

COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, November 19, 2019  
9:00 a.m.  
Bolton Building Auditorium  
1141 Bayview Avenue  
Biloxi, Mississippi 39530

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Commission Members:

Mark Havard, Chairman

Ronald Daniels, Vice Chairman

Steve Bosarge

Richard Gollott  
(Arrived late, before Keith Ladner request.)

Natalie Guess

Also Present:

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

1           COMMISSIONER HAVARD: I would like call the  
2 meeting to order of the Commission on Marine Resources,  
3 November 19<sup>th</sup>, 2019.

4           I will start off by asking Mr. Joe Jewell if he  
5 would lead us in the Pledge of Allegiance.

6           (Pledge of Allegiance was recited.)

7           COMMISSIONER HAVARD: Next up on the agenda we  
8 would like to take a moment of silence to think about what  
9 is going on in today's world.

10          (Moment of silence observed.)

11          COMMISSIONER HAVARD: Thank you guys for that.  
12 Next up, can we get approval of the minutes for  
13 October 15, 2019?

14          Can I get a motion for the approval of the  
15 minutes?

16          COMMISSIONER GUESS: I'll make the motion.

17          COMMISSIONER DANIELS: I'll second that.

18          COMMISSIONER HAVARD: We've got a motion and a  
19 second.

20          All those in favor say aye.

21          (Commissioner Bosarge, Commissioner Daniels,  
22 Commissioner Guess, Commissioner Daniels in  
23 favor.)

24          COMMISSIONER HAVARD: All those opposed?

25          (None opposed.)

1 COMMISSIONER HAVARD: Motion so moves.  
2 Now, for the approval of the agenda today.  
3 Do we have any changes, or would we like to  
4 leave it the way it is?

5 Can I get a motion for the approval of the  
6 agenda for today?

7 COMMISSIONER BOSARGE: So moved, Mr. Chairman.

8 COMMISSIONER HAVARD: I've got a motion.  
9 Can I get a second?

10 COMMISSIONER DANIELS: I'll second that.

11 COMMISSIONER HAVARD: I've got a motion and a  
12 second.

13 All those in favor say aye.

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

17 COMMISSIONER HAVARD: Opposed?

18 (None opposed.)

19 COMMISSIONER HAVARD: Motion moves.

20 Now for the Executive Director's report, General  
21 Spraggins.

22 JOE SPRAGGINS: Thank you very much sir.

23 We've got a couple of things on there.

24 If you have public comment, I would like for you  
25 to please make sure that you get in touch with T.J. in the

1 back. Please let him know that you have that and bring  
2 the form up so we can have that and give it to the  
3 Chairman.

4 I just want to give you an update on some things  
5 that have happened. I attended a meeting last week in  
6 Baton Rouge and it was with the CPRA and NOAA, Big River  
7 Commission and the Corps of Engineers and Department of  
8 Marine Resources and also IMMS was there.

9 We had a good meeting. We talked about what is  
10 going on with the Bonnet Carre and what is happening with  
11 the Bonnet Carre and what we need to do in the future.

12 I know we are working on a project, a situation  
13 now to where we can get them all to Mississippi. I want  
14 to bring them over here and I want to bring our  
15 legislators and as far as their staff and congressmen and  
16 senators in the state and also from Louisiana together,  
17 and let's sit down and decide what we can do.

18 We are too much -- right now we are worried  
19 about a situation, what we are going to do about the mid  
20 river conversion. We need to be more worried about now,  
21 what we are going to do in January when we have another  
22 flood.

23 I am not asking to take the mid river conversion  
24 off the radar. That is not at all what I am asking, but I  
25 think that we need to put our emphasis right now one

1 hundred percent as much as possible to find a way that we  
2 can divert some of this water that is coming down the  
3 Mississippi again when we have another flood.

4 If you look at the snowfall and the things that  
5 are happening in the north right now, you can already see  
6 that it is probably going to be projected a flood season  
7 again.

8 we need to look at that very hard and hopefully  
9 we will be able to do that sometime in December and  
10 definitely we will keep y'all in touch with it so you can  
11 come to it if you would like to.

12 we met with other agencies, too, about it and I  
13 tell you there are about nine hundred different reasons  
14 why we need to do something, and I would just like to put  
15 them all together and make one. That is what we are  
16 working on now.

17 If you look in your packet, you received a  
18 GOMESA audit. I don't know if you had a chance to look at  
19 it, but I just wanted to let you know.

20 when we asked the State to audit GOMESA, they  
21 said, well, they couldn't because there wasn't enough  
22 money spent at this time.

23 I talked with the governor about it and I said,  
24 you know what I would like that because I want to have an  
25 audit.

1           So we did an audit. We hired an audit agency  
2 that went in and did an audit, and it came back and  
3 everything is fine. We are spending the money correctly.  
4 We are doing everything in our power to make sure that  
5 happens.

6           I just wanted to let you know that we do have  
7 that.

8           If y'all have any questions, we will be glad to  
9 answer them.

10          COMMISSIONER HAVARD: It is always a good idea  
11 to have an audit. It keeps everybody in check.

12          JOE SPRAGGINS: I may be one of the few people  
13 in the world that begs for an audit.

14          DMR, we also have an observance for  
15 Thanksgiving. It is going to be the 28<sup>th</sup> and 29<sup>th</sup>. The  
16 office will be closed during those days. Also, we will be  
17 closed for Christmas the 24<sup>th</sup> and the 25<sup>th</sup>. We will also be  
18 closed on the 1<sup>st</sup> of January only.

19          We also have the legislative forum. It is going  
20 to be on the 6<sup>th</sup> of December at 8:00 a.m. here, and we  
21 would love to have y'all here if possible. We will go  
22 over with the legislators what we are going to do for the  
23 next year and what we are asking for and what we are  
24 looking at.

25          We have a minutes change approval, if you can.

1 We would like to ask for a motion to revise the minutes  
2 for Tuesday, November 27, 2018. On page one thirty-nine  
3 of the minutes the record reflected that Eric Broussard  
4 speaking and it needs to be changed to Matt Hill as the  
5 speaker for that point.

6 So I would ask if you would entertain a motion  
7 to change those minutes.

8 COMMISSIONER HAVARD: I would like to make a  
9 motion that we change the minutes as discussed.

10 COMMISSIONER BOSARGE: And I'll second your  
11 motion.

12 COMMISSIONER HAVARD: I've got a motion and a  
13 second.

14 All those in favor say aye.

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

18 COMMISSIONER HAVARD: Opposed?

19 (None opposed.)

20 COMMISSIONER HAVARD: Motion so moves.

21 JOE SPRAGGINS: Real quick we will go over  
22 employment updates.

23 We have Michael Brochard. He is at the NERR, a  
24 new employee.

25 In our contracts, if you will look at it, we

1 have one for Marine Fisheries, an off-bottom aquaculture  
2 contract worker, and that is paid for a hundred percent by  
3 another special fund, and I think those are the only ones  
4 that we have on it.

5 I will entertain any questions, if you have any,  
6 sir.

7 COMMISSIONER DANIELS: I think we're good.

8 COMMISSIONER HAVARD: I think we are good at  
9 this time, General, unless the other Commissioners have  
10 any questions about that.

11 (No response.)

12 JOE SPRAGGINS: Thank you.

13 COMMISSIONER HAVARD: Thank you for that report.

14 Next up is Commissioners report -- I'm sorry.  
15 We have two on the Executive Director's Report.

16 JOE SPRAGGINS: I'm sorry. I missed something.

17 Sandy, you are right. We do have Title 22, Part  
18 20, Administrative Penalty Procedures, Chapter 21,  
19 Paragraphs 104 and 105, Work Session Report. Let me see  
20 if I can pull it up real quick.

21 On October the 28<sup>th</sup>, 2019, the Commission  
22 conducted a work session to discuss the proposed language  
23 that was presented at the September 17, 2019, Commission  
24 meeting.

25 A motion was made at the work session to take



1 the proposed language establishing a penalty matrix for  
2 administrative actions out for Notice of Intent.

3 The proposed language:

4 "Suspension, or revocation, of license  
5 for regulatory program requirements such  
6 as, but not limited to, endorsements,  
7 tags, permits, or similar provisions,  
8 may be commenced in addition to seeking  
9 administrative penalties.

10 "The Commission may suspend, or revoke,  
11 regulatory program requirements  
12 established by the Commission such as,  
13 but not limited to endorsements, tags,  
14 permits, or similar provisions, for  
15 violations related to that particular  
16 program.

17 "For first offenses, a suspension for  
18 up to three months.

19 "For second offenses, a suspension for  
20 up to six months.

21 "For third offenses, a suspension of  
22 up to one year.

23 "For fourth and subsequent offenses,  
24 a suspension for up to two years, or  
25 revocation.

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“Suspensions shall be scheduled for a time period coinciding with the particular fishing season in which the offense is related.

“If the violation is deemed to be so egregious as to warrant a suspension outside of the penalty matrix, the Commission, by a unanimous vote, may impose a suspension outside of the above matrix by skipping to the next level.

“For example, if it is the first offense that is deemed to be so egregious as to warrant a suspension outside of the penalty matrix stated above, the Commission, by unanimous vote, may impose a suspension for up to six months as allowed under the second offense tier.

“In the event that a violator does not pay the administrative penalty assessed by the Commission in full within twenty-four months, the Commission may, by a majority vote, indefinitely suspend the endorsement,

1 tag, permit, or similar regulatory  
2 program requirement, related to the  
3 violation, until such time as the  
4 penalty is paid in full.”

5 If you could, we need a motion for the staff to  
6 take the proposed language establishing a penalty matrix  
7 for administrative actions out for Notice of Intent.

8 COMMISSIONER GUESS: I'll make the motion for  
9 staff to take the proposed language establishing a penalty  
10 matrix for administrative actions out for Notice of  
11 Intent.

12 COMMISSIONER HAVARD: I have a motion.  
13 Do I have a second?

14 COMMISSIONER DANIELS: I'll second that.

15 COMMISSIONER HAVARD: I have a motion and a  
16 second.

17 All those in favor say aye.

18 (Commissioner Daniels, Commissioner  
19 Guess, Commissioner Havard in favor.)

20 COMMISSIONER HAVARD: All those opposed like  
21 sign.

22 (Commissioner Bosarge opposed.)

23 COMMISSIONER HAVARD: Motion so moves.

24 JOE SPRAGGINS: Sandy, was there anything else  
25 on this?

1 SANDY CHESNUT: No, sir.

2 JOE SPRAGGINS: Thank you.

3 Sorry about that. I left it out.

4 COMMISSIONER HAVARD: Now let's move on to the  
5 Commissioners Report.

6 Do any of the Commissioners have anything they  
7 would like to report?

8 (No response.)

9 COMMISSIONER HAVARD: That moves us on to Office  
10 of Marine Patrol, Chief Keith Davis.

11 KEITH DAVIS: Good morning.

12 The report for last month, I would like to  
13 direct you to page two and point out a couple of cases  
14 that were made.

15 Apparently there are individuals who are not  
16 aware that the Red Snapper season is closed. There were a  
17 couple of cases made in the State waters for possession of  
18 Red Snapper in a closed season.

19 Officers issued citations for no commercial  
20 seafood dealer's license to several seafood locations.

21 If you look under "Fishing Violations Citations"  
22 several citations were issued for possession of undersized  
23 speckled trout.

24 Those are a few things that stuck out to me in  
25 the report that I figured needed to be pointed out this

1 morning to you.

2 Other than that, are there any other questions?

3 COMMISSIONER HAVARD: I don't think so. You  
4 guys just keep doing good work. The law is fifteen inches  
5 on speckled trout. That's just where it is right now.

6 KEITH DAVIS: Yes, sir. We just want to remind  
7 the public of that very thing, that our officers are out  
8 there looking for that. It is not about writing  
9 citations, but it is about protecting the fishery.

10 we have some recreational guys that just don't  
11 seem to understand that, and we are also still seeing  
12 recreational fish sold to seafood shops.

13 we will be introducing, or attempting to  
14 introduce legislation to change, or request the  
15 legislature to provide unmarked vehicles so we can get  
16 closer to fishing piers. We are very actively seeking  
17 legislative assistance on helping us curtail some of this  
18 recreationally caught and sold seafood.

19 If you could give us some support on that with  
20 your legislators, we would appreciate it.

21 COMMISSIONER DANIELS: Chief, does it seem to be  
22 that people just don't know on these size limits?

23 KEITH DAVIS: My personal opinion, I think they  
24 do know and they are able to get away with it because they  
25 can see us before we can get close enough to them.

1           We are taking some strategies to do some covert  
2 things like walking up and hiding in the woods and doing  
3 some different things, but we really need to be able to  
4 get closer quicker before they are able to throw the fish  
5 back.

6           COMMISSIONER BOSARGE: Chief, I just want to say  
7 I had the pleasure of getting checked by one of your guys  
8 the other day, and I said "checked". We were out. The  
9 family and the grandkids took the boat over to eat and, on  
10 the way out, one of your guys checked us and he gave us  
11 these which I still have. It is free ice cream from  
12 McDonald's. It was really nice of him. He did a good  
13 job.

14           KEITH DAVIS: Thank you.

15           I appreciate you pointing that out. We do have  
16 that program. We partnered with McDonald's many, many  
17 years ago. I don't have anything to do with it.

18           When the officers do see children wearing their  
19 life preservers, they do receive an ice cream card.

20           It is not always that we are coming up to be  
21 enforcement officers. If we see kids taking safe boating  
22 measures, we reward them with that ice cream cone from  
23 McDonald's. It has been a really good successful program.

24           COMMISSIONER BOSARGE: I think he was concerned  
25 at first because all the kids, they had their life jackets

1 on. By that time in the evening, it started getting cool,  
2 so they all had their sweaters and their jackets on over  
3 their life jackets, but, once he got there, he realized  
4 that everybody had what they needed.

5 For me, it was a nice change from what we  
6 experience usually, not so much with Marine Patrol, but  
7 the boarding on the commercial end. They come aboard and  
8 they want to go through everything.

9 Anyway, it was nice. He just looked things over  
10 and really talked to the grandkids more than he did  
11 anything else. He did an excellent job.

12 KEITH DAVIS: I appreciate that. We often get  
13 complaints. So it is always nice to hear those  
14 compliments. So thank you.

15 COMMISSIONER HAVARD: Thank you, Chief, on that.

16 Next up is Office of Coastal Resources  
17 Management, Mr. Jan Boyd.

18 JAN BOYD: Good morning Mr. Chairman,  
19 Commissioners, Director Spraggins, legal.

20 we have three action items for your  
21 consideration this morning, and Greg Christodoulou will be  
22 presenting the first one.

23 GREG CHRISTODOULOU: Good morning everyone.

24 My name is Greg Christodoulou. I will be  
25 presenting the first item for Coastal this morning.

1           This is a permit extension request by V.T.  
2 Halter Marine located on Bayou Casotte in Pascagoula. It  
3 is in the Industrial Development Use District.

4           The applicant is requesting to extend the  
5 existing maintenance dredging permit for an additional two  
6 years until February 9<sup>th</sup> of 2022.

7           The previous permit authorized maintenance  
8 dredging along the property of a hundred and seventeen  
9 thousand nine hundred and ninety-five cubic yards at seven  
10 different locations.

11           Here is just an aerial image of the location  
12 just for reference, and, then, a zoomed-in aerial. The  
13 dredging areas will be up here along the northern part of  
14 the property along the launch rail and down in the dry  
15 dock area, it will extend to.

16           Here is the highlighted area in red for the  
17 maintenance dredging locations.

18           At the time when this permit was issued, that  
19 was before the Beneficial Use Statute went into effect in  
20 2010. At that time, they were able to dispose of the  
21 material in an upper location on their own property which  
22 is shown in the yellow area here (indicating diagram).

23           with this extension at this time, they had the  
24 option of going beneficial use if they would like to. So,  
25 if it will save them money, great.



1           On February 9<sup>th</sup> of 2010, the Commission approved  
2 the applicant's request for maintenance dredging, and,  
3 then, on October 3<sup>rd</sup>, the applicant submitted a request for  
4 a two-year extension to the permit.

5           Based upon department review and evaluation, the  
6 staff recommends the Commission approve the applicant's  
7 request to extend the maintenance dredging permit for an  
8 additional two years until February 9<sup>th</sup> of 2022.

9           Any questions?

10          COMMISSIONER HAVARD: Commissioner Bosarge, that  
11 is kind of your world over there.

12          Have you got anything you want to add to that?

13          COMMISSIONER BOSARGE: Well, V.T. Halter  
14 recently got the contract to build the ice breaker. So  
15 these are big heavy, heavy boats. I can imagine, yes,  
16 they want to make sure there is plenty of water.

17          GREG CHRISTODOULOU: Right. They actually came  
18 in yesterday and are getting ready to put in a new  
19 application because I think their contract has them --  
20 they need to be finished with that ice breaker by, I  
21 think, it is the third, or fourth, quarter of 2023. So  
22 they are going to be putting another dredging permit in  
23 pretty soon.

24          COMMISSIONER BOSARGE: I was glad to see them  
25 get that contract, especially in Jackson County, to keep

1 employment going. That is a good contract. I am happy  
2 with it, and I will make the motion to take the staff's  
3 recommendation, accept the staff's recommendation.

4 COMMISSIONER HAVARD: We have a motion to take  
5 the staff's recommendation.

6 Do we have a second?

7 COMMISSIONER GUESS: I'll second it.

8 COMMISSIONER HAVARD: We have a motion and a  
9 second.

10 All those in favor say aye.

11 (Commissioner Bosarge, Commissioner Daniels,  
12 Commissioner Guess, Commissioner Havard in  
13 favor.)

14 COMMISSIONER HAVARD: All those opposed?  
15 (None opposed.)

16 COMMISSIONER HAVARD: Motion so moved.

17 GREG CHRISTODOULOU: Thank you.

18 COMMISSIONER HAVARD: Appreciate that, Greg.

19 MATT MURPHY: Good morning Commissioners.

20 My name is Matt Murphy, and I have the request  
21 for a permit from the City of Waveland. It is on the  
22 Mississippi Sound on Beach Boulevard in Waveland,  
23 Mississippi. It is in the General Use District. The  
24 agent is Compton Engineering.

25 The purpose of the project is to provide access

1 to the beach for people in wheelchairs, or with other  
2 limitations.

3 Here is an aerial of the project location. It  
4 is on the southwest side of the Garfield Ladner Pier.

5 The scope of the project is point one four acre  
6 fill of Coastal wetlands of which point zero two acre is  
7 unvegetated waterbottoms and point twelve is previously  
8 filled sand beach.

9 Here is a diagram showing the proposed project.  
10 You have two small concrete pathways leading off of the  
11 pier itself and connecting with this larger ramp that  
12 extends around a hundred and seventy feet along the beach,  
13 and, then, an additional sixty feet into the water itself.

14 Here is the proposed project location alongside  
15 the pier (indicating photograph).

16 The applicant has requested variances from  
17 Chapter 8, Section 2, Part III.0.1 of the Mississippi  
18 Coastal Program and Mississippi Administrative Code Title  
19 22, Part 23, Chapter 8, Section 114.01, and they justified  
20 these variances under Chapter 8, Section 2, Part  
21 1.E.2.c.iii, and Mississippi Administrative Code Title 22,  
22 Part 23, Chapter 8, Section 118.04, by stating that the  
23 activity requires a waterfront location, there is a  
24 significant public benefit, and a public hearing was held.

25 Notification of this project went out for The

1 Sun Herald and Sea Coast Echo as required, and a public  
2 hearing was held on Tuesday, October 29<sup>th</sup>, 2019, at 5:30,  
3 at the Waveland City Hall.

4 We received one public comment concerning the  
5 material. The commenter was initially concerned that it  
6 would be constructed out of asphalt, but he did say he  
7 talked to Compton Engineering before the public hearing  
8 and they told him it would all be made out of concrete.  
9 So he was in favor of the project.

10 Department of Environmental Quality is reviewing  
11 the project.

12 Archives and History has no objection.

13 Secretary of State has said that there is an  
14 existing Tidelands lease that includes the stated use and  
15 purpose of this addition.

16 Wildlife, Fisheries and Parks has no comments.

17 Based upon departmental review and evaluation of  
18 the Mississippi Coastal Program, it has been determined  
19 that the project will have a significant public benefit.

20 Therefore, staff recommends that the Commission  
21 approve the variance request and issue the requested  
22 permit contingent on water quality certification from DEQ.

23 COMMISSIONER HAVARD: Do we have any comments on  
24 the staff's recommendation?

25 (No response.)

1 COMMISSIONER HAVARD: With no comments, since it  
2 is an action item, do we have a motion?

3 COMMISSIONER DANIELS: I'll make the motion to  
4 approve.

5 COMMISSIONER HAVARD: We have a motion.  
6 Do we have a second for the motion?

7 COMMISSIONER BOSARGE: I'll second that motion.

8 COMMISSIONER HAVARD: We have a motion and a  
9 second to go with the staff's recommendation.  
10 All those in favor say aye.

11 (Commissioner Bosarge, Commissioner Daniels,  
12 Commissioner Guess, Commissioner Havard in  
13 favor.)

14 COMMISSIONER HAVARD: Opposed like sign.  
15 (None opposed.)

16 COMMISSIONER HAVARD: Motion so moved.

17 MATT MURPHY: Thank you.

18 COMMISSIONER HAVARD: Thank you, Mr. Murphy.  
19 (Commissioner Gollott enters meeting.)

20 JENNIFER WILDER: Good morning.

21 I'm Jennifer Wilder, and I am presenting a  
22 request for after-the-fact authorization of a general  
23 permit by Mr. Keith Ladner.

24 The location is on the Jourdan River at 3064  
25 Palmetto Lane in Bay St. Louis.

1           Mr. Ladner was authorized to build a boathouse  
2 twenty-four-by-twelve-and-a-half feet. What is actually  
3 constructed today is twenty-four feet by seventeen feet.

4           Mr. Ladner was authorized to build a pier  
5 thirteen feet by eleven-and-a-half feet, and the existing  
6 structure is sixteen feet by fourteen feet.

7           Mr. Ladner is also requesting authorization to  
8 have a floating pier that is eight-by-five feet, and to  
9 rebuild forty-five feet of existing bulkhead.

10           This is an aerial view. Here is Palmetto Lane,  
11 Highway 90 and Highway 43 to give you an idea of where it  
12 is located.

13           This is a diagram of what exists. You can see  
14 here is the boathouse. Then, the smaller one. The other  
15 piers are existing and permitted. The floating pier is  
16 here, and, then, this is forty-five feet he wants to  
17 rebuild in the same footprint.

18           This is a picture of the structures as they  
19 exist.

20           On July 23<sup>rd</sup> of this year, an application to  
21 reconstruct the bulkhead was submitted.

22           August 28<sup>th</sup>, 2019, a site visit was performed by  
23 staff which showed that some of the structures were out of  
24 compliance.

25           On August 29<sup>th</sup>, the agent listed on that

1 application was contacted and explained that we would need  
2 an after-the-fact application.

3 On September 26<sup>th</sup>, we received the after-the-fact  
4 application.

5 The violation was discovered August 28<sup>th</sup>. The  
6 duration of the violation is twenty-eight days. The  
7 maximum potential fine for residential property would be  
8 fourteen thousand dollars.

9 We are recommending that no fine be issued,  
10 based on the fact that here were no previous violations,  
11 the applicant was cooperative from the very beginning and  
12 this would have been authorized under a general permit if  
13 it had been requested the way it sits.

14 Staff's recommendation is to grant the after-  
15 the-fact authorization because the project would have been  
16 authorized by the general permit had the applicant  
17 submitted the application ahead of time.

18 Any questions?

19 COMMISSIONER HAVARD: No questions at this time.

20 Ms. Wilder needs a motion.

21 Do we have a motion?

22 COMMISSIONER GUESS: I'll make a motion to grant  
23 the after-the-fact authorization.

24 COMMISSIONER HAVARD: We have a motion to go  
25 with recommendations of the staff.

1 Do I have a second?

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

4 COMMISSIONER HAVARD: I have a motion and a  
5 second.

6 All those in favor say aye.

7 (All in favor.)

8 COMMISSIONER HAVARD: All those opposed like  
9 sign.

10 (None opposed.)

11 COMMISSIONER HAVARD: Motion so moves.

12 JENNIFER WILDER: Thank you very much.

13 COMMISSIONER HAVARD: Thank you.

14 That brings us to the next item, Mr. George  
15 Ramseur, Office of Coastal Restoration and Resiliency.

16 GEORGE RAMSEUR: No presentation.

17 COMMISSIONER HAVARD: We always like to hear  
18 what you have going on.

19 GEORGE RAMSEUR: Thank you.

20 COMMISSIONER HAVARD: That brings us to the  
21 Office of Finance and Administration, Ms. Leslie Brewer.

22 LESLIE BREWER: Good morning Director,  
23 Commissioners, legal counsel.

24 My name is Leslie Brewer, CFO. I will be  
25 presenting the agency's financials for the month of



1 October 31<sup>st</sup>, 2019.

2 At the end of October, our State Revenue was  
3 three point seven million. Our Total Agency Revenue was  
4 Seventeen point six.

5 Our State Net Income was one point seven, and  
6 our Total Agency Net Income was nine point nine million.

7 After four months of fiscal year 2020, we have  
8 eighty-six point four percent of the Operating Budget  
9 remaining, while the Tidelands Budget was eighty-seven  
10 point six percent.

11 Anyone have any questions?

12 COMMISSIONER HAVARD: I don't think so, as long  
13 as you think the department is in good shape.

14 LESLIE BREWER: Looks good.

15 COMMISSIONER HAVARD: Sounds good. Thank you.

16 LESLIE BREWER: Thank you.

17 COMMISSIONER HAVARD: That brings us to Public  
18 Affairs, Ms. Charmaine.

19 CHARMAINE SCHMERMUND: Good morning  
20 Commissioners, Director Spraggins, counsel Chesnut.

21 The Mississippi Department of Marine Resources  
22 was mentioned twenty-five times in local, state and  
23 national media, since the October CMR meeting.

24 Popular news items included a Spotted Seatrout  
25 release with GCRL, the Secretary of State's Tidelands

1 check presentation and Governor Bryant cutting the ribbon  
2 on the outfalls in Biloxi.

3 Marine Patrol taught two boat-and-water safety  
4 classes and certified forty-eight students. So far in  
5 fiscal year 20, officers have taught six classes and  
6 certified one hundred and fifty-six students.

7 Marine Patrol took part in many events since the  
8 last CMR meeting. These included Touch a Truck for CASA  
9 in Hancock County, Long Beach Police Department's Night  
10 Out Against Crime and Pass Road Elementary School's Career  
11 on Wheels.

12 The Office of Coastal Restoration and Resiliency  
13 has been working with the Gulf of Mexico Alliance in  
14 planning the upcoming Embrace the Gulf 2020. The office,  
15 along with Coastal Preserves, participated in MDEQ's  
16 Restore Summit last week in Biloxi.

17 In September, the U.S. Environmental Protection  
18 Agency's Gulf of Mexico Division named our agency as Gulf  
19 Guardian Award winners for projects that help improve  
20 water quality, habitat and environmental education in the  
21 Gulf.

22 The Celebrate the Gulf Marine Education Festival  
23 received first place, and the Gulf Coast National Heritage  
24 Area received second place for its nature tourism plan for  
25 coastal Mississippi.

1           The Gulf States Marine Fisheries Commission's  
2           seventieth annual meeting was held in Biloxi last month.

3           Office of Marine Fisheries staff participated in  
4           the event and shared reports with committees that included  
5           blue crab, menhaden, data management and the Technical  
6           Coordinating Committee's special session on effects to  
7           Gulf of Mexico fishery resources from 2019 catastrophic  
8           flooding events.

9           Seafood Technology Bureau's Jessica Rankin  
10          completed Certified Public Manager Level Six training in  
11          Jackson in October. Her project "Inspection Quality  
12          Assurance Program" has been recommended as a model project  
13          under the Mississippi Certified Public Manager Program.

14          Harmful Algal Bloom team members Alicia Carron  
15          and Megan Fleming attended the tenth U.S. Harmful Algal  
16          Bloom symposium in Orange Beach, Alabama, November 4<sup>th</sup> to  
17          the 8<sup>th</sup>, to participate in discussions on the latest  
18          science associated with the growing phenomenon.

19          On November 4<sup>th</sup> through the 7<sup>th</sup>, Finfish Bureau's  
20          Courtney Walker and Katya Jagolta took part in the twenty-  
21          fifth Biennial Coastal Estuarine Research Federation  
22          Conference in Mobile, Alabama. The event was dedicated to  
23          advancing the understanding and wise stewardship of  
24          estuarine and coastal eco systems integral to productive  
25          fisheries and included a Coastal fisheries town hall.

1 Courtney also spent the day at Pass Road  
2 Elementary School taking part in their Science Day by  
3 talking to students about our state's marine resources.

4 Seafood Technology Bureau staff and others  
5 facilitated the MDMR booth at the Jackson County Fair in  
6 Pascagoula October 20<sup>th</sup> through the 27<sup>th</sup>, providing  
7 information about our agency, fishing, oystering,  
8 shrimping, crabbing and seafood safety in Mississippi.

9 Last month our agency hosted a group of students  
10 from Gulfport High School who are interested in various  
11 careers at MDMR.

12 Jennifer Wittmann gave a presentation on Coastal  
13 Preserves; Patrick Carron and Shay Smith presented about  
14 Marine Patrol; and Marine Fisheries' staff Kristina  
15 Broussard, Debbie Belk, Jon Barr, Megan Fleming, Josh  
16 Waters and Chris Spurlin gave an overview of harmful algal  
17 bloom response and otolith processing to the students in  
18 the wet lab.

19 That is a lot.

20 COMMISSIONER HAVARD: That is a lot. We  
21 appreciate it.

22 CHARMAINE SCHMERMUND: Thank you.

23 COMMISSIONER HAVARD: We've got a public  
24 comment, Mr. Gilbert Ramsey.

25 GILBERT RAMSEY: Good morning Ms. Chesnut and

1 General Spraggins and the board.

2 I met with Mississippi Development Authority  
3 Director Mr. Jamie Miller October the 30<sup>th</sup> to introduce a  
4 new program. He has awarded all three counties to us,  
5 home based out of D'Iberville.

6 I met with Hancock County yesterday and with  
7 Harrison County about a week ago. I will be December 2<sup>nd</sup>  
8 in Jackson County.

9 I am here to introduce a paraplegic fishing  
10 tournament for our loved ones and caretakers to enjoy the  
11 economy and quality of life with United States Chamber of  
12 Commerce Hire the Heroes and Spouses Program included with  
13 this, included with this with USM. Their mission  
14 initiates this, education outreach.

15 what we doing is initiating a new curriculum  
16 with the Gulf Coast Research Laboratory, with the  
17 University of Southern Mississippi, Marine Technology.

18 what we've done is we have come with Mississippi  
19 State with a Master's program, Gulf Coast Heritage  
20 program.

21 I have looked at this appropriately to make sure  
22 it is implemented appropriately with our capabilities  
23 internationally.

24 I have reached around the world, all God's  
25 Children, all counties with wheelchairs with the Paralyzed

1 Veterans of America Initiative.

2 I'm coming forth with a new manufacturing  
3 opportunity, too.

4 You may recognize this. I am part of NASA,  
5 Ingalls and Stennis for new opportunities for all of us to  
6 retain our students, higher education.

7 I have accomplished this with a consistent  
8 desire and implementation of recognizing who we represent  
9 and that is all individuals, meaning we are not going to  
10 represent Mississippi anymore as Mississippi Burning.

11 We are coming forth with innovative ideas with  
12 the United States Chamber of Commerce, with the Red Cross,  
13 Lions Club and Salvation Army.

14 I have done all of this for us, international  
15 recognition, global marketing.

16 Here we go ladies and gentlemen, and it is all  
17 retrofitted appliances to accommodate our loved ones and  
18 caretakers to nature and the waterways, inland waterways  
19 navigational access, shallow draft.

20 Thank you very much for your assistance.

21 COMMISSIONER HAVARD: Thank you, Mr. Gilbert.

22 JOE SPRAGGINS: I just wanted to let you know,  
23 Gilbert, we are just now looking at a couple of things.

24 Number one, D'Iberville. We are going to put a  
25 handicap lift and when I talk about that, it is a lift

1 that you can go in. The City has agreed that if we would  
2 pay for it that they would maintain it. It is a lift to  
3 lift someone out of a wheelchair and put them in a boat.

4 We are also going to look at doing this in  
5 waveland and across the whole Gulf Coast, being able to  
6 try to put that in different places.

7 We want to help the handicap be able to get into  
8 the boat and out of the boat.

9 GILBERT RAMSEY: I introduced a water park for  
10 paraplegics in waveland yesterday in Hancock County, and  
11 also I introduced a playground.

12 Also, in the City of D'Iberville, I was looking  
13 at a parcel of property I was going to propose to you for  
14 a shed to put y'all's boats in to get them out of the  
15 weather and also a fuel depot. I have a parcel of  
16 property to accommodate y'all. We will come together and  
17 negotiate.

18 JOE SPRAGGINS: Thank you.

19 COMMISSIONER HAVARD: That brings us to Office  
20 of Marine Fisheries, Mr. Joe Jewell.

21 JOE JEWELL: Good morning Commissioners.

22 We have three action items on the agenda for  
23 your consideration. The first up is Commercial Tarpon  
24 Regulations Final Adoption. I will be presenting that for  
25 the Commission this morning.

1           The Commission may recall at the September 17<sup>th</sup>  
2 meeting, a motion was made to proceed with a Notice of  
3 Intent for regulatory changes to Title 22, Part 7, Chapter  
4 9, to add a paragraph 114 prohibiting the harvest and  
5 possession of Atlantic Tarpon for commercial purposes.

6           Also, at the October 15<sup>th</sup> meeting, this item was  
7 removed from the agenda at that time which brings us to  
8 our meeting today.

9           The Commission passed the Notice of Intent on  
10 September the 17<sup>th</sup>. On the very same day it was filed with  
11 the Secretary of State's Administrative Bulletin. The  
12 following day MDMR posted it on our web page. Legal  
13 notice appeared in The Sun Herald on September the 20<sup>th</sup>.

14           Public comments. The public comment period was  
15 from September the 18<sup>th</sup> through October the 14<sup>th</sup>, a total of  
16 twenty-seven days, and no public comments were received.

17           I want to remind the Commission this is the  
18 proposed language. It affects Chapter 9, Commercial Size,  
19 Possession and Catch Limits. Chapter 114:

20           "It shall be unlawful for any  
21 commercial fisherman to harvest, or  
22 possess, Atlantic Tarpon (*Megalops*  
23 *atlanticus*) within Mississippi waters."

24           If the Commission so chooses, what would be  
25 required is a motion to proceed with final adoption for



1 regulatory changes to Title 22, Part 7, Chapter 9, making  
2 it unlawful for any commercial fisherman to catch, or  
3 possess, Atlantic Tarpon (*Megalops atlanticus*) within  
4 Mississippi waters.

5 COMMISSIONER HAVARD: At this time, we need a  
6 motion. This is an action item.

7 Do we have a motion to proceed?

8 COMMISSIONER BOSARGE: Could we have some  
9 discussion before making a motion?

10 COMMISSIONER HAVARD: Sure.

11 COMMISSIONER BOSARGE: Joe, this issue has been  
12 on the burner here for a little while, and I have often  
13 wondered kind of where it came from because I don't really  
14 see a need for it.

15 with that being said, can you back up a couple  
16 of slides to the original Notice of Intent and the motion  
17 that was made, the first slide?

18 JOE JEWELL: Yes.

19 COMMISSIONER BOSARGE: I'm reading that motion  
20 and it says, "Prohibiting the harvest, or possession, of  
21 Atlantic Tarpon for commercial purposes."

22 Then, if you go look at the proposed language,  
23 it says, "Unlawful for any commercial fisherman to catch,  
24 or possess, an Atlantic Tarpon."

25 These are two totally different ideas, or, in

1 other words, the first one says that no commercial  
2 fisherman shall possess, or harvest, an Atlantic Tarpon  
3 for commercial purposes. I can understand that.

4 The second one says that no commercial fisherman  
5 shall harvest, or possess, an Atlantic Tarpon.

6 Joe, that means that -- I'm a commercial  
7 fisherman, but I also own two recreational fishing boats.  
8 I've got a thirty foot Contender and a twenty-five foot  
9 Mako.

10 If that rule goes into effect, I can no longer  
11 go out and catch a Tarpon because I'm a commercial  
12 fisherman. That is the same thing for any hook-and-line  
13 fisherman, or any charter boat fishermen that have  
14 commercial licenses.

15 SANDY CHESNUT: Can I point out something?

16 COMMISSIONER HAVARD: Yes.

17 SANDY CHESNUT: The actual language, proposed  
18 language is "unlawful for any commercial fisherman to  
19 harvest, or possess". So the required language is  
20 different from the actual language that was proposed.

21 The required language on the board says "catch",  
22 whereas the actual proposed language says "harvest". So  
23 there is a difference there.

24 JOE JEWELL: Well, the proposed language affects  
25 Chapter 9, Commercial Size, Possession and Catch Limits.

1           The actual regulatory language that would be  
2 included states that it is unlawful for any commercial  
3 fisherman to harvest, or possess, an Atlantic Tarpon.

4           SANDY CHESNUT: Correct.

5           COMMISSIONER BOSARGE: That's right.

6           SANDY CHESNUT: Whereas the required language  
7 that is on the board now says unlawful to catch, or  
8 possess, instead of harvest, or possess. That may, or may  
9 not, make a difference to Commissioner Bosarge. I just  
10 wanted to point that out.

11          JOE JEWELL: Well, you can't possess it if you  
12 don't catch it.

13          COMMISSIONER BOSARGE: That's right.

14          SANDY CHESNUT: I think the original intent,  
15 when Matt brought the language forward, was if they don't  
16 keep it, they are not --

17          COMMISSIONER BOSARGE: (Interposing) Can you  
18 speak into the mike just a little bit more, Ms. Chesnut?  
19 I'm having a hard time hearing you.

20          SANDY CHESNUT: When we had the initial  
21 discussion with Matt, the distinction was that they can  
22 catch it. They just can't harvest it. If they catch it  
23 as a byproduct, or bycatch, they would not be in violation  
24 as long as they didn't harvest it. That was the  
25 distinction.

1           JOE JEWELL: That's correct.

2           As I recall, Mr. Hill's response to that, when  
3 he was asked that question, was that they would  
4 immediately release the Tarpon if they caught it  
5 incidentally.

6           SANDY CHESNUT: Correct.

7           COMMISSIONER BOSARGE: Joe, you have to possess  
8 it to release it.

9           JOE JEWELL: I would agree with that, but I mean  
10 this would be so -- if you look at the title of the  
11 chapter, it says "Possession, or Catch Limits". So it is  
12 just a semantic.

13           If you want to change possession to catch, you  
14 can do that.

15           COMMISSIONER BOSARGE: That's what I say.  
16 Possession should never be in there simply because now you  
17 are also taking away the right of somebody else that may  
18 be in Federal waters where they are allowed to have a  
19 Tarpon and, now, they cannot enter the state waters  
20 because they are in possession of it.

21           Do you see what I'm saying?

22           There are so many things. For instance, Cobia  
23 which is a game fish, even on the commercial side, we are  
24 allowed to have a bag limit.

25           I'm really -- I can't think of any other law

1 that is this restrictive, other than marine mammals.

2 Even when it comes to endangered species,  
3 turtles, we are still allowed a take.

4 This allows you no take whatsoever.

5 Do you see what I'm saying?

6 In other words, this is the most restrictive  
7 fisheries law I have ever been involved in.

8 I guess my point is it's not like we are in dire  
9 need of passing this right now today. We need to get this  
10 right, and I don't think that spelling out commercial  
11 fishermen, any commercial fisherman and any charter  
12 fisherman that holds a commercial license -- you've got  
13 some judges and lawyers that hold a hook-and-line license  
14 -- they can no longer possess an Atlantic Tarpon, harvest,  
15 or possess.

16 COMMISSIONER DANIELS: If I may interject here a  
17 little bit, Chief, is there a difference between -- I  
18 carry a charter boat license and I go out on my boat with  
19 a charter, and the next day I load, fill my buddies up and  
20 we all have recreational licenses and we go out fishing.  
21 That is not a charter. That's doesn't -- I mean, that is  
22 two different things.

23 Right?

24 Just because I carry a commercial license does  
25 not mean that I am on a commercial fishing trip. They are

1 differentiated.

2 Right?

3 COMMISSIONER BOSARGE: It doesn't matter. That  
4 language says "commercial fisherman". You are a  
5 commercial fisherman, if you hold a commercial license.

6 COMMISSIONER DANIELS: If I'm not running a  
7 documented commercial trip, then, I'm not a commercial  
8 fisherman that day.

9 COMMISSIONER BOSARGE: It doesn't matter. That  
10 language says it is commercial fisherman. You are a  
11 commercial fishermen, if you hold a commercial license.

12 COMMISSIONER DANIELS: If I'm not out on a  
13 documented commercial trip, then, I'm not a commercial  
14 fisherman that day.

15 COMMISSIONER BOSARGE: It doesn't say that in  
16 that language. It says if you are a commercial fisherman.

17 JOE SPRAGGINS: Sir, I think what you are  
18 asking, too, in the first language it said for commercial  
19 purposes.

20 COMMISSIONER BOSARGE: Correct.

21 JOE SPRAGGINS: And I think that is what one of  
22 the things you are trying to get at is rather than just  
23 say commercial fisherman, for commercial purposes.

24 Is that correct?

25 COMMISSIONER BOSARGE: That's correct.

1           COMMISSIONER DANIELS: I think we are probably  
2 trying to get to the same thing here and the fact that it  
3 is not a commercial trip, you should be able -- if one day  
4 we have a Tarpon tournament, you should be able to go  
5 participate in that. You should not be excluded because  
6 you hold a commercial license. I see what you are saying,  
7 and I am in total agreement with you.

8           KEITH DAVIS: Can I ask a question?

9           COMMISSIONER HAVARD: Yes, sir.

10          KEITH DAVIS: Why can't we just add "while  
11 engaged in commercial activity" to the language and that  
12 would clear up the issue?

13           I can tell you this. I hold the opinion, as  
14 enforcement, that if a commercial fisherman is in  
15 possession of a Tarpon, he would have to actually land  
16 that Tarpon for us to consider him in violation.

17          COMMISSIONER BOSARGE: Yes, sir, and I realize  
18 that, Chief, but you also have to think about the day when  
19 you may not be here and you have got to look at the letter  
20 of the law. So the person that takes your place may not  
21 have your same thoughts and, if he looks at the letter of  
22 that law, what we intend to pass, then, it is a different  
23 story.

24           Do you see my point?

25          KEITH DAVIS: Yes, sir.

1           Legal counsel, would that clear it up, what his  
2 issue is, "while engaged in commercial activity"?

3           JOE JEWELL: That was the original motion and I  
4 think it would address your concerns.

5           The thing I want to know now is what exactly was  
6 filed in the Notice of Intent?

7           COMMISSIONER BOSARGE: That's what I say, Joe.  
8 The only way we can change it, if I'm correct, is we would  
9 have to go back out for Notice of Intent.

10          COMMISSIONER HAVARD: Sandy, if we change the  
11 verbiage a little bit, will it have to go back out for  
12 Notice of Intent?

13          SANDY CHESNUT: If that is what you go with, for  
14 commercial purposes --

15          COMMISSIONER BOSARGE: (Interposing) Can you  
16 speak into the mike again, Sandy, please?

17          SANDY CHESNUT: We changed it on the board. If  
18 that is what you approve, then, yes, we would have to go  
19 back out for Notice of Intent.

20          JOE JEWELL: That's correct.

21          COMMISSIONER BOSARGE: There is no hurry in  
22 this.

23          SANDY CHESNUT: There is no problem with that.

24          COMMISSIONER DANIELS: We don't have Tarpon  
25 there right now anyway. This isn't something that has to



1 be run through today.

2 JOE JEWELL: Well, I understand a couple of  
3 things would have to happen because the Notice of Intent  
4 that is filed is stated as it is on the regulations slide.  
5 So that would have to be withdrawn, and, then, a new  
6 Notice of Intent.

7 The Notice of Intent that is currently on file  
8 is Section 114 that reads:

9 "It shall be unlawful for any commercial  
10 fisherman to harvest, or possess, Atlantic  
11 Tarpon within Mississippi waters."

12 That is what is on file right now. So that  
13 would have to be withdrawn, and, then, a new Notice of  
14 Intent.

15 Ms. Chesnut is correct. A new Notice of Intent  
16 would have to be filed with the language as it reads with  
17 "commercial purposes".

18 It is an easy fix. It is just going to take a  
19 long time.

20 COMMISSIONER HAVARD: We want to make sure we  
21 are thorough with it.

22 I think we need to go out with another Notice of  
23 Intent.

24 SANDY CHESNUT: What we need to do is make a  
25 motion to withdraw the one that is out now, and, then, we

1 can deal with improving the language, the alternate  
2 language that you want to go out with. This may, or may  
3 not, be right.

4 If you go ahead and make the motion to withdraw  
5 what is there now, that would be great.

6 COMMISSIONER GUESS: I'll make the motion to  
7 withdraw the current Notice of Intent on the Tarpon  
8 regulations.

9 COMMISSIONER HAVARD: I have a motion.  
10 Do I have a second?

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

13 COMMISSIONER HAVARD: I have a second.  
14 All those in favor say aye.  
15 (All in favor.)

16 COMMISSIONER HAVARD: All those opposed like  
17 sign.

18 (None opposed.)

19 COMMISSIONER HAVARD: Motion moves.

20 COMMISSIONER DANIELS: I would like to make a  
21 motion that we send the new motion out --

22 COMMISSIONER GUESS: (Interposing) I still  
23 don't think that is the right wording.

24 JOE JEWELL: Notice of Intent.

25 SANDY CHESNUT: We could just say it shall be

1 unlawful for commercial -- it should be unlawful to  
2 harvest, or possess, Atlantic Tarpon for commercial  
3 purposes period, and take out "for any commercial  
4 fisherman".

5 COMMISSIONER DANIELS: Or should we say any  
6 individual engaged in commercial activities?

7 I think that would be the way to go because, at  
8 that point, it is clear that they have to be commercially  
9 fishing for it to be illegal.

10 JOE JEWELL: Is someone editing the motion?

11 SANDY CHESNUT: Yes.

12 JOE JEWELL: Thank you.

13 JOE SPRAGGINS: One thing I want to make sure  
14 that this is in there, Joe -- and tell me. I think it is  
15 -- when we say possession, or harvest, we mean if they  
16 catch a bycatch, they can release it.

17 Correct?

18 JOE JEWELL: Correct.

19 JOE SPRAGGINS: Do we have to put that in the  
20 motion, or can it go in the other part of it?

21 JOE JEWELL: I think having the language in  
22 there "harvest" would address all of that.

23 JOE SPRAGGINS: Okay.

24 KEITH DAVIS: Sandy, what about if they add a  
25 definition of harvest to it?

1 I think we are splitting hairs, in terms of -- I  
2 think the Commissioner's concern is how long they can  
3 actually possess the fish before they have to return it to  
4 the water.

5 COMMISSIONER DANIELS: well, anything under  
6 seventy-five inches, you are not even allowed to possess  
7 it.

8 KEITH DAVIS: well, what you are proposing here  
9 is none at all, no catch at all for commercial fishermen.  
10 Correct?

11 COMMISSIONER DANIELS: Yes.

12 COMMISSIONER GUESS: Does "commercial activity"  
13 need to be in there at all, since it is at the bottom "for  
14 commercial purposes"?

15 COMMISSIONER DANIELS: Yes. I think it is  
16 double wording.

17 COMMISSIONER GUESS: It may just be "it shall be  
18 unlawful to harvest, or possess, an Atlantic Tarpon for  
19 commercial" -- no. Leave it at the bottom -- "for  
20 commercial purposes in Mississippi waters." Take out the  
21 top.

22 COMMISSIONER DANIELS: No. No. That is what we  
23 just added. I think you have got to have that because  
24 that signifies that they are commercially fishing.

25 COMMISSIONER BOSARGE: wouldn't it be simpler

1 just to look at the original motion and basically prohibit  
2 the harvest, or possession, of Atlantic Tarpon for  
3 commercial purposes?

4 COMMISSIONER GUESS: That's what our initial  
5 motion was.

6 COMMISSIONER BOSARGE: Correct.

7 JOE SPRAGGINS: Joe, can you go back to the  
8 first slide?

9 JOE JEWELL: Yes.

10 COMMISSIONER DANIELS: That looks like it is  
11 saying the same thing two different ways.

12 COMMISSIONER BOSARGE: That was the original  
13 motion.

14 JOE JEWELL: Commissioner Guess, I think you are  
15 right. I think if we say it shall be unlawful for any  
16 individual to harvest, or possess, an Atlantic Tarpon for  
17 commercial purposes, if we eliminate "engaged in  
18 commercial activities", it would address both your  
19 concerns and Commissioner Bosarge's concerns and it would  
20 allow for what the Commission is ultimately trying to get  
21 at.

22 I think if the motion reads, "It shall be  
23 unlawful for any individual to harvest, or possess".

24 If you would delete "engaged in commercial  
25 activities", I think that is going to get at what

1 everybody wants.

2 So the new motion would read:

3 "It shall be unlawful for any individual  
4 to harvest, or possess, an Atlantic  
5 Tarpon (*Megalops atlanticus*) for  
6 commercial purposes within  
7 Mississippi waters."

8 COMMISSIONER HAVARD: I think that works.

9 Is everybody good with that?

10 (All in favor.)

11 COMMISSIONER HAVARD: If we are good with the  
12 motion, we are going to need a motion.

13 COMMISSIONER GUESS: I'll make a motion --

14 COMMISSIONER HAVARD: (Interposing) We've got a  
15 public comment.

16 JOE JEWELL: If the Commission is okay with this  
17 motion, the next step would be, after public comment, to  
18 motion to proceed with a new Notice of Intent.

19 COMMISSIONER HAVARD: Okay.

20 COMMISSIONER GUESS: Okay.

21 I have a public comment, Mr. Chris Rhodes.

22 CHRIS RHODES: I'm Christopher Rhodes.

23 My only concern for this is I have never  
24 personally caught a Tarpon. It has been told me that it  
25 is kind of like seeing a unicorn. It is very rare.

1           I understand the reason for regulation, but, if  
2 I'm out commercial fishing, let's say I catch a record  
3 fish. I kind of want to put my name behind that. I just  
4 ask that you put some consideration into that moving  
5 forward. Maybe educate people. I understand people might  
6 try to, I thought it was a record. Just maybe keep that  
7 into consideration because personally if I reeled one in  
8 and I knew the record of it, that would be kind of joyous  
9 for me to put my name behind that.

10           Thank you.

11           COMMISSIONER HAVARD: Thank you.

12           I don't think we have any other public comments  
13 at this time.

14           We need a motion to proceed.

15           COMMISSIONER GUESS: I'll make the motion.

16           KEITH DAVIS: Mr. Chairman, I have one more  
17 question.

18           COMMISSIONER HAVARD: Yes, sir.

19           KEITH DAVIS: Before you vote, can I just read  
20 this one more time?

21           I don't think that this is enforceable.

22           When you write "for commercial purposes", what  
23 does that mean?

24           COMMISSIONER BOSARGE: To me that would mean for  
25 sale.

1 KEITH DAVIS: who would you sell -- I'm not  
2 understanding why we just can't put "while engaged in  
3 commercial activity".

4 The way that this is written and a Marine Patrol  
5 officer encounters a commercial fishing vessel that is in  
6 possession of a Tarpon --

7 COMMISSIONER BOSARGE: (Interposing) I mean,  
8 now you are speaking of bycatch. In other words, there is  
9 nobody that wants to possess a Tarpon. It would be  
10 something if caught accidentally which honestly I don't  
11 know if anybody has ever caught one accidentally, but, if  
12 it should happen, that would be bycatch. Now you are  
13 saying that would be like me telling a hook-and-line  
14 fisherman that he can only catch Spotted Seatrout. He  
15 can't catch a white trout.

16 Do you see what I'm saying?

17 In other words, it is splitting hairs. I  
18 understand that, but to me, this is about as close as we  
19 are going to get.

20 KEITH DAVIS: Can we table this and Director  
21 maybe have some verbal discussions on it between the two  
22 offices?

23 COMMISSIONER HAVARD: Yes, we can.

24 MATT HILL: The reason, Chief, is a commercial  
25 fisherman can be out there commercially fishing and, as



1 the gentleman said, if he harvests, or catches, a State  
2 record Tarpon, this would allow him and they are allowed  
3 to do that. It doesn't say that there are no rules  
4 against that.

5 If he is a commercial Spotted Seatrout fisherman  
6 and he caught the State record Tarpon over seventy-five  
7 inches, he would be able to bring that into us.

8 If we put "commercial activities", that would  
9 not allow that fish to be considered for a State record.

10 If he is hook-and-line and a Tarpon comes up,  
11 that is why we would put "commercial purposes" in it, so  
12 we would be able to consider that animal for a State  
13 record, but, if you make the blanket statement of  
14 "commercial activities", then, if Commissioner Bosarge is  
15 out there engaged in commercial hook-and-line fishing for  
16 certain species, he is also allowed to recreationally fish  
17 on that same vessel. If he possesses, or catches, a State  
18 record Tarpon, then, he would be disqualified. He would  
19 not be able to enter that fish for a record.

20 COMMISSIONER DANIELS: How does enforcement  
21 differentiate, if they pull up on a boat with two hundred  
22 trout in it and one Tarpon, what the intention was for  
23 that?

24 Is that what you are getting at, Chief?

25 KEITH DAVIS: Yes.

1           MATT HILL: The fish would have to be over  
2 seventy-five inches, the record, for them to be able to  
3 possess it to begin with.

4           I believe it is highly enforceable. That is the  
5 Chief's department, but you would exclude those fishermen  
6 from being able to participate in the State record  
7 program. That is the downfall of it.

8           Yes, I believe we are splitting hairs. I do not  
9 believe it is going to happen many times.

10          It could happen and it may be that we are  
11 getting into somewhat of a gray area, but we have not  
12 excluded these fishermen in the past from being able to  
13 turn in species for State records, and this language would  
14 set a precedent and obviously it would probably carry on  
15 through.

16          COMMISSIONER GOLLOTT: Mr. Chairman, I would  
17 like to make a motion that we table this until the next  
18 meeting so the General and the people who are in charge of  
19 this can work out the bugs and try to get it right.

20          COMMISSIONER DANIELS: I'll second that motion.

21          COMMISSIONER HAVARD: We have a motion and a  
22 second to table this action item.

23          All those in favor say aye.

24          (All in favor.)

25          COMMISSIONER HAVARD: All opposed like sign.

1 (None opposed.)

2 COMMISSIONER HAVARD: Motion moves.

3 COMMISSIONER BOSARGE: I have something I want  
4 to pass out.

5 Us old timers have been here a while and as  
6 things go on and things come up, you learn the rules and  
7 they get imbedded in your head.

8 Mississippi Code 49-15-2, I know Joe can  
9 probably recite it off the top of his head.

10 I am getting to where I know it a little better,  
11 but I want to pass it out to your guys because you may not  
12 have seen it, may not have read it, but it is the  
13 standards for fishery conservation and management and  
14 fishery management plans, and it is the State statute that  
15 gives us the guidelines that we are to follow when it  
16 comes to making fishery laws and fishery management plans,  
17 just for you guys to have and read through.

18 (Document handed to members of the  
19 Commission by Commissioner Bosarge.)

20 COMMISSIONER BOSARGE: That is all.

21 COMMISSIONER GOLLOTT: Mr. Chairman, point of  
22 order.

23 Once something has been tabled, it cannot be  
24 discussed anymore.

25 COMMISSIONER HAVARD: All right. Let's move on

1 to the next item.

2           JOE JEWELL: Next up for the Commission's  
3 consideration is Final Adoption of Commercial Shark  
4 Fishery. It will be presented by Mr. Trevor Moncrief.

5           TREVOR MONCRIEF: Good morning Commissioners,  
6 Director, Ms. Chesnut.

7           As Joe said, this will be going over the final  
8 adoption of our Commercial Shark Fishery regulations.

9           At the October 15<sup>th</sup>, 2019, CMR meeting the  
10 following motion was passed regarding a Commercial Shark  
11 Fishery. The motion was to proceed with a Notice of  
12 Intent for regulatory changes to Title 22, Part 7, Chapter  
13 9, regarding the development of a Commercial Shark  
14 Fishery.

15           CMR passed the Notice of Intent on October 15<sup>th</sup>,  
16 2019. It was then filed with the Secretary of State the  
17 same day. The next day we posted the web page notice.  
18 Legal notice appeared in The Sun Herald on October 18<sup>th</sup>,  
19 2019.

20           we had our public comment period. It lasted for  
21 twenty-five days, and no public comments were received on  
22 this item.

23           To go over the specific regulatory changes again  
24 to remind the Commission, the changes occur in Title 22,  
25 Part 7, Chapter 9, Commercial Size, Possession and Catch

1 Limit, Section 100. We added in 100.28:

2 "Small Coastal Sharks twenty-five  
3 inches total length."

4 100.29:

5 "Large Coastal Sharks thirty-seven  
6 inches total length."

7 Some additional sections will be struck through.

8 So 102 will be struck through and added to at the end.

9 That will change all the other sections below, until we  
10 get to 113 where it states:

11 "Beginning January 1<sup>st</sup>, 2020, any  
12 individual, or vessel, commercially  
13 harvesting small Coastal, or large  
14 Coastal, Sharks in Mississippi's  
15 territorial waters must possess a  
16 MDMR shark endorsement, ten dollars,  
17 in addition to a current applicable  
18 harvester license.

19 "In addition, all individuals  
20 applying for a shark endorsement  
21 must be a Mississippi resident and  
22 present documentation of the  
23 successful completion of a MDMR  
24 approved shark identification exam  
25 and protected species safe handling

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workshop.

“The open season in Mississippi territorial waters for the commercial harvest of sharks shall run concurrent with Federal shark seasons for the Western Gulf of Mexico Sub-Region.”

113.01:

“The practice of ‘finning’, that is removing only the fins and returning the remainder of the shark to the sea is unlawful.

“All sharks commercially harvested in Mississippi State territorial waters must be landed in whole form with fins naturally attached with at least some portion of uncut skin. Sharks may be gutted prior to landing.”

113.02:

“It shall be unlawful for any commercial fisherman to possess a daily bag limit of more than twenty-five small and large Coastal sharks in aggregate per vessel per day.”

To move forward, we need a motion to proceed to

1 proceed with final adoption for regulatory changes to  
2 Title 22, Part 7, Chapter 9.

3 COMMISSIONER HAVARD: Any more discussion?  
4 (No response.)

5 COMMISSIONER BOSARGE: I'll make the motion to  
6 proceed with final adoption for regulatory changes to  
7 Title 22, Part 7, Chapter 9, regarding the development of  
8 a commercial shark fishery.

9 COMMISSIONER HAVARD: We have a motion.  
10 Do we have a second for the motion?

11 COMMISSIONER GUESS: I'll second it.

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

14 All those in favor say aye.  
15 (All in favor.)

16 COMMISSIONER HAVARD: Opposed?  
17 (None opposed.)

18 COMMISSIONER HAVARD: Motion moves.

19 JOE JEWELL: The final agenda item for the  
20 Commission's consideration is the Charter For-Hire  
21 Reporting Program presented by Mr. Matt Hill.

22 MATT HILL: Good morning Commissioners, Sandy,  
23 Director Spraggins.

24 we have had a lot of conversations about this  
25 going back and forth a few times. It has been tabled. We

1 are going to show some information that we have compiled  
2 for your consideration. This will be the Charter For-Hire  
3 Reporting Program.

4 A little bit of background.

5 At the September 17, 2019, CMR meeting the  
6 following motion was passed regarding the Charter For-Hire  
7 Reporting Program. The motion:

8 "For fisheries staff to come back to  
9 the October CMR meeting with  
10 recommendations regarding a Charter  
11 For-Hire Reporting Program."

12 Staff, at that time, was still compiling  
13 information. So the presentation was moved to the  
14 November meeting which is the current meeting.

15 This presentation will outline potential options  
16 and considerations, not recommendations, for a Charter  
17 For-Hire Reporting Program.

18 Charter For-Hire survey options.

19 Recommendation for reporting system to be  
20 similar to the Southeast Region Head Boat Survey.  
21 Participating vessels can report electronically.

22 Reported trip information -- and this is just an  
23 example of some of the things that would be gathered in  
24 the program -- trip date, departure time, return time,  
25 number of anglers, fish harvested and fish released.



1           we know there are some other fields that some  
2 captains would like to eventually add, but this is the  
3 core information that would be collected.

4           when we are looking at beginning a new survey  
5 like this, the first two options you have is voluntary  
6 reporting, or mandatory reporting.

7           voluntary reporting.

8           participating captains can report requested  
9 information by the end of each week. The trip information  
10 may be validated by recreational fisheries surveys already  
11 in place such as the MRIP survey. The Charter For-Hire  
12 survey method would be very similar to current MRIP  
13 Charter For-Hire survey.

14          mandatory reporting.

15          hail in and hail out for each trip. This will  
16 not require trip information to be recorded that day, but  
17 departure time and return time would be required.  
18 Captains must report requested trip information by the end  
19 of each week and, again, this is just an option. It could  
20 be bimonthly, monthly. This is just how it would be  
21 started.

22          if the trip information is not reported,  
23 participant will not be able to access the Charter For-  
24 Hire survey system until requested trip information has  
25 been reported.

1 Trip information can be validated through  
2 dockside sampling and current MRIP Charter For-Hire survey  
3 methods.

4 Also, we meant to put on here that similar to  
5 our Tails n' Scales, we would use some law enforcement  
6 information, if it was a mandatory reporting app.

7 Little bit of ideas how something like this  
8 costs.

9 The Tails n' Scales app was very similar to this  
10 with ongoing costs.

11 When we are talking about initiating a program  
12 like this, the initial year the personnel costs would be  
13 approximately one hundred and fifty thousand dollars.  
14 Incidental costs would be approximately fifty-one hundred  
15 dollars. Application development would be a hundred and  
16 fifty thousand dollars, and your annual maintenance would  
17 be thirty thousand dollars.

18 So, obviously, after the initial year, the total  
19 would go down to approximately a hundred and eighty-five  
20 thousand dollars a year to run a program such as this.

21 Personnel would include two full-staff, along  
22 with five partially-funded staff. Application and  
23 maintenance costs, derived after consultation with MDMR IT  
24 and all costs, with the exception of development, would be  
25 annually recurring.

1           Some considerations for the survey.

2           Logbook options allowing captains to see trip  
3 information for all previous trips. That is something  
4 that is in all of our other surveys that that has been  
5 requested. We try to accommodate that to where if they  
6 are going to do this, they can see their own information  
7 without calling us. They would have access, a user name  
8 and login, and they would have access to all their  
9 information.

10           Voluntary reporting will likely provide  
11 incomplete trip information which is less reliable.

12           Current MRIP survey provides trip information on  
13 Charter For-Hire fishing trip.

14           Voluntary reporting would be more difficult to  
15 validate.

16           Mandatory reporting allows validation, produces  
17 reliable information and creates catch histories for users  
18 which the user would have access to at some point.

19           What is required, or what we are asking is some  
20 type of action from the CMR to direct staff on how to  
21 proceed; whether they would like us to proceed building a  
22 program such as this, whether it should be voluntary, or  
23 mandatory, or whether it is time to hold off and see what  
24 some of the other things coming down the pipeline are.

25           COMMISSIONER DANIELS: My first question to you

1 is remember -- it goes back around the first of the year.  
2 I believe it was Commissioner Gollott who had originally  
3 asked about implementing something like Tails n' Scales on  
4 the entire recreational fishery.

5 MATT HILL: Yes.

6 COMMISSIONER DANIELS: And, then, it was put  
7 into place that we would test that on the Charter For-Hire  
8 industry.

9 MATT HILL: Yes.

10 COMMISSIONER DANIELS: This has shifted from the  
11 recreational to directly just Charter For-Hire.

12 From what I'm seeing, the amount of money for  
13 the small amount of data that we would get off of simply  
14 surveying Charter For-Hire, the return is not there.

15 I am being told there is over a million dollars  
16 spent on the entire recreational sector, as well as Carly  
17 didn't seem to have a lot of -- she didn't think that we  
18 were there yet in making this work, whenever she gave her  
19 presentation.

20 MATT HILL: I concur with that.

21 COMMISSIONER DANIELS: All of that?

22 MATT HILL: Yes.

23 COMMISSIONER DANIELS: With all of that said, I  
24 think we are at a dead-end road here.

25 COMMISSIONER BOSARGE: Matt.

1 MATT HILL: Yes, sir.

2 COMMISSIONER BOSARGE: I'm sorry. I didn't mean  
3 to interrupt you, Commissioner Daniels.

4 when we are looking at costs here, I'm not sure  
5 I agree with some of this.

6 The Tails n' Scales Program runs for how long?

7 MATT HILL: Well, there are about five people on  
8 the Tails n' Scales Program twelve months out of the year,  
9 with development, with the changes and the updates. It is  
10 a very intensive program. There are three people on my  
11 staff that spend nearly one hundred percent of their time,  
12 and Brian spends a fair amount of his time.

13 COMMISSIONER BOSARGE: But I'm saying that  
14 season is just a two-month basically thing.

15 So the other months of the year you are telling  
16 me they are working on that?

17 MATT HILL: Absolutely. We are working on it  
18 right -- we probably work on it -- well, we don't  
19 probably.

20 There are more costs incurred during the off  
21 season of Red Snapper with Tails n' Scales than there are  
22 during the season, the leg work and the back-end work to  
23 that system to continue to make it work.

24 We are in the midst right now of a complete  
25 rewrite of the code of the system. We have four people

1 that are dedicated working with the developments.

2 COMMISSIONER BOSARGE: I can understand that and  
3 I can see where you've got them busy right now, but I  
4 don't see five people working on Tails n' Scales year  
5 round every year. I just don't see that.

6 MATT HILL: I would like to say in three, or  
7 four, more years it won't be like that, but for the  
8 initial eight to ten years when you develop a program like  
9 this because there are going to be mistakes, and we find  
10 mistakes all the time.

11 If it is mandatory, the program has to work. So  
12 this is very crucial in the time off. We don't have time  
13 during the season to make any changes. If it crashes, we  
14 have a problem.

15 COMMISSIONER BOSARGE: Oh, yes.

16 MATT HILL: So, yes. I believe after the  
17 initial phase, after the system is exactly how we want it,  
18 the costs will go down considerably, but, in the initial  
19 years, it is a hefty cost which we have seen.

20 COMMISSIONER BOSARGE: When I look at reporting,  
21 even if we don't do Tails n' Scales -- I mean we've got  
22 crab fishermen reporting. We've got oyster fishermen  
23 reporting. We've got shrimpers reporting.

24 MATT HILL: Yes.

25 COMMISSIONER BOSARGE: Even now we are going to

1 require the troutline fishermen to basically report.

2 MATT HILL: Yes.

3 COMMISSIONER BOSARGE: How do you find the money  
4 for all of that?

5 MATT HILL: The Trip Ticket System is supported  
6 through Gulf States. They have the contract through Gulf  
7 States. So we don't -- that is not funded through MDMR.  
8 Gulf States completely funds that. They fund the hardware  
9 and the software of that program, and they also provide us  
10 another grant for approximately a quarter of a million  
11 dollars every year to administer the program. So those  
12 funds are coming straight from NOAA.

13 COMMISSIONER BOSARGE: This is one more sector,  
14 even if we have to do trip tickets, then, that's the way -  
15 - I say that because of sector separation.

16 At some point in time you have got to imagine  
17 that it will be separated between recreational and charter  
18 for-hire for State water species and, if these guys don't  
19 have any means of saying this was my catch...

20 MATT HILL: Absolutely. I had a conversation  
21 with Commissioner Daniels about some of this and I said,  
22 with the recent Bonnet Carre disaster, it is very easy to  
23 go back to the commercial fisheries and I can paint a  
24 pretty picture and I said, if we had five years of data  
25 just on the effort that we could hang our hat on, I

1 believe we would be in much better shape, but how do we  
2 administer a program like that to get exactly what we  
3 want.

4 COMMISSIONER BOSARGE: And that fisheries  
5 disaster, if I'm correct, the only data that can be used  
6 is commercial fisheries landings to qualify for that.

7 MATT HILL: Yes. It is for commercial fisheries  
8 landings right now.

9 COMMISSIONER BOSARGE: So with that said and me  
10 looking at what I see you already have in place for the  
11 charter boats, we changed what we asked.

12 when we did Tails n' Scales, we had to change  
13 State statute to allow us to do Tails n' Scales.

14 MATT HILL: We changed our regulations, yes,  
15 sir.

16 COMMISSIONER BOSARGE: At the same time, we  
17 changed it to allow us to do charter for-hire.

18 MATT HILL: The language allows us to ask  
19 information on additional species from the recreational  
20 sector.

21 COMMISSIONER BOSARGE: I think it's State  
22 statute 49-15-313. We already have in place where it  
23 says:

24 "An operator of a licensed vessel" --  
25 talked about all resident vessels



1 engaged in charter boat fishing, and  
2 it goes on:

3 "An operator of a licensed vessel  
4 shall be required to report the  
5 number of customers to the department  
6 as required by the Commission and the  
7 information shall be kept confidential  
8 and shall not be released, except to  
9 other fisheries management agencies,  
10 or as statistical data."

11 There are several things I saw in here that we  
12 have in place now to record landings of charter boats.

13 Can we not just take some of this?

14 Some of it, they have the option as to report  
15 it.

16 You have survey forms. That was another.

17 MATT HILL: Yes.

18 COMMISSIONER BOSARGE: In other words, I guess  
19 my point is we already have some of a system in place.

20 MATT HILL: We do.

21 COMMISSIONER BOSARGE: And for the benefit of  
22 those guys to get their landings down where they can say,  
23 this is who we are, we can't take what we already have and  
24 make some of it mandatory?

25 MATT HILL: Well, the MRIP -- what you are

1 referring to is the MRIP survey which NOAA funds.

2 COMMISSIONER BOSARGE: It wasn't the MRIP that I  
3 was referring to. I will have to find it here. Give me  
4 just a minute.

5 This is Title 22, Part 9, Rules and Regulations  
6 for Statistical Reporting and Confidentiality of  
7 Statistical Data for Marine Fisheries in the State of  
8 Mississippi.

9 Chapter 11, 101:

10 "Charter Boat and Head Boat captains  
11 operating in Mississippi waters shall  
12 be required to complete questionnaires  
13 furnished by the MDMR for each trip.  
14 Completed questionnaires shall be  
15 furnished to an information  
16 confidentiality officer upon  
17 request.

18 "In addition to reporting required  
19 pursuant to this paragraph, the  
20 following reporting is also  
21 required."

22 And it goes on. That's where we changed to  
23 Tails n' Scales. In other words, 101.02:

24 "Tails n' Scales Reporting for  
25 Additional Species Charter and

1 Head Boat Harvest.

2 "When requested by the MDMR" --

3 and it goes on.

4 MATT HILL: Yes.

5 COMMISSIONER BOSARGE: My point is it is in  
6 state statute already that we have questionnaires.

7 Do you see what I'm saying?

8 we have already got somewhat of a reporting  
9 system in place.

10 MATT HILL: Yes.

11 COMMISSIONER BOSARGE: We have to spend three  
12 hundred and thirty-five thousand dollars to make the rest  
13 of it work?

14 MATT HILL: The reporting system that we have in  
15 place right now -- and we are completely revamping the  
16 commercial reporting system, also.

17 These programs are outdated. They are not  
18 giving us the information that we need anymore.

19 Beginning in 2013, these programs were funded  
20 and they are just not cutting it for us anymore.

21 We are going down the road with the help of Gulf  
22 States to revamp these programs. It is just going to take  
23 time to get the charter for-hire portion of it in there.

24 The commercial portion is obviously the most  
25 important. That took precedence over everything because

1 of the value of the industry. We have the processors  
2 involved, the dealers involved, the fishermen involved,  
3 and we have had disasters, but it is going to be something  
4 very similar in the future, but hopefully in the next  
5 three months we will launch the vessel program for the  
6 commercial industry, and, then, right after that we would  
7 like to be able to start working with the charter industry  
8 to start putting something together and begin with the  
9 effort.

10 we don't have a problem with the catch. We have  
11 a pretty good handle on that. We need the effort. That  
12 is what the biggest problem is in everything, what is the  
13 actual effort, and we could start doing that fairly  
14 quickly.

15 COMMISSIONER BOSARGE: But I mean -- I agree.

16 Just like right now with the disaster from this  
17 federal fisheries, I don't see -- I don't know everything,  
18 but, when we look over on the federal side and right now,  
19 unless something changes, there could be no federal money  
20 given to the charter boat industry simply because they are  
21 not commercially qualified and they can't submit the data  
22 that needs to be submitted to qualify for those federal  
23 funds.

24 MATT HILL: Yes, and I agree that we need some  
25 program like this. It is just how do we get there. How

1 do we --

2 COMMISSIONER BOSARGE: (Interposing) We've got  
3 to make the first step.

4 MATT HILL: And I agree, but we are making  
5 several steps right now with the commercial industry, and  
6 it is going to take us some time.

7 COMMISSIONER BOSARGE: Yes, but if money is the  
8 problem, then, we've got enough stuff in place here now  
9 that we don't have to spend anything.

10 MATT HILL: But we have to have the money to fix  
11 what we have. We are receiving the money to fix what we  
12 have on the commercial side. We are not footing that  
13 bill. NOAA and Gulf States is footing that bill.

14 They are not going to foot the charter for-hire  
15 bill. We are going to have to come up with this money to  
16 fix this problem. We are going to have to come up with  
17 the money, with the funds.

18 JOE SPRAGGINS: One thing, Commissioners -- and,  
19 Joe, tell me if I'm wrong, but with this new disaster that  
20 we are filing, charter boat is in that disaster, but it is  
21 called a revenue loss.

22 Is that correct?

23 JOE JEWELL: Yes.

24 JOE SPRAGGINS: It is allowed in there this  
25 time. It has never been allowed before, but it is allowed

1 now because of revenue loss.

2 COMMISSIONER DANIELS: So we have the ability to  
3 financially report losses, as opposed to catch?

4 JOE JEWELL: Yes.

5 JOE SPRAGGINS: Not the same thing you are  
6 thinking about.

7 COMMISSIONER BOSARGE: It's fisheries disaster  
8 money.

9 JOE SPRAGGINS: That is called revenue loss.

10 MATT HILL: We do not have reliable data to  
11 provide to them. They are actually surveying some of the  
12 charter captains.

13 we are actually quasi in it, but it is nothing  
14 that we can provide to them because that system needs to  
15 be revamped, but that is going to be on our dime.

16 COMMISSIONER BOSARGE: So my point is to qualify  
17 for these federal disaster funds, unless you change  
18 something in the federal statute, the only qualifiers,  
19 what you are going to have to provide is from commercial  
20 fishermen.

21 MATT HILL: That is all we have provided as an  
22 agency. There have been some outside surveys that have  
23 gone on that we have included in our report, but we have  
24 not included any reports on the charter for-hire industry,  
25 except what is in the MRIP data, into those disaster

1 reports.

2 They were requested to come up with a revenue  
3 loss for the charter for-hire industry. So we went to  
4 NOAA and got the MRIP data, and that is all we have.

5 COMMISSIONER BOSARGE: Yes, you've got it, but  
6 you can't provide it. It would do no good to provide it.

7 JOE SPRAGGINS: I don't know, sir.

8 The point I'm getting at is when I was in  
9 congress the other day and testifying to the Commission to  
10 Commerce, one of their statements was that charter boat  
11 fishermen loss would be included in this, and this was not  
12 just for Mississippi, Louisiana and Alabama. This was  
13 because of the northwest and there were a lot of issues  
14 going on there.

15 Unless they just changed something, and I don't  
16 know how they changed it, but the way they worded this  
17 disaster was for revenue loss and not just a fisheries  
18 loss, and that was the way that I understood it.

19 Am I wrong there, Joe?

20 Is that correct?

21 JOE JEWELL: I think we are getting a little off  
22 track. So I will try to address your comments as quickly  
23 as possible.

24 Director Spraggins is right. This is not a  
25 normal federal fisheries disaster that has been declared

1 like in 2011. It has been declared an extraordinary  
2 event. So there are little different rules that are  
3 applied to those.

4 The charter boat fishery is certainly part of  
5 that process. We have done an economic survey.

6 My understanding of the way the process works is  
7 we submitted an application that is under review for this  
8 extraordinary disaster, and the feds are going to evaluate  
9 that application, and they are going to describe to us  
10 what components are eligible and which ones are not.

11 Once that is done, we submit a budget plan on  
12 how we propose to recover from that, or what  
13 reimbursements will be distributed.

14 Now, as far as auditing purposes, we have to  
15 establish the criteria for what will be reimbursed and  
16 what will not, and you remember, in 2011, we did that.

17 So my expectation is if the charter boat  
18 industry is found eligible based on this economic survey,  
19 there is going to have to be some eligibility criteria  
20 that this agency establishes so that they would be  
21 eligible for those types of reimbursements.

22 That is generally how it is going now, but that  
23 is really not applicable to what we are talking about  
24 right now.

25 COMMISSIONER BOSARGE: It is somewhat, in that



1 if we had the correct system in place for reporting, then,  
2 they would be eligible, and there would be no question as  
3 to how any funds will be distributed from that point on.

4 JOE JEWELL: I agree with that. I agree with  
5 some of the comments the Commissioners made.

6 This really started in 2018 and it outcropped  
7 from two events and two presentations that were brought on  
8 multiple months by the Office of Marine Fisheries.

9 There was the Spotted Seatrout stock assessment  
10 that was going on towards the end of the year. That  
11 overlapped the Spotted Seatrout endorsement, and that is  
12 where those conversations were going on about assessing  
13 the recreational fisheries, and towards the end of the  
14 year the Commission decided that they were going to have a  
15 pilot test with the charter boat fisheries, and, then, in  
16 January of 2019 is where that first presentation went on,  
17 and February is where the presentation was given to a  
18 joint Federal Charter For-Hire Task Force.

19 At the February meeting, the Commission asked us  
20 to come back within ninety days for a potential pilot  
21 program.

22 That really never really happened. We had  
23 discussions with the Commission. It never really  
24 happened, and, then, we were asked to assess all of the  
25 motions and requests by the Commission to see if we

1 adequately addressed them.

2 We had not addressed that ninety-day requirement  
3 by the Commission. So that is how it re-arose before the  
4 Commission in September.

5 Then, of course, the Commission voted for us to  
6 come forward in October, and we didn't do it then. I'm  
7 not sure why it was removed from the agenda, but, then, it  
8 is here now.

9 It is not simply just a budget issue, although  
10 it is a huge budget issue for us. It is a personnel  
11 issue.

12 Those figures of a hundred and fifty thousand  
13 almost mirror the current personnel that Marine Fisheries  
14 has on the Tails n' Scales app, but it is also that the  
15 charter boat industry is facing the federal regulations,  
16 the federal monitoring, VMS. They are facing multiple  
17 issues that will not only affect them programmatically,  
18 but economically.

19 So if we invoke something like this before we  
20 know what the playing field will be in the end, it may not  
21 get us what we want anyway.

22 COMMISSIONER BOSARGE: But, Joe, basically what  
23 it is, is the Federal Government sees the need for that  
24 information and most of the Federal For-Hire charter guys  
25 are all for it.

1           As a matter of fact, one of the pilot programs  
2 that was put in place for the Federal Charter For-Hire was  
3 actually requested by those charter boat fishermen.

4           JOE JEWELL: That's true.

5           COMMISSIONER BOSARGE: Because they see the need  
6 to be able to document what they are catching because they  
7 see sector separation and they want to be sure that they  
8 capture their landings so they will have them for future  
9 events.

10           I think the Federal Government is really a  
11 little bit one step ahead of us mostly.

12           When you say what the charter boats are fixing  
13 to be required by the Federal Government, that is only if  
14 that charter boat has got a federal permit.

15           JOE JEWELL: That's right. It doesn't affect  
16 those people that don't have it, but this program would  
17 affect all of those.

18           COMMISSIONER BOSARGE: That's right. This  
19 program would actually say who they are, what they are and  
20 what their landings are.

21           JOE JEWELL: All of them, the federal and the  
22 non federal.

23           COMMISSIONER BOSARGE: That's right.

24           I see this in a bunch of different states where  
25 those guys want to say who they are and they want to be

1 able to tell what their landings are and tell what their  
2 financial contribution to the economy is, to be able to  
3 document it

4 JOE JEWELL: Well, like the motion says, we are  
5 asking for direction by the Commission right now.

6 Right now the Office of Marine Fisheries is not  
7 in a position to enable, or develop, an app that would  
8 apply to all of the charter boat fisheries, but that is  
9 not to say that we can't do it.

10 If the Commission requests that we move forward  
11 with that, it is going to take us a little while and we  
12 would ask for y'all's patience with that.

13 If y'all would move that we develop this app, we  
14 absolutely can do.

15 COMMISSIONER DANIELS: I appreciate Commissioner  
16 Bosarge's concern for the well-being of the charter boat  
17 industry. We have gotten, I think, kind of way off track  
18 on what the original issue was here.

19 It seems that the general consensus is that the  
20 return on this particular project is not going to be worth  
21 it.

22 I would like to make a motion to forego moving  
23 forward with this particular project.

24 COMMISSIONER HAVARD: I have a motion on the  
25 table.

1                   Do I have a second for Commissioner Daniels'  
2 motion?

3                   COMMISSIONER GUESS: I'm going to second that.  
4 I feel like it is too costly for the amount of charter  
5 for-hire that we have, but, as you mentioned, we have  
6 another plan in place. It just may be six months, eight  
7 months, nine months down the road that is not going to be  
8 as costly as this.

9                   MATT HILL: What we would like to see is we have  
10 been very successful with some apps. We are getting a  
11 little bit more experience in it. We know what we want.

12                   These guys want to report. I understand that.  
13 There is no doubt about it, but, when you build a system  
14 for an industry, for one fishery, it is very important  
15 that it is one system for everybody.

16                   what we need to know is -- the federal system  
17 still is not off the ground yet. They are struggling  
18 right now. They can't even tell us which questions they  
19 want to ask yet.

20                   what we would like to do is something like Tails  
21 n' Scales where you have a profile in there, but we would,  
22 as an agency -- and we have talked extensively with Brian  
23 about this. As an agency, they wouldn't be responsible to  
24 send all this data off. We would create the app in house  
25 for everybody, but, if Commissioner Daniels has to report

1 to a different entity, we would have these ways to get all  
2 of this information, so they are only having to report to  
3 one place for everything.

4           Until we have the information on what is needed  
5 -- we have a head boat survey program. We have seafire  
6 (phonetic) coming online. There is another one that I'm  
7 not mentioning, and, then, we do this.

8           Fishermen tend to participate. The commercial  
9 is a very good example of that. They can go to one place,  
10 when they report their offshore species. They have got a  
11 bank there. They have quotas there, but it is one system  
12 that they can go to, and they can login to that and they  
13 can see everything that they have done and what they need  
14 to do, what is left, and we like that system and that is  
15 where we want to go with it, but we just need to know what  
16 are all the parameters in these five systems that we are  
17 going to have to meet.

18           Honestly, right now, we can put all the  
19 questions in there and we can do everything.

20           Our biggest problem is the VMS. The VMS is very  
21 challenging for us. It is something that we can do, but  
22 it is very challenging.

23           COMMISSIONER BOSARGE: Matt, you are really not  
24 considering a VMS for state charter.

25           MATT HILL: No, sir. We don't want that for

1 state charter, but we would like the system to be capable  
2 of those federal guys to report to it and capture VMS data  
3 so we are sending that off.

4 we would have the data and we would send it. We  
5 would be the warehouse of the data and we would send it  
6 off. That is our goal.

7 COMMISSIONER HAVARD: I appreciate all of your  
8 information, Matt and Steve, but it is time we have a  
9 motion.

10 COMMISSIONER GOLLOTT: Let me make an  
11 alternative motion.

12 I would like to make a motion that we table this  
13 until the next meeting, until we can understand it a  
14 little bit better and work on it.

15 COMMISSIONER HAVARD: Right now we have a motion  
16 and a second on the table. So we need to vote on that  
17 first.

18 COMMISSIONER BOSARGE: Well, I guess his will  
19 have to be a secondary motion.

20 COMMISSIONER HAVARD: We have a motion on the  
21 table right now to forego moving forward with this  
22 project. I have a motion and a second.

23 COMMISSIONER BOSARGE: Let me call on a point of  
24 order, please.

25 If Commissioner Gollott's motion is a secondary

1 motion, it has to be voted on first. Ms. Chesnut will  
2 correct me if I'm wrong.

3 SANDY CHESNUT: That's correct.

4 COMMISSIONER HAVARD: Richard, would you repeat  
5 your motion?

6 COMMISSIONER GOLLOTT: I would like to table  
7 this until the next meeting, until we can understand it a  
8 little bit better and work on it and come back with some  
9 answers.

10 COMMISSIONER DANIELS: If I may, one thing that  
11 Matt and I discussed, there is room for these things to be  
12 looked at in the future, but there are a lot of moving  
13 parts that need to be worked out in other places than  
14 right here before he knows the way all of this will work  
15 and play out.

16 what we are specifically talking about today is  
17 the pilot program, if you want to call it that, that would  
18 work.

19 If we forego this pilot program, there are other  
20 alternatives that Matt is already looking at for the  
21 future that we can certainly look at in the future.

22 COMMISSIONER GOLLOTT: Mr. Chairman, we need a  
23 second on that secondary motion.

24 COMMISSIONER HAVARD: I have a secondary motion  
25 on the table.



1 Do I have a second for that motion?

2 COMMISSIONER BOSARGE: I'll second his motion.

3 COMMISSIONER HAVARD: I have a motion and a  
4 second.

5 All those in favor say aye.

6 (Commissioner Bosarge, Commissioner  
7 Gollott in favor.)

8 COMMISSIONER HAVARD: All those opposed say nay.

9 (Commissioner Daniels, Commissioner  
10 Guess, Commissioner Havard opposed.)

11 COMMISSIONER HAVARD: Motion dies.

12 Commissioner Daniels, do you still want to make  
13 your motion?

14 COMMISSIONER DANIELS: Yes, please.

15 COMMISSIONER HAVARD: Okay.

16 COMMISSIONER DANIELS: I would like to make a  
17 motion to forego moving forward with the program.

18 COMMISSIONER HAVARD: Commissioner Daniels has a  
19 motion.

20 Do I have a second?

21 COMMISSIONER GUESS: I'll second it.

22 COMMISSIONER HAVARD: I have a second for the  
23 motion.

24 All those in favor say aye.

25 (Commissioner Daniels, Commissioner

1           Guess, Commissioner Havard in favor.)

2           COMMISSIONER HAVARD: All those opposed say nay.

3           (Commissioner Bosarge, Commissioner  
4           Gollott opposed.)

5           COMMISSIONER HAVARD: Motion so moves.

6           That brings us down to L.

7           COMMISSIONER BOSARGE: I have one more comment I  
8           would like to make, if I could, on this same issue.

9           Matt, on that Chapter 11, 101, where I read the  
10          charter and head boat questionnaire, so that we can start  
11          getting some of the information, I would like to make a  
12          motion that we require those questionnaires to be filled  
13          out. Not upon request, but that it is a requirement.

14          I mean, if it is something they are already  
15          doing, that they are supposed to be doing, supposed to  
16          furnish upon request, then, let's make it a permanent  
17          thing where they have to fill out those questionnaires,  
18          and that will give them a start for a trip ticket system.

19          I don't see any costs involved in that. It is  
20          already -- the program is in place.

21          MATT HILL: Yes.

22          COMMISSIONER BOSARGE: With that, I will make  
23          that motion.

24          COMMISSIONER GUESS: Can we get a copy of that?

25          COMMISSIONER BOSARGE: You will have to ask Matt

1 for the survey questionnaire.

2 MATT HILL: The questionnaire is the current  
3 MRIP Program that we administer. We call a ten percent  
4 random sample on a weekly basis of all of the charter for-  
5 hire captains. We ask the information. So they are  
6 chosen for a certain week.

7 They can decline it. They do not have to  
8 participate in it.

9 We will show you a copy of what it looks like,  
10 but they will bring their logbook out, and it is basically  
11 a Sunday through Saturday survey and they say, if they  
12 went on Monday, how many anglers, how many hours fish,  
13 species targeted, species harvested, and that all goes  
14 into a database, but, yes, they can decline to do this  
15 survey.

16 COMMISSIONER HAVARD: So at this time, I don't  
17 think we can make a motion on an action item. We can ask  
18 them to come back.

19 SANDY CHESNUT: Well, the motion can be that  
20 staff bring back the language that would change the  
21 current regulations to require reporting. That would have  
22 to come back at the next meeting and be voted on whether  
23 you want to go out on Notice of Intent.

24 MATT HILL: Okay.

25 SANDY CHESNUT: So that can be the motion made

1 because it is going to require a regulation change.

2 MATT HILL: One thing that Joe just pointed out,  
3 the survey that we are using, it is from NOAA. It is a  
4 federal-funded program. So we would have to look into  
5 that, or we would develop our own questionnaire, something  
6 similar, but we cannot require them to answer that survey.  
7 It is through NOAA. It is a funded survey through NOAA,  
8 that particular survey that we currently use.

9 They have to read the statement. There is a  
10 statement at the top of the form that you have to read  
11 that says that this is a voluntary program. It is clear  
12 on the top of the form.

13 JOE JEWELL: Now, as counsel Chesnut pointed  
14 out, the Commission can vote for us to come forward with  
15 options for the Commission to consider next month, or  
16 whenever you would like us to come forward, and those  
17 options could be a separate survey that is mandatory, but  
18 the current federal program, I don't think we have the  
19 ability, or the authority, to change the rules and  
20 regulations that they are under, but you can adopt  
21 similar, or other, programs that we can make mandatory by  
22 the Commission.

23 COMMISSIONER HAVARD: Sandy, can we put this on  
24 the agenda for next month, or can we take action today?

25 SANDY CHESNUT: You can put it on the agenda for

1 next month because it is pretty obvious that there is a  
2 lot of discussion and research that the staff needs to do  
3 around the subject.

4 You need to bring it back at the next meeting,  
5 and, then, see if there is something you want to do at the  
6 next meeting.

7 COMMISSIONER HAVARD: Sounds good. I appreciate  
8 that, Sandy.

9 Are you good with that, Commissioner Bosarge?

10 COMMISSIONER BOSARGE: Yes, sir.

11 COMMISSIONER HAVARD: So that moves us on to L.

12 SANDY CHESNUT: Did we get a second on that?

13 Commissioner Bosarge made a motion for the staff  
14 to bring that back at one point.

15 COMMISSIONER GUESS: I'll second it.

16 JOE SPRAGGINS: I think the understanding, sir,  
17 is for you to ask the staff to bring back something and  
18 put it back on the agenda for next month, then, we would  
19 need some type of a motion to do that, and that is what we  
20 are asking for.

21 COMMISSIONER BOSARGE: That's fine. I think  
22 that is the motion I made.

23 Are you going to read that out?

24 COMMISSIONER HAVARD: I'm okay with that.

25 I've got a motion on the table, as well as a

1 second, for the staff to bring back the required language.

2 All those in favor say aye.

3 (All in favor.)

4 COMMISSIONER HAVARD: Opposed like sign.

5 (None opposed.)

6 COMMISSIONER HAVARD: Motion moves.

7 Now let's move on to other business.

8 JOE SPRAGGINS: Sir, I just have a couple of  
9 real quick things.

10 One is we had a guy name Mr. Gil Ryder who has  
11 been working with us at different places, different states  
12 and he would like to come make a presentation to y'all  
13 next month. His presentation is more so about being able  
14 to have a license. If you want to fish here and you want  
15 to buy a license in Louisiana and come here, you can just  
16 buy it online.

17 It is something they would like to bring forward  
18 to you, if y'all would be willing to entertain that next  
19 month.

20 COMMISSIONER HAVARD: Yes.

21 JOE SPRAGGINS: The other thing real quick is  
22 fisheries, the commercial disaster thing is in process.

23 We had a meeting on Friday. We were on a phone  
24 call with NOAA, and I can tell you it is a little  
25 different than normal. It is a disaster, not just a

1 fisheries disaster. It is a revenue. We have been able  
2 to include some things that have not been included in the  
3 past, but, once again, it is like Joe said. It is going  
4 to depend on NOAA when they come back and they say, yes,  
5 Joe, this is workable, this is workable, this is workable,  
6 we can look at that.

7 Louisiana just turned theirs in. Just to give  
8 you a heads up, we are about two weeks, or three weeks,  
9 ahead of Louisiana and Alabama because we are already in  
10 the process of weeding ours down where they just turned it  
11 in, and they did turn in, like, two hundred and sixty-  
12 eight million, if you wanted to know what their numbers  
13 were.

14 I think ours is a hundred and sixty-plus  
15 million, a little over, to give you an idea.

16 COMMISSIONER DANIELS: If I may, just one real  
17 quick question, I guess either for you, or Matt, Joe.

18 When will we see some more information on the  
19 speckled trout, where our SPR is in relation to what our  
20 size limit is doing for us?

21 JOE JEWELL: Well, what we traditionally do is  
22 provide the Commission an annual update to the original  
23 spotted Seatrout stock assessment.

24 That update generally occurs in October, or  
25 November, of each year. It kind of varies a little bit.

1           This year it has been delayed significantly for  
2 a lot of different issues, the internal reviews and  
3 actually receiving it.

4           We have a partnership. The Stock Assessment  
5 Committee is a partnership between Gulf Coast Research  
6 Laboratory and the Department of Marine Resources.

7           There have been some issues with the annual  
8 update, and my understanding is it probably is not going  
9 to occur this year.

10          We tried desperately to get it on the agenda for  
11 November so that we could fulfill the Commission request  
12 that they receive annual updates.

13          At best, it is going to be early next year,  
14 probably no later than the spring that it is presented  
15 before the Commission.

16          COMMISSIONER DANIELS: Okay. Thank you. I was  
17 just curious.

18          COMMISSIONER HAVARD: Do we have any other  
19 business?

20          KEITH DAVIS: Mr. Chairman, I did fail to  
21 mention one thing during my report that I do think that  
22 the Commission needs to be aware of.

23          If you remember in 2016, a young lady was killed  
24 in Hancock County, and I want to bring it to the  
25 Commission's attention that that trial was concluded last



1 month and the defendant in that trial received a twelve-  
2 year sentence for that accident causing the death of young  
3 Ms. Mauffray.

4 As far as I know, that is the first time in the  
5 history of DMR Marine Patrol that a felony conviction was  
6 secured that way. So my hat is off to our investigators  
7 who worked that case and, in addition to that, during the  
8 trial, investigator Patrick Carron was classified as an  
9 expert witness in boating accidents. So we do have an  
10 expert witness in Mississippi for boating accidents.

11 I failed to mention that, and I apologize.

12 COMMISSIONER HAVARD: That is good information.  
13 I appreciate you taking the time and informing us about  
14 that, Chief.

15 With no other business, that moves us down to  
16 public comments.

17 Do we have any other public comments anyone wants  
18 to talk about?

19 (No response.)

20 COMMISSIONER HAVARD: With no other public  
21 comments, can we get a motion to be adjourned?

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

24 COMMISSIONER HAVARD: Can I get a second?

25 COMMISSIONER GUESS: Second.

1           COMMISSIONER HAVARD: I have a motion and a  
2 second to be adjourned.

3           All those in favor say aye.

4           (All in favor.)

5           COMMISSIONER HAVARD: Opposed?

6           (None opposed.)

7           COMMISSIONER HAVARD: Motion moves.

8           (Whereupon, at 10:51 o'clock, a.m., the November  
9 19, 2019, meeting of the Commission on Marine Resources  
10 was concluded.)

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CERTIFICATE

I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above and foregoing is a true and correct transcript of the November 19, 2019, meeting of the Commission on Marine Resources, as taken by me at the time and place heretofore stated in the aforementioned matter in shorthand, with electronic verification, and later reduced to typewritten form to the best of my skill and ability; and, further, that I am not a relative, employee, or agent, of any of the parties thereto, nor financially interested in the cause.

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