COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

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

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

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788
COMMISSIONER HAVARD: I would like to call the meeting to order of the Commission on Marine Resources, November 19th, 2019.

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

(Pledge of Allegiance was recited.)

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

(Moment of silence observed.)

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

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

COMMISSIONER GUESS: I'll make the motion.

COMMISSIONER DANIELS: I'll second that.

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

All those in favor say aye.

(Commissioner Bosarge, Commissioner Daniels, Commissioner Guess, Commissioner Daniels in favor.)

COMMISSIONER HAVARD: All those opposed?

(None opposed.)
COMMISSIONER HAVARD: Motion so moves.

Now, for the approval of the agenda today. Do we have any changes, or would we like to leave it the way it is?

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

COMMISSIONER BOSARGE: So moved, Mr. Chairman.

COMMISSIONER HAVARD: I’ve got a motion.

Can I get a second?

COMMISSIONER DANIELS: I’ll second that.

COMMISSIONER HAVARD: I’ve got a motion and a second.

All those in favor say aye.

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

COMMISSIONER HAVARD: Opposed?

(None opposed.)

COMMISSIONER HAVARD: Motion moves.

Now for the Executive Director’s report, General Spraggins.

JOE SPRAGGINS: Thank you very much sir. We’ve got a couple of things on there. If you have public comment, I would like for you to please make sure that you get in touch with T.J. in the
back. Please let him know that you have that and bring
the form up so we can have that and give it to the
Chairman.

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

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

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

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

I am not asking to take the mid river conversion
off the radar. That is not at all what I am asking, but I
think that we need to put our emphasis right now one
hundred percent as much as possible to find a way that we can divert some of this water that is coming down the Mississippi again when we have another flood.

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

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

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

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

When we asked the State to audit GOMESA, they said, well, they couldn’t because there wasn’t enough money spent at this time.

I talked with the governor about it and I said, you know what I would like that because I want to have an audit.
So we did an audit. We hired an audit agency that went in and did an audit, and it came back and everything is fine. We are spending the money correctly. We are doing everything in our power to make sure that happens.

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

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

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

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

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

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

We have a minutes change approval, if you can.
We would like to ask for a motion to revise the minutes for Tuesday, November 27, 2018. On page one thirty-nine of the minutes the record reflected that Eric Broussard speaking and it needs to be changed to Matt Hill as the speaker for that point.

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

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

COMMISSIONER BOSARGE: And I’ll second your motion.

COMMISSIONER HAVARD: I’ve got a motion and a second.

All those in favor say aye.

(COMmissioner Bosarge, Commissioner Daniels, Commissioner Guess, Commissioner Havard in favor.)

COMMISSIONER HAVARD: Opposed?

(None opposed.)

COMMISSIONER HAVARD: Motion so moves.

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

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

In our contracts, if you will look at it, we
have one for Marine Fisheries, an off-bottom aquaculture contract worker, and that is paid for a hundred percent by another special fund, and I think those are the only ones that we have on it.

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

COMMISSIONER DANIELS: I think we’re good.

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

(No response.)

JOE SPRAGGINS: Thank you.

COMMISSIONER HAVARD: Thank you for that report. Next up is Commissioners report -- I’m sorry. We have two on the Executive Director’s Report.

JOE SPRAGGINS: I’m sorry. I missed something. Sandy, you are right. We do have Title 22, Part 20, Administrative Penalty Procedures, Chapter 21, Paragraphs 104 and 105, Work Session Report. Let me see if I can pull it up real quick.

On October the 28th, 2019, the Commission conducted a work session to discuss the proposed language that was presented at the September 17, 2019, Commission meeting.

A motion was made at the work session to take
the proposed language establishing a penalty matrix for administrative actions out for Notice of Intent.

The proposed language:

“Suspension, or revocation, of license for regulatory program requirements such as, but not limited to, endorsements, tags, permits, or similar provisions, may be commenced in addition to seeking administrative penalties.

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

“For first offenses, a suspension for up to three months.

“For second offenses, a suspension for up to six months.

“For third offenses, a suspension of up to one year.

“For fourth and subsequent offenses, a suspension for up to two years, or revocation.
“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,
tag, permit, or similar regulatory
program requirement, related to the
violation, until such time as the
penalty is paid in full."

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

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

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

COMMISSIONER DANIELS: I'll second that.

COMMISSIONER HAVARD: I have a motion and a
second.

All those in favor say aye.

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

COMMISSIONER HAVARD: All those opposed like
sign.

(Commissioner Bosarge opposed.)

COMMISSIONER HAVARD: Motion so moves.

JOE SPRAGGINS: Sandy, was there anything else
on this?
SANDY CHESNUT: No, sir.

JOE SPRAGGINS: Thank you.

Sorry about that. I left it out.

COMMISSIONER HAVARD: Now let’s move on to the Commissioners Report.

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

(No response.)

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

KEITH DAVIS: Good morning.

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

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

Officers issued citations for no commercial seafood dealer’s license to several seafood locations.

If you look under “Fishing Violations Citations” several citations were issued for possession of undersized speckled trout.

Those are a few things that stuck out to me in the report that I figured needed to be pointed out this
morning to you.

Other than that, are there any other questions?

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

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

We have some recreational guys that just don’t seem to understand that, and we are also still seeing recreational fish sold to seafood shops.

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

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

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

KEITH DAVIS: My personal opinion, I think they do know and they are able to get away with it because they can see us before we can get close enough to them.
We are taking some strategies to do some covert things like walking up and hiding in the woods and doing some different things, but we really need to be able to get closer quicker before they are able to throw the fish back.

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

KEITH DAVIS: Thank you.

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

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

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

COMMISSIONER BOSARGE: I think he was concerned at first because all the kids, they had their life jackets
on. By that time in the evening, it started getting cool, so they all had their sweaters and their jackets on over their life jackets, but, once he got there, he realized that everybody had what they needed.

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

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

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

COMMISSIONER HAVARD: Thank you, Chief, on that. Next up is Office of Coastal Resources Management, Mr. Jan Boyd.

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

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

GREG CHRISTODOULO: Good morning everyone.

My name is Greg Christodoulou. I will be presenting the first item for Coastal this morning.
This is a permit extension request by V.T. Halter Marine located on Bayou Casotte in Pascagoula. It is in the Industrial Development Use District.

The applicant is requesting to extend the existing maintenance dredging permit for an additional two years until February 9th of 2022.

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

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

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

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

With this extension at this time, they had the option of going beneficial use if they would like to. So, if it will save them money, great.
On February 9th of 2010, the Commission approved the applicant’s request for maintenance dredging, and, then, on October 3rd, the applicant submitted a request for a two-year extension to the permit.

Based upon department review and evaluation, the staff recommends the Commission approve the applicant’s request to extend the maintenance dredging permit for an additional two years until February 9th of 2022.

Any questions?

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

Have you got anything you want to add to that?

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

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

COMMISSIONER BOSARGE: I was glad to see them get that contract, especially in Jackson County, to keep
employment going. That is a good contract. I am happy with it, and I will make the motion to take the staff’s recommendation, accept the staff's recommendation.

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

Do we have a second?

COMMISSIONER GUESS: I'll second it.

COMMISSIONER HAVARD: We have a motion and a second.

All those in favor say aye.

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

COMMISSIONER HAVARD: All those opposed?

(None opposed.)

COMMISSIONER HAVARD: Motion so moved.

GREG CHRISTODOULOU: Thank you.

COMMISSIONER HAVARD: Appreciate that, Greg.

MATT MURPHY: Good morning Commissioners. My name is Matt Murphy, and I have the request for a permit from the City of Waveland. It is on the Mississippi Sound on Beach Boulevard in Waveland, Mississippi. It is in the General Use District. The agent is Compton Engineering.

The purpose of the project is to provide access
to the beach for people in wheelchairs, or with other limitations.

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

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

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

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

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

Notification of this project went out for The
Sun Herald and Sea Coast Echo as required, and a public hearing was held on Tuesday, October 29th, 2019, at 5:30, at the Waveland City Hall.

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

Department of Environmental Quality if reviewing the project.

Arches and History has no objection.

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

Wildlife, Fisheries and Parks has no comments.

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

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

COMMISSIONER HAVARD: Do we have any comments on the staff’s recommendation?

(No response.)
COMMISSIONER HAVARD: With no comments, since it is an action item, do we have a motion?

COMMISSIONER DANIELS: I’ll make the motion to approve.

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

COMMISSIONER BOSARGE: I’ll second that motion.

COMMISSIONER HAVARD: We have a motion and a second to go with the staff’s recommendation.

All those in favor say aye.

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

COMMISSIONER HAVARD: Opposed like sign.

(None opposed.)

COMMISSIONER HAVARD: Motion so moved.

MATT MURPHY: Thank you.

COMMISSIONER HAVARD: Thank you, Mr. Murphy.

(Commissioner Gollott enters meeting.)

JENNIFER WILDER: Good morning.

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

The location is on the Jourdan River at 3064 Palmetto Lane in Bay St. Louis.
Mr. Ladner was authorized to build a boathouse twenty-four-by-twelve-and-a-half feet. What is actually constructed today is twenty-four feet by seventeen feet.

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

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

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

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

This is a picture of the structures as they exist.

On July 23rd of this year, an application to reconstruct the bulkhead was submitted.

August 28th, 2019, a site visit was performed by staff which showed that some of the structures were out of compliance.

On August 29th, the agent listed on that
application was contacted and explained that we would need an after-the-fact application.

On September 26th, we received the after-the-fact application.

The violation was discovered August 28th. The duration of the violation is twenty-eight days. The maximum potential fine for residential property would be fourteen thousand dollars.

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

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

Any questions?

COMMISSIONER HAVARD: No questions at this time.

Ms. Wilder needs a motion.

Do we have a motion?

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

COMMISSIONER HAVARD: We have a motion to go with recommendations of the staff.
Do I have a second?

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

COMMISSIONER HAVARD: I have a motion and a second.

All those in favor say aye.

(All in favor.)

COMMISSIONER HAVARD: All those opposed like sign.

(None opposed.)

COMMISSIONER HAVARD: Motion so moves.

JENNIFER WILDER: Thank you very much.

COMMISSIONER HAVARD: Thank you.

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

GEORGE RAMSEUR: No presentation.

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

GEORGE RAMSEUR: Thank you.

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

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

My name is Leslie Brewer, CFO. I will be presenting the agency’s financials for the month of
October 31st, 2019.

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

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

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

Anyone have any questions?

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

LESLE BREWER: Looks good.

COMMISSIONER HAVARD: Sounds good. Thank you.

LESLE BREWER: Thank you.

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

CHARMAINE SCHMER MUND: Good morning Commissioners, Director Spraggins, counsel Chesnut.

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

Popular news items included a Spotted Seatrout release with GCRL, the Secretary of State’s Tidelands
check presentation and Governor Bryant cutting the ribbon on the outfalls in Biloxi.

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

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

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

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

The Celebrate the Gulf Marine Education Festival received first place, and the Gulf Coast National Heritage Area received second place for its nature tourism plan for coastal Mississippi.
The Gulf States Marine Fisheries Commission’s seventieth annual meeting was held in Biloxi last month. Office of Marine Fisheries staff participated in the event and shared reports with committees that included blue crab, menhaden, data management and the Technical Coordinating Committee’s special session on effects to Gulf of Mexico fishery resources from 2019 catastrophic flooding events.

Seafood Technology Bureau’s Jessica Rankin completed Certified Public Manager Level Six training in Jackson in October. Her project “Inspection Quality Assurance Program” has been recommended as a model project under the Mississippi Certified Public Manager Program.

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

On November 4th through the 7th, Finfish Bureau’s Courtney Walker and Katya Jagolta took part in the twenty-fifth Biennial Coastal Estuarine Research Federation Conference in Mobile, Alabama. The event was dedicated to advancing the understanding and wise stewardship of estuarine and coastal eco systems integral to productive fisheries and included a Coastal fisheries town hall.
Courtney also spent the day at Pass Road Elementary School taking part in their Science Day by talking to students about our state's marine resources.

Seafood Technology Bureau staff and others facilitated the MDMR booth at the Jackson County Fair in Pascagoula October 20th through the 27th, providing information about our agency, fishing, oystering, shrimping, crabbing and seafood safety in Mississippi.

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

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

That is a lot.

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

CHARMAINE SCHMERMUND: Thank you.

COMMISSIONER HAVARD: We’ve got a public comment, Mr. Gilbert Ramsey.

GILBERT RAMSEY: Good morning Ms. Chesnut and
General Spraggins and the board.

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

I met with Hancock County yesterday and with Harrison County about a week ago. I will be December 2nd in Jackson County.

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

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

What we've done is we have come with Mississippi State with a Master’s program, Gulf Coast Heritage program.

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

I have reached around the world, all God’s Children, all counties with wheelchairs with the Paralyzed
Veterans of America Initiative.

I’m coming forth with a new manufacturing opportunity, too.

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

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

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

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

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

Thank you very much for your assistance.

COMMISSIONER HAVARD: Thank you, Mr. Gilbert.

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

Number one, D’Iberville. We are going to put a handicap lift and when I talk about that, it is a lift
that you can go in. The City has agreed that if we would pay for it that they would maintain it. It is a lift to lift someone out of a wheelchair and put them in a boat. We are also going to look at doing this in Waveland and across the whole Gulf Coast, being able to try to put that in different places. We want to help the handicap be able to get into the boat and out of the boat.

GILBERT RAMSEY: I introduced a water park for paraplegics in Waveland yesterday in Hancock County, and also I introduced a playground.

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

JOE SPRAGGINS: Thank you.

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

JOE JEWELL: Good morning Commissioners.

We have three action items on the agenda for your consideration. The first up is Commercial Tarpon Regulations Final Adoption. I will be presenting that for the Commission this morning.
The Commission may recall at the September 17th meeting, a motion was made to proceed with a Notice of Intent for regulatory changes to Title 22, Part 7, Chapter 9, to add a paragraph 114 prohibiting the harvest and possession of Atlantic Tarpon for commercial purposes.

Also, at the October 15th meeting, this item was removed from the agenda at that time which brings us to our meeting today.

The Commission passed the Notice of Intent on September the 17th. On the very same day it was filed with the Secretary of State’s Administrative Bulletin. The following day MDMR posted it on our web page. Legal notice appeared in The Sun Herald on September the 20th.

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

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

“It shall be unlawful for any commercial fisherman to harvest, or possess, Atlantic Tarpon (Megalops atlanticus) within Mississippi waters.”

If the Commission so chooses, what would be required is a motion to proceed with final adoption for
regulatory changes to Title 22, Part 7, Chapter 9, making it unlawful for any commercial fisherman to catch, or possess, Atlantic Tarpon (Megalops atlanticus) within Mississippi waters.

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

Do we have a motion to proceed?

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

COMMISSIONER HAVARD: Sure.

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

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

JOE JEWELL: Yes.

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

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

These are two totally different ideas, or, in
other words, the first one says that no commercial fisherman shall possess, or harvest, an Atlantic Tarpon for commercial purposes. I can understand that.

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

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

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

SANDY CHESNUT: Can I point out something?

COMMISSIONER HAVARD: Yes.

SANDY CHESNUT: The actual language, proposed language is “unlawful for any commercial fisherman to harvest, or possess”. So the required language is different from the actual language that was proposed.

The required language on the board says “catch”, whereas the actual proposed language says “harvest”. So there is a difference there.

JOE JEWELL: Well, the proposed language affects Chapter 9, Commercial Size, Possession and Catch Limits.
The actual regulatory language that would be included states that it is unlawful for any commercial fisherman to harvest, or possess, an Atlantic Tarpon.

SANDY CHESNUT: Correct.

COMMISSIONER BOSARGE: That’s right.

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

JOE JEWELL: Well, you can’t possess it if you don’t catch it.

COMMISSIONER BOSARGE: That’s right.

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

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

SANDY CHESNUT: When we had the initial discussion with Matt, the distinction was that they can catch it. They just can’t harvest it. If they catch it as a byproduct, or bycatch, they would not be in violation as long as they didn’t harvest it. That was the distinction.
JOE JEWELL: That’s correct.

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

SANDY CHESNUT: Correct.

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

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

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

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

Do you see what I’m saying?

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

I’m really -- I can’t think of any other law
that is this restrictive, other than marine mammals.

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

This allows you no take whatsoever.

Do you see what I’m saying?

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

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

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

Right?

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

Right?

COMMISSIONER BOSARGE: It doesn't matter. That language says “commercial fisherman”. You are a commercial fisherman, if you hold a commercial license.

COMMISSIONER DANIELS: If I’m not running a documented commercial trip, then, I’m not a commercial fisherman that day.

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

COMMISSIONER DANIELS: If I’m not out on a documented commercial trip, then, I’m not a commercial fisherman that day.

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

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

COMMISSIONER BOSARGE: Correct.

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

Is that correct?

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

KEITH DAVIS: Can I ask a question?

COMMISSIONER HAVARD: Yes, sir.

KEITH DAVIS: Why can’t we just add “while engaged in commercial activity” to the language and that would clear up the issue?

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

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

Do you see my point?

KEITH DAVIS: Yes, sir.
Legal counsel, would that clear it up, what his issue is, “while engaged in commercial activity”?

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

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

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

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

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

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

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

JOE JEWELL: That’s correct.

COMMISSIONER BOSARGE: There is no hurry in this.

SANDY CHESNUT: There is no problem with that.

COMMISSIONER DANIELS: We don’t have Tarpon there right now anyway. This isn't something that has to
be run through today.

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

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

“It shall be unlawful for any commercial fisherman to harvest, or possess, Atlantic Tarpon within Mississippi waters.”

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

Ms. Chesnut is correct. A new Notice of Intent would have to be filed with the language as it reads with “commercial purposes”.

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

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

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

SANDY CHESNUT: What we need to do is make a motion to withdraw the one that is out now, and, then, we
can deal with improving the language, the alternate
language that you want to go out with. This may, or may
not, be right.

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

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

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

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

COMMISSIONER HAVARD: I have a second.
All those in favor say aye.

(All in favor.)

COMMISSIONER HAVARD: All those opposed like
sign.

(None opposed.)

COMMISSIONER HAVARD: Motion moves.

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

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

JOE JEWELL: Notice of Intent.

SANDY CHESNUT: We could just say it shall be
unlawful for commercial -- it should be unlawful to
harvest, or possess, Atlantic Tarpon for commercial
purposes period, and take out “for any commercial
fisherman”.

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

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

JOE JEWELL: Is someone editing the motion?

SANDY CHESNUT: Yes.

JOE JEWELL: Thank you.

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

Correct?

JOE JEWELL: Correct.

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

JOE JEWELL: I think having the language in
there “harvest” would address all of that.

JOE SPRAGGINS: Okay.

KEITH DAVIS: Sandy, what about if they add a
definition of harvest to it?
I think we are splitting hairs, in terms of -- I think the Commissioner’s concern is how long they can actually possess the fish before they have to return it to the water.

COMMISSIONER DANIELS: Well, anything under seventy-five inches, you are not even allowed to possess it.

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

COMMISSIONER DANIELS: Yes.

COMMISSIONER GUESS: Does “commercial activity” need to be in there at all, since it is at the bottom “for commercial purposes”?

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

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

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

COMMISSIONER BOSARGE: Wouldn't it be simpler
just to look at the original motion and basically prohibit
the harvest, or possession, of Atlantic Tarpon for
commercial purposes?

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

COMMISSIONER BOSARGE: Correct.

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

JOE JEWELL: Yes.

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

COMMISSIONER BOSARGE: That was the original
motion.

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

I think if the motion reads, “It shall be
unlawful for any individual to harvest, or possess”.

If you would delete “engaged in commercial
activities”, I think that is going to get at what
everybody wants.

So the new motion would read:

“It shall be unlawful for any individual
to harvest, or possess, an Atlantic
Tarpon (Megalops atlanticus) for
commercial purposes within
Mississippi waters.”

COMMISSIONER HAVARD: I think that works.

Is everybody good with that?

(All in favor.)

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

COMMISSIONER GUESS: I'll make a motion --

COMMISSIONER HAVARD: (Interposing) We've got a

public comment.

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

COMMISSIONER HAVARD: Okay.

COMMISSIONER GUESS: Okay.

I have a public comment, Mr. Chris Rhodes.

CHRIS RHODES: I'm Christopher Rhodes.

My only concern for this is I have never
personally caught a Tarpon. It has been told me that it
is kind of like seeing a unicorn. It is very rare.
I understand the reason for regulation, but, if I’m out commercial fishing, let’s say I catch a record fish. I kind of want to put my name behind that. I just ask that you put some consideration into that moving forward. Maybe educate people. I understand people might try to, I thought it was a record. Just maybe keep that into consideration because personally if I reeled one in and I knew the record of it, that would be kind of joyous for me to put my name behind that.

Thank you.

COMMISSIONER HAVARD: Thank you.

I don’t think we have any other public comments at this time.

We need a motion to proceed.

COMMISSIONER GUESS: I’ll make the motion.

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

COMMISSIONER HAVARD: Yes, sir.

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

I don’t think that this is enforceable.

When you write “for commercial purposes”, what does that mean?

COMMISSIONER BOSARGE: To me that would mean for sale.
KEITH DAVIS: Who would you sell -- I'm not
understanding why we just can't put “while engaged in
commercial activity”.

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

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

Do you see what I'm saying?

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

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

COMMISSIONER HAVARD: Yes, we can.

MATT HILL: The reason, Chief, is a commercial
fisherman can be out there commercially fishing and, as
the gentleman said, if he harvests, or catches, a State record Tarpon, this would allow him and they are allowed to do that. It doesn't say that there are no rules against that.

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

If we put “commercial activities”, that would not allow that fish to be considered for a State record.

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

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

Is that what you are getting at, Chief?

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

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

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

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

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

COMMISSIONER DANIELS: I’ll second that motion.

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

All those in favor say aye.

(All in favor.)

COMMISSIONER HAVARD: All opposed like sign.
(None opposed.)

COMMISSIONER HAVARD: Motion moves.

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

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

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

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

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

COMMISSIONER BOSARGE: That is all.

COMMISSIONER GOLLOTT: Mr. Chairman, point of order.

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

COMMISSIONER HAVARD: All right. Let’s move on
to the next item.

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

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

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

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

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

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

To go over the specific regulatory changes again to remind the Commission, the changes occur in Title 22, Part 7, Chapter 9, Commercial Size, Possession and Catch
Limit, Section 100. We added in 100.28:

“Small Coastal Sharks twenty-five inches total length.”

100.29:

“Large Coastal Sharks thirty-seven inches total length.”

Some additional sections will be struck through. So 102 will be struck through and added to at the end. That will change all the other sections below, until we get to 113 where it states:

“Beginning January 1st, 2020, any individual, or vessel, commercially harvesting small Coastal, or large Coastal, Sharks in Mississippi’s territorial waters must possess a MDMR shark endorsement, ten dollars, in addition to a current applicable harvester license.

“In addition, all individuals applying for a shark endorsement must be a Mississippi resident and present documentation of the successful completion of a MDMR approved shark identification exam and protected species safe handling
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 fishermen 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
proceed with final adoption for regulatory changes to
Title 22, Part 7, Chapter 9.

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

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

COMMISSIONER HAVARD: We have a motion.
Do we have a second for the motion?
COMMISSIONER GUESS: I’ll second it.
COMMISSIONER HAVARD: We have a motion and a
second.

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

COMMISSIONER HAVARD: Opposed?
(None opposed.)

COMMISSIONER HAVARD: Motion moves.

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

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

We have had a lot of conversations about this
going back and forth a few times. It has been tabled. We
are going to show some information that we have compiled for your consideration. This will be the Charter For-Hire Reporting Program.

A little bit of background.

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

“For fisheries staff to come back to the October CMR meeting with recommendations regarding a Charter For-Hire Reporting Program.”

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

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

Charter For-Hire survey options.

Recommendation for reporting system to be similar to the Southeast Region Head Boat Survey.

Participating vessels can report electronically.

Reported trip information -- and this is just an example of some of the things that would be gathered in the program -- trip date, departure time, return time, number of anglers, fish harvested and fish released.
We know there are some other fields that some captains would like to eventually add, but this is the core information that would be collected.

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

Voluntary reporting.

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

Mandatory reporting.

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

If the trip information is not reported, participant will not be able to access the Charter For-Hire survey system until requested trip information has been reported.
Trip information can be validated through dockside sampling and current MRIP Charter For-Hire survey methods.

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

Little bit of ideas how something like this costs.

The Tails n’ Scales app was very similar to this with ongoing costs.

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

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

Personnel would include two full-staff, along with five partially-funded staff. Application and maintenance costs, derived after consultation with MDMR IT and all costs, with the exception of development, would be annually recurring.
Some considerations for the survey.

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

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

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

Voluntary reporting would be more difficult to validate.

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

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

COMMISSIONER DANIELS: My first question to you
is remember -- it goes back around the first of the year. I believe it was Commissioner Gollott who had originally asked about implementing something like Tails n' Scales on the entire recreational fishery.

    MATT HILL: Yes.

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

    MATT HILL: Yes.

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

    From what I'm seeing, the amount of money for the small amount of data that we would get off of simply surveying Charter For-Hire, the return is not there. I am being told there is over a million dollars spent on the entire recreational sector, as well as Carly didn't seem to have a lot of -- she didn't think that we were there yet in making this work, whenever she gave her presentation.

    MATT HILL: I concur with that.

    COMMISSIONER DANIELS: All of that?

    MATT HILL: Yes.

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

    COMMISSIONER BOSARGE: Matt.
MATT HILL: Yes, sir.

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

When we are looking at costs here, I’m not sure I agree with some of this.

The Tails n’ Scales Program runs for how long?

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

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

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

MATT HILL: Absolutely. We are working on it right -- we probably work on it -- well, we don’t probably.

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

We are in the midst right now of a complete rewrite of the code of the system. We have four people
that are dedicated working with the developments.

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

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

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

COMMISSIONER BOSARGE: Oh, yes.

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

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

MATT HILL: Yes.

COMMISSIONER BOSARGE: Even now we are going to
require the troutline fishermen to basically report.

    MATT HILL: Yes.

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

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

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

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

    MATT HILL: Absolutely. I had a conversation with Commissioner Daniels about some of this and I said, with the recent Bonnet Carre disaster, it is very easy to go back to the commercial fisheries and I can paint a pretty picture and I said, if we had five years of data just on the effort that we could hang our hat on, I
believe we would be in much better shape, but how do we administer a program like that to get exactly what we want.

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

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

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

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

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

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

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

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

"An operator of a licensed vessel" -- talked about all resident vessels
engaged in charter boat fishing, and

it goes on:

“An operator of a licensed vessel shall be required to report the number of customers to the department as required by the Commission and the information shall be kept confidential and shall not be released, except to other fisheries management agencies, or as statistical data.”

There are several things I saw in here that we have in place now to record landings of charter boats. Can we not just take some of this? Some of it, they have the option as to report it.

You have survey forms. That was another.

MATT HILL: Yes.

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

MATT HILL: We do.

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

MATT HILL: Well, the MRIP -- what you are
referring to is the MRIP survey which NOAA funds.

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

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

Chapter 11, 101:
“Charter Boat and Head Boat captains operating in Mississippi waters shall be required to complete questionnaires furnished by the MDMR for each trip. Completed questionnaires shall be furnished to an information confidentiality officer upon request.

“In addition to reporting required pursuant to this paragraph, the following reporting is also required.”

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

“Tails n’ Scales Reporting for Additional Species Charter and
Head Boat Harvest.

“When requested by the MDMR” --
and it goes on.

MATT HILL: Yes.

COMMISSIONER BOSARGE: My point is it is in State statute already that we have questionnaires.

Do you see what I’m saying?

We have already got somewhat of a reporting system in place.

MATT HILL: Yes.

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

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

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

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

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

The commercial portion is obviously the most important. That took precedence over everything because
of the value of the industry. We have the processors involved, the dealers involved, the fishermen involved, and we have had disasters, but it is going to be something very similar in the future, but hopefully in the next three months we will launch the vessel program for the commercial industry, and, then, right after that we would like to be able to start working with the charter industry to start putting something together and begin with the effort.

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

COMMISSIONER BOSARGE: But I mean -- I agree. Just like right now with the disaster from this federal fisheries, I don't see -- I don't know everything, but, when we look over on the federal side and right now, unless something changes, there could be no federal money given to the charter boat industry simply because they are not commercially qualified and they can’t submit the data that needs to be submitted to qualify for those federal funds.

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

COMMISSIONER BOSARGE: (Interposing) We’ve got to make the first step.

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

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

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

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

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

Is that correct?

JOE JEWELL: Yes.

JOE SPRAGGINS: It is allowed in there this time. It has never been allowed before, but it is allowed
now because of revenue loss.

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

JOE JEWELL: Yes.

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

COMMISSIONER BOSARGE: It's fisheries disaster money.

JOE SPRAGGINS: That is called revenue loss.

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

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

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

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

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

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

JOE SPRAGGINS: I don’t know, sir. The point I’m getting at is when I was in congress the other day and testifying to the Commission to Commerce, one of their statements was that charter boat fishermen loss would be included in this, and this was not just for Mississippi, Louisiana and Alabama. This was because of the northwest and there were a lot of issues going on there.

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

Am I wrong there, Joe?

Is that correct?

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

Director Spraggins is right. This is not a normal federal fisheries disaster that has been declared
like in 2011. It has been declared an extraordinary event. So there are little different rules that are applied to those.

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

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

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

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

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

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

COMMISSIONER BOSARGE: It is somewhat, in that
if we had the correct system in place for reporting, then, they would be eligible, and there would be no question as to how any funds will be distributed from that point on.

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

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

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

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

That really never really happened. We had discussions with the Commission. It never really happened, and, then, we were asked to assess all of the motions and requests by the Commission to see if we
adequately addressed them.

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

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

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

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

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

COMMISSIONER BOSARGE: But, Joe, basically what it is, is the Federal Government sees the need for that information and most of the Federal For-Hire charter guys are all for it.
As a matter of fact, one of the pilot programs that was put in place for the Federal Charter For-Hire was actually requested by those charter boat fishermen.

JOE JEWELL: That’s true.

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

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

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

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

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

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

COMMISSIONER BOSARGE: That’s right.

I see this in a bunch of different states where those guys want to say who they are and they want to be
able to tell what their landings are and tell what their financial contribution to the economy is, to be able to document it

   JOE JEWELL: Well, like the motion says, we are asking for direction by the Commission right now.
   
   Right now the Office of Marine Fisheries is not in a position to enable, or develop, an app that would apply to all of the charter boat fisheries, but that is not to say that we can’t do it.
   
   If the Commission requests that we move forward with that, it is going to take us a little while and we would ask for y'all’s patience with that.
   
   If y'all would move that we develop this app, we absolutely can do.

   COMMISSIONER DANIELS: I appreciate Commissioner Bosarge’s concern for the well-being of the charter boat industry. We have gotten, I think, kind of way off track on what the original issue was here.
   
   It seems that the general consensus is that the return on this particular project is not going to be worth it.
   
   I would like to make a motion to forego moving forward with this particular project.

   COMMISSIONER HAVARD: I have a motion on the table.
Do I have a second for Commissioner Daniels’
motion?

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

MATT HILL: What we would like to see is we have been very successful with some apps. We are getting a little bit more experience in it. We know what we want. These guys want to report. I understand that. There is no doubt about it, but, when you build a system for an industry, for one fishery, it is very important that it is one system for everybody.

What we need to know is -- the federal system still is not off the ground yet. They are struggling right now. They can’t even tell us which questions they want to ask yet.

What we would like to do is something like Tails n’ Scales where you have a profile in there, but we would, as an agency -- and we have talked extensively with Brian about this. As an agency, they wouldn’t be responsible to send all this data off. We would create the app in house for everybody, but, if Commissioner Daniels has to report
to a different entity, we would have these ways to get all of this information, so they are only having to report to one place for everything.

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

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

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

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

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

MATT HILL: No, sir. We don't want that for
state charter, but we would like the system to be capable of those federal guys to report to it and capture VMS data so we are sending that off.

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

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

COMMISSIONER GOLLOTT: Let me make an alternative motion.

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

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

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

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

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

If Commissioner Gollott's motion is a secondary
motion, it has to be voted on first. Ms. Chesnut will
correct me if I’m wrong.

SANDY CHESNUT: That’s correct.

COMMISSIONER HAVARD: Richard, would you repeat
your motion?

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

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

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

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

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

COMMISSIONER HAVARD: I have a secondary motion
on the table.
Do I have a second for that motion?
COMMISSIONER BOSARGE: I’ll second his motion.
COMMISSIONER HAVARD: I have a motion and a second.

All those in favor say aye.
(Commissioner Bosarge, Commissioner Gollott in favor.)

COMMISSIONER HAVARD: All those opposed say nay.
(Commissioner Daniels, Commissioner Guess, Commissioner Havard opposed.)

COMMISSIONER HAVARD: Motion dies.
Commissioner Daniels, do you still want to make your motion?
COMMISSIONER DANIELS: Yes, please.
COMMISSIONER HAVARD: Okay.
COMMISSIONER DANIELS: I would like to make a motion to forego moving forward with the program.

COMMISSIONER HAVARD: Commissioner Daniels has a motion.

Do I have a second?
COMMISSIONER GUESS: I'll second it.
COMMISSIONER HAVARD: I have a second for the motion.

All those in favor say aye.
(Commissioner Daniels, Commissioner
Guess, Commissioner Havard in favor.)

COMMISSIONER HAVARD: All those opposed say nay.

(Commissioner Bosarge, Commissioner Gollott opposed.)

COMMISSIONER HAVARD: Motion so moves.

That brings us down to L.

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

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

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

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

MATT HILL: Yes.

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

COMMISSIONER GUESS: Can we get a copy of that?

COMMISSIONER BOSARGE: You will have to ask Matt
for the survey questionnaire.

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

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

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

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

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

MATT HILL: Okay.

SANDY CHESNUT: So that can be the motion made.
because it is going to require a regulation change.

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

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

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

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

SANDY CHESNUT: You can put it on the agenda for
next month because it is pretty obvious that there is a lot of discussion and research that the staff needs to do around the subject.

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

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

Are you good with that, Commissioner Bosarge?

COMMISSIONER BOSARGE: Yes, sir.

COMMISSIONER HAVARD: So that moves us on to L.

SANDY CHESNUT: Did we get a second on that?

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

COMMISSIONER GUESS: I'll second it.

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

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

Are you going to read that out?

COMMISSIONER HAVARD: I'm okay with that.

I've got a motion on the table, as well as a
second, for the staff to bring back the required language.
   All those in favor say aye.
   (All in favor.)

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

COMMISSIONER HAVARD: Motion moves.
Now let’s move on to other business.

JOE SPRAGGINS: Sir, I just have a couple of real quick things.
   One is we had a guy name Mr. Gil Ryder who has been working with us at different places, different states and he would like to come make a presentation to y’all next month. His presentation is more so about being able to have a license. If you want to fish here and you want to buy a license in Louisiana and come here, you can just buy it online.

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

COMMISSIONER HAVARD: Yes.

JOE SPRAGGINS: The other thing real quick is fisheries, the commercial disaster thing is in process.
   We had a meeting on Friday. We were on a phone call with NOAA, and I can tell you it is a little different than normal. It is a disaster, not just a
fisheries disaster. It is a revenue. We have been able
to include some things that have not been included in the
past, but, once again, it is like Joe said. It is going
to depend on NOAA when they come back and they say, yes,
Joe, this is workable, this is workable, this is workable, we can look at that.

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

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

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

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

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

That update generally occurs in October, or
November, of each year. It kind of varies a little bit.
This year it has been delayed significantly for a lot of different issues, the internal reviews and actually receiving it.

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

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

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

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

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

COMMISSIONER HAVARD: Do we have any other business?

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

If you remember in 2016, a young lady was killed in Hancock County, and I want to bring it to the Commission's attention that that trial was concluded last
month and the defendant in that trial received a twelve-year sentence for that accident causing the death of young Ms. Mauffray.

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

I failed to mention that, and I apologize.

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

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

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

(No response.)

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

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

COMMISSIONER HAVARD: Can I get a second?

COMMISSIONER GUESS: Second.
COMMISSIONER HAVARD: I have a motion and a second to be adjourned.

All those in favor say aye.

(All in favor.)

COMMISSIONER HAVARD: Opposed?

(None opposed.)

COMMISSIONER HAVARD: Motion moves.

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

I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above and foregoing is a true and correct transcript of the 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.

________________________________________
COURT REPORTER

Lucille Morgan, CSR 1251
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