E. Borries and he just needs a heads-up if we want  
25 him there by the 10<sup>th</sup> so he can have his ready. He has a

1 barge available, but, I guess, if we modified it, he could  
2 do whatever he needed to with the contract.

3 Tell me if I'm wrong, Ms. Faye.

4 FAYE JAMES: Assuming that the barge contract is  
5 approved by the PPRB, that contract states a certain  
6 number of days, three days for tonging and the rest of the  
7 time for dredging.

8 Once that contract has been signed, then, that  
9 pretty much fixes how it is going to go down.

10 Now, if Mr. Borries, the contractor, would agree  
11 to limit his involvement with just dredging, then, that  
12 would be fine, but the contract that is up there to be  
13 approved on Wednesday states exactly what the Commission  
14 had approved, three days for tonging and the rest for  
15 dredging.

16 COMMISSIONER HAVARD: What if it doesn't get  
17 approved?

18 JOE SPRAGGINS: Then, we are going to be back to  
19 square one anyway.

20 FAYE JAMES: That's right.

21 JOE SPRAGGINS: It is going to be approved. I  
22 don't think there is an issue with it because they don't  
23 seem to think there is an issue with it, the PPRB, or  
24 anybody.

25 FAYE JAMES: As far as I know, there hasn't been

1 any communication back from the staff that are analyzing  
2 the contract that there are any problem with it.

3 JOE SPRAGGINS: Just between y'all, the rules in  
4 contracting are so strict. I wanted to be able to once it  
5 was said that this is the person that could have it, that  
6 I could negotiate the price with him. I couldn't even do  
7 that. That's against the law.

8 COMMISSIONER GOLLOTT: It stinks to high heaven.  
9 I don't think you are going to have -- a hundred people.  
10 Fifteen sacks a days. You ain't going to get a hundred  
11 people. We don't have that any tongers in Mississippi.

12 JOE SPRAGGINS: We only have, what, twenty  
13 tongers?

14 (Inaudible.)

15 COMMISSIONER GOLLOTT: Those people aren't going  
16 to be using a hand dredge.

17 SANDY CHESNUT: Hold up.  
18 Who are you speaking?

19 BRAD STAPLETON: Commercial fisherman Brad  
20 Stapleton again.

21 The issue with that is like in the previous  
22 years, people rented their license out, or leased them  
23 out, to other fishermen that weren't eligible. All the  
24 people holding dredge licenses, they rented their license  
25 out to tongers, different ones.

1           There are going to be a lot of tonged oysters  
2 coming in every day; a lot more than what y'all are  
3 talking about.

4           SANDY CHESNUT: Hold up.  
5 State your name.

6           RYAN BRADLEY: Ryan Bradley.

7           Just to clarify what he is saying, a dredger to  
8 lease his license out, he can only lease it to another  
9 dredge boat, unless he comes up to the department and  
10 transferred that license to a tonger. You can't have both  
11 licenses, tong and dredge on the same boat at the same  
12 time.

13           Correct me if I'm wrong.

14           BRAD STAPLETON: In 2016, it was that way, Ryan.  
15 I had a dredge license and a tonging license, and I  
16 dredged one boat and I hired the other license out to  
17 another dredger.

18           COMMISSIONER GOLLOTT: We shouldn't have that.

19           JOE SPRAGGINS: We didn't do anything but  
20 dredging on that.

21           BRAD STAPLETON: That is not going to be an  
22 issue with this.

23           COMMISSIONER GOLLOTT: We don't need the  
24 subcontracting in this thing. We are here to help the  
25 fishermen, not help somebody...

1           JOE SPRAGGINS: Real quick, if I could.  
2           Erik, you said how many tonging licenses do we  
3 have, Mississippi residents only?

4           ERIK BROUSSARD: The first three days tonging  
5 only. That's the Bonnet Carre qualified Mississippi  
6 fishermen.

7           JOE SPRAGGINS: Correct.

8           ERIK BROUSSARD: There are twenty-two of those.  
9 The maximum you can have in the first three days is  
10 twenty-two fishermen.

11          JOE SPRAGGINS: If they got a hundred sacks a  
12 day, we are talking twenty-two hundred sacks a day.

13          ERIK BROUSSARD: Which we can't handle, so  
14 somebody has to stay.

15          COMMISSIONER GOLLOTT: You need to cut that in  
16 half.

17          ERIK BROUSSARD: When a boat comes in and he's  
18 loaded, but we can't fit any more, he is going to have to  
19 sit loaded until we come back?

20          COMMISSIONER GOLLOTT: If you gave them sixty  
21 sacks a day, twenty-two of them --

22          SANDY CHESNUT: (Interposing) Hold up.

23          ERIK BROUSSARD: You have to adjust it, but that  
24 still puts the boat sitting until three on the reef,  
25 leaving, a four-hour trip, unload the boat and come back

1 for the next morning. If not, we are not going to be  
2 back.

3 Just so you know what you are asking for, it's  
4 twenty-four hours a day for unlimited time frame.

5 JOE SPRAGGINS: How long would it take you to  
6 run the Conservationist from that point of where it is to  
7 be able to unload the oysters and get back?

8 ERIK BROUSSARD: Four hours to get there and  
9 probably four hours to unload it.

10 COMMISSIONER GOLLOTT: Four hours from  
11 Pascagoula to Biloxi?

12 ERIK BROUSSARD: Loaded, yes, and, then, back.

13 JOE JEWELL: Then, they are going to have to  
14 take four, or five, hours to unload it.

15 JOE SPRAGGINS: So you are talking six to ten  
16 hours.

17 ERIK BROUSSARD: Eight to twelve. If everybody  
18 shows up at 3:00 o'clock, all twenty-two fishermen show up  
19 at 3:00 o'clock, we've got to load the boat before we can  
20 leave.

21 It's not like loading a barge. We've got a  
22 bunch of oysters. We don't know what time we will leave,  
23 and, then, turn around.

24 JOE JEWELL: Four hour trip, and, then, it is  
25 going to take -- I don't know -- three, or four, more

1 hours to deploy all of those.

2 JOE SPRAGGINS: I guess the other thing,  
3 Commissioners, if it is all right with y'all, we can look  
4 at this thing and say -- how many days can I leave a sack  
5 of oysters on that boat, two days, or three days?

6 ERIK BROUSSARD: Couple of days, if it's cool  
7 outside.

8 JOE SPRAGGINS: Maybe we can work out something.  
9 Let me work this individually, but I guess the biggest  
10 thing we need to set here and what you are talking about  
11 Commissioner Bosarge is how many sacks each tonger can  
12 take on a boat at one time.

13 COMMISSIONER BOSARGE: Maybe I could make a  
14 suggestion. Like I say, we are still kind of learning  
15 here, what we can do and what we can't do.

16 with what Richard is talking about, maybe the  
17 suggestion would be that we go ahead and do the barge.

18 when we say barge, a barge, tugboat and he's got  
19 to have some kind of crane.

20 COMMISSIONER DANIELS: Richard, I'm sorry to  
21 interrupt, but I just got a text from Commissioner Havard  
22 that said he has lost connection on this thing. He's not  
23 here anymore.

24 what do we need to do about that?

25 JOE SPRAGGINS: He can't dial back in?

1           COMMISSIONER DANIELS: He just texted me and  
2 said, "I lost connection".

3           JOE SPRAGGINS: Tell him to call back in. He  
4 can still call in.

5           Is that you, Mark?

6           COMMISSIONER HAVARD: It is. I don't know what  
7 happened, guys. It just lost me.

8           COMMISSIONER BOSARGE: Good. I'm glad you're  
9 back.

10           My suggestion would be, Richard, is that we go  
11 ahead and -- like I say, it's more than just a barge.  
12 It's a barge, a tug and I'm sure they are going to have  
13 some kind of a crane on there to pick stuff up.

14           Let's bring the Conservationist, also, and maybe  
15 we can see how that works with the Conservationist and let  
16 them make a couple of runs, and that may knock some time  
17 off of that barge.

18           See what I'm saying?

19           COMMISSIONER GOLLOTT: Yes, Steve.

20           Let me say this. What we might could do is  
21 contact Mike Cure and have him furnish a boat so we could  
22 load the Conservationist, and, then, load another --

23           JOE SPRAGGINS: (Interposing) we can't do that,  
24 sir. It has already been out on contract.

25           JOE JEWELL: The plans right now for the



1 Conservationist is it to be the field check station and  
2 also for a platform for law enforcement because it has  
3 coverage, it has capacity, it has an enclosure for staff,  
4 we are going to leave it there out on the reef overnight  
5 so that we have staff in place for the next day.

6 we really don't have a vessel that is equivalent  
7 to the Conservationist to use as a check station so, then,  
8 we would have to do something else for a field check  
9 station for these oysters because the fishermen are going  
10 to have to check in, the sacks will have to be counted,  
11 they will have to be measured for the twenty-five percent  
12 shell.

13 I'm interested in any suggestions.

14 Of we are not using the Conservationist as a  
15 check station, what other option do we have on the table?

16 COMMISSIONER BOSARGE: I'm with you, Joe.

17 JOE SPRAGGINS: The only other option that we  
18 would have there is to go to J. E.'s land-based deal which  
19 would take a lot more time for the people to be able to  
20 transport back and forth.

21 Right?

22 JOE JEWELL: It's about an eight-mile trip.

23 JOE SPRAGGINS: Instead of going five hundred  
24 yards, they would have to go five, or six, miles.

25 JOE JEWELL: Two hundred yards. Five, or six,

1 miles. That's correct.

2 JOE SPRAGGINS: That is the only other option we  
3 would have that I know of.

4 Does anybody have any different...?

5 COMMISSIONER GOLLOTT: What do you mean, J.  
6 E.'s?

7 JOE SPRAGGINS: He's got a dock that he could  
8 dock the barge up against like we did over in Bayou Caddy,  
9 but it's five, or six, miles from where they are compared  
10 to two, or three, hundred years. It is going to limit  
11 tremendously what the fishermen can do each time.

12 COMMISSIONER BOSARGE: Yes. They would have to  
13 run under the bridge and around all the way up the river.

14 JOE JEWELL: The dredgers would have to go  
15 around and up the river.

16 COMMISSIONER BOSARGE: Yes. It would be rough  
17 in the river.

18 COMMISSIONER GOLLOTT: Once this is done, is the  
19 money over with?

20 Do we have anymore?

21 JOE SPRAGGINS: We are ending the Bonnet Carre.  
22 We are getting toward the end of it.

23 Is that correct?

24 Is there a deadline of when we had to have it  
25 spent?

1           JOE JEWELL: I think it's five years.

2           ERIK BROUSSARD: Five years for the grant, and  
3 we are about three years into it.

4           JOE SPRAGGINS: This is the money that was left  
5 to be able to spend for paying the oystermen to do  
6 something, or it was crabbers and oystermen.

7           That was it?

8           ERIK BROUSSARD: Well, this job one five which  
9 was relay.

10          JOE JEWELL: So we did St. Joe.

11          COMMISSIONER GOLLOTT: Joe, are you relaying to  
12 the state reef, what I call the state reef?

13          JOE JEWELL: The Biloxi Bay site, yes.

14          JOE SPRAGGINS: Sir, I hate to intervene, but I  
15 think the motion that we are looking at is how many sacks  
16 per trip for tongers right now more than anything.

17          JOE JEWELL: That's correct. We are on Agenda  
18 Item E-3, the maximum number of sacks allowed per trip for  
19 tonging fishermen.

20          COMMISSIONER GOLLOTT: I think you need to put a  
21 maximum a day.

22          You know what I'm saying?

23          JOE SPRAGGINS: Well, we need to put a maximum  
24 per boat load.

25          JOE JEWELL: We could do both.

1           COMMISSIONER GOLLOTT: I'm not worried about how  
2 many you put on that boat. That's their problem. They  
3 are independent fishermen.

4           COMMISSIONER BOSARGE: I disagree with you,  
5 Richard.

6           We have got to be careful. We need to keep it  
7 at a reasonable amount to where they don't over judge and  
8 overload the boat.

9           COMMISSIONER GOLLOTT: You mean the captains  
10 haven't got the sense to know?

11          JOE SPRAGGINS: Sir, with all due respect, we  
12 learned a lesson during the relay in 2016. We put a two  
13 hundred sack limit, and some of them put more on the boat  
14 than they should have and they sank the boat.

15          COMMISSIONER BOSARGE: Yes, that's right.

16          I think we can probably set it at twenty sacks  
17 per trip.

18          JOE SPRAGGINS: I think that's applicable.

19          COMMISSIONER DANIELS: Per trip?

20          JOE SPRAGGINS: Yes.

21          COMMISSIONER BOSARGE: And I think that would  
22 give everybody -- by the time they get their twenty sacks,  
23 they are ready for a little break anyway, so they go  
24 offload and go back again.

25          JOE SPRAGGINS: I would suggest, sir, that no

1 limit per day so we can move as quick as we can with this.

2 If some tonger likes to go out there and really  
3 work hard and they want to get ten loads, fine. I don't  
4 think they can do it, but if they could do it, whatever we  
5 can do for them that would help us.

6 COMMISSIONER BOSARGE: I think they are going to  
7 get their twenty sacks pretty quick because there are a  
8 lot of oysters and a lot material on the reef.

9 JOE SPRAGGINS: If they can do five, or six, or  
10 seven, loads, whatever they can do.

11 COMMISSIONER BOSARGE: Correct.

12 COMMISSIONER GOLLOTT: Steve, that's tough work,  
13 man, tonging oysters.

14 COMMISSIONER BOSARGE: I agree with you,  
15 Richard. I agree with you. There is no doubt.

16 That's what I say, by the time they get their  
17 twenty sacks, they will be ready for a break.

18 COMMISSIONER GOLLOTT: I would be ready to come  
19 home.

20 COMMISSIONER BOSARGE: You may be right. I hope  
21 not, but you may be right.

22 COMMISSIONER GOLLOTT: I just hope we're not  
23 wasting a lot of money on this barge.

24 COMMISSIONER BOSARGE: I know it. I know it,  
25 Richard. I'm with you.

1           Hopefully, we can give the Executive Director  
2 the authority, if this looks like this is going to take  
3 too long and we are going to spend too much money, so he  
4 can bring us back in for another just like we're doing  
5 now.

6           COMMISSIONER GOLLOTT: well, I think once we  
7 pull the trigger, it's over with. It is going to have to  
8 go that way.

9           Let me ask you this.

10          what would be wrong with using the  
11 Conservationist and relaying every other day?

12          Give it chance to go down and unload, a day off  
13 and come back?

14          COMMISSIONER BOSARGE: I think like Joe Jewell  
15 was saying, they are using it. They've got plans for it,  
16 and I can understand that. In other words, they have got  
17 to have people there to look at the oysters and make sure  
18 we are doing our seventy-five/twenty-five, make sure they  
19 are getting their twenty sacks, and that's the platform  
20 they are going to be working off of.

21          COMMISSIONER GOLLOTT: well, they've got some  
22 fine boats they could use for that, too. They don't have  
23 to just use the Conservationist.

24          If the Conservationist wasn't available, they  
25 would use other boats.

1           COMMISSIONER BOSARGE: Well, I would have to  
2 refer to them on that. I'm not there.

3           JOE JEWELL: I don't know what other boat we  
4 could use.

5           COMMISSIONER GOLLOTT: You don't have any other  
6 boats?

7           JOE JEWELL: I have boats, but they are real  
8 small.

9           JOE SPRAGGINS: Sir, I think the motion on the  
10 table was about twenty sacks.

11          COMMISSIONER BOSARGE: Yes, sir.

12          Let's get that done, Richard. I'll make the  
13 motion that we set the number of sacks at twenty sacks per  
14 trip by tonging fishermen.

15          JOE SPRAGGINS: Who made the motion?

16          SANDY CHESNUT: Bosarge.

17          COMMISSIONER BOSARGE: Steve.

18          COMMISSIONER HAVARD: And Mark seconded it.

19          COMMISSIONER BOSARGE: We had a second by  
20 Commissioner Havard.

21          JOE SPRAGGINS: Okay.

22          COMMISSIONER BOSARGE: All those in favor aye.

23          (All in favor.)

24          COMMISSIONER BOSARGE: Opposed like sign.

25          (None opposed.)

1           COMMISSIONER BOSARGE: Motion carries.

2           Richard, I don't know where you want to go with  
3 this on the oyster boat.

4           In other words, if we don't have another  
5 platform for them to use, you will have to get with those  
6 guys there because I'm not there.

7           COMMISSIONER GOLLOTT: Listen. Let's go ahead  
8 and do it their way. They've got all the answers.

9           You know, I'm a guy, if there's a will, there's  
10 a way, and apparently they don't want to use the  
11 Conservationist, so let's go with the barge and go ahead  
12 and piss the money away and get it over with.

13          COMMISSIONER BOSARGE: I've got you.

14          JOE JEWELL: Steve, let me say one thing, since  
15 I've got all the Commissioners here.

16          I think I understand Commissioner Gollott's  
17 position, but I want to assure the Commission, including  
18 Commissioner Gollott, that we didn't refurbish this boat  
19 for nothing. This boat has been being used, will continue  
20 to be used and is certainly used more than it has been in  
21 the past. We have relayed. We have cultch planted. We  
22 have done some significant planting here in the Biloxi Bay  
23 that Commissioner Gollott has expressed concerns over.

24          I have sent that on to make sure that y'all get  
25 that. We can resend that again to make sure that y'all



1 get that so y'all understand that we have been using the  
2 Conservationist to deploy.

3 I do appreciate that latitude because it is  
4 going to be a major operation no matter what scale it's  
5 on, and we use the Conservationist as a platform not only  
6 to issue trip tickets and counts and do all those things,  
7 but it is a stable platform, so it is better suited for  
8 what we are using it for right now.

9 COMMISSIONER GOLLOTT: How many cubic yards have  
10 you bedded so far?

11 JOE JEWELL: We will send it again to y'all  
12 today.

13 COMMISSIONER GOLLOTT: Okay.

14 JOE SPRAGGINS: Sir, if I can, we will look at  
15 this. Y'all have given me the authority to manage this  
16 one, and what we will do is once we get to a point that we  
17 start doing this with the barge, if we are seeing that we  
18 are going excessive because of time, then, we will work on  
19 something about delaying, and, then, starting back over  
20 again, but we will manage this to the eighteen thousand  
21 correctly as much as possible.

22 COMMISSIONER GOLLOTT: Please be as frugal as  
23 you can possibly be with this money because once it's  
24 gone, it's over.

25 JOE SPRAGGINS: I think Ryan Bradley wanted to

1 ask one more question.

2 RYAN BRADLEY: I just wanted to throw one idea  
3 out there, back to what Mr. Gollott was getting at.

4 If you wanted to avoid using the barge for the  
5 first three days -- correct me, attorneys -- I think that  
6 we could contract with someone like Mike Cure to use one  
7 of his boats, or one of the fishermen's boats. As long as  
8 the individual contract was less than a certain amount,  
9 you wouldn't be bound by the procurement procedures.

10 FAYE JAMES: Well, let me say this. Assuming  
11 that PPRB approves the contract with Mr. Borries on  
12 Wednesday, that contract sets out three days for tonging  
13 and however many days for dredging.

14 Now, if Mr. Borries wants to agree to not do the  
15 tonging portion of it, then, that is something that he  
16 could work out with the Director, but that contract will  
17 be in place, once it is approved and once it is signed.

18 Also, the contract was procured through an  
19 invitation for bids, and all of the barge owners were  
20 contacted and asked to bid on it, including Mr. Cure, but  
21 I think he was in Florida, or something, doing some  
22 cleanup, and MDMR only had one bid and that was from Mr.  
23 Borries.

24 If there had been more interest in this project,  
25 then, that fifteen thousand dollars a day may have been

1 less. We don't know. I mean, Mr. Borries still could  
2 have been the low bidder.

3 RYAN BRADLEY: What is the maximum contract you  
4 can have before you have to go out for procurement?

5 FAYE JAMES: This is considered a service and  
6 it's seventy-five thousand dollars.

7 RYAN BRADLEY: You could contract a fisherman's  
8 boat, whether it's Mike, or anybody, for three days to  
9 haul these oysters and as long as that individual contract  
10 is less than seventy-five thousand, that wouldn't have to  
11 go out for bid, and you could hire them immediately.

12 FAYE JAMES: No. There are some internal  
13 policies here at DMR that talks about the number of quotes  
14 that have to be obtained. There are rules that apply to  
15 it, but it does not have to be approved by PPRB.

16 COMMISSIONER GOLLOTT: But your internal rules  
17 are up to the Commission. The Commission sets policies  
18 and makes the rules for the department.

19 COMMISSIONER BOSARGE: The only way I see that  
20 that could work would be if the contractor that you have  
21 hired that is doing this relay, he could hire some boats.  
22 Then, it might would work that way, in my opinion,  
23 Richard.

24 Do you see what I'm saying?

25 COMMISSIONER GOLLOTT: Yes, I see what you are

1 saying, but I don't think so. I think if the Commission  
2 wanted to hire a boat and keep the price down -- like I  
3 said, where there's a will there's a way.

4 They are talking about internal rules. We  
5 didn't pass any internal rules. I have been here for  
6 fourteen years.

7 SANDY CHESNUT: Let me clarify here. The  
8 policies are internal departmental policies.

9 The Commission establishes regulations for the  
10 community, for the seafood community.

11 The Director passes policies for internal  
12 department operations.

13 That is the difference of what we are looking at  
14 here.

15 COMMISSIONER GOLLOTT: So, Sandy, what happens  
16 if the Commission is opposed to one of your regulations?  
17 Who wins?

18 SANDY CHESNUT: A regulation?

19 COMMISSIONER GOLLOTT: One of your departmental  
20 policies.

21 Who has the final say on it?

22 SANDY CHESNUT: The Director has the final say  
23 on policies.

24 Now, if the Commission does not agree with the  
25 policy that the Director has established, then, that is

1 something they can discuss, but the Director runs the  
2 department.

3 COMMISSIONER HAVARD: I think we are getting way  
4 off the subject. Let's kind of steer back toward the  
5 subject.

6 COMMISSIONER BOSARGE: Yes.

7 COMMISSIONER GOLLOTT: Listen, like I say, where  
8 there's a will there's a way. This could be done with a  
9 different boat. We can save some of that money that we  
10 are going to waste on the barge.

11 If y'all are just bound and determined to do it,  
12 go with it.

13 JOE SPRAGGINS: For the record, sir, I would  
14 like to --

15 COMMISSIONER BOSARGE: (Interposing) Let's go  
16 with what we've got. Like I say, we are already too far  
17 out on this bridge now to turn around.

18 We already have given the Executive Director the  
19 authority to manage this. If he sees that this is not  
20 working. It is going to cost too much money. He can come  
21 back to us, and we've got some ideas here. We will see  
22 which way we can go.

23 Is that good enough for you, Richard?

24 COMMISSIONER GOLLOTT: Well, I didn't hear a  
25 motion to give Joe that authority, did I, or was it given

1 to him at the last meeting?

2 COMMISSIONER BOSARGE: That was the last  
3 meeting.

4 COMMISSIONER GOLLOTT: That was to handle the  
5 oyster season.

6 JOE SPRAGGINS: No. They was to handle the  
7 relay, also.

8 COMMISSIONER BOSARGE: Yes, sir. Relay, also.

9 COMMISSIONER GOLLOTT: Was it the relay, also?

10 COMMISSIONER BOSARGE: Yes, sir.

11 COMMISSIONER GOLLOTT: I was the one that made  
12 the motion, but I don't remember it being the relay, too.

13 ERIK BROUSSARD: It was specifically for it.  
14 There was no reason to make it for the season.

15 COMMISSIONER GOLLOTT: Yes, because we didn't  
16 know how much it was going to rain and all that kind of  
17 stuff, so we gave Joe that authority.

18 ERIK BROUSSARD: Sandy interpreted that that the  
19 seven days could run after Thanksgiving, so there was  
20 nothing to do.

21 COMMISSIONER GOLLOTT: What was the motion,  
22 Sandy, at the last meeting?

23 SANDY CHESNUT: I wasn't at the meeting.

24 COMMISSIONER GOLLOTT: Who was at the meeting?

25 FAYE JAMES: The motion was to give the

1 Executive Director the authority to manage the season and  
2 to manage the relay.

3 COMMISSIONER GOLLOTT: You've got that down?

4 FAYE JAMES: I don't.

5 Brian, can you pull the motions back up from the  
6 last meeting?

7 COMMISSIONER GOLLOTT: I'm sorry. I just want  
8 to know for sure.

9 COMMISSIONER BOSARGE: I think we did.

10 COMMISSIONER GOLLOTT: We probably did, but I  
11 would like to know for sure because I remember giving Joe  
12 the authority to handle the oyster season because it was  
13 so unpredictable.

14 JOE JEWELL: Wouldn't you know the one set of  
15 documents I didn't bring with me. I do have that, but I  
16 don't have it with me.

17 JASON SAUCIER: I've got it written down from  
18 last week.

19 JOE JEWELL: That's Jason Saucier. He is our  
20 scribe in Fisheries.

21 What was the motion, Jason?

22 JASON SAUCIER: To give Director the authority  
23 to work with staff to management the oyster season and  
24 relay programs.

25 That motion was made by Commission Gollott.

1       Seconded by Commissioner Havard. Passed unanimously.

2               COMMISSIONER GOLLOTT: Okay. That's fine.

3               COMMISSIONER BOSARGE: Any further discussion on  
4 any of this?

5               COMMISSIONER DANIELS: I've got one question  
6 about one thing we did here today.

7               On the hand dredge, I'm a little confused here.  
8 We spent three, or four, meetings defining this hand  
9 dredge with a maximum weight, and we made a specific  
10 definition.

11              Now, today we have gone back and said that a  
12 hand dredge can be any weight.

13              Are we even legal doing that?

14              Have we already discredited the Gear Type Task  
15 Force that we are forming now to make these definitions?

16              COMMISSIONER GOLLOTT: Let me say this. We  
17 didn't -- in other words, what we are saying is as long as  
18 it is pulled by hand and not by a winch, then, we are  
19 considering the dredge legal.

20              The fishermen don't have enough time to make  
21 small dredges like this and participate.

22              SANDY CHESNUT: I think it is just a matter of  
23 terminology for the oyster relay. From what I'm getting,  
24 the Commission wants to allow the fishermen to be able to  
25 pull a dredge by hand, not necessarily a hand dredge as



1 defined by the Commission.

2 COMMISSIONER DANIELS: Is that what we said in  
3 that?

4 SANDY CHESNUT: That's what I got from the  
5 discussion.

6 COMMISSIONER GOLLOTT: Do we need to have a  
7 modification of the motion to make sure it says that?

8 I think that's what the Commission voted on.

9 COMMISSIONER DANIELS: I don't want to set a  
10 precedent here that we are going to end up having to eat  
11 next year.

12 You know what I'm saying?

13 I'm not trying to be difficult and I'm onboard  
14 with letting these guys do what they do, but I don't want  
15 to set a precedent here that may come back and bite us six  
16 months from now.

17 JOE SPRAGGINS: I think he is correct on the  
18 hand dredge.

19 COMMISSIONER BOSARGE: I could be wrong, but I  
20 don't see that happening.

21 If you have ever pulled a dredge, you are not  
22 going to pull a full-blown dredge by hand. You may do it  
23 once, but you won't probably put it back after that.

24 COMMISSIONER DANIELS: I agree with you a  
25 hundred percent.

1           I'm just saying on the verbiage that we have  
2 done here today, I want to make sure that we don't set a  
3 precedent that we are going to have to fight later, by  
4 defining something as one thing, and, then, allowing  
5 something else.

6           SANDY CHESNUT: The other thing to consider is  
7 this is allowed just for this relay. This is something  
8 the Commission has approved just for the relay.

9           COMMISSIONER BOSARGE: Right.

10          SANDY CHESNUT: Any further action that takes  
11 place, it is going to have to be hand dredge, mechanical  
12 dredge, or tonging.

13          COMMISSIONER GOLLOTT: Mark, I've been here for  
14 over fourteen years, and this is the first time hand  
15 dredges have ever even come up. There is nobody that  
16 really likes to mess with them.

17          JOE JEWELL: Commissioner Daniels, I want to  
18 address some of your comments.

19          The motion was, to paraphrase it, for tonging  
20 and hand dredges, or by any dredge that can be used by  
21 hand.

22          I guess what we are saying is if they are out on  
23 these large dredge boats, they can use pretty much any  
24 size dredge. They can only pull it in by hand is my  
25 understanding.

1 Is that correct?

2 COMMISSIONER BOSARGE: Correct.

3 JOE SPRAGGINS: Commissioners, could I do one  
4 thing?

5 Could I ask someone please to read back the  
6 three, I guess, motions that were made today so we are all  
7 settled that we did this and this is what we agreed on?

8 Does somebody have that?

9 JOE JEWELL: I can attempt it.

10 The first motion was made by Commissioner  
11 Gollott. It was seconded by Commissioner Daniels. It was  
12 to pay the dealers six dollars, the fishermen twenty-eight  
13 dollars and there be allowable twenty-five percent shell.  
14 Spat on shell is considered oyster.

15 COMMISSIONER HAVARD: That is all correct.

16 ERIK BROUSSARD: The dealers are to provide  
17 insurance.

18 JOE JEWELL: Dealers provide insurance.

19 ERIK BROUSSARD: That was in there, as well.

20 JOE SPRAGGINS: Dealers provide proof of  
21 insurance.

22 JOE JEWELL: Proof of insurance and it be  
23 verified.

24 Motion two was made by Chairman Bosarge.  
25 Seconded by Commissioner Gollott. Tong and hand dredge,

1 or any dredge that can be pulled in by hand.

2 COMMISSIONER DANIELS: So we did say "or" there?

3 JOE JEWELL: Let Jason --

4 JOE SPRAGGINS: (Interposing) He wrote it down,  
5 too.

6 JASON SAUCIER: I've got that same motion, but  
7 the motion was made by Commissioner Gollott. Seconded by  
8 Commissioner Havard. Passed unanimous.

9 JOE SPRAGGINS: Okay. Just change that to  
10 Havard, then.

11 JOE JEWELL: Okay.

12 JOE SPRAGGINS: And, then, the last one?

13 JOE JEWELL: The last motion was made by Steve  
14 and seconded by Mark, and it was for twenty sacks per  
15 trip.

16 JOE SPRAGGINS: For tongers.

17 JOE JEWELL: For tongers, and the motion passed  
18 unanimously.

19 FAYE JAMES: No limit per day?

20 JOE JEWELL: No daily limit.

21 JOE SPRAGGINS: No limit per day.

22 Commissioners, are y'all all good with that?

23 Commissioner Bosarge, are you okay with all of  
24 those, sir?

25 COMMISSIONER BOSARGE: Yes, sir.

1           JOE SPRAGGINS: I just want to clarify this so  
2 we don't have any questions.

3           COMMISSIONER BOSARGE: The last motion where we  
4 said twenty sacks allowed for tonging fishermen, we might  
5 ought to include dredging in that, don't you think?

6           If somebody has a dredge on the boat, they may  
7 say, well, I can put fifty on my boat because I've got a  
8 dredge.

9           You see what I'm saying?

10          COMMISSIONER HAVARD: I agree.

11          COMMISSIONER BOSARGE: I think I made that  
12 motion. I will modify that motion to say maximum of  
13 twenty sacks allowed per trip by tonging and dredging  
14 fishermen.

15          I will ask for a second on that.

16          COMMISSIONER HAVARD: I'll second that motion.

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

19          Any further discussion?

20          JOE SPRAGGINS: Any further discussion?

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

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

25          COMMISSIONER BOSARGE: The motion carries.

1 I think, hopefully, that has clarified  
2 everything.

3 Any further discussion on any of this?

4 JOE SPRAGGINS: Anything else?

5 Have you got something?

6 RYAN BRADLEY: Yes. I was going to say should  
7 we really have to go so low with twenty sacks on a dredge  
8 boat?

9 Maybe fifty sacks, or something, on a dredge  
10 boat would probably be more ideal to be tide fishing.  
11 That way, we don't run this relay out for two weeks.

12 COMMISSIONER BOSARGE: The only thing is it's a  
13 hand dredge, now. It may be a big boat, but you have got  
14 to pull it by hand.

15 RYAN BRADLEY: I see your point.

16 BRAD STAPLETON: I'm Brad Stapleton again.

17 The problem I have with that is you are going to  
18 spend so much time at the barge. It takes so long to get  
19 unloaded each time. With only getting twenty sacks, it is  
20 going to take a long time to get the eighteen thousand  
21 sacks. The majority of your time is going to be tied up  
22 at that barge. I've seen times where we were two hours  
23 waiting to get unloaded, when we did the previous relays.

24 COMMISSIONER BOSARGE: The last time it was  
25 probably because some of those guys had fifty and sixty

1 sacks on the boats.

2 JOE SPRAGGINS: Two hundred sacks.

3 BRAD STAPLETON: Even the ones at forty sacks we  
4 did years back, it was the same way. Once you got to the  
5 barge, you were several hours to get unloaded. I think we  
6 should go up to a higher limit.

7 COMMISSIONER GOLLOTT: Steve.

8 COMMISSIONER BOSARGE: Yes, sir.

9 COMMISSIONER GOLLOTT: Can't we give the  
10 Director the authority to adjust it as he sees fit because  
11 that is something he will know a lot more about when they  
12 start working?

13 COMMISSIONER BOSARGE: I think you are correct.  
14 Yes, sir.

15 JOE SPRAGGINS: Can y'all put that in a motion  
16 for me, sir?

17 COMMISSIONER BOSARGE: Well, we already have.  
18 We gave you the authority to manage it, so that is part of  
19 managing.

20 JOE SPRAGGINS: All right. Just want to make  
21 sure.

22 COMMISSIONER BOSARGE: Are you fishermen all  
23 right with that, if we leave on Joe, if it looks like  
24 twenty is not enough, he can up it?

25 JOE JEWELL: I'm hearing them say "yes"; not all

1 of them, but most of them are saying "yes".

2 JOE SPRAGGINS: When they get through dragging  
3 that dredge, it will probably go down lower.

4 COMMISSIONER BOSARGE: Good enough.

5 Any other business?

6 (No response.)

7 COMMISSIONER BOSARGE: Hearing none, I want to  
8 thank everybody for taking their time, even the guys that  
9 showed up to do public comment.

10 Do we have a motion to adjourn?

11 JOE SPRAGGINS: One last thing, sir. You had  
12 public comments on the end.

13 Did you ask for any additional?

14 COMMISSIONER BOSARGE: I didn't see it on here.

15 Go ahead.

16 Do we have any other public comments?

17 BRAD STAPLETON: Yes. I have another question.

18 JOE SPRAGGINS: One quick one, sir.

19 BRAD STAPLETON: After the three days of  
20 tonging, when it comes to only hand dredging, you may not  
21 get your quota. A lot of people are not going to pull  
22 that dredge by hand.

23 Do we have an option of continuing to tong, if  
24 you would like, during that time, also?

25 COMMISSIONER BOSARGE: Hopefully Mr. Joe will



1 see that and continue it on, if need be.

2 Is that correct, Joe?

3 JOE SPRAGGINS: I don't think tonging was ever  
4 stopped, that you couldn't tong.

5 I think the issue was that we wanted to give the  
6 first three days to tongers themselves, and that was to  
7 give them some payback from where they weren't able to do  
8 a hundred percent during the last one. I don't see why we  
9 couldn't have them.

10 The only issue I would see is about the boats  
11 themselves and where the safety would be, and we would  
12 have to address that, and I will be more than glad to look  
13 at it, sir.

14 JOE JEWELL: That's correct.

15 The concerns of the Commission expressed in  
16 April and May was that you would have both dredgers and  
17 tonging on the reef at the same time, and that there could  
18 be some safety reasons for separating those two.

19 If you give that discretion to the Commission,  
20 we will try and work that out.

21 SANDY CHESNUT: To the Director.

22 JOE JEWELL: To the Director. I'm sorry.

23 COMMISSIONER GOLLOTT: The Director sure is a  
24 good escape goat here.

25 COMMISSIONER BOSARGE: All I can say is he

1 better tighten up.

2 JOE SPRAGGINS: If a boat sinks, y'all can find  
3 me in the Bahamas.

4 COMMISSIONER BOSARGE: Any other public comment?  
5 (No response.)

6 COMMISSIONER BOSARGE: Hearing none, do I have a  
7 motion for adjournment?

8 COMMISSIONER GOLLOTT: I'll make the motion that  
9 we adjourn, Mr. Chairman.

10 COMMISSIONER BOSARGE: Do we have a second?

11 COMMISSIONER HAVARD: I'll second the motion.

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 Thank you everybody for taking the time out of  
20 your days.

21 JOE SPRAGGINS: Please don't forget. Wednesday,  
22 if you can make it, at 8:00, we are having the legislative  
23 forum.

24 COMMISSIONER BOSARGE: Thank you, Mr. Joe.

25 JOE SPRAGGINS: Thank y'all. We are going to be

1 hanging up.

2

C E R T I F I C A T E

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I, Lucille Morgan, Certified Shorthand Reporter,  
do hereby certify that the above and foregoing is a true  
and correct transcript of the audio of the December 3,  
2018, special session of the Commission on Marine  
Resources, 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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