

COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, December 17, 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

Natalie Guess

Also Present:

Joe Spraggins, Executive Director DMR

Sandy Chesnut, Esq., Assistant Attorney General

1 COMMISSIONER HAVARD: I would like to call the
2 meeting to order, the Commission On Marine Resources,
3 December 17th.

4 I would like to start off by saying the Pledge
5 of Allegiance, and I would like to ask Mr. Keith Davis to
6 lead us.

7 (Pledge of Allegiance was recited.)

8 COMMISSIONER HAVARD: I would like for all of us
9 to take a moment of silence to think about everything that
10 is going on in the world today.

11 JOE SPRAGGINS: Sir, if I could, during this
12 moment of silence, if we could remember the people in
13 north Mississippi, Louisiana and Alabama with all of the
14 tornados last night.

15 (Moment of silence observed.)

16 COMMISSIONER HAVARD: Very good.

17 Move on to Item B, approval of the minutes.

18 We need to get approval of the minutes for the
19 Executive Session dated October the 8th, 2019.

20 Can I get a motion to approve those minutes?

21 COMMISSIONER GOLLOTT: So moved, Mr. Chairman.

22 COMMISSIONER HAVARD: We have a motion.

23 Do we have a second?

24 COMMISSIONER DANIELS: I'll second it.

25 COMMISSIONER HAVARD: All those in favor say

1 aye.

2 (All in favor.)

3 COMMISSIONER HAVARD: Opposed like sign.

4 (None opposed.)

5 COMMISSIONER HAVARD: Motion moves.

6 we also need to get approval of the minutes for
7 the work session for October the 28th, 2019.

8 Can I get a motion for approval of the work
9 session minutes?

10 COMMISSIONER BOSARGE: So moved, Mr. Chairman.

11 COMMISSIONER HAVARD: I've got a motion.

12 Do I have a second?

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

14 Chairman.

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

17 All those in favor say aye.

18 (All in favor.)

19 COMMISSIONER HAVARD: Opposed like sign.

20 (None opposed.)

21 COMMISSIONER HAVARD: Motion moves.

22 Next item, approval of the minutes for November
23 the 19th, 2019.

24 Do we have a motion for approval of the minutes
25 for the last meeting?

1 COMMISSIONER BOSARGE: So moved, Mr. Chairman.

2 COMMISSIONER HAVARD: I have a motion.

3 Do I have a second.

4 COMMISSIONER GUESS: I'll second it.

5 COMMISSIONER HAVARD: Motion and a second.

6 All those in favor say aye.

7 (All in favor.)

8 COMMISSIONER HAVARD: Opposed like sign.

9 (None opposed.)

10 COMMISSIONER HAVARD: Motion moves.

11 Line Item C, approval of today's agenda.

12 JOE SPRAGGINS: Mr. Chairman, if I could, we
13 have had one come up after the agenda was published. It
14 is under L2 on the very end under Other Business, a
15 presentation for the Menhaden proposal. Mr. F. J. Eicke
16 with the Coastal Conservation Association of Mississippi
17 has asked if he could show a little presentation.

18 I would ask that with your approval, or the
19 Commission's approval, if y'all would entertain looking at
20 amending the agenda to add that at the very end.

21 COMMISSIONER DANIELS: Sure.

22 COMMISSIONER HAVARD: We have to have a motion
23 to do that.

24 Do I have a motion to add an item to L for the
25 presentation for F. J. Eicke of the Coastal Conservation

1 Association?

2 COMMISSIONER DANIELS: I'll make that motion.

3 COMMISSIONER HAVARD: I have a motion to add the
4 item.

5 Do we have a second?

6 COMMISSIONER GUESS: I'll second it.

7 COMMISSIONER HAVARD: I have a motion and a
8 second.

9 All those in favor say aye.

10 (All in favor.)

11 COMMISSIONER HAVARD: Opposed like sign.

12 (None opposed.)

13 COMMISSIONER HAVARD: Motion moves.

14 It will be added to Section L, Item 2.

15 COMMISSIONER BOSARGE: Mr. Chairman.

16 COMMISSIONER HAVARD: Yes, sir.

17 COMMISSIONER BOSARGE: I do have one question on
18 the agenda.

19 Right above that Item L1, just for transparency
20 sake, how did we go about getting this on the agenda?

21 In other words, who brought this forward?

22 Do you know?

23 COMMISSIONER HAVARD: I do not.

24 COMMISSIONER BOSARGE: I'm sorry. I didn't hear
25 you.

1 COMMISSIONER HAVARD: I believe it all started
2 out, Commissioner, where he had asked for ten minutes, or
3 so, to speak and we did not add it to the agenda in a
4 timely fashion --

5 COMMISSIONER BOSARGE: (Interposing) I was
6 talking about K1, not K2 -- I'm sorry. L1, not L2.

7 SANDY CHESNUT: There is a procedure in the
8 handbook for people that are not in the department, or on
9 the Commission, to have things added to the agenda.

10 COMMISSIONER BOSARGE: Yes, ma'am, and I know
11 that -- I think it was you that made it clear to me
12 sometime past. It says:

13 "The Commission, in consultation with
14 the Executive Director, is responsible
15 for establishing the agenda."

16 I just was wondering because I don't recall any
17 consultation on that being added.

18 JOE SPRAGGINS: Sir, if I may -- and I would
19 have to get someone to check the minutes, but last month I
20 think we talked about this.

21 Also, it was brought to my attention that Mr. F.
22 J. Eicke had sent me information and that there was
23 something about he wanted to look at in the Menhaden.

24 we had talked with the people from Omega and
25 some others, and, then, one of the things, Paul and I sat

1 down and we were talking about this and we were talking
2 about it in the staff meeting, and the question came up
3 about, well, how would we go about this.

4 Because Mr. Steve VanderKooy had already done a
5 briefing and he has already put together something about
6 the Menhaden Fisheries, we thought, well, why don't we let
7 everybody just see it.

8 This was something that was done a couple of
9 years ago, I think, but he has updated his briefing.

10 Just to give everybody a briefing of where we
11 are, and, then, because of that, we felt that after Mr.
12 Eicke had asked that we needed to allow him time, also.

13 COMMISSIONER BOSARGE: Yes, sir, and that is
14 fine with me.

15 So the briefing that he is going to present will
16 be the same briefing that was put out that you provided
17 us?

18 JOE SPRAGGINS: It is a little different. Yes,
19 sir, it is the latest update, the one we put out. I sent
20 you a copy, also, I think.

21 COMMISSIONER BOSARGE: I think I got that
22 briefing yesterday morning, I believe is when we got it.

23 JOE SPRAGGINS: We had put it on the agenda
24 Friday -- I mean, on the portal Friday, and I tried to
25 send it out to each one of y'all Friday, and, then, we

1 updated it over the weekend and I tried to send it out,
2 also.

3 COMMISSIONER BOSARGE: Yes, sir. It is just a
4 lot of information to take in, in a short period of time.

5 JOE SPRAGGINS: I understand, sir.

6 COMMISSIONER BOSARGE: If we could have had, you
7 know, maybe some forewarning that this was coming, it
8 would have helped to be able to do the homework needed to
9 do to be able to logically discuss this issue.

10 JOE SPRAGGINS: I don't think anything here is
11 other than just information. You don't see anything on
12 here that is a action item, or anything else. This is
13 just for information only.

14 COMMISSIONER BOSARGE: Good deal. Thank you,
15 Mr. Joe.

16 COMMISSIONER HAVARD: At this time, are there
17 any more adjustments that we need to make to the agenda?

18 (No response.)

19 COMMISSIONER HAVARD: At this time, can I get a
20 motion for approval of the agenda?

21 COMMISSIONER GOLLOTT: So moved, Mr. Chairman.

22 COMMISSIONER HAVARD: I've got a motion.

23 Do I have a second?

24 COMMISSIONER GUESS: I'll second it.

25 COMMISSIONER HAVARD: I have a motion and a

1 second.

2 All those in favor say aye.

3 (All in favor.)

4 COMMISSIONER HAVARD: Opposed like sign.

5 (None opposed.)

6 COMMISSIONER HAVARD: Motion moves.

7 Let's start out with the agenda. I see
8 Executive Director's report.

9 JOE SPRAGGINS: Sir, first off, we will just
10 cover a couple of things. The employment contracts, if
11 you can bring that up.

12 I think you will see that W. C. Fore, there are
13 a couple contracts that we have done and invitation for
14 bid that went out. It is basically for culvert deployment
15 for Katrina Key and, also, the Ingalls Artificial Reef
16 deployment. This was a NFWF project. The other a GOMESA
17 project.

18 We went out and basically had the bids done so
19 we could be standing ready, and I just found out this
20 morning that Gulf Fishing Banks did receive, or are about
21 to receive their permits to be able to do the area, just
22 for the low area in F13. Hopefully that will work, and
23 that is just for the area for Ingalls where we were
24 talking about bringing the material in that Ingalls had a
25 whole bunch of they were going to give us.

1 Any questions on any of those?

2 (No response.)

3 JOE SPRAGGINS: I want to do something a little
4 different, if I can, sir. With y'all's permission, I
5 would like to go down front and I would also like to bring
6 Chief Davis up here, if I could, with your permission. I
7 have a proclamation I would like to read from the
8 governor.

9 COMMISSIONER HAVARD: We welcome that.

10 JOE SPRAGGINS: Y'all are welcome to come down
11 front, if you would like.

12 You can go up there and stand with them, if you
13 don't mind, and I will read the proclamation (indicating
14 Keith Davis).

15 I don't think it is any surprise to anyone that
16 Chief Davis has accepted a new job and he is now working
17 for the Secretary of State as the Chief of Staff which I
18 can tell you that we are honored to have you there, also,
19 because even though we lost you at DMR, Chief, we didn't
20 lose you in the state and we have you as a friend to work
21 with DMR every day and being with the Secretary of State
22 which is very vital to us and very vital to this agency,
23 we are going to appreciate working with you hand-in-hand
24 every day. I look forward to it, my friend.

25 First, I would like to read a resolution from

1 the Governor. It says:

2 “Whereas for nearly twenty-five years
3 Chief Keith Davis, Mississippi Department
4 of Marine Resources, has dedicated himself
5 to the highest standards of professionalism
6 and excellence as a member of the Department
7 and of numerous law enforcement agencies
8 throughout the state, and

9 “Whereas, Keith Davis’ career began with
10 the Gulfport Police Department in 1993
11 where he took the oath as a patrol
12 officer and was quickly promoted to
13 Sergeant, serving in various positions
14 including Patrol Sergeant, Bike Patrol,
15 Narcotics Division, and

16 “Whereas Keith was assigned to the
17 Coastal Narcotics Enforcement Team in
18 1998. He was instrumental in developing
19 hundreds of felony drug cases resulting
20 in seizure of noteworthy amounts of drugs
21 and money,

22 “Whereas, Keith served at the Harrison
23 County Sheriff’s Department as a Task
24 Force Agent, and, then, was reassigned
25 to the United States Drug Enforcement

1 Administration High Intensity Drug
2 Trafficking Area Group. His meticulous
3 attention to detail led to identifying,
4 dismantling and eradicating organized
5 criminal enterprises. He participated
6 in numerous Federal indictments which
7 often met Federal thresholds for
8 prosecution.

9 “Whereas, Keith was Captain of Criminal
10 Investigations at D’Iberville Police
11 Department where he was selected to
12 attend the Federal Bureau of
13 Investigation National Academy, being
14 one of the top one percent of law
15 enforcement officers selected to attend.

16 “Whereas, in May 2011, the City of Moss
17 Point appointed Keith Davis as its
18 Police Chief. Reforming the Moss
19 Point Police was the first order of
20 business, new uniforms, patrol cars,
21 logos, ensuring the communities were
22 interacting with a new professional
23 organization. In collaboration with
24 the state and local agencies, Chief
25 expanded the department’s effort to

1 aggressively pursue crimes of domestic
2 violence, drug trafficking, abuse,
3 theft and homicide.
4 “Whereas, Keith’s dedication to the
5 community continued as he was appointed
6 Mississippi Department of Marine
7 Resources Chief of Enforcement. During
8 his tenure as the Chief of Marine Patrol,
9 he implemented campaigns focused on
10 illegal fishing, seafood fraud and litter
11 reduction. His leadership helped
12 transform the professionalism of the
13 Department and equip the agency with
14 updated equipment and interactive
15 technology.
16 “Whereas, Chief Davis’ twenty-five year
17 career with multiple departments has
18 earned him numerous awards and
19 recognition from his peers in law
20 enforcement.
21 “Now, therefore, be it resolved that I,
22 Phil Bryant, Governor of the State of
23 Mississippi, do hereby express sincere
24 appreciation for Keith L. Davis on this
25 day for exceptional service,

1 distinguished career, commitment to
2 public safety and his conservation
3 efforts to enhance, protect and
4 conserve the natural resources of the
5 state of Mississippi.

6 “Witness whereof I here unto set my
7 hand and cause the great seal of the
8 state of Mississippi to be affixed.

9 “Done in the City of Jackson on the
10 17th day of December in the year of our
11 Lord 2019 and of the independence of
12 the United States of America the two
13 hundred and forty-fourth. Phil Bryant,
14 Governor, Mississippi.”

15 Chief, I tell you what that is an
16 honor.

17 It is a honor, Chief, and I appreciate
18 you. I tell you what, you have done a
19 lot for us. You really have. We are
20 going to miss you.

21 I think we can sit here and talk about
22 it all day long, but we have done
23 enough of that.

24 Me and you have been over it back and
25 forth more than one time, but you have

1 really done a lot. You helped turn
2 this agency around and we will be
3 indebted to you for life.

4 KEITH DAVIS: Thank you.

5 JOE SPRAGGINS: I think we've got something else
6 here.

7 KYLE WILKERSON: Don't run off.

8 From the men and women of the Office of Marine
9 Patrol, this is a small token of our respect and love.

10 In recognition of outstanding service, Chief
11 Keith Davis, your tireless work ethic and professionalism
12 has transformed and set the tone for the future of Marine
13 Patrol.

14 Chief, I going to coin a maritime phrase. I
15 wish you good luck. I wish you and Marine Patrol wishes
16 you fair winds and ??? seas. Sir, we have the watch.

17 JOE SPRAGGINS: Chief, before we adjourn, if you
18 would like...

19 KEITH DAVIS: Thank you.

20 KYLE WILKERSON : Yes, sir.

21 KEITH DAVIS: Five years ago, I was chosen to
22 come here and take the lead of Marine Patrol. A lot of
23 fights. A lot of fights, but it was all in love and
24 dedication to the resource. I can't say that I am going
25 to miss those fights, not one bit, but I am going to miss

1 these men and women. Thank you.

2 KYLE WILKERSON: Yes, sir.

3 JOE SPRAGGINS: Sir, I appreciate that you
4 allowed me to have those few moments and, Chief, we wish
5 you the best and we know we will be in touch with you on a
6 regular basis.

7 Now, let's see. We have one other thing under
8 the Executive Director's Report. It is the Title 22, Part
9 20, Administrative Penalty Procedures, Chapter 21,
10 Paragraphs 104 and 105, final adoption.

11 I will turn it over to Ms. Sandy Chesnut,
12 please.

13 SANDY CHESNUT: Title 22, Part 20,
14 Administrative Penalty Procedures, Chapter 21, Paragraphs
15 104 and 105.

16 At the November 19, 2019, Commission meeting,
17 the following motion was passed:

18 "Motion for staff to take the proposed
19 language establishing a penalty matrix
20 for administrative action out for Notice
21 of Intent."

22 The Notice of Intent was filed with the
23 Secretary of State's office on November 19th, the notice
24 was put on the MDMR web page on November 22nd, and the
25 legal notice appeared in the Sun Herald on November 24th.

1 Public comment period ran for twenty-seven days,
2 ending yesterday at 5:00 o'clock, and no public comments
3 were received.

4 This is the same language that was approved to
5 go out on Notice of Intent. There were no changes made.

6 I will spare everyone having to read it all
7 again. It is part of the record.

8 What is required now is a motion to proceed with
9 final adoption for regulatory changes to Title 22, Part
10 20, Chapter 21, Paragraphs 104 and 105, to establish a
11 penalty matrix for administrative actions.

12 COMMISSIONER HAVARD: Any discussion prior to
13 making a motion?

14 (No response.)

15 COMMISSIONER HAVARD: At this time, do we have a
16 motion to proceed?

17 COMMISSIONER GUESS: I'll make the motion to
18 proceed with final adoption for regulatory changes to
19 Title 22, Part 20, Chapter 21, Paragraphs 104 and 105, to
20 establish a penalty matrix for administrative actions.

21 COMMISSIONER HAVARD: We have a motion.

22 Do we have a second for the motion?

23 COMMISSIONER DANIELS: I'll second that.

24 COMMISSIONER HAVARD: We have a motion and a
25 second.

1 All those in favor say aye.
2 (Commissioner Daniels, Commissioner
3 Gollott, Commissioner Guess,
4 Commissioner Havard in favor.)
5 COMMISSIONER HAVARD: Opposed like sign.
6 (Commissioner Bosarge opposed.)
7 COMMISSIONER HAVARD: Motion so moves.
8 JOE SPRAGGINS: If I can finish, sir?
9 COMMISSIONER HAVARD: Sure.
10 JOE SPRAGGINS: A couple of little things.
11 If you have any public comment, TJ is in the
12 back here with the maroon tie on. You can get him and
13 hand them to him. If you have any public comments, please
14 fill out one of the forms, if you wish to speak.
15 DMR will be closed in observance of Christmas on
16 the 24th and 25th of this month, and, also, we will be
17 closed on New Year's Day, January the 1st, for the
18 observance of New Year.
19 From the Department of Marine Resources to
20 everyone there and obviously to our Commission we wish
21 each and every one of you a Merry Christmas and a Happy
22 New Year.
23 COMMISSIONER HAVARD: Very good. Thank you,
24 Director.
25 That moves us on to Item E, Commissioners

1 Report.

2 Do we have any reports from the Commissioners
3 today?

4 COMMISSIONER DANIELS: There is one thing I
5 would like to bring up. I had received a few complaints
6 from individuals about some rubble in Bay St. Louis. I
7 reached out to Marine Patrol to investigate that and they
8 were very prompt to get on that.

9 As a matter of fact, I got on the boat with them
10 and we took a ride and we identified some hazards in Bay
11 St. Louis which they have now temporarily marked and
12 hopefully we will move forward with a little more
13 permanent marking of those.

14 There have been some boats torn up there. It is
15 a spot we need to take care of.

16 I want to commend them on moving quick and
17 getting on that and identifying that problem.

18 COMMISSIONER HAVARD: Any other Commissioners
19 have anything they would like to discuss?

20 (No response.)

21 COMMISSIONER HAVARD: That brings us to Office
22 of Marine Patrol. Assistant Chief Kyle Wilkerson is going
23 to bring that to us today.

24 KYLE WILKERSON: Commission, Director, counsel.
25 The month of November really doesn't stand out.

1 There were several citations written. Nothing that just
2 jumps out at me. I am familiar with all of them for that
3 matter.

4 I will entertain any questions about it.

5 I don't want to stop the train. We've got a lot
6 going on.

7 COMMISSIONER BOSARGE: I had one.

8 Glad to see you up there. Hope we see more of
9 you.

10 KYLE WILKERSON: Thank you, sir.

11 COMMISSIONER BOSARGE: Possession of
12 recreationally caught fish in commercial establishment,
13 five.

14 Is it five different people, or five different
15 citations for one person?

16 KYLE WILKERSON: Are you talking about the
17 courtesy citations?

18 COMMISSIONER BOSARGE: Under Miscellaneous
19 Seafood Violation citations.

20 KYLE WILKERSON: The five courtesy citations
21 were five separate individuals. The commercial
22 establishment was in Hattiesburg, Mississippi. When we do
23 our seafood checks up north, they came across that.

24 COMMISSIONER BOSARGE: Hattiesburg?

25 KYLE WILKERSON: Yes, sir.

1 COMMISSIONER BOSARGE: I got you. Thank you,
2 sir.

3 KYLE WILKERSON: Yes, sir.

4 COMMISSIONER HAVARD: Things were good. We
5 appreciate that.

6 KYLE WILKERSON: Thank you, sir.

7 COMMISSIONER HAVARD: That brings us to Office
8 of Coastal Resources Management, Mr. Jan Boyd.

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

11 We have two action items for your consideration
12 this morning. Willa Brantley will be our first presenter.

13 WILLA BRANTLEY: Good morning.

14 I will be presenting a request for a permit by
15 the Department of Environmental Quality. The location is
16 near Big Island in the Back Bay of Biloxi in Harrison
17 County. It is currently a General Use District.

18 The project purpose and need is this is another
19 NRDA Early Restoration Project. The specific goals of
20 this project are to reduce erosion and support secondary
21 productivity.

22 The agent is Alane Young with Covington Civil
23 and Environmental.

24 The project description is a total of eight
25 thousand linear feet of breakwater on the south side of

1 Deer Island kind of wrapping around the island.

2 You can see here there will be two breakwaters
3 for the total of eight thousand linear feet. The outside
4 one will go all the way from this west point around and up
5 the east side, and, then, there will be an inner
6 breakwater that is a lower profile breakwater out of
7 different material that comes around the east and the
8 south side (indicating diagram).

9 On the top is the schematic for the outer
10 breakwater which will be made out of segmented stone, and
11 you can see that it will have geotextile underneath. It's
12 got the slopes. It will be four feet wide at the top and
13 it will be one point eight feet at mean lower low water.

14 The inner breakwater, the schematic is here. This is
15 showing if it is made out of segmented stone like the
16 outer breakwater. That is one of the options. It would
17 be four feet wide at the top as well, but it would be a
18 crest elevation of zero at mean lower low water. So at
19 most tides it would not be visible.

20 Then, this is another option for the inner
21 breakwater. They would like to use some innovative
22 materials. This is a material called OysterBreak, and you
23 can see it is blocks twelve inches high. They would be
24 stacked in a staggered configuration two on top of each
25 other so that the crest elevation again would be zero at

1 mean lower low water.

2 Then, these are called wave attenuation devices.
3 They are wads. They are pyramid shaped. You may have
4 seen these. They can be built to whatever size you need
5 for your project. They have openings in them so that fish
6 and other species can move in and out. These would be
7 built at twenty-four inches, thirty-four inches across the
8 base, again, with the geotextile fabric and, again, it
9 would have the elevation of zero at mean lower low water.

10 The inner breakwater would be made out of one of
11 those three materials, or a similar material that they may
12 bring back that would have to be approved by staff before
13 they chose it.

14 They requested a change to the Coastal Wetlands
15 Use Plan in the footprint of the proposed project. They
16 would like to change to a Special Use District, S6, for
17 restoration projects.

18 They justified the request based on a
19 significant public benefit in the activity, impacts to
20 public access and adverse environmental impacts have been
21 minimized.

22 The general public, as well as governmental
23 entities, were notified of the project and a public
24 hearing was held on October 17th, 2019.

25 They also requested a variance to Chapter VII,

1 Section 2, Part III.O.1 of the Mississippi Coastal
2 Program, as well as Mississippi Admin Code Title 22, Part
3 23, Chapter 8, Section 114.01. This concerns permanent
4 filling of coastal wetlands. That does not mean they are
5 going to bring in soil and fill those areas, but the rock
6 and the structures that would make up the breakwater is
7 considered fill. That is why they have to ask for that
8 variance.

9 They have justified the variance request by
10 stating that the impacts on Coastal wetlands would be no
11 worse than if the guidelines were followed because this is
12 a project intended to reduce erosion and increase
13 secondary productivity.

14 Notification of the project appeared in The Sun
15 Herald as required. In fact, it ran twice because, at
16 first, we did not think that this project needed a use
17 plan change, but, then, we looked a little bit closer and
18 decided that it did need a use plan change which requires
19 public notice. So we had to run that again.

20 We did receive several public comments, and we
21 held a public hearing on October 17th, 2019. You can see
22 the list here of what topics the comments concerned;
23 aesthetics, that there are available alternatives, worries
24 about maintenance and long-term survivability, worries
25 about limited public involvement. There were concerns

1 about the stated purpose and need, whether it is actually
2 needed. There were concerns about secondary and
3 cumulative impacts of the project in the long term. There
4 were concerns that approval of the project would set a
5 precedent, that impacts to nearby habitat and hydrology
6 would be negative, and there were concerns about safety of
7 involving the breakwaters in the area.

8 On the portal, you received a lot more details
9 of these. You have those headings, and, then, you have
10 those specific comments that were made concerning those
11 particular topics. You also received the applicant's
12 response to those comments.

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

15 The agent Alane Young is here as well as the
16 head engineer for the project, if you have any questions.

17 DEQ is currently reviewing the project.

18 Archives and History did request a Coastal
19 Resources survey. That survey was completed and
20 submitted, and, after reviewing it, they stated that they
21 have no objections to the project.

22 Secretary of State says that the project will
23 require a rent-exempt lease.

24 Mississippi Department of wildlife, Fisheries
25 and Parks and the offices at MDMR have no comments.

1 Based upon departmental review and evaluation,
2 based on the decision factors, it has been determined that
3 the project will have a significant public benefit.
4 Therefore, we recommend that you approve the variance
5 request and the use plan change and issue the requested
6 permit with the following conditions. These are the same
7 conditions you have seen on the other NRDA projects:

8 That the area should be rechecked for SAV
9 during the growing season prior to
10 implementation of the project.

11 That the survey report should be
12 submitted to Wetlands Permitting at
13 least thirty days prior to project
14 commencement.

15 If any SAV is found, a final review
16 and approval by DMR staff should be
17 required prior to project commencement.

18 Our legal staff did have some questions about
19 that, when we practiced our presentation. I just wanted
20 to say, on all of these projects, if any changes have to
21 be made to the project due to the presence of SAV, that
22 would be minor in nature, such as avoiding an area, maybe
23 making the breakwater smaller, or the reefs in the case of
24 the previous permits.

25 If they needed to move into new areas with that

1 to change the project that significantly, we would have to
2 go out on public notice again and it would come before the
3 Commission again for approval.

4 Any changes that staff approved would be very
5 minor in nature.

6 If you have any questions, I will be happy to
7 answer them. As I said the applicant is here. I believe
8 I saw at least one person who made comments. I believe
9 she wants to make some comments.

10 TEREZ COLLINS: Good morning.

11 My name is Terez Collins. I am a resident here
12 on Back Bay and I represent Gulf Islands Conservancy.

13 We are concerned about this project and the
14 precedent it will set and the fact that no alternatives
15 were recommended by the state instead of this massive
16 eight thousand feet of breakwater.

17 We are really concerned about the precedent, the
18 change in the use plan. This is not a commercial, or an
19 industrial, area that would allow this type of use change,
20 and, then, how is it going to set the precedent for the
21 future projects the applicant planned for this area of
22 Back Bay and other areas that they just avoided right now
23 because they were too hard to get permitted.

24 Once you get this one in, how do you stop the
25 rest?

1 How is this helping something that might erode
2 in thirty years?

3 Thirty to a hundred years is what we were told
4 by the consultant.

5 why is this massive effort needed, when there
6 are feasible alternatives to preserving marsh, especially
7 in a protected area like Back Bay?

8 Mainly we want to go on record as opposing this.
9 we think there are alternatives and you should be
10 considering that, instead of carte blanche giving them
11 everything they want with any caveats on how they can
12 reduce the size and scope of the project.

13 Like the dredge spoil plans that are coming up
14 in the future, why can't we use something like that
15 instead of these hard structure alternatives that are an
16 engineered process?

17 I think we can see from oyster management. Back
18 in the day, we thought moving all our oysters to West
19 Harrison County and Hancock County was a good idea. Now,
20 we are seeing that maybe that wasn't such a good idea,
21 that our natural reefs are now gone. Those protections
22 afforded to Back Bay, Biloxi Bay and Pascagoula area are
23 no longer there because we have taken all the reefs away
24 and those used to stop erosion and filter water and do all
25 the things that the marsh also does.

1 Maybe this isn't a great idea to jump forward so
2 quickly on something this structurally changing before we
3 really know what the impacts will be because we really
4 don't.

5 Back when these projects were started with the
6 RESTORE process -- I was there from the beginning -- we
7 talked about living shorelines, true living shorelines
8 that had marsh, oyster shells and things like that and
9 using beneficial dredge spoil.

10 Now, they have morphed into things that we have
11 to create a hard structure and we call that a living
12 shoreline.

13 Somehow things have changed in the last four, or
14 five, years from a living shoreline to having a hard
15 structure called a living shoreline, and maybe we need to
16 address that before we go forward with these kinds of
17 projects.

18 Really it is not fair to the public who think
19 that this agency and DEQ are doing true living shorelines,
20 when we are not. Technically, not realistically, we have
21 changed the definition of what a living shoreline is and,
22 when you ask, we are told that NOAA and DMR, these are
23 living shorelines under your guideline.

24 well, they may be, but it's like a stretch. The
25 last thing you do is to put a hard structure shoreline.

1 Before that, you would do marsh and other kinds of
2 creative things. This has none of those.

3 Thank you for listening. We appreciate it.

4 COMMISSIONER HAVARD: Thank you.

5 WILLA BRANTLEY: Do you have any questions about
6 those comments, or would you like me to address any, or
7 the applicant to address any?

8 COMMISSIONER GOLLOTT: Willa, what do you think
9 about what Ms. Collins just said?

10 Are there maybe some alternatives out there that
11 would be better?

12 WILLA BRANTLEY: There are possible
13 alternatives. They were looked at. Because this is a
14 NRDA project, the credits have already been given to BP
15 and DEQ is on the hook for creating a certain amount of
16 positive impact to the area as far as erosion control and
17 secondary productivity, and this is the project that they
18 came down with that they can guarantee those benefits
19 from, the erosion control and the secondary habitat. They
20 have to guarantee those benefits.

21 COMMISSIONER GOLLOTT: I have a problem with
22 approving these projects, and, then, coming to us and
23 saying, hey, we have got to approve this because we've got
24 a deadline, or something. So we really don't have a say
25 in it.

1 WILLA BRANTLEY: It is the way the NRDA process
2 works. It ties the resource agencies into having to meet
3 certain criteria with the projects.

4 COMMISSIONER GOLLOTT: If we table this until
5 next month, would that cause any problems?

6 WILLA BRANTLEY: The applicant, DEQ, would have
7 to agree to that because our time clock ends on January
8 5th.

9 COMMISSIONER GOLLOTT: Like I said, it has been
10 approved already. Thank you.

11 COMMISSIONER DANIELS: willa, are you saying
12 that none of the alternatives that we had could guarantee
13 favorable responses?

14 WILLA BRANTLEY: None of the ones that they
15 looked at, according to the models, showed that they could
16 guarantee to stop the erosion on the island.

17 You've got the navigation channel that comes
18 right through here. You have a lot of large vessels that
19 go in and out. You've got shrimp boats that park right
20 here at this marina just south. So you've got a lot of
21 wave energy on this south side causing lots of erosion
22 (indicating slide).

23 To guarantee that they can stop that erosion and
24 stand up to that, they feel like they need that outer
25 breakwater.

1 They have proposed the inner breakwater out of
2 other innovative materials that will create better habitat
3 than just rocks will.

4 This has been through the Restoration
5 Coordination Team at DMR with all of the offices at DMR
6 looking at alternatives, discussing, trying to come up
7 with the best project that we can to meet the requirements
8 of the NRDA project that they have to meet.

9 COMMISSIONER DANIELS: So in a nutshell, this is
10 our only option at this point?

11 WILLA BRANTLEY: To meet those needs of the NRDA
12 project, it is either we do this, or there is no project
13 and the money goes back into -- I'm looking at the agent
14 to make sure I am answering that correctly. The money
15 goes back into the pot and they have to go back to the
16 drawing board and come up with a whole new project.

17 JOE SPRAGGINS: Real quick, if I could.

18 Paul, help me here. I think we have been
19 working on this. This is not something that just came up
20 in the last week, or so. I know y'all have worked on it
21 hard over the last years, several years.

22 Could you give a few minutes, if y'all would,
23 please?

24 PAUL MICKLE: Good morning Commissioners, Joe
25 Spraggins, Sandy. We really appreciate it.

1 Thank you, Joe, for bringing that up.

2 I will give a little back story on kind of the
3 design and what went on and what has been brought to you
4 today.

5 It is the NRDA Phase IV which willa
6 characterized very well. It is very restrictive and the
7 credits have already been given to BP on what this project
8 should do.

9 when that gets involved, when the engineers
10 bring up the designs and the plans, it really leads down
11 to a very specific goal that has to be minimized with
12 uncertainty.

13 They have to come up with a design that to the
14 best of the design's ability from a quantitative and
15 mathematical standpoint delivers those credits, or, I
16 guess, they could be in violation of the Phase IV Program.
17 So that boxes the whole process in very much.

18 To address Director Spraggins question on the
19 history of this, we were in consultation with DEQ, DMR was
20 for greater than three years. I want to say four years,
21 but I think just to be on the conservative side -- more
22 than four years looking at all sorts of alternatives. I
23 was very aggressive in bringing up as many alternatives as
24 we could come up with.

25 There was another project on Channel Island

1 which is one that we were very excited about because it is
2 in a better salinity regime for oysters. It is that
3 little tiny island just north of the railroad tracks in
4 Back Bay. The small island there, it is receding very
5 quickly.

6 we wanted to do something like that, but because
7 of the design restrictions going through, we just couldn't
8 retain that project. So we actually lost Channel Island
9 because of all the consultations and going down the road.

10 To think about all the expertise this agency
11 had, as well as DEQ, as well as the consultants, of
12 looking at every single alternative for greater than four
13 years now, this is what came out of it as what actually
14 meets the NRDA requirements of the credits that have been
15 given at this point.

16 The external wall is above the waterline. There
17 were safety concerns. We approached Marine Patrol about
18 this. We would love for some of it to be right at the
19 waterline, or just below, so you don't have that aesthetic
20 problem that was brought up by public comment, and we just
21 couldn't do it because of the safety issues.

22 with the high energy of the channel right here
23 being in such close proximity to the island itself, boat
24 wakes is the number one concern for erosion. So the
25 concrete aggregate is really what came to the point of

1 there really is no other option.

2 we did work really hard to get that interior
3 wall which is below the surface which helps create that
4 secondary productivity, that increased habitat.

5 The salinity regimes at this location being in
6 the Bay is in the wheelhouse of oysters. So we are very
7 optimistic that we will have some secondary production in
8 the form of oysters on the interior side.

9 There are access points to actually get in from
10 a kayak and a small vessel standpoint, to be able to get
11 in and enjoy those secondary production that I have talked
12 about over the last couple of years here at DMR.

13 COMMISSIONER GOLLOTT: Paul, with all due
14 respect, you have been messing with this for four years
15 and this is the first time we have heard about it.

16 why?

17 It just wasn't necessary to bring the Commission
18 in on this?

19 PAUL MICKLE: well, it was talked about of just
20 design phase back and forth all these different ideas
21 coming through the RCT, the Restoration Team, and the
22 agency provided its expertise, and this is the point where
23 we bring it to you.

24 If you have issues with this, this is the point
25 where you bring it up. It doesn't matter the timeline it

1 is.

2 COMMISSIONER GOLLOTT: It is too late now to
3 bring it up. I mean, it is either do, or die, or you lose
4 it. It would have been nice for us to have a little heads
5 up on this, with all due respect.

6 PAUL MICKLE: I would approach, I guess, the
7 consultant, or DEQ, and say is this the last choice. I
8 mean, do we have a point where the Commission may want to
9 reconsider, or pursue it, get their opinion on if there
10 are any other avenues to go down, but I certainly don't
11 want to speak for the consultant, or another state agency.

12 JOE SPRAGGINS: Paul, is this the first time it
13 has been brought to the Commission?

14 I'm not a hundred percent sure is the reason I
15 am asking.

16 PAUL MICKLE: This particular project, I'm not
17 sure. We did brief the Commission on NRDA Phase IV
18 projects, the overall scope and design of NRDA Phase IV on
19 multiple occasions and we have presented where this
20 project was going to be.

21 Now, the specifics of the project, I'm not sure,
22 but, as far as the project locations, when NRDA got set up
23 way before I was here, before Director Spraggins was here,
24 even Jamie Miller was here, there were boxes drawn and
25 settled on between BP and DEQ of where these NRDA Phase IV

1 projects would actually be selected.

2 If you do want to ask DEQ, or the consultant,
3 what the options are at this point -- a Commissioner has
4 voiced that there is no choice at this point. I don't
5 want to answer that question -- I would allow the other
6 parties to address that.

7 COMMISSIONER DANIELS: Paul, just out of
8 curiosity, in the Back Bay area or, I guess, anywhere on
9 the Mississippi Coast, have we done other projects that
10 were alternatives to something like this that are less
11 obtrusive, or less visible, or anything like that, or is
12 this the only type of project that we have done in our
13 program?

14 PAUL MICKLE: For NRDA Phase IV, because it is
15 so restrictive and we are in the box on settled credits,
16 these projects are very difficult.

17 If you think about how many times that we have
18 gone into meetings and consultation to try to look at
19 alternatives with just no avail, this is what has come
20 out.

21 With NFWF, RESTORE, certain other monies that
22 come through, there is much, much easier capability
23 because we don't have to have those.

24 This is designed to reduce erosion and create
25 secondary productivity, and the engineers take that and

1 this is what would reduce the uncertainty of accomplishing
2 that to move forward.

3 JOE SPRAGGINS: Paul, also, would you address
4 one other thing?

5 I know Ms. Collins had mentioned something about
6 the possibility of putting different type dredge material
7 and everything else, before we ever do this, to try to
8 build more marshland before we do this.

9 It was my understanding, from talking with you
10 and I think others, that because of the wash and because
11 of the way that the channel is beside this area, that if
12 we tried that it would be just basically wasting the money
13 because it would wash away as quick as we put it in.

14 Is that true?

15 PAUL MICKLE: Yes. Every design that came
16 through over the years, we would challenge and see if we
17 could find a different way of doing it, to bring in sand,
18 all sorts of different types of material that the public
19 comment addressed as well.

20 We were actually doing our best to bring that
21 forward, but, again, the engineering and the requirements
22 of NRDA Phase IV was that that wouldn't last, it wouldn't
23 meet the timeline, the criteria and it wouldn't be in the
24 budget to allow that to happen.

25 Now, if we want to adapt this after the design

1 is implemented, then, I don't know the answer to that
2 either.

3 Again, I can't make it more clear that it was a
4 lot of back and forth of what we could do and
5 understanding what could be done and, actually, we have
6 lost projects because it just couldn't be completed.

7 There were a lot of concerns about the
8 aesthetics of above-the-water structure and that is one of
9 the reasons why Channel Island, we didn't have included in
10 it, but Willa came up and did mention that within NRDA
11 Phase IV there are living shoreline and oyster reef
12 projects such as Wolf River and things like that, that
13 have been implemented for secondary production, but
14 because of the high energy in this area, this just was the
15 only thing that could come through to meet the specifics
16 of the Phase IV.

17 If the Commission is unhappy with this and the
18 concerns that were voiced within RCT that I have shared
19 here today, I would recommend finding out the options of
20 timeline.

21 I have said this and I don't want to make
22 anybody upset, but I-110 bridge is right here. If we all
23 want to be partners and be successful in restoration, if
24 this is not a success and this is a major concern from an
25 aesthetics position, a safety condition, anything that has

1 been brought up here today, this is a front row seat for
2 the state of Mississippi to see what restoration has gone
3 on. This is a high population density in an urban area.

4 Let's see what the options are. I just have to
5 be brutally honest. Find out your options.

6 JOE SPRAGGINS: Paul, do you sit on the NRDA
7 committee with DEQ?

8 PAUL MICKLE: No, sir. No DMR employee member
9 sits on the NRDA TIG.

10 JOE SPRAGGINS: I think willa has told us now we
11 don't have a choice until the 5th of January, unless we can
12 do something.

13 Is there something we are missing here?

14 PAUL MICKLE: willa said that you would have to
15 consult with DEQ to see if they would approve an amendment
16 to the timeline.

17 COMMISSIONER DANIELS: Could we do that?

18 WILLA BRANTLEY: I just asked Alane just kind of
19 nonverbally. I believe she is okay with extending that
20 time period for another thirty days. That would give us
21 time to bring it back next month at the next Commission
22 meeting.

23 COMMISSIONER BOSARGE: willa, are there any
24 other projects that kind of mimic this that have been
25 done?

1 WILLA BRANTLEY: The closest to this is the
2 Hancock County breakwater, the six miles of breakwater
3 south of the Hancock County marshes, and that actually has
4 been quite successful.

5 what they expected was that it would reduce
6 erosion in those Hancock County marshes and what has
7 actually been shown, I believe, by their monitoring is
8 that they have actually had some accretion of sediment
9 settling out in that area between the breakwater and the
10 marshes which they didn't necessarily expect, but has
11 happened.

12 It is a potential that over the timeline of that
13 project which is five to seven years as far as monitoring
14 goes -- it will be there longer than that, but monitoring
15 is at least five years. There is a potential that we
16 could actually have some marsh growth in that area, when
17 all they really had to show was that they had slowed down
18 -- they didn't even have to show that they had stopped it.
19 They only had to show that they had slowed it down, and
20 they may have actually reversed it.

21 COMMISSIONER BOSARGE: Because there is so much
22 concern and I can understand the unknowns, would it be
23 possible for this project -- I see this project and I see
24 what people's concerns are, and I know where they are
25 coming from, but I also look at the other side of it where

1 it is BP funds going through DEQ and that if we don't
2 adequately use these funds, then, they probably will never
3 be available again to do anything at this location.

4 Is there any way to put into that grant that we
5 put this in place and it goes for five years and it is
6 reevaluated and at the end of five years, if it is not
7 doing what it is supposed to do and the people object to
8 it so much, that there are funds set aside to take it back
9 out?

10 PAUL MICKLE: No, there are not funds to take it
11 back out, and that is why it is important for everybody to
12 weigh in on the designs of these things to the certain
13 point, and, then, understand that the engineers are tasked
14 with it can't sink in the substrate, or it will fail as
15 far as the requirements.

16 So the engineering is really quantified of the
17 uncertainty, and that has been really the hardest thing to
18 be able to change the design to more aesthetics, or things
19 like that.

20 COMMISSIONER BOSARGE: And I understand that,
21 but I just note for most of the public to maybe make them
22 feel better that there is an avenue to undo what we did.

23 I mean, is that something that could be written
24 into the proposal?

25 Do you see what I'm saying, just to give people

1 peace of mind that if what we are doing here doesn't do
2 what you are saying it is going to do, that we have an
3 option to take it back out?

4 JOE SPRAGGINS: Paul, I guess one of the things
5 I think the Commissioner is asking is if NRDA won't pay
6 for it, can we pay for it and is it something that we
7 could, as the state of Mississippi, or through some other
8 grant, take it back out, or is it something that we are
9 committing to for twenty, or thirty, years?

10 what is the deal?

11 PAUL MICKLE: I don't really want to speak from
12 an attorney's terms as I'm not an attorney and I really
13 haven't been involved with NRDA Phase IV process from
14 starting halfway, but, from what I understand, there is a
15 five to seven year biological monitoring to meet those
16 requirements.

17 After five to seven years, if it meets the
18 requirements, I think -- I'm not quite sure, but we might
19 be able to pretty much do whatever we want to do with it
20 because the requirements of the NRDA biological secondary
21 production have been met, but, again, I'm not sure.

22 I would like to propose maybe a path forward is
23 since we do have an extended timeline -- Commissioner
24 Gollott, as you brought up and I'm glad that we approached
25 it and got a response from the consultant -- that we come

1 back and fully brief the Commission on all consultation on
2 this project to this point and potential options of the
3 uncertainties and your concerns as well of can we answer
4 those questions of after five years if it is just a total
5 disaster and people have been hurt on this, or just
6 aesthetically we are getting phone calls off the hook
7 because I don't know how many people cross the I-110 every
8 day, but I brought it up in the RCT that if this thing
9 looks ugly and the public doesn't accept it, restoration
10 is going to be really hard for the next fifteen years, and
11 we certainly don't want that to happen and DEQ agrees.

12 It has been a work in progress and this is to
13 the point of day, but I really appreciate y'all bringing
14 this up.

15 I'm glad that you brought up and requested the
16 options, and they provided some information that we do
17 come back, and I would recommend that we provide a
18 timeline of all the discussions that have gone on to this
19 point and how we arrived at this design which we presented
20 here to you today, and potential options in the future of
21 uncertainties.

22 COMMISSIONER HAVARD: Very good. I appreciate
23 that, Paul and Ms. Brantley, taking the time and getting
24 this prepared and bringing it forward, but, at this time,
25 I think there are a lot of questions from the Commission

1 level and the public level.

2 PAUL MICKLE: No problem.

3 COMMISSIONER HAVARD: I would like to table this
4 for thirty days and put it on the next agenda. It will
5 give us time to gather some information and learn a little
6 bit more about the alternatives, if there are alternatives
7 out there, that would accomplish the same goal that we are
8 trying to accomplish.

9 COMMISSIONER GOLLOTT: Mr. Chairman, I would
10 like to make a motion that we table this until the next
11 meeting which is brought up and brief the Commission on
12 all of the options.

13 COMMISSIONER DANIELS: I will second that
14 motion.

15 COMMISSIONER HAVARD: I have a motion and a
16 second to table this until further notice.

17 All those in favor say aye.

18 (All in favor.)

19 COMMISSIONER HAVARD: Opposed like sign.

20 (None opposed.)

21 COMMISSIONER HAVARD: Motion so moves.

22 WILLA BRANTLEY: Thank you.

23 I will say one thing. We have a Basis of Design
24 Report that shows all of the modeling that was done and
25 the engineering that went with it. That was not put up on

1 the portal this month, but I can provide that either
2 through the portal, or I don't know if I can provide it
3 through the portal, or just would have to through email,
4 but I can provide that to you as well.

5 I would be happy to provide the full application
6 packet, if you would like it.

7 COMMISSIONER HAVARD: Very good. We appreciate
8 it.

9 WILLA BRANTLEY: Thank you.

10 COMMISSIONER HAVARD: The next item will be
11 presented by Brock Peacock.

12 BROCK PEACOCK: Good morning Commissioners,
13 Director, counsel.

14 Today the project that I am bringing to you is a
15 violation that has turned into a request for an after-the-
16 fact exclusion by Mr. Daniel Taylor.

17 This project is located on an unnamed inlet
18 adjacent to the West Pascagoula River in Gautier. It is
19 in the General Use District, and Mr. Taylor was the agent
20 himself.

21 what we are looking at here is an aerial view of
22 the West Pascagoula River and the project location is
23 here. We are going to zoom in just a little bit as we go
24 on. This is where we are talking about. This is his
25 unnamed inlet right here. This is the West Pascagoula

1 River and this is the property itself. Mr. Taylor's
2 property and the project itself is located right here.

3 what we are looking at today is an enclosed
4 structure thirteen point nine feet of base flood elevation
5 in height. There was a precedent set in 2012 for the
6 height of enclosed structures at fourteen feet above base
7 flood elevation.

8 This is a diagram that was included in the
9 original General Permit that was issued in October of
10 2018, and it shows the previously authorized bulkheads,
11 the boathouse which includes the enclosed structure that
12 we are addressing today and additional measurements from
13 those.

14 This is the enclosed structure that is currently
15 on the property. It is approximately three hundred and
16 twenty-seven square feet and it is located on the upper
17 deck of the previously issued boathouse (indicating
18 photograph).

19 These are additional pictures, and here we see
20 it is on the upper deck and you can see inside the
21 enclosure as well.

22 DMR received an application to construct a
23 bulkhead and boathouse in October of 2018. In December of
24 2018, we issued that general permit for the boathouse to
25 be open-sided, forty-four feet in length and forty-four

1 feet in width, and it was to be constructed no more than
2 twenty-five feet above mean high tide.

3 In July of 2019, we received an application to
4 add dredging to the application. He wanted to dredge
5 along his previously issued bulkhead.

6 During a site visit conducted by DMR to evaluate
7 the dredge area, it was revealed that the boathouse
8 contained an enclosed structure on that upper deck and it
9 was, in fact, more than twenty-five feet above mean high
10 tide in height. That was on a Thursday.

11 On the following Monday, we notified Mr. Taylor
12 of that violation that his boathouse was above the twenty-
13 five feet in height.

14 On October 25th, we received Mr. Taylor's after-
15 the-fact application in which he requested to retain his
16 twenty-four foot ten inch by thirty foot two inch enclosed
17 structure.

18 JOE JEWELL: Brian, can y'all move it forward?

19 BROCK PEACOCK: Can y'all move the slide
20 forward?

21 BRIAN SHERWOOD: Yes.

22 BROCK PEACOCK: In the Commissioners' writeup
23 that was provided, there is some precedent-setting
24 information that you can review.

25 If you have any questions about that, we can

1 address those.

2 This project, if approved, it would not set a
3 precedent for allowing an enclosed structure over water
4 and a structure greater than fourteen feet above base
5 flood elevation in height. That precedent was set in
6 2012.

7 COMMISSIONER HAVARD: Brock, if he would have
8 submitted a modified application from the beginning, would
9 you guys have approved it?

10 BROCK PEACOCK: I'm sorry.

11 Can you repeat that?

12 COMMISSIONER HAVARD: would it have been
13 approved, if he had submitted the application originally
14 as twenty-five foot?

15 BROCK PEACOCK: It would not be a precedent-
16 setting project. So it would have most likely been
17 approved, yes, sir.

18 COMMISSIONER HAVARD: Okay. Thank you.

19 COMMISSIONER GOLLOTT: Brock, I don't have a
20 problem with going thirty feet above mean high tide.

21 what is --

22 BROCK PEACOCK: (Interposing) I'm sorry.

23 Can you speak up?

24 COMMISSIONER GOLLOTT: Sorry about that.

25 what is the logic of holding it at twenty-five

1 feet?

2 what is the difference if they go thirty feet?

3 To me, it would just be better getting it away
4 from the water.

5 BROCK PEACOCK: In the decision factors that
6 were included in writeup, the reasoning behind this is
7 that these enclosed structures, they are not air and light
8 penetrable and they increase the shading on the water
9 bottom which has a potential to negatively impact the
10 vegetation.

11 The twenty-five feet in height, with the
12 enclosures, they have a higher potential to be damaged in
13 storm events and, also, enclosures that have solid walls,
14 there is a potential to conceal wastewater discharge that
15 would allow untreated wastewater to enter coastal
16 wetlands. So we discourage any activities that produce
17 gray water.

18 COMMISSIONER GOLLOTT: Sorry. That doesn't make
19 sense to me.

20 You mean five feet will make that big a
21 difference, or ten feet?

22 WILLA BRANTLEY: I'm sorry. I am going to add a
23 little bit to that.

24 what we issued was the general permit. That is
25 the one that we issue on behalf of ourselves and the Corps

1 of Engineers, and that is where those conditions are
2 written is within that general permit that is issued by
3 the Corps of Engineers.

4 That means it has been through all of the
5 consultations at the state and federal levels, and all of
6 those agencies have agreed that if they meet those
7 conditions, it is considered minimal impacts. That is why
8 the general permit holds them to those conditions.

9 It doesn't mean they can't do anything that is
10 outside of those conditions. It just means that it has to
11 be done through a different process. That is why this is
12 being issued under a certificate of exclusion for us.

13 We have consulted with the other state agencies
14 that we are required to consult with, and it is sent to
15 the Corps so that they can give their separate approval to
16 it, if they choose to, and they can consult with any of
17 the federal agencies they need to. That is the only
18 difference.

19 COMMISSIONER GOLLOTT: But you don't see
20 anything negative?

21 WILLA BRANTLEY: It doesn't mean that it is
22 necessarily a huge negative impact. It just means that it
23 hasn't been through that consultation. We have to do
24 that.

25 JOE SPRAGGINS: Commissioner, if I could real

1 quick, I think when he was asking the question could it be
2 thirty-two feet, I don't think that is something that is
3 out of the question. I think it has just never been asked
4 before and no one has come to ask for a precedent to be
5 set for that.

6 Is that correct?

7 BROCK PEACOCK: Correct. That would set the
8 precedent.

9 COMMISSIONER GOLLOTT: I remember one in Bay St.
10 Louis right after the storm, and they were all over the
11 guy because he had built it like thirty feet, and I think
12 we approved that one.

13 BROCK PEACOCK: We did, yes, sir. That was in
14 2012, and that was the precedent setting project.

15 COMMISSIONER GOLLOTT: Okay.

16 BROCK PEACOCK: And it was thirty-two feet in
17 height above mean high tide.

18 COMMISSIONER BOSARGE: If I remember correctly,
19 the reasoning that was given at that time for not being
20 able to build above twenty-five foot -- correct me if I'm
21 wrong, but I think it was basically because it could
22 potentially block somebody's view, once you got so high,
23 of a neighbor on one side, or the other.

24 Do I remember that correctly?

25 That was some of the reasoning for not having it

1 above twenty-five feet?

2 COMMISSIONER GOLLOTT: I believe you are right,
3 Commissioner.

4 WILLA BRANTLEY: Yes, that is one of the reasons
5 for that limit on the general permits.

6 COMMISSIONER GOLLOTT: Actually it was because
7 it was on a dead-end canal and it wasn't blocking anybody.

8 BROCK PEACOCK: Are there any further questions
9 about the precedent that was set?

10 COMMISSIONER BOSARGE: One question because if I
11 remember correctly -- correct me if I'm wrong, Willa, but
12 didn't that gentleman that did that, he built that
13 boathouse too tall, didn't he have to get permission from
14 the adjacent neighbors?

15 Do I remember that correctly?

16 She said it is further on down the presentation.
17 So I'm ahead of you.

18 BROCK PEACOCK: During the process, no comments
19 were received from the adjacent property owners.

20 DEQ provided no comments.

21 The Department of Archives and History responded
22 that no coastal resources are likely to be affected.

23 The Secretary of State's office stated that the
24 project presents no public trust tidelands issues.

25 The Department of Wildlife, Fisheries and Parks

1 also provided no comments.

2 Based upon departmental review and evaluation,
3 staff recommends issuance of an after-the-fact certificate
4 of exclusion and a fine in accordance with the Mississippi
5 Code 49-27-51.

6 The violation was discovered on September 19th,
7 2019. That was during a site visit that was conducted to
8 evaluate the maintenance dredging for his application.

9 The violation duration was thirty-seven days.
10 That ended the day that we received the after-the-fact
11 application.

12 Thirty-seven days at five hundred dollars a day
13 is a maximum potential fine of eighteen thousand five
14 hundred dollars.

15 The recommended fine by our department is five
16 hundred dollars. This is based upon that Mr. Taylor
17 himself, he has no previous violations and he has been
18 very cooperative throughout the process.

19 I believe it is important to note that the
20 portions of the boathouse that are actually in violation
21 of the previously-issued general permit, specifically the
22 laws of the extra height, they were added by Mr. Taylor
23 himself after the marine contractor that conducted the
24 bulkhead and the boathouse construction had already
25 completed work and evacuated the project area. I just

1 wanted to note that.

2 I do believe that is all I have.

3 If there are any further questions?

4 COMMISSIONER GOLLOTT: Mr. Chairman, I would
5 like to make a motion that we approved this after-the-fact
6 permit with all the conditions of the Department of Marine
7 Resources, with just one added, that all the Commissioners
8 get invited to sit on that porch. That sure looks nice.

9 COMMISSIONER BOSARGE: I will second your
10 motion.

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

13 COMMISSIONER BOSARGE: I guess I may be
14 overstepping, but Commissioner Gollott, I think you might
15 need to add in there to set the fine at five hundred
16 dollars.

17 COMMISSIONER GOLLOTT: Yes, sir. Well, that was
18 a condition, although I will add the five hundred dollars
19 in there.

20 BROCK PEACOCK: Yes.

21 COMMISSIONER HAVARD: I also believe if we think
22 that we have problems with gray water, or wastewater,
23 coming off of any pier, we need to be cognitive of that
24 and check and explore every concern that might be brought
25 to our attention.

1 BROCK PEACOCK: Any pier.

2 COMMISSIONER HAVARD: Any pier. It doesn't
3 matter.

4 I have a motion and a second recommending moving
5 forward with the staff's recommendation.

6 All those in favor say aye.

7 (All in favor.)

8 COMMISSIONER HAVARD: Opposed like sign.

9 (None opposed.)

10 COMMISSIONER HAVARD: Motion so moves.

11 BROCK PEACOCK: Thank you.

12 COMMISSIONER HAVARD: That brings us down to the
13 Office of Coastal Restoration and Resiliency.

14 GEORGE RAMSEUR: No presentation this month.

15 COMMISSIONER HAVARD: All right.

16 George, you are going to have to bring something
17 to the table, man. We like to hear what you have. It is
18 always interesting.

19 That moves us on to Office of Finance and
20 Administration, Ms. Leslie Brewer.

21 LESLIE BREWER: Good morning Director,
22 Commissioners, legal.

23 My name is Leslie Brewer CFO. I will be
24 presenting the agency's financials for the month ending
25 November the 30th, 2019.

1 At the end of November, our State Revenue was
2 three point nine million. Our Agency Revenue was eighteen
3 point seven.

4 Our State Net Income was one point three, and
5 our Total Agency Net Income was eight point four.

6 After five months of fiscal year 2020, we have
7 eighty-four point three percent of the Operating Budget
8 remaining, while the Tidelands Budget has seventy point
9 five percent remaining.

10 Are there any questions?

11 (No response.)

12 COMMISSIONER HAVARD: As long as you think we
13 are still in good standing, we will move forward.

14 LESLIE BREWER: All good.

15 COMMISSIONER HAVARD: Thank you very much.

16 That brings us to Public Affairs, Ms. Charmaine.

17 CHARMAINE SCHMERMUND: Good morning
18 Commissioners, Director Spraggins, Ms. Chesnut.

19 The Mississippi Department of Marine Resources
20 was mentioned twenty-two times in local, state and
21 national media since the November CMR meeting.

22 Popular news items included the release of sea
23 turtles in the Mississippi Sound, Chief Davis going with
24 the Secretary of State's office and the Louisiana
25 Diversions and Rivers Forum.

1 Since the last CMR meeting, Marine Patrol took
2 part in Biloxi High School's Career Day and East Central
3 Middle School's Progressive AG Safety Day.

4 Marine Patrol and Office of Marine Fisheries
5 staff Emily Satterfield, Katya Jagolta and Eric Gigli
6 participated in Pathways 2 Possibilities last month at the
7 Mississippi Coast Coliseum. The event featured
8 approximately six thousand eighth grade students from
9 across south Mississippi learning about various career
10 paths.

11 The Grand Bay NERR hosted their annual Star
12 Party this past Saturday. The NERR hosted around two
13 hundred and fifty attendees who took part in various
14 activities, including an owl walk, hay ride and viewing of
15 the meteor shower.

16 The Office of Coastal Restoration and Resiliency
17 attended numerous meetings that included the Hydrologic
18 Collaboration Meeting, the GOMA Coastal Resilience Fall
19 Meeting and the NASA: Ocean 2020 Planning meeting.

20 The Office of Information Technology attended
21 the ESRI Gulf Coast User Conference in November in New
22 Orleans where Karen Clark presented on Data Modernization
23 in Fisheries and Coastal Management.

24 The Gulf States Marine Fisheries Commission Red
25 Drum Technical Task Force Meeting was held in St.

1 Petersburg, Florida, November 18th through the 20th.

2 Finfish Bureau's Wade Hardy participated in the event as
3 the MDMR representative for the Red Drum Fisheries
4 Management Profile being drafted and is contributing his
5 specific expertise to the reproductive biology section of
6 the document.

7 Finfish Bureau's Trevor Moncrief attended the
8 Gulf of Mexico Fishery Independent Monitoring Workshop in
9 St. Petersburg December 11th through the 13th. Trevor
10 represented our state on the National Fish and Wildlife
11 Foundation Committee meetings, provided input from the
12 Reef Fish Monitoring Program and participated in the
13 workshop with representatives from the Gulf States, NOAA
14 and Gulf States Marine Fisheries Commission.

15 On November 24th, two rehabilitated and
16 satellite-tagged sea turtles were released in front of the
17 Biloxi lighthouse by Governor-elect Tate Reeves' wife,
18 Elee.

19 Office of Marine Fisheries staff Mike Brainard,
20 Alicia Carron and Megan Fleming worked with IMMS the
21 weekend before meticulously securing the satellite tags to
22 the Loggerhead and the Kemp's Ridley sea turtles, which is
23 the smallest and most critically endangered species of sea
24 turtle in the world.

25 The sea turtle tracking can be followed on the

1 protective species page on our website.

2 MDMR took part in the Louisiana Rivers and
3 Diversions Forum last week that was hosted by the Gulf
4 Coast Business Council. Director Spraggins served as
5 emcee and panel moderator and Dr. Paul Mickle gave the
6 presentation "Western Mississippi Sound Hydrodynamics and
7 Lower Pearl River Discharge". The event featured speakers
8 and panelists from the Coastal Protection and Restoration
9 Authority, U.S. Army Corps of Engineers, Lake
10 Pontchartrain Basin Foundation, IMMS and USM.

11 Approximately one hundred and fifty business
12 leaders, elected officials, representatives from various
13 organizations and local residents attended the forum which
14 allowed attendees to ask questions to both Louisiana's and
15 Mississippi's representatives.

16 COMMISSIONER HAVARD: Very good.

17 JOE SPRAGGINS: Just real quick. On that
18 briefing that Paul gave the other day, I think that if
19 y'all haven't seen it, maybe we ought to get it for you
20 one day and let him give that briefing.

21 This is something that is very vital and we look
22 at what we are trying to do there.

23 Everybody talks about freshwater and do we have
24 to have it and, yes, we do. We have to have some
25 freshwater in the Gulf of Mexico to be able to grow

1 oysters and other aquaculture, and I think the lower Pearl
2 from the west to the east is a very vital thing that we
3 need to work on in this agency for the future.

4 If we have time next month, Paul, could you
5 possibly do that, if that is okay with the Commission?

6 PAUL MICKLE: Yes, sir.

7 COMMISSIONER HAVARD: I think that is a great
8 idea.

9 COMMISSIONER DANIELS: I would also like to say,
10 Paul, I commend you on that. That was probably the most
11 valuable piece of information I have heard in a while. It
12 looks like we've got a potential for a win there.

13 PAUL MICKLE: Real quick. I appreciate it that.
14 I look forward to giving the presentation.

15 When we started ideas about this, we approached
16 Marine Fisheries office, we approached the industry, the
17 oyster folks, shrimpers. Everybody has been really
18 excited about this concept.

19 Joe and I were talking just the other day. It
20 has got so much momentum because we really haven't hit
21 that roadblock of opposition. Large projects at some
22 point usually do, but, again, it is an exciting thing to
23 talk about and I'm very eager, and I appreciate the invite
24 to do so.

25 COMMISSIONER HAVARD: Very good. Thank you,

1 Charmaine.

2 We have reached the Office of Marine Fisheries,
3 Mr. Joe Jewell.

4 JOE JEWELL: Good morning Commissioners.

5 I would like to start off by wishing everyone
6 present a Merry Christmas and Happy Holidays, and I hope
7 everyone enjoys the time with their families.

8 I would also like to congratulate Chief Davis.
9 I see he has left the room. He spoke of battles. I am
10 sure he is battle worn with some of the ones that he and I
11 had between the offices, but it made us a better agency
12 and a better outcome. So I wish him the best of luck in
13 his new career.

14 We have two agenda items for the Commissioners'
15 consideration this morning.

16 First up is the Commercial Tarpon Regulations.

17 As y'all may recall, at November's meeting, the
18 Commission voted to withdraw the original Notice of
19 Intent. That Notice of Intent would not have allowed the
20 commercial fishermen to take recreationally-caught Tarpon.

21 The Commission then voted for the Director Joe
22 Spraggins to meet with the appropriate offices which was
23 Marine Patrol and Marine Fisheries and try and resolve
24 that.

25 what we have today is a presentation that I

1 think will address the issues that the Commission had.

2 Just a brief background.

3 At the September 17th Commission meeting, the
4 Commission voted to proceed with a Notice of Intent. That
5 is the Notice of Intent that was ultimately withdrawn.

6 Like I said, in November, the Commission passed
7 the motion to withdraw the previous Notice of Intent and
8 directed us to come back with a compromise.

9 This is the compromise. It affects Title 22,
10 Part 7, Chapter 9, under Commercial Size, Possession and
11 Catch Limits. The new language would read:

12 "Section 114. It shall be unlawful
13 for any person, firm, or corporation,
14 to barter, sell, offer for sale, or
15 transport for sale, or possess for sale,
16 Atlantic Tarpon."

17 This is the language that would not allow for
18 commercial take of Tarpon.

19 The compromise is in Section 115 and it reads:

20 "It shall be unlawful for any commercial
21 fishermen to possess any Atlantic Tarpon
22 smaller than seventy-five inches fork
23 length, or to possess more than the
24 daily bag limit of one Atlantic
25 Tarpon per vessel."

1 This language was copied directly from the Cobia
2 language in the commercial section of the regulations. So
3 we are not inventing the wheel. We are just copying the
4 precedent that has already been set, and it accomplishes
5 what the Commission wanted, for the commercial fishermen
6 to be able have a recreational take.

7 what would be required is a motion to proceed
8 with a Notice of Intent for regulatory changes to Title
9 22, Part 7, Chapter 9, regarding commercial rules for
10 Atlantic Tarpon within Mississippi waters.

11 I assure that the motion mimicked the original
12 slide, unlike last time.

13 COMMISSIONER BOSARGE: I've got you, Mr. Joe.

14 I am very happy with what you have done. I
15 think you have given the commercial fishermen the same
16 rights as the recreational fishermen have in that whether
17 we are commercial fishing, or recreational fishing, which
18 a lot of us do recreational fishing, we still have the
19 ability to keep that state winning Tarpon if it ever comes
20 to that. Thank you.

21 COMMISSIONER HAVARD: Is there any further
22 discussion?

23 COMMISSIONER BOSARGE: If not, I will make the
24 motion to proceed with a Notice of Intent for Regulatory
25 Changes to Title 22, Part 7, Chapter 9, regarding

1 commercial rules for Atlantic Tarpon within Mississippi
2 waters.

3 COMMISSIONER HAVARD: I will second the motion.
4 At this time, we have a motion and a second.
5 All those in favor say aye.

6 (All in favor.)

7 COMMISSIONER HAVARD: All those opposed like
8 sign.

9 (None opposed.)

10 COMMISSIONER HAVARD: Motion so moves.

11 JOE JEWELL: Thank you, Commissioners.

12 Up for final consideration, our final item is
13 Title 22, Part 9, Chapter 11, Section 101: Reporting
14 Requirements. Mr. Matt Hill will give that update.

15 COMMISSIONER GOLLOTT: Mr. Chairman, can we take
16 a break right now, before we get started with Matt?

17 MATT HILL: I'm good with that.

18 COMMISSIONER HAVARD: At this time, we are going
19 to take a short recess.

20 MEETING STANDS IN RECESS

21 COMMISSIONER HAVARD: All right, guys. Let's
22 get settled back down. Let's resume the meeting.

23 I think we left off at K2. Matt Hill is going
24 to be bringing the presentation to us.

25 MATT HILL: Good morning Commissioners, Director

1 Spraggins, Sandy.

2 We want to finish the Fisheries presentation
3 with Title 22, Part 9, Chapter 11, Section 101, Reporting
4 Requirements Update specifically for the for-hire
5 industry.

6 A little bit of background.

7 At the November CMR meeting, the following
8 motions were passed regarding the charter for-hire
9 reporting program.

10 Motion 11:

11 "To forego moving forward with this
12 particular project."

13 Motion 13:

14 "For staff to come back at the next
15 meeting and present language that
16 requires reporting pursuant to
17 Title 22, Part 9, Chapter 11,
18 Paragraph 101",

19 And this is the actual existing language that is
20 currently in our regulations.

21 Hopefully this presentation will outline
22 potential options and considerations for future and
23 current processes followed for the charter for-hire
24 reporting regulation.

25 Current procedures -- and I will remind the

1 Commission the current program is part of the MRIP
2 Program. Our charter for-hire vessel frame is regularly
3 maintained to contain profiles and contact methods for
4 charter license holders which currently seventy-eight
5 holders are in the frame, as well as active, or inactive.
6 Currently we have seventy active charter for-hire in the
7 vessel frame and eight inactive.

8 Inactive are captains that contact us that are
9 going onto the yard for a period of time for maintenance.
10 They do stay in the vessel frame, but we do list them as
11 inactive for the certain time period that they tell us.

12 How the program works -- and we will get to the
13 forms on the next slide so you will get a little bit more
14 visual representation -- first, is pre-evaluations. They
15 are randomly drawn visits to determine charter for-hire
16 activity.

17 Then, post-evaluations. Randomly drawn calls to
18 collect charter for-hire effort, location and target
19 species.

20 Each week these are the same. The pre-
21 evaluations and post-evaluations contain the same seven to
22 eight vessels. It just depends on the number of vessels
23 in the charter for-hire frame for that particular week.

24 The site registry is regularly maintained to
25 contain harbors and public access sites with assigned

1 pressure levels.

2 Access point interviews. The charter for-hire
3 clients are interviewed upon landing during scheduled MRIP
4 surveys to collect demographics, target species, effort,
5 harvest and biological data, and we also do get much of
6 this information from the captains. Most of these are
7 out-of-town visitors and they don't know exactly where
8 they were fishing and what they were catching. So the
9 captains do help us a great deal on these actual dockside
10 interviews.

11 Here are the forms that we use. This is for
12 sample week twenty-five. A letter is sent to these
13 captains -- and this particular week seven were chosen --
14 sent to these captains telling them the time period that
15 they were chosen. This is representative of ten percent
16 of the vessel frame, as I said. They know they were
17 chosen for week twenty-five which, in this case -- my eyes
18 aren't that good, but the week will run from Monday
19 through Sunday.

20 The staff uses this form. We visit these sites.
21 We know where these vessels are located. They are visited
22 three times a week. We see if they are in, or out. We
23 determine. We ask some questions whether they are out
24 getting fuel, whether they are out on a fishing trip. We
25 do the best we can to determine what they are actually

1 doing for that particular day, and we check on these
2 vessels, like I said, three times a week.

3 The for-hire captain, or charter captain, is
4 required -- not required -- is asked to fill out this form
5 to keep a record of his activity for that week, and the
6 following week -- we begin on the following Monday --
7 staff begins calling the captains that were selected and
8 get this information. They also have the option to fax it
9 in which many of them do. Some of them email them to us
10 with the forms completed.

11 Most of the time what happens is a staff member
12 does call and the captain gives them the information over
13 the phone and we record it and put it into the system, and
14 it is eventually sent to Gulf States for inclusion into
15 the data base.

16 Here are some of the improvements that we have
17 made. This is a dynamic program. The charter for-hire
18 vessel frame was updated in December of 2019, this month,
19 per Gulf States request in order to develop 2020 wave one
20 draws.

21 We try to keep up with this. They request it
22 certain times, when they are beginning to make their
23 draws. They make draws on a two-month period. Wave one
24 would consist of January and February. They will use the
25 charter vessel frame that we provide them in December to

1 begin their draws for the next two months.

2 We have increased this vessel frame by one
3 hundred percent from 2016. Like I said, we are now up to
4 seventy-eight vessels in the actual frame. Most active.
5 Some inactive at times.

6 The charter for-hire MRIP sites are reviewed in
7 August and October of 2019. Usually we do this three
8 times a year. This is the just the latest times that we
9 have done it in 2019.

10 Site pressures are adjusted in an attempt to
11 increase intercepts with the higher number of trips
12 observed by staff. This is kind of a boots-on-the-ground
13 thing.

14 If someone begins to notice that we have some
15 guys moving around -- they are leaving from these harbors,
16 versus these harbors. They may change home harbors -- we
17 can adjust the site pressures in order to try to intercept
18 as many as possible.

19 New charter sites are also added. An example of
20 this is the Pass Christian Harbor west which also allows
21 us to increase dockside interviews.

22 what happened in this case is multiple inshore
23 charters were noticed to be leaving from this harbor and
24 staff determined site pressure was not representative of
25 actual activity in that area. So we did adjust it to

1 begin allowing these vessels to be drawn on a more regular
2 basis.

3 Here are some of the results from 2019 up to
4 date. As I said, ten percent of the charter for-hire
5 vessels in the frame are surveyed each week.

6 staff has completed three hundred and twelve
7 pre-evaluations, or site visits, for the charter for-hire
8 fleet, and completed three hundred and twelve phone
9 interviews to determine fishing effort, targeted species
10 and fishing locations.

11 we have also conducted eight hundred and sixteen
12 dockside surveys with the charter for-hire fleet.

13 This is what Motion 13 asked the staff to bring
14 back, the actual language that is currently in our
15 regulations. Title 22, Part 9, Chapter 11, reads as
16 follows:

17 "Charter and Head Boat Reporting.
18 Charter Boat and Head Boat captains
19 operating in Mississippi waters
20 shall be required to complete
21 questionnaires furnished by the
22 MDMR for each trip.

23 "Completed questionnaires shall
24 be furnished to an information
25 confidentiality officer upon

1 request.

2 "In addition to the reporting
3 required pursuant to this paragraph,
4 the following reporting is also
5 required:"

6 And I do want to stop right here and point out
7 there has been a lot of discussion around the word
8 "required" that is in the first paragraph, and the current
9 program is voluntary. So it does not fulfill the language
10 of "required" in here.

11 101.01 begins to deal with the Tails n' Scales
12 reporting for the charter and head boat Red Snapper
13 harvest, and 101.02 is additional species that may be
14 requested in the future through this particular program.

15 Here are some potential changes, some potential
16 options, some potential considerations for the Commission
17 to discuss.

18 Leaving status quo.

19 We can continue with the grant-funded reporting
20 program as is.

21 Option two.

22 Reevaluate the MRIP charter for-hire program
23 through Gulf States Marine Fisheries Commission to
24 possibly increase phone surveys and dockside intercepts
25 for greater coverage of fleet activity.

1 Option three.

2 Develop additional post-evaluation call sampling
3 of charter for-hire to supplement the post-evaluation data
4 we are already receiving.

5 Option four:

6 Include supplemental questions during post-
7 evaluation calls for harvested and released species to
8 increase catch data.

9 An example of this, one of the questions that we
10 do ask -- as you know, we do not collect harvest
11 information on the current reports. We only collect that
12 in the dockside, and one of the large things missing is
13 the area fished, i.e. Louisiana versus Mississippi
14 activity. We have no way of currently collecting that in
15 the current survey.

16 Option five:

17 Commission could address the language in Title
18 22, Part 9, Chapter 11, so the current program meets the
19 requirements of the regulations.

20 Questions.

21 COMMISSIONER DANIELS: Matt, the way this is
22 currently written, 101 there, when was that put in place?

23 MATT HILL: I have been a part of this program
24 for twenty years and that language was included. I
25 believe it was a carryover from when we were actually a

1 bureau, the BMR. To the best of my knowledge, that
2 language has been in there for at least twenty years.

3 COMMISSIONER DANIELS: Were we implementing
4 different programs back then?

5 Have the programs changed on how you collect
6 data since then?

7 MATT HILL: Yes, and we were actually
8 implementing separate commercial and recreational programs
9 at the time and this language addressed those programs,
10 and, then, other programs have come along, such as it is
11 NOAA funded through Gulf States, the commercial Trip
12 Ticket Program which is a required program, but that came
13 along in 2013.

14 Obviously, some of the language was changed to
15 tailor that program, but, when this language was written,
16 we were not implementing the charter for-hire MRIP
17 Program.

18 COMMISSIONER DANIELS: Okay. Thank you.

19 COMMISSIONER BOSARGE: So, Matt, going back and
20 looking at some of the minutes of the different meetings
21 and where we are because this has been an ongoing process
22 for probably a year, or more?

23 MATT HILL: A year, yes, sir.

24 COMMISSIONER BOSARGE: I remember we all talked
25 about information and what information does for management

1 and being able to capture that information, and, then,
2 going back and looking at who made motions and who made
3 comments, and I remember a couple of charter boat
4 captains, Sonny Chandler for one and Sonny, he is on the
5 top of the list of these charter boat fishermen in my
6 opinion, at least what I see of it, and I have his
7 comments. He says:

8 "I'm actually very much in favor of the
9 reporting. We have a really, I think,
10 serious responsibility to the fishery.
11 We are out there more than most. We see
12 things that most don't see."

13 In an effort to try to capture some of this
14 information, what are we going to do?

15 where are we going?

16 In other words, I understand where you are with
17 MRIP, and MRIP has changed some and I think maybe changed
18 for the better in that I see that they have now changed
19 their hours. In other words, where they used to, say, cut
20 off at 3:30, or 4:00, now they stay until 5:00, or 6:00,
21 which is good because most people, if you are fishing and
22 you are doing any good fishing, you don't want to leave.

23 Anyhow, where do we need to go?

24 I mean, if you look at Title 22, Part 9, it says
25 we are supposed to be doing this anyway.

1 I'm not the type person to force something down
2 somebody's throat, but it appears to me, when the Charter
3 Boat Task Force met, they were in favor of it, also.

4 So where are we going?

5 MATT HILL: I believe the charter industry as a
6 whole -- and Commissioner Daniels can speak if I
7 incorrectly state this -- they do want to report, but they
8 feel like if they are reporting under a system that we are
9 implementing from another entity. Obviously, there is
10 some information that we would like to gather that is not
11 in the current, i.e. Louisiana versus Mississippi. That
12 is the big one that stands out in my head. I mean, that
13 is one of the things that I would definitely change.

14 The method, how we would gather the data, the
15 random sampling, everything would be very similar to what
16 we are currently doing with possibly three to five
17 additional questions.

18 Obviously, the hangup is whether it is required,
19 or voluntary.

20 I guess the trouble I have with it is I would
21 use a very, very similar methodology, a very similar
22 program to what we have and I think if we were able to
23 make this program mandatory, the actual program we have,
24 instead of adding on a different program, I think that is
25 where they would get into it.

1 We have one reporting program for the commercial
2 industry and that is our trip ticket system. Now, we
3 would have two programs for the for-hire industry. They
4 would continue to report under this program, and, then, we
5 would develop another program because we would want it to
6 be mandatory.

7 If there was a way to mesh those -- I can't see
8 a way to do that -- that would be the perfect case
9 scenario.

10 COMMISSIONER BOSARGE: I mean, like Louisiana,
11 they did away with part of their MRIP and did the LA
12 Creel.

13 MATT HILL: Yes, sir.

14 COMMISSIONER BOSARGE: I see that, yes, the
15 charter for-hire is reporting, but the information that
16 they are giving really doesn't help them, if you see what
17 I mean.

18 In other words, I remember Tom Baker and having
19 some discussions with him when it came to Red Snapper.
20 You have to somewhat try to look down, rub the crystal
21 ball and look at possibly what the future brings, what the
22 future holds, and right now they have no means -- this
23 reporting system looks at them as a whole, as a group and
24 it gives somewhat of an idea of what is going on, but it
25 doesn't pinpoint actual fisherman and what that fisherman

1 has contributed and, at some point in the future, they may
2 need that information, especially if there is any kind of
3 sector separation, or quotas, and this part gets this and
4 this gets -- because that is the way a lot of it is going.

5 MATT HILL: Yes, sir.

6 COMMISSIONER BOSARGE: I would hate to see any
7 of them left out just because we didn't want to do what we
8 needed to do to capture individual landings.

9 MATT HILL: In one way -- and we have just done
10 it. This is something that we have done in some other
11 fisheries, and I started thinking a little bit more in-
12 depth in it.

13 The advantage that we have of commercial
14 fishermen and the charter fishermen is they have to come
15 to this office to buy their license. They have to come.
16 This is the only place they can get their license.

17 We just developed somewhat of an overall survey
18 to get a better feel of what is going on in the troutline
19 fishery.

20 We have those people here. They have been very
21 cooperative. It is going extremely well. Everybody
22 understands what we are doing.

23 One way that the Commission may want to look at
24 this is we have these guys in here. We are not going to
25 ask them to send us something every day, or every week, or

1 anything like that, but one way we may could start is when
2 they come in here to buy their license, just to sit them
3 down for ten, or fifteen, minutes like we are doing some
4 of these other guys, and begin to get some of this effort
5 information possibly.

6 I know most Charter captains keep a pretty
7 detailed logbook just on their own. Some of these splits
8 where they are fishing, not their spots, but Mississippi
9 versus Alabama. Just a generalized start to where we can
10 see how much more in-depth we need to get to in a survey,
11 or reporting method, if we choose to go down that road in
12 the future.

13 COMMISSIONER DANIELS: Matt, you are saying
14 there are a couple, just a few extra questions that you
15 would like to have the information on.

16 Is there anything that says that y'all can't ask
17 those questions while you are already making contact with
18 them?

19 MATT HILL: Well, that is number four. I mean,
20 obviously we would get with Gulf States because this would
21 be outside of -- and I know they are listening right now -
22 - this would be outside of the script and things like
23 that, but, yes, number four obviously includes
24 supplemental questions during our calls for harvesting and
25 released species to increase catch data.

1 If that is not possible, if there is something
2 that would go against the grant, or the funding in that
3 grant, another way to go about it would be, like I said,
4 these individuals, as you know, have to come to this
5 office. So we've got them, when they get here.

6 COMMISSIONER DANIELS: That makes me think of
7 whenever I go to get my hunting license each year I fill
8 out a survey on how many migratory birds that I have
9 killed and, I mean, that is easy enough. I don't see why
10 we couldn't do something like that at license purchase.

11 MATT HILL: I think it is a start. I mean, I
12 think possibly we could even combine it, if they would
13 allow us to do some supplemental calls.

14 Obviously one thing, like I said, we don't get
15 on these calls is harvest data.

16 If you notice -- I know it is very difficult to
17 see -- it is targeted species. It doesn't say what you
18 caught, what you threw back. We don't have any ideas
19 about the actual harvest, or the area that you harvested
20 in.

21 I know Commissioner Daniels has been very
22 concerned about that. They have to put a Bay, a Sound,
23 Gulf EZ, but it does not distinguish between Mississippi
24 and Alabama. It does not distinguish whether they left
25 Pass Christian and they went to the Louisiana marsh and

1 caught those fish, to Chandelier Sound, or Mississippi
2 Sound.

3 That would be a start in that piece of the
4 puzzle, and I think that is something that I would be
5 interested in adding through the calls on a weekly basis.
6 We are calling seven, or eight, of these guys and just
7 start to put the puzzle together just a little bit.

8 I think that would get after what Commissioner
9 Bosarge is asking for. Maybe not necessarily a complete
10 program, but we do have to start somewhere. We know we
11 are missing some data that is valuable.

12 I think I told Director Spraggins. A while back
13 when we were looking at some of the Bonnet Carre stuff, he
14 asked me specifically about the charter for-hire industry
15 and I said, you know, a handy piece of information would
16 be to have the effort from these guys, that we have that
17 documented somewhere like we have the Trip Ticket Program.

18 I mean, I can pull up a guy and I can say he ran
19 this many. That is really all you have to do is get the
20 effort.

21 We are just extrapolating now. We are
22 extrapolating from that ten percent which leads us down a
23 dangerous road sometimes.

24 COMMISSIONER DANIELS: I'm not going to speak
25 for the entire charter community, but I can tell you

1 myself personally, I would not have a problem giving you
2 the numbers on how many trips I have run this year. I
3 can't imagine that many other people would.

4 One other thing I would like to caution you on,
5 one thing that you mentioned and possibly moving forward
6 with collecting more data is returned fish.

7 I don't know if you have ever been on a boat
8 with four first timers and hooks flying around. It is
9 hard enough for us to keep up with what we have caught
10 much less having to keep a number of what has been put
11 back in the water as well. I think you are setting
12 yourself up for a lot of speculation on that.

13 MATT HILL: If you talk to my staff, I am very,
14 very anti-discard collection because it is unverifiable
15 data. We have had a lot of discussions with NOAA. I know
16 in the future it is possibly going to be a valuable piece
17 of information. There is just not a good way -- they
18 can't keep up with them. I have tried.

19 when we look at the discard data we are getting
20 from the Tails n' Scales system right now, it is very,
21 very unreliable. It is a start. It gets them thinking
22 about it, but it is in multiples of five, I mean, five,
23 ten, fifteen, twenty, twenty-five, thirty. You pick it.

24 That tells you right there that there is a high
25 degree of uncertainty when you are talking about discard

1 data, but it is being asked in every fishery.

2 Not that we are using it and saying that it is
3 precise, but we are trying to figure out a way to quantify
4 it in the best accurate ways that we can. It is just a
5 start somewhere. We know it is going to be unreliable.
6 We understand that.

7 COMMISSIONER DANIELS: Just out of curiosity,
8 out of all the people that you are currently surveying,
9 contacting, talking to, how many have told you no?

10 MATT HILL: Well, like I said, we have seventy-
11 eight in the vessel frame. Right now we currently have
12 one hundred and sixteen total charter captains.

13 what we have done is the reason there are not a
14 hundred and sixteen in the vessel frame is because these
15 guys don't run a trip. They have a license. They have
16 historically been documented to not participate in the
17 industry. They are keeping their license up for one
18 reason, or the next. I mean, we have that in every
19 fishery.

20 of the seventy-eight we currently have in our
21 license frame, we have one that is uncooperative, one
22 charter fisherman.

23 COMMISSIONER DANIELS: One?

24 MATT HILL: Yes, sir.

25 COMMISSIONER BOSARGE: Matt, if I read Title 22,

1 Part 9, Chapter 11, correct, that first sentence, it says:

2 "Charter Boat and Head Boat captains
3 operating in Mississippi waters shall
4 be required to complete questionnaires
5 furnished by MDMR for each trip."

6 MATT HILL: Yes.

7 COMMISSIONER BOSARGE: Would it not be sensible
8 for you to develop that questionnaire?

9 It is not mandatory to have to give it in, but,
10 I mean, you are already randomly choosing ten percent.

11 MATT HILL: Yes, sir.

12 COMMISSIONER BOSARGE: You could do the same
13 thing and, if you had the right questionnaire that asked
14 the right questions, you could get your effort data and I
15 think it would be much better than what you are doing now
16 as a sampling effort and, I mean, we don't have to do
17 anything. It is already there.

18 MATT HILL: Yes, it is in the regulation that
19 they shall be required to complete the questionnaire for
20 each trip.

21 we have not supplied them with a questionnaire
22 to complete with each trip.

23 we supply them with the questionnaire, when they
24 are randomly drawn out of those seventy-eight
25 participants, but currently, as I said, that does not

1 suffice for the actual wording in the regulation.

2 COMMISSIONER BOSARGE: Well, I mean, it would be
3 a little bit of a trial run to get you some good
4 information, but also to get these guys maybe a little
5 more to see what they like and what they don't like in the
6 questionnaire and get a start on a reporting system.

7 MATT HILL: Yes, and like I said, that was one
8 of the thoughts I had to kind of not -- to begin to
9 develop it, one thing would be once they come to buy their
10 license -- and they pretty much all come at the same time
11 -- to get them started on an overall questionnaire for the
12 prior year, and, then, ask them some questions. We have a
13 Charter Task Force. Bring some things up. Not the least
14 painful way. I don't like to say it like that, but what
15 is feasible for everyone.

16 With the Bonnet Carre just happening, I think
17 some of them are understanding if we had a little bit more
18 data, we could probably help them out just a little bit
19 more.

20 I don't think it would be a problem, as
21 Commissioner Daniels would say. It would be the timing on
22 -- and I don't necessarily think it would be what would be
23 asked because, like I said, I'm not big on asking ten, or
24 fifteen, questions. We just need those three to five core
25 questions, and some of the effort data can be gotten on an

1 annual basis.

2 I don't need to know that. They don't have to
3 call and tell me, or send that in.

4 COMMISSIONER BOSARGE: I understand that, but, I
5 mean, it is there.

6 MATT HILL: It is there.

7 COMMISSIONER BOSARGE: In black and white.

8 MATT HILL: Yes, sir.

9 we can develop a survey to follow the letter of
10 the law, if that is what the Commission desires.

11 COMMISSIONER BOSARGE: I think it would be a
12 good start.

13 COMMISSIONER DANIELS: Is there, in your
14 opinion, a need for a daily questionnaire?

15 Are you going to gain any benefit out of that?

16 MATT HILL: We would gain -- obviously the
17 problem you have, we would get the realtime data which is
18 not necessarily needed in this particular industry. Even
19 with the trip ticket system, there is a month lag.

20 The data we would gain -- what any consultant
21 looking at this, or anything, is the quicker you can get
22 somebody to fill something like this out the more accurate
23 it is going to be.

24 So the accuracy would just be inherently greater
25 than what we would get if we just did an annual survey.

1 would it change?

2 Obviously the harvest data would be more
3 accurate and we would get it in a timely manner.

4 If we got all the data, like I said, it would
5 just be a timing thing. I would not need it on a daily
6 basis; a monthly basis, or a quarterly basis. If we could
7 get accurate data throughout the year for those few
8 questions that we are obviously missing, that would gain
9 some ground to some degree, but we would be running two
10 programs side-by-side and that has always been my -- if we
11 go that route, we would need to consider releasing this
12 particular program. This one would not be needed, if you
13 are gathering that type of data.

14 COMMISSIONER DANIELS: We are funded on this?

15 MATT HILL: Yes, we are currently funded.

16 COMMISSIONER GUESS: Can I ask a quick question?

17 COMMISSIONER HAVARD: Yes.

18 COMMISSIONER GUESS: If we have a Charter For-
19 Hire Task Force, would it not be best for you guys to get
20 together and find out what is the best information that
21 you can provide back to DMR and in what timely manner that
22 would benefit both parties?

23 JOE JEWELL: Can I interject here at this point?

24 COMMISSIONER DANIELS: Yes, sir

25 JOE JEWELL: I think it would be a good time.

1 Originally, before I heard Steve's comments, I
2 was going to suggest that the Commission consider four and
3 five and combine that in some sort of motion.

4 As you can see, the artifact that is left over
5 from when we were BMR which is the first part of that
6 regulatory language in 101, from a modern standpoint in
7 the modern industry and the charter for-hire industry that
8 we have now, it is not tailored to that specifically, as
9 the original intent was.

10 what we did in 2016 was we edited that section
11 there. We removed one of the paragraphs that we
12 substituted the Tails n' Scales Program for and we left
13 that one sentence in there about the questionnaire.

14 I would suggest that the Commission make a
15 motion that staff come back at the next meeting, or within
16 sixty days, to evaluate both of those programs, to get
17 input from the industry, what they think would be
18 effective questions to ask that would provide the
19 information that we need, and develop one program and not
20 two separate ones.

21 It may take some regulatory language change, but
22 I think it would be more efficient. It would modernize
23 this section that is pretty antiquated, and it would
24 incorporate both of those programs and allow the industry
25 to comment.

1 It may take a couple of meetings to get that
2 done, but that would be the suggestion that I would make
3 for the Commission, and I think y'all would probably like
4 the result a little bit better than trying to mismatch
5 those two systems.

6 Can you go back to the original slide that had
7 Chapter 11 in it?

8 BRIAN SHERWOOD: Yes.

9 COMMISSIONER DANIELS: I think I would probably
10 have to agree with you on most of that, Joe.

11 JOE JEWELL: If you look at this section right
12 here, 101 is the one that is causing all the consternation
13 because it is an artifact left over from a system and an
14 agency that doesn't exist anymore, and we modified it
15 originally to incorporate Subsections 101.01 and 101.02
16 with just the Tails n' Scales Program.

17 what we are proposing now is use both of them,
18 but have two separate parallel systems, and what I would
19 suggest to the Commission is that the Commission direct
20 the Marine Fisheries staff to integrate those two systems
21 under one proposal, and, then, come back in thirty, or
22 sixty, days and propose that to the Commission and let
23 them reevaluate it.

24 COMMISSIONER DANIELS: Are you talking about
25 integrating MRIP, or Tails n' Scales?

1 JOE JEWELL: Tails n' Scales and 101. The
2 current information that Matt just presented to you-all,
3 but get some input from the industry also.

4 COMMISSIONER BOSARGE: If you go down, Joe, and
5 you look at 101.01 and you read the first sentence in
6 that, I guess we were maybe ahead of ourselves because I
7 remember when we put that language in, and it basically
8 says charter boat and head boat captains operating in
9 waters under the jurisdiction of the MDMR, and if you
10 leave out the are -- in other words, are landing Red
11 Snapper in Mississippi shall be required to complete a
12 vessel harvest report through the Tails n' Scales
13 Reporting System.

14 The way I read that is that vessels under the
15 jurisdiction of the MDMR shall be required to complete a
16 vessel harvest report through the Tails n' Scales
17 Reporting System.

18 Correct?

19 JOE JEWELL: That is correct, but the way the
20 language was written is it also incorporates that expanded
21 ten-mile boundary for the reef fish.

22 JOE SPRAGGINS: Joe, tell me also, when we talk
23 about Chapter 11, we talk about Part 9, Chapter 11, and
24 there are also other parts of that like 100, I think.

25 JOE JEWELL: That's correct.

1 JOE SPRAGGINS: That really says the same thing
2 that we are talking in 101, but it is about recreational,
3 and a lot of those things probably are a little bit
4 outdated in how they are stated.

5 I think the question that you are asking is to
6 let the staff come back and let us bring back something to
7 reword those and maybe look at it with the Commission.

8 JOE JEWELL: That's correct, all those sections,
9 we trying to integrate them into one program to be
10 uniform. Whereas, the regulation, the way it reads now is
11 kind of mismatched because they are artifacts from the
12 agencies and programs that don't exist anymore.

13 That is why I would suggest to the Commission
14 that they make it in the form of a motion to ask the staff
15 to review these sections and come back with some proposed
16 unifying language, something to that effect.

17 It may take us a little while to do that because
18 we would like to outreach to the industry and get their
19 input. We might have a Charter For-Hire Task Force
20 meeting.

21 MATT HILL: We've got one coming up.

22 COMMISSIONER DANIELS: When do we have that
23 scheduled for?

24 MATT HILL: Carly is working on scheduling it
25 right now. It is going to be shortly after the first of

1 the year, either mid January to early February.

2 JOE JEWELL: Maybe include in the motion ninety
3 days to give us time to integrate all of that, and, then,
4 we would just come back to the Commission with a proposal.
5 At that time, y'all can make that in the form of a
6 regulatory, whether that changes this section which I
7 would hope it would and section 100. That would be
8 something the Commission could consider.

9 COMMISSIONER BOSARGE: And what are you looking
10 at changing, Joe, just trying make it where y'all can get
11 all our information?

12 Is that what you are trying to do?

13 JOE JEWELL: That's correct. To try and get the
14 information that the Commission is trying to get, but to
15 make it more streamlined so the industry is not looking at
16 two separate programs, two separate requirements, a
17 questionnaire, the charter for-hire integration system,
18 trying to uniform that under one umbrella.

19 COMMISSIONER BOSARGE: I remember when we
20 proposed all of this and, at that time, we were looking at
21 all the data we could collect and the different sectors
22 that we thought we could manage and that is why that
23 charter and head boat was in there because, at that time,
24 it was talked about it was a small universe and that we
25 could actually accomplish that goal. So we went ahead and

1 put that language in there.

2 Is your thought that you want to take this
3 language out now and go back just to a voluntary system?

4 In other words, I just don't want to --

5 JOE JEWELL: (Interposing) No. I'm not
6 proposing that. We will provide several options.

7 I am proposing integrating Section 101 with the
8 other requirements so that we get what the Commission is
9 asking for and we have buy in by the industry.

10 COMMISSIONER BOSARGE: Okay.

11 COMMISSIONER DANIELS: I think that is fair
12 enough. I think I would like to see Matt present
13 something to the Charter For-Hire Task Force and let's get
14 their input, and, then, look at possible ways to move
15 forward beyond that.

16 MATT HILL: And that would give us a chance also
17 to discuss some things with Gulf States because I do know
18 we have worked very diligently and we are revamping the
19 commercial Trip Ticket System to include vessel. It is
20 going to be very user friendly, but it is one program. It
21 is one program that we are comfortable with, that we are
22 funded for.

23 Obviously, there are some questions about this
24 portion of the charter for-hire program, but it is also in
25 my mind it doesn't meet the letter of the law, but it is

1 also unrealistic in my mind to ask them to participate in
2 two reporting programs.

3 We need to come up with one. That is our job to
4 come up with one program, that accurate program that gets
5 us the data that we need.

6 If that is modifying what we currently are using
7 with Gulf states, or through some meetings with them,
8 seeing what our options are, or scrapping that program as
9 we did with the Red Snapper landings, and coming up with
10 our own, but it needs to be one unified program.

11 COMMISSIONER BOSARGE: So does MRIP do any
12 surveys on Red Snapper?

13 MATT HILL: Yes, they still currently do surveys
14 on Red Snapper. However, they are beginning to -- we are
15 certified and they are accepting our numbers from the --

16 COMMISSIONER BOSARGE: (Interposing) But there
17 are two programs running at one time?

18 MATT HILL: There is currently two programs
19 running.

20 JOE JEWELL: If the Commission will review the
21 language that was provided up there, I think that is
22 general enough in allowing the staff to review the
23 relevant sections for discussion and it also specifically
24 gives us a time frame to work within, ninety days. That
25 will give us time to convene the Charter For-Hire Task

1 Force and receive input from them, and, then, to review
2 the pertinent sections.

3 COMMISSIONER DANIELS: Should be have Chapter 11
4 in there as well?

5 JOE JEWELL: well, there are other sections in
6 there, like Section 100, that is further down in the
7 regulations. I think it is generalized enough to allow us
8 to look at the whole section.

9 COMMISSIONER DANIELS: My second question would
10 be what the Director brought up a minute ago with the
11 Section 100. There may be some antiquated --

12 JOE JEWELL: (Interposing) That is what I am
13 referring to.

14 COMMISSIONER DANIELS: -- language in there
15 pertaining outside of just charter for-hire.

16 Do we need to just keep it specific to that, or
17 should we pull charter for-hire out?

18 JOE JEWELL: I think this is general enough to
19 allow us to consider all the language in there that is
20 antiquated, and, then, move it into a proposal for y'all
21 to review.

22 If you say something very specific, then, we can
23 only look at that section.

24 JOE SPRAGGINS: Joe, one thing I think he is
25 asking is it says to improve the charter for-hire, but

1 there is also 100 that is not charter for-hire.

2 JOE JEWELL: That's correct.

3 JOE SPRAGGINS: Maybe we need to change that
4 wording a little bit because that is recreational in 100.

5 JOE JEWELL: Maybe say improve the reporting
6 systems.

7 COMMISSIONER DANIELS: I think you just take
8 charter for-hire out and say improve reporting systems.
9 That gives y'all the leeway to work on whatever you need
10 to there.

11 JOE JEWELL: I agree.

12 COMMISSIONER BOSARGE: And I'll second your
13 motion.

14 COMMISSIONER DANIELS: I haven't made it yet,
15 but thank you. We are getting there.

16 COMMISSIONER BOSARGE: Good deal.

17 COMMISSIONER BOSARGE: I would like to make a
18 motion for staff to review pertinent sections of Title 22,
19 Part 9, and bring back updated language and options to
20 improve the reporting systems within ninety days.

21 COMMISSIONER HAVARD: We have a motion on the
22 table.

23 Do we have a second for the motion?

24 COMMISSIONER BOSARGE: I'll second it now.

25 COMMISSIONER HAVARD: We have a motion and a

1 second.

2 All those in favor say aye.

3 (All in favor.)

4 COMMISSIONER HAVARD: Opposed like sign.

5 (None opposed.)

6 COMMISSIONER HAVARD: Motion moves.

7 MATT HILL: Thank you.

8 COMMISSIONER HAVARD: We appreciate that, Matt.

9 That gets us on down to Other Business, Item L1,
10 briefing by Gulf States about the Gulf-wide Menhaden
11 Fishery, Mr. Steve.

12 STEVE VANDERKOOY: Commissioners, Director,
13 thank you for the invitation to present.

14 Since I am new to the CMR, I am Steve VanderKooy
15 with the Gulf States Marine Fisheries Commission. I have
16 been the Interjurisdictional Fisheries Coordinator for
17 twenty-one years and prior to that I was a Biologist at
18 Gulf Coast Research Lab.

19 I am going to give you kind of a high level
20 overview today, a history of management of this fishery in
21 the Gulf of Mexico, but start with some of the very
22 basics.

23 As far as management goes, we consider Gulf
24 Menhaden a single stock. There has been extensive
25 genetics work, tagging work, and generally it is accepted

1 that there is one large population of Gulf Menhaden.
2 There are not multiple small regional populations.

3 Spawning occurs in the wintertime when the
4 fishery is closed, with the peak spawning between January
5 and February.

6 The eggs hatch at sea. They are carried inland
7 passively on currents.

8 Recruitment into the estuaries generally is
9 driven by a rule of thumb of cold and dry winters are good
10 for recruitment, and warm and wet are less good for
11 recruitment.

12 The young are found in estuaries and marshes and
13 they mature there and, after a year, return back offshore
14 in the wintertime to begin spawning.

15 Gulf Menhaden generally don't exhibit a lot east
16 and west movement. Where they move from, they move back
17 to each year. They are not really resident. There is a
18 lot of mingling and commingling, but generally the data
19 indicates that as you move closer to the delta towards the
20 mouth of the Mississippi River, there are older fish and
21 younger fish on the outer edges of the range east and
22 west.

23 Overall landings and fishing effort have been
24 collected for the reduction fisheries since the 1940's,
25 about the time that the fishery began to expand following

1 World War II.

2 About 1946, NOAA began to collect more detailed
3 records on port samples, actual landings and, since 1964,
4 the National Marine Fisheries Service integrated Captain's
5 Daily Fishing Reports which are essentially deck logs.
6 The captains report every set that they make. They record
7 how much they caught, how long it took, what the
8 conditions were and a general location of where that set
9 was made.

10 Every vessel at every factory participates in
11 this. It is a hundred percent voluntary and it right now
12 currently has a hundred percent participation.

13 That process began in the late sixties. The
14 port samples are also collected by National Marine
15 Fisheries Service. Samples of the catch are taken at each
16 of the ports, at each of the factories, and those data
17 skills are collected and sent to the National Marine
18 Fisheries Service Lab in Beaufort where they are aged and
19 an age composition for the catch is determined. It is
20 tracked all year and annually.

21 Gulf Menhaden have also been under a regional
22 FMP since 1978, and there have been five revisions to that
23 FMP that were done through coordination by the Gulf States
24 Marine Fisheries Commission.

25 The five Gulf states manage their own state

1 waters. You, as the CMR, have the ability to regulate
2 whatever activities occur in your waters. The Commission
3 has no role in actual regulatory actions, unlike the
4 Atlantic States Commission, and that can be confusing
5 sometimes.

6 We provide coordination of the various
7 participants through our Menhaden Advisory Committee on
8 which the state agencies are members, along with
9 representatives from industry.

10 The MAC was formed in 1977 to develop the first
11 FMP and have met twice a year annually to hear and
12 determine changes and trends as they see it in the
13 Menhaden fishery. This also includes reduction and bait,
14 and, then, they make recommendations to the full
15 commission which then gets passed down to the state
16 agencies for potential adoption.

17 Stock assessments are conducted on a regular
18 basis by the state agencies and NOAA, most recently using
19 the SEDAR process.

20 The Commission has financially supported these
21 efforts, but coordinates only the logistics of the
22 assessments. We do not do stock assessment.

23 There have been several versions of the
24 assessments over time. These are the most recent ones
25 originally done with VPA's and more recently the BAM model

1 which is an age-structured model. That is the one that
2 was just completed last year which included data through
3 2017.

4 Again, those were conducted by NOAA, the
5 National Marine Fisheries Service, and the fishery
6 continues to be classified by NOAA as not overfished, with
7 no overfishing occurring.

8 Just some of the regulations by state. Most of
9 the states disallow fishing close to shore, weekends and
10 holidays.

11 Florida had a net reduction amendment in the
12 nineties which was targeting gill nets and trammel nets,
13 but, by their statute, actually reduces the size and
14 usefulness of purse seines in their waters. They are not
15 outlawed, but they are limited to the point of really not
16 being effective.

17 Texas is the only state that currently has a
18 TAC, or cap. It was established in 2008 as effort
19 management to prevent further expansion of the fishery
20 into their waters.

21 Since that time, the farthest west plant in
22 Cameron has closed. So the amount of fishing going on in
23 Texas waters is fairly insignificant at this time anyway.

24 Most of the existing regulations are based on
25 the long-standing practices established by the industry

1 and were simply adopted into regulation.

2 Again, the season being April through November
3 and not fishing on holidays and weekends were practices
4 that were gentlemen's agreements in the industry and were
5 considered best management practices at the time and have
6 become the regulations that we have today.

7 Currently a hundred percent of the fleet has
8 bycatch-reduction devices. They were not mandated. They
9 were actually implemented by the fleet, by the industry to
10 reduce the amount of take of unwanted species, and the
11 fleet again fully participates in the Captain's Daily
12 Fishing Report Program, as well as Trip Ticket Programs
13 within each of the states.

14 In summary, as the fishery exists today, there
15 has not been a large need for additional management. It
16 is a very cooperative group that works together.

17 The MAC is the agency that sort of works on the
18 background development of potential changes and
19 recommendations. While that moves through the commission
20 process, the commission accepts those recommendations from
21 the Menhaden Advisory Committee which are then distributed
22 out essentially back to the states who have already
23 provided them.

24 That is the way the process works. We are
25 currently working with the state agencies, the fishing

1 industry and a number of ENGO's to begin to develop
2 potential reference points for management and, because of
3 the situation with the industry trying to achieve MSC
4 certification, sustainability certification, there is an
5 interest in developing harvest controls. That is all a
6 draft process that is ongoing.

7 I'm not going to go into it, but, if you have
8 questions, I will try to address any of those.

9 We are also, the commission is working with a
10 number of the ecosystem modelers throughout the Gulf.
11 There are several models which are looking at trophic
12 interactions, predator prey interactions that have Gulf
13 Menhaden as one of the key elements. Those folks continue
14 to work cooperatively with us, with the MAC and they
15 present on a regular basis to the Menhaden Advisory
16 Committee.

17 It is a high level offering, but, if you have
18 questions, I will try to answer them.

19 COMMISSIONER HAVARD: That is very valuable
20 information. We appreciate you bringing it in front of
21 the Commission.

22 Do we have any questions?

23 COMMISSIONER BOSARGE: Yes, I do.

24 Mr. VanderKooy, I have read your name plenty and
25 I have heard your name used plenty of times before, and it

1 is nice to meet you.

2 STEVE VANDERKOOY: Thank you.

3 COMMISSIONER BOSARGE: I think you actually know
4 Leanne, my daughter. I think she has interacted with you
5 on the federal level a bunch.

6 STEVE VANDERKOOY: Yes, sir.

7 COMMISSIONER BOSARGE: Because this is a highly
8 political issue, I appreciate you coming here and actually
9 giving us your thoughts and educating us a little bit on
10 where the industry is and where they go and how they do
11 what they do.

12 A lot of it, as you said stated, as far as
13 management goes, they have done voluntarily, and I think
14 that is kudos to them for that.

15 The other thing that you touched on was MSC
16 certification, Marine Stewardship Council certification.

17 To the best of your knowledge, are there any
18 other fisheries in the State of Mississippi that have MSC
19 certification?

20 STEVE VANDERKOOY: Not in the State of
21 Mississippi that I know of.

22 COMMISSIONER BOSARGE: You are the most logical
23 person to answer some of these questions and, if I put you
24 on the spot, please say, I don't want to answer that, and
25 I will try not to.

1 MSC certification, how important is that?

2 STEVE VANDERKOOY: To the industry it is fairly
3 significant. There are a number of buyers, clients of
4 Menhaden meal and oil who would like sustainability
5 designations on the products that they purchase. It
6 supplies aquaculture. It supplies a lot of foreign
7 production, fisheries production.

8 I think to the industry it is fairly important
9 that they work to address and show that they are
10 sustainable and that is the process.

11 COMMISSIONER BOSARGE: Once that MSC
12 certification is issued which I believe it has been issued
13 for both the Atlantic Fishery and the Gulf of Mexico
14 Fishery, are there any follow ups by MSC?

15 STEVE VANDERKOOY: Yes. There is actually the
16 requirement that they maintain their certification by
17 having routine audits. They have to provide certain
18 benchmark points with the current certification. I think
19 that there are a certain number of items that they need to
20 address before their next audit, and I think Ben Landry is
21 here.

22 Ben, is it a two-year audit process, or an
23 annual?

24 BEN LANDRY: There are annual small audits, but
25 a full recertification is every four years.

1 STEVE VANDERKOOY: There you go. Every year and
2 every four years.

3 COMMISSIONER BOSARGE: Over the years I have
4 become educated to MSC and it wasn't by choice because we
5 looked at it in the shrimp industry and there was no way.
6 We, as an industry, could not fulfill the qualifications
7 for MSC certification, and I feel like that is probably
8 the case for most fisheries in Mississippi, recreational
9 or commercial.

10 I don't think there is another fishery that
11 could do MSC certification and actually achieve it.

12 I think they tried in Louisiana on Blue Crab.
13 Do you know if they ever got it?

14 STEVE VANDERKOOY: They did.

15 COMMISSIONER BOSARGE: They did get it?

16 STEVE VANDERKOOY: Yes, they did get it.
17 Maintaining it, again, is the hard part.

18 COMMISSIONER BOSARGE: Well, that is what I'm
19 saying because their resource is in pretty rough shape
20 right now.

21 Just in an effort to kind of educate everybody
22 here, this SEDAR 32 is a scientific paper.

23 Correct?

24 STEVE VANDERKOOY: SEDAR 32, yes.

25 COMMISSIONER BOSARGE: That is the stock

1 assessment from 2013?

2 STEVE VANDERKOOY: Correct.

3 COMMISSIONER BOSARGE: Peer reviewed?

4 STEVE VANDERKOOY: Yes.

5 COMMISSIONER BOSARGE: You were one of the
6 authors?

7 STEVE VANDERKOOY: I was a facilitator and
8 contributor in helping get a lot of the history and
9 background material, but not an assessor. I did not
10 participate in the modeling.

11 COMMISSIONER BOSARGE: I've got you.
12 Terminal year data for this assessment?

13 STEVE VANDERKOOY: That was 2012.

14 The more current one is SEDAR 63.

15 COMMISSIONER BOSARGE: I'm getting there.

16 If I remember correctly from what I read, this
17 terminal data for this one was 2011?

18 STEVE VANDERKOOY: Could be, yes.

19 COMMISSIONER BOSARGE: This is the stock
20 assessment that there have been questions raised and
21 statements made and the quotes come out of this SEDAR 32
22 in 2013.

23 This document, this is basically the management
24 plan (indicating document)?

25 STEVE VANDERKOOY: Correct.

1 COMMISSIONER BOSARGE: Is this a scientific
2 document?

3 STEVE VANDERKOOY: That is a scientific document
4 which is not peer reviewed. It is not a journal article.

5 COMMISSIONER BOSARGE: And, then, this SEDAR 63?

6 STEVE VANDERKOOY: Yes, sir, peer reviewed.

7 COMMISSIONER BOSARGE: Peer reviewed and
8 scientific data ended 2017, terminal year data?

9 STEVE VANDERKOOY: Correct.

10 COMMISSIONER BOSARGE: I am just trying to give
11 you guys an idea of how much -- I'm going tell you what.
12 I have a whole lot of respect for that gentleman, Robert
13 Leaf -- there are a whole bunch of them -- for their work
14 that has gone into these documents. Unreal. I mean, you
15 left no stone unturned.

16 This was the last briefing, or summary of the
17 last meeting I think in November when he says, MAC,
18 Menhaden Advisory Panel?

19 STEVE VANDERKOOY: Menhaden Advisory Committee.

20 COMMISSIONER BOSARGE: Committee, yes. I'm
21 sorry.

22 This was the last meeting, the summary of that
23 meeting?

24 STEVE VANDERKOOY: No. The last thing that we
25 worked on was a benchmark reference point workshop.

1 That is the second meeting that we had of the
2 stakeholders workshop.

3 what you don't have in your hand is the one with
4 the blue cover which was the first one that took place in
5 February.

6 That one took place in July, and, then, we had a
7 followup as part of our regular MAC meeting in October.

8 COMMISSIONER BOSARGE: Correct, and those were
9 to try to come up with some benchmarks to better determine
10 stock status?

11 STEVE VANDERKOOY: Correct.

12 COMMISSIONER BOSARGE: I don't want to take too
13 much time on a lot of these, but I do have some questions
14 because, believe it or not, I did read most of those
15 documents. Some of them were way over my head, but I
16 tried to comprehend as much of it as I could, and I had a
17 couple questions.

18 If asked to make management decisions and we
19 are. We are asked to make management decisions based on
20 best science available.

21 In your opinion, best science available is this
22 SEDAR 63 2017-2018 document?

23 STEVE VANDERKOOY: Yes, sir.

24 COMMISSIONER BOSARGE: Again, as a layman trying
25 to take in as much of this information as I could, the

1 difference that I saw that really stuck out to me, the
2 differences that were learned between one stock assessment
3 and the other was for fecundity.

4 Could you elaborate a little bit on that for the
5 rest of us folks here that can learn something without
6 having to read the whole thing?

7 STEVE VANDERKOOY: You are at an advantage
8 because I also am a layman on some of this stuff.

9 COMMISSIONER BOSARGE: I'm sure you are.

10 STEVE VANDERKOOY: Dr. Robert Leaf is here and
11 he can probably give more details, but a coordinated
12 project with him and Nancy Brown-Peterson of the Gulf
13 Coast Research Lab explored fecundity. They actually took
14 ovary samples on a number of menhaden and they determined
15 that there was actually much higher fecundity than what
16 was previously reported in very old literature from the
17 seventies and eighties.

18 COMMISSIONER BOSARGE: Ten times more.

19 STEVE VANDERKOOY: Yes, sir, and they actually -
20 - I believe they spawned more often as well in a single
21 season which really increased the productive capacity of
22 the population.

23 COMMISSIONER BOSARGE: Yes, from what I read,
24 fecundity was ten times more than previously -- than the
25 numbers used in 2013.

1 STEVE VANDERKOOY: Yes, sir.

2 COMMISSIONER BOSARGE: And, then, also they
3 determined that these fish spawn, of course, in the period
4 you said. I think you said September through April, and I
5 think it says October through April, but as many as seven
6 times a month, so as much as twenty-five times a year for
7 each fish, if that is what I remember and I have it, but
8 I'm not going to dig it out.

9 STEVE VANDERKOOY: I believe that is correct.

10 COMMISSIONER BOSARGE: When you are looking at
11 the science and you are looking at best science, there is
12 quite a difference between the 2013 and the 2018.

13 STEVE VANDERKOOY: Yes, sir.

14 COMMISSIONER BOSARGE: I have one kind of
15 scenario that I want to run past you and for everybody
16 here.

17 when menhaden are that zero to one year old,
18 they basically feed on phytoplankton. That's what it says
19 in the literature, and phytoplankton being the plankton
20 that at times make up these algal blooms. So these fish
21 serve a good purpose at that time and stage of their life
22 to try to actually help some of the things that we have
23 problems with.

24 As they age and they get on up into that one and
25 two year old, they tend to move away from phytoplankton to

1 zooplankton.

2 STEVE VANDERKOOY: Correct.

3 COMMISSIONER BOSARGE: Me looking at this next
4 presenter and I don't want to go too far ahead of him,
5 this is a scenario I see that is a possibility that could
6 happen if we do the wrong thing.

7 we all talk about ecosystem and ecosystem
8 management. That is a very, very hard thing to do because
9 you have to look at species and how one species interacts
10 with another species and the management that we have on
11 one species and how that management interacts with that
12 species that will affect the next species.

13 I would probably shoot myself, if I had to do
14 that, but in an effort to be fair and to give an outlook
15 that maybe not everybody has thought of and not everybody
16 has looked at, as these fish get to this two-year old
17 stage, they basically feed on zooplankton.

18 If we increase the number of fish, then, we
19 increase the number of fish feeding on zooplankton.

20 Zooplankton are basically very small animals
21 and, in the larval stage of crabs, fish, shrimp, oysters,
22 they are in that zooplankton stage at one point of their
23 life.

24 Correct?

25 STEVE VANDERKOOY: Yes.

1 COMMISSIONER BOSARGE: Would it not be something
2 to consider that right now with the balance we have with
3 the fish we have everything is kind of in check.

4 If we let menhaden go and let menhaden sure
5 enough flourish that that could actually backfire to where
6 we have a whole big crop of menhaden eating all our little
7 bitty shrimp, our little bitty crabs, our little bitty
8 finfish and our little bitty oysters.

9 STEVE VANDERKOOY: I am probably not the correct
10 person to actually answer that question. I think there
11 are certain life stages for certain periods that could be
12 impacted.

13 COMMISSIONER BOSARGE: And if you look back at
14 history and you look back at some of the literature that
15 you presented, especially back in the eighties when there
16 were three plants in Moss Point, probably forty-five
17 boats, two plants in Empire, Abbeville, Cameron, and the
18 population of menhaden was fished pretty hard -- some
19 consider possibly overfished, but me thinking back there
20 sure was a lot of shrimp. There were more shrimp than
21 there are now. There were more fish than there are now.
22 There were more crabs than there are now. Right now we
23 have a serious problem with crabs.

24 Anyhow, just to put that in most people's minds,
25 you guys are the guys that need to be making decisions you

1 are working on.

2 I'm sure, with your predator prey, this is not a
3 scenario that you have not heard of before.

4 Correct?

5 STEVE VANDERKOOY: Correct.

6 COMMISSIONER BOSARGE: This group is going to be
7 asked to make decisions on menhaden, when you guys are the
8 group -- you are the guys with all the knowledge.

9 I mean, I won't put you to making -- anyhow,
10 that's not your point, but I just wanted to put that
11 scenario out there so that everybody can think about that
12 just for a minute.

13 I had a list of questions for you. Let me make
14 sure I cover all the bases.

15 I think that is most of it. It was interesting
16 reading. I know more about menhaden now than I have very
17 known in my life, and I don't know that I care to know
18 anything more, but it was an eyeopener.

19 I hope that some of you guys can take the time
20 to open up some of this and educate yourself, some of my
21 fellow Commissioners.

22 Thank you, Mr. Vanderkooy.

23 STEVE VANDERKOOY: Thank you.

24 COMMISSIONER HAVARD: Thank you for providing
25 that information for us.

1 If there are not more questions, that concludes
2 --

3 JOE SPRAGGINS: (Interposing) Sir, I just want
4 to thank Mr. Vanderkooy for coming today on a short notice
5 for us. We appreciate you.

6 STEVE VANDERKOOY: Very good. No problem at
7 all. Thank you.

8 COMMISSIONER HAVARD: Thank you.

9 Next up, I think we have Mr. F. J. Eicke with
10 Coast Conservation Association.

11 F. J. EICKE: Good morning.

12 My name is F. J. Eicke. I'm the co-chair of the
13 Government Relations Committee for CCA Mississippi,
14 Coastal Conservation Association Mississippi.

15 This is a presentation on a proposal that we are
16 making to the Commission for consideration.

17 Commissioner Bosarge, I'm not a scientist
18 either, although I am a psychologist and the way the data
19 collecting goes in the fisheries area, kind of drives me
20 crazy.

21 COMMISSIONER BOSARGE: Mr. Eicke, you just don't
22 know.

23 F. J. EICKE: Because I am used to very tight
24 studies in the field of psychology, but I do appreciate
25 the opportunity to appear before the Commission and to

1 present -- which I think y'all have -- the written
2 proposal that we have circulated and actually put out to
3 the public. The public has this, they have a news release
4 that we formulated as well and, of course, the tradition
5 of CCA is the Red Fish. It comes out of the Red Fish wars
6 in Texas and has spread as you can see to all three coasts
7 now so that the marine conservation is a concern to our
8 members on all three coasts and we are virtually in every
9 state in the United States that is coastal. The exception
10 being that little star there which is a Nashville chapter.

11 You wonder what in the world are they doing in
12 Nashville. Well, what they are doing is they are raising
13 money for habitat projects that we implement through CCA.

14 This is simply a mission statement that we
15 adopted as an organization. We are not an environmental
16 non-government organization. We view ourselves as a
17 conservation non-government organization.

18 As you can see, what we are doing today in
19 making the proposal that we do is simply abiding by what
20 our mission statement is trying to influence a state
21 regulatory agency as you are to take some action that we
22 think is reasonable and something that is worth
23 considering.

24 This is the topic. Menhaden being a very
25 prolific and highly sought fish. It is a forage fish.

1 You and I would not, as a fish, eat it.
2 Although we might use it as fish oil, or some other things
3 like makeup and such. This is the topic that we are
4 addressing.

5 What we are proposing to the Commission is that
6 you consider adopting a total allowable catch of menhaden
7 in Mississippi waters, and I want to stress that,
8 Mississippi waters. This is only involving our waters --
9 and set that based on the only data that I have available
10 to me from the 2015 Regional Plan I think it is for 2000
11 to 2012 where they reported in that document, excluding
12 2005 for obvious reasons, a catch of twenty-eight thousand
13 nine hundred metric tons per year as an average for that
14 period of time, and that you take a precautionary
15 ecosystem-based approach to the management of the menhaden
16 industry, of the menhaden fishery in our waters, just in
17 our waters.

18 The proposal that you have goes into some
19 details about why we think this is a reasonable approach,
20 but, basically, it comes out of a statement that is found
21 in that same document, that the most critical concern of
22 managers was that there was too much uncertainty regarding
23 estimates of biomass for Gulf Menhaden, and, therefore,
24 the only appropriate action that could be taken by the
25 state agencies -- and since you manage this fishery, even

1 though in many cases we don't -- would be to manage for
2 effort, or harvest level, and that we are doing in this
3 case.

4 You, as the Commission, have the full power to
5 regulate all matters pertaining to all saltwater aquatic
6 life and marine resources in Mississippi waters.

7 The Captain's Daily Fishing Report has been
8 mentioned by the previous presenter, and that is according
9 to Title 22, Part 9, Chapter 08, Section 100, data that is
10 made available to the staff here and apparently it has
11 some confidentiality associated with it that does not
12 allow the providing of data on an annual basis to the
13 public.

14 I can recall in a previous time some years back
15 -- I guess it was about 2007 -- when an effort was made to
16 regulate the industry to some extent, that Dr. Vernon
17 Asper who at that time sat in the seat that Mr. Havard
18 sits in now, asked the representative of the industry what
19 was the average catch in Mississippi waters, and that
20 data, as I recall, was not made available to the
21 Commission, but the representative indicated that it was
22 between twenty-five and forty thousand metric tons. So it
23 really was pretty close, just as an off-the-cuff remark.

24 Some of the data that simply is there and might
25 be of interest to the Commission and to the public is that

1 Omega Protein is now family-owned by a Canadian firm
2 called Cooke Aquaculture, making the data less available
3 than it was previously, as I understand it. I don't go
4 prying into things a whole bunch, but that is the
5 indication I have.

6 I think what we are doing is we are basically
7 feeding salmon in the Pacific northwest and up in the
8 Atlantic and other places and round the world with fish
9 that are coming out of our waters, and, then, are sold in
10 a meal form in particular all around the world for
11 aquaculture that then computes with our commercial
12 fishermen as it comes back to us.

13 There was, in one presentation by Joseph Smith
14 who is a fairly renowned data collector I guess at the
15 Beaufort Lab that the average set produces about seventeen
16 to twenty-one metric tons and, if you multiply that by two
17 thousand two hundred and four, that gives you an idea of
18 how many pounds that is on each set.

19 The catch and bycatch in Mississippi waters is,
20 to my knowledge, unknown to the public and public
21 officials, although we do what is landed at the Moss Point
22 Plant, but that includes so much of the catch from
23 Louisiana waters which produces apparently approximately
24 eighty percent of the catch.

25 The bycatch is limited by statute. It is a

1 certain species and the retention of Red Drum which Steve
2 Vanderkooy mentioned earlier is prohibited in Mississippi
3 waters, and there were citations issued some years back
4 that resulted in the industry trying to get a bycatch
5 allotment which was shot down, or which was not acted on
6 by the Legislature at that time.

7 The Moss Point Plant originally employed mostly
8 local residents and it was very important the local
9 economy.

10 we have indication with comments that have been
11 made by the industry that there is some degree of legal
12 immigrants, and I want to stress legal immigrants from
13 Central American countries that work in this industry
14 which is just part of what goes on in American industry
15 today.

16 The final thing is that there have been
17 consistent complaints which is why we are proceeding with
18 this proposal by recreational anglers, charter boat
19 captains and environmental advocates that any attempt that
20 was made to regulate the industry through this Commission
21 have basically not resulted in anything. That includes as
22 simple a thing as a request made by the Board of
23 Supervisors of Jackson County to set a one-mile limit in
24 Jackson which already existed and has existed for years in
25 Hancock and Harrison counties, and even that proposal was

1 denied some years back.

2 what we are dealing with in the 2000-2012 period
3 is an average catch gulf wide of four hundred and ninety-
4 seven thousand five hundred metric tons which is over a
5 billion pounds of fish.

6 In Mississippi, the twenty-eight thousand nine
7 hundred would result in a catch of sixty-three million
8 seven hundred and thirteen thousand six hundred and four
9 pounds of fish which, according to that document, is five
10 point nine percent of the coast-wide catch, the Gulf-wide
11 catch.

12 A document from 2015 called "Fisheries Economics
13 of the United States gives an estimated average annual
14 price of menhaden at eighteen cents. So we are removing
15 quite a biomass of fish which are forage fish, and the
16 price is not particularly high, but it is in the mass of
17 fish that the industry obviously realizes there is profit.

18 what we are doing, or what we are proposing is
19 quite consistent with what was done was Texas back 2008
20 where they set a total allowable of thirty-one thousand
21 five hundred pounds and that has been in affect, as I
22 indicated, since 2008.

23 No other state has done that, with the exception
24 of Florida which simply put in a net prohibition that kept
25 the industry out of Florida altogether.

1 That is the just the heading of the Fisheries
2 Economics of the United States (indicating slide).

3 What I wanted to impress on is that if this
4 proposal were to have some affect on our fisheries in a
5 positive way, it might in fact increase what we derive
6 from economic benefit with the recreational fishery which,
7 according to the Fisheries Economics of the United States
8 report in 2015 had a total state value added of some three
9 hundred and fifty-four million. That can go up.

10 With that, I will end, and thank you for the
11 opportunity to make this proposal to the Commission.

12 Whatever the Commission decides to do is what we
13 will live with, but we hope that you will seriously
14 consider this proposal in whatever manner you choose to do
15 so.

16 Let me do one other thing. I think it is still
17 here. It is a totally different topic, but I wanted to
18 show you this.

19 This is the plate that we have developed through
20 Ballard Pewter for an award that honors a person that all
21 of us I think thought highly of, Jimmy Sanders, with the
22 Jimmy Sanders Memorial Lionfish Challenge (indicating
23 photograph).

24 This year the winner was Sean Cook, and the
25 award was presented essentially at an end-of-the-year

1 Christmas party of the Deepwater Mofia which is a very
2 recognizable and very ethical, I would say, and
3 cooperative group of divers (indicating photograph).

4 The only way you can reduce the Lionfish
5 population on our reefs offshore is to go out with divers
6 a just spear them. That is what they are doing and the
7 staff in the Artificial Reef Bureau here is the one that
8 keeps the fish and does some research with them.

9 We are particularly pleased to be able to
10 provide the plate that is awarded to the winner each year.

11 With that, I will either end my presentation, or
12 make whatever comments, or answer any questions that might
13 come forth.

14 I think Commissioner Bosarge has always made his
15 point that is a biological type thing that is beyond me,
16 but I would certainly listen to the staff in terms of what
17 might be a fact.

18 The key thing is that we are talking about a
19 prey. We are talking about a fish and, without any doubt,
20 the federal government is interested in developing models.
21 As indicated, there are efforts underway with this fishery
22 as well to develop models that consider not only a single-
23 species stock assessment, but how that stock interacts
24 with whatever aspect of the ecology it might do so.

25 COMMISSIONER BOSARGE: Mr. Eicke, that Jimmy

1 Sanders, he was a good guy. I really enjoyed my time with
2 him. He was like one of those sparklers that burn out too
3 quick. Jimmy, he was a real joy to be around.

4 F. J. EICKE: We had just completed an
5 enhancement of the Cat Island Reef, prior to his leaving
6 us, and that was an effort through a group at CCA,
7 Building Conservation Trust, that provided some money to
8 do so, and we hope in the future that that will continue,
9 once we get to the point where are actually doing some
10 reef work because habitat is important to CCA.

11 COMMISSIONER BOSARGE: Every year there for a
12 couple of years, we would go to the Decommissioning Summit
13 in Houston because we do some work in the decommissioning
14 field, and Jimmy would be there representing Mississippi
15 and the fishing banks and looking for rigs for rigs to
16 reef, and it was nice to interact with him, heck of a good
17 guy.

18 F. J. EICKE: Of course, we all know that one of
19 the reefs that is off our shore is a decommissioned pogy
20 boat and it is apparently a very productive reef as well.

21 COMMISSIONER BOSARGE: Yes. I got to fish on it
22 just a little bit.

23 Mr. Eicke, going back to your presentation and
24 not to hammer home on it, but just to make sure everybody
25 understands, in other words, everything that you presented

1 came out of that 2013 stock assessment, SEDAR 32A.

2 You pulled your information from this management
3 plan of Gulf States Marine Fisheries.

4 F. J. EICKE: I did, and the subsequent one, I'm
5 not sure if there is data about the catch, but there may
6 be and I missed it.

7 Did you find it?

8 COMMISSIONER BOSARGE: This one does not give
9 you Mississippi landings, other than I think it was -- I
10 say, Mississippi catch. It seems like from 1943 to 1973,
11 it gave that same information that you quoted, and I
12 brought those papers, but it seemed to me like it was an
13 average of seventy-seven thousand metric tons during that
14 period.

15 F. J. EICKE: You mean the early period?

16 COMMISSIONER BOSARGE: That's correct.

17 F. J. EICKE: The graph that Mr. Vanderkooy
18 indicated showed in some earlier years catch much greater
19 than is being caught at the present time.

20 COMMISSIONER BOSARGE: That's correct, and I
21 would have to surmise back at that point in time that
22 there probably wasn't near the capacity that there was in
23 the eighties and nineties, but they had a lot of catch
24 back in that day.

25 I guess the point I want to try to make is the

1 information that you are presenting is 2011, and the
2 current information, I wish you would have kind of -- have
3 you see the 2018 stock assessment?

4 I mean, it is online. That's where I got it.

5 F. J. EICKE: I will admit that I looked through
6 it. I did not find -- and mine was a leafing through it
7 kind of thing. I did not find any indication of what the
8 Mississippi catch is.

9 The only time I have ever seen data specific to
10 Mississippi -- I'm sure it exists because the Captain's
11 Daily Fishing Reports exist. When a set is made, it is
12 designated as being in Mississippi waters, or in some
13 other state's waters, particularly Louisiana I would
14 think.

15 I am going on what is available to me. If there
16 is later data that indicates a different average, it is up
17 to the Commission to consider that.

18 COMMISSIONER BOSARGE: We have a fishery that is
19 sustainable. We have a fishery that is actually shrinking
20 in the number of vessels, number of plants.

21 That Cameron plant that just -- well, it closed
22 a few years back. That was purely from a cap that Texas
23 put on that had no science, nothing to back it. It was
24 just arbitrary. They had enough votes. So they pushed it
25 through. The did it.

1 F. J. EICKE: The wording in Texas resolution,
2 or whatever, the statute, or the provision that they put
3 in is exactly what we do.

4 We are thinking of this as a precautionary move.
5 The reason I say precautionary is, if the scientists can
6 come up with a way to include factors other than the
7 single-species model, then, that should be looked at, but,
8 if that is not going to happen I would guess for many
9 years -- I mean, using the Atlantic, based on what I
10 understand in the Atlantic and it is a different
11 situation, but they are trying to find an ecological
12 reference point is what it is called and, apparently,
13 there is a difficulty doing that, to find out what effect
14 that particular fishery has on other species and
15 particularly Striped Bass.

16 COMMISSIONER BOSARGE: Yes, because that is the
17 most heavily recreational fish species up there and it is
18 in pretty bad shape.

19 F. J. EICKE: Exactly, and we've got a similar
20 thing.

21 COMMISSIONER BOSARGE: But can you imagine if
22 your assumption is wrong and you say we need to curtail
23 the catch of menhaden --

24 F. J. EICKE: (Interposing) I'm not saying we
25 need to curtail the catch. I'm saying we need to keep it

1 at an average.

2 COMMISSIONER BOSARGE: From what I read of your
3 proposal, you want to cap it, or reduce it, because your
4 proposal says that you could never increase it. That is
5 what your proposal says.

6 F. J. EICKE: Again, that is our proposal, but
7 what action the Commission takes is up to the Commission.

8 Our proposal is to cap it at an average catch.
9 The data available to us is 2000-2012, so we used it.

10 COMMISSIONER BOSARGE: Yes, sir, and no
11 disrespect, but you, or I, neither one are qualified to
12 make those decisions, and I don't think anybody else up
13 here is.

14 We actually have a Menhaden Advisory Panel which
15 we have Matt Hill that is actually on that panel, and I
16 think Trevor actually is a --

17 JOE JEWELL: (Interposing) He is the proxy for
18 Matt on that committee.

19 F. J. EICKE: What I would emphasize again is
20 that what we are talking about is this Commission, the
21 Mississippi Commission managing menhaden in Mississippi
22 waters. That is all, and the Gulf-wide perspective is the
23 Gulf-wide's perspective.

24 COMMISSIONER BOSARGE: You have no reason for
25 it. In other words, you have a stock that is perfectly

1 healthy. It is not overfished, or undergoing overfishing.

2 Let's put it like this, Mr. Eicke. Let's say
3 that we handed Mr. VanderKooy two stock assessments. One
4 of them was for menhaden and one of them was for spotted
5 seatrout, and asked him, just look at these two stock
6 assessments and tell me which one of these stock
7 assessments you would advise putting a TAC on.

8 which one do you think he would suggest you put
9 a TAC on?

10 F. J. EICKE: But you are talking about a stock
11 assessment that is Gulf wide.

12 I'm talking about finding a -- doing a multi-
13 species stock assessment that would consider the effect of
14 this fish and the fishery in Mississippi waters only.

15 COMMISSIONER BOSARGE: Once again, I think it is
16 an effort in fruition.

17 COMMISSIONER HAVARD: Mr. Eicke, I appreciate
18 you getting the data together and coming here and speaking
19 with us today. If you guys need to speak about this
20 further after the meeting, you and the other Commissioners
21 are more than welcome to discuss all the details involved.

22 F. J. EICKE: I have had previous discussions
23 with Commissioner Bosarge on various topics and they are
24 always interesting.

25 COMMISSIONER BOSARGE: They are. They are, and

1 there has been a push from your organization against
2 menhaden for quite some time, and it is a commercial
3 fishery.

4 F. J. EICKE: You know, you have to recognize
5 that some of the things that our members, or the
6 recreational fishermen, anglers in general have problems
7 with are some of the things that we have observed, and
8 there are problems with bycatch that --

9 COMMISSIONER BOSARGE: (Interposing) Mr. Eicke,
10 that goes both ways now. It goes both ways.

11 F. J. EICKE: I know.

12 COMMISSIONER BOSARGE: We don't need to get off
13 in the woods. I agree with the chairman, but I will say
14 one thing, too.

15 when you mentioned Florida, did you know that
16 the Florida Fish and wildlife actually called Omega
17 Protein?

18 This has been some years back. It was Rick
19 Schlotsky (phonetic) when he was with Omega Protein.
20 Called them and asked them to come over there and catch
21 menhaden because they had so many they were dying off in
22 the bayous and everywhere and stinking everything up.

23 F. J. EICKE: I think you were still on the
24 Commission when the first action was requested to a group
25 other than CCA, although we were a part of it, and that

1 particular thing came up, as I recall, in that
2 conversation as well.

3 It is a complex issue, and I leave it to the
4 Commission to take what action you deem appropriate.

5 COMMISSIONER BOSARGE: Thank you, sir.

6 COMMISSIONER HAVARD: I appreciate it, Mr.
7 Eicke.

8 We have one public comment on this subject, Mr.
9 Ben Landry.

10 Did you still want to speak?

11 BEN LANDRY: Hi, again.

12 I believe I have met most of you guys. My name
13 is Ben Landry with Omega Protein.

14 I just wanted to reiterate a little bit of what
15 you have heard, but from a different stakeholders
16 perspective.

17 I thought Mr. VanderKooy remarks were
18 particularly telling, as it relates to, say, a resident
19 stock, or a lack of resident stock, of menhaden in
20 Mississippi waters.

21 Genetically, this is a coast side species, one
22 Gulf Menhaden, not anything that is resident to
23 Mississippi, and that is how the science has been
24 conducted to date. It is on this coast wide species.

25 Shifting to a regime where you are only getting

1 information from one state is going to be awfully
2 difficult, basically setting up a new system.

3 The notion that this is a precautionary measure
4 -- I have heard the word "precautionary" quite a bit
5 today. I haven't seen anything that presented caution.

6 You've got a stock with its biomass at the
7 highest point it has been in the last forty years which is
8 a very good thing.

9 You've got fishing mortality rates which is the
10 rate of removal from the stock, one of the fourth, or
11 fifth, lowest in the forty-year time period.

12 You've got really good population dynamic regime
13 right now where you've got a tremendous amount of fish in
14 the population and some of the lowest amount of removals.

15 I would also say that this is a -- it's a little
16 bit awkward, I guess, to comment on something that came
17 from a stakeholder as opposed to, say, the Commission

18 should this develop into multiple meetings, the
19 industry would request the same amount of time that the
20 stakeholder was able to provide, fifteen minutes. I am
21 limited to three.

22 I think moving forward that would be something
23 that we would request.

24 Also, it would be interesting to see any
25 predator diets, if there is any credible evidence that

1 indicates that there are predators out there that are food
2 deprived because of the lack of menhaden. I don't think
3 that you would see that.

4 I will leave it at that. I don't want to
5 belabor the point because my points are largely those made
6 by Mr. VanderKooy, but I am happy to take any questions
7 about not only the population, but primarily the company.

8 Thank you.

9 COMMISSIONER HAVARD: Thank you, Ben, for taking
10 the time to discuss these issues.

11 The appreciate both sides of the menhaden
12 industry coming and speaking with us. That way, the
13 general public has a better understanding of what we are
14 dealing with up here.

15 I think I can speak for most of the
16 Commissioners. We all don't have time to sit there and
17 read stock reports after stock reports, or assessments
18 rather.

19 I think it is best for us to put it in our
20 staff's hand and let the staff come back with some
21 recommendations for us and just let you guys come back
22 with a recommendation because, like I said, I don't have
23 time to read the stock assessment reports. That is the
24 staff's and the biologists' responsibility to provide us
25 with that kind of information.

1 COMMISSIONER BOSARGE: Has the staff had any
2 input on this to this point?

3 was the staff asked if we needed to go here for
4 this presentation?

5 JOE JEWELL: To my knowledge and I have talked
6 to our senior staff, we have not been consulted, or asked
7 to comment on this.

8 As a matter of fact, the report that Dr. F. J.
9 presented today, that is the first time we have seen it.

10 I know it was in the portal, but we didn't have
11 access to it.

12 COMMISSIONER BOSARGE: So you have no access to
13 -- did you have access to Mr. VanderKooy?

14 JOE JEWELL: The original one we did, but the
15 one that was uploaded this morning, no.

16 COMMISSIONER HAVARD: Maybe I misstated there.
17 I'm not asking the staff to give me a response now.

18 COMMISSIONER BOSARGE: I understand that, but
19 I'm just wondering how we got here.

20 I would have thought that Fisheries would have
21 been involved in the process as to whether this was an
22 issue we even needed to have a discussion on.

23 JOE SPRAGGINS: Sir, real quick. We have had
24 discussion on it. We have had more than one discussion on
25 it. We sat down and talked about it in open meetings, and

1 we did talk about how to bring this up, if we wanted to
2 bring it up, and it was brought up in that meeting that we
3 would bring it up this way, and this was through the
4 staff.

5 COMMISSIONER BOSARGE: So, did the staff say
6 that it was an issue that we needed to address?

7 JOE SPRAGGINS: They didn't have a point one
8 way, or the other, and the staff aren't the ones that are
9 making these decisions.

10 It was brought forward to the Commission -- it
11 was brought forward through a Commissioner to me to ask to
12 look at it. We did that --

13 COMMISSIONER BOSARGE: (Interposing) And I
14 understand that and that was the point I made at the
15 beginning of this meeting because it was made clear to me
16 in previous meetings sometime ago that the Commission
17 along with you set the agenda.

18 JOE SPRAGGINS: And it is, and that is what we
19 did. I worked with the chairman of the Commission.

20 COMMISSIONER BOSARGE: I guess my point is if
21 we, as a Commission, didn't have any say-so as to whether
22 this even needed to be on the agenda and Fisheries never
23 weighed in as to whether it needed to be on the agenda,
24 how did we get where we are?

25 COMMISSIONER HAVARD: We will discuss that out

1 of public meeting.

2 I think what we need to do at this time is I
3 would like to make a motion that the staff come back with
4 your recommendation with the menhaden industry as a whole.

5 At this time, I have a motion on the table.

6 Do I have a second for the motion?

7 COMMISSIONER GOLLOTT: Mr. Chairman, I would
8 like to make a counter motion, alternative motion that as
9 far as I'm concerned if it not broken, don't fix it.

10 when they start talking about Texas did so and
11 so, and, then, they closed the plant down in Cameron, I
12 don't like that at all.

13 I would like to make a motion that we just table
14 this forever, let it die.

15 COMMISSIONER BOSARGE: I'll second that motion.

16 COMMISSIONER HAVARD: Is that a serious motion?

17 COMMISSIONER GOLLOTT: It was a serious motion.
18 I would like to see it go away.

19 COMMISSIONER HAVARD: I have a motion and a
20 second to never mention the Omega Protein industry again.

21 COMMISSIONER DANIELS: If I can interject, I
22 don't think we can get rid of anything forever, but --

23 COMMISSIONER BOSARGE: (Interposing) Can you
24 speak into the mike, please?

25 COMMISSIONER DANIELS: Yes. I'm sorry.

1 It really kind of sounds to me like both sides
2 are kind of trying to get to the same -- I don't want to
3 say both sides, but both motions are kind of trying to get
4 to the same place, in that we have staff that observes
5 these types of things and will inform us if there is a
6 problem and can present that to the Commission.

7 I don't know that we really need any type of
8 action today, without that staff coming up and telling us
9 that we do.

10 we have heard the information. I think we all
11 understand it. That is my point.

12 Do we really need to take any action whatsoever
13 today?

14 COMMISSIONER HAVARD: I don't know because I
15 haven't read six inches worth of documents.

16 COMMISSIONER BOSARGE: Eight, or ten.

17 JOE JEWELL: Can I make a couple of comments?

18 I want to clarify one issue. Certainly I agree
19 with Director Spraggins. This was an issue that was
20 mentioned in several staff meetings as early as mid
21 November, but we didn't comment on it. We didn't have any
22 input. We weren't asked any input. We had no idea that
23 it was going to evolve into the issue that it did today.

24 That being said, if the Commission so desires us
25 to come forward with recommendations, any recommendation

1 that we would make would be based on the science that is
2 available through SEDAR and the management plans, and you
3 have heard most of that today, but it would be centered
4 around the current science, the best science and what the
5 science states the stability of the stock is now.

6 COMMISSIONER HAVARD: And I think that is
7 exactly what the Commission needs to hear is the science
8 side of it, what you guys recommend we do, if any.

9 If you recommend that the population is fine,
10 let's leave it be, but I don't know. I'm not a menhaden
11 specialist, and I don't think anybody on the Commission
12 is. I could be wrong, but we are going to need you guys
13 to tell us what needs to happen, or what your
14 recommendations are.

15 Is the stock healthy? Is it not?

16 That's where I'm at.

17 COMMISSIONER GOLLOTT: Could you make the
18 recommendation without doing a study, I mean, on what you
19 know offhand?

20 JOE JEWELL: Well, like I said, the information
21 that was presented to the Commission today, we are not
22 going to say anything different than that. The stock is
23 stable. The stock is sustainable. The fisheries is
24 reducing. The pressure on the stock is reducing. We are
25 not going to present anything different than that.

1 COMMISSIONER GOLLOTT: Do you think there needs
2 to be a study on it?

3 It sounds like you would be wasting time to me,
4 if everything is stable and reducing.

5 JOE JEWELL: well, I don't think I would go as
6 far as your proposed alternate motion.

7 COMMISSIONER GOLLOTT: I was kidding.

8 JOE JEWELL: I think right now the stock is
9 stable and I think that one of the directives that the
10 Commission could make is for the staff to periodically, or
11 annually, provide updates based on the Menhaden Advisory
12 Committee, and we certainly could do that, but I don't see
13 us doing anything different than what was presented today,
14 but we could do that.

15 COMMISSIONER GOLLOTT: Let me modify my motion,
16 then.

17 COMMISSIONER BOSARGE: So in that regard, we
18 don't even need a motion period.

19 COMMISSIONER GOLLOTT: well, my motion was just
20 to table it until the staff decides to bring it back up.

21 If you don't think we need a motion at all, that
22 is fine. I just don't want to hear any more about it.

23 COMMISSIONER DANIELS: I think it is an
24 important subject, but I think we have people that are
25 monitoring this very well.

1 COMMISSIONER GUESS: Can you add to the
2 alternate motion that the staff can report on an annual
3 basis how the menhaden industry is?

4 COMMISSIONER GUESS: Instead of industry, put
5 resource.

6 COMMISSIONER BOSARGE: Or stock maybe.

7 COMMISSIONER GOLLOTT: Yes.

8 COMMISSIONER GUESS: Change industry to resource
9 on the second motion.

10 COMMISSIONER HAVARD: We are going to move
11 forward with the alternative motion. I believe Mr.
12 Gollott made the alternative motion.

13 Steve, did you second this?

14 COMMISSIONER BOSARGE: I seconded it, yes, sir.

15 COMMISSIONER HAVARD: We have a motion and a
16 second on the table.

17 All those in favor say aye.

18 (All in favor.)

19 COMMISSIONER HAVARD: All those opposed like
20 sign.

21 (None opposed.)

22 COMMISSIONER HAVARD: Motion moves.

23 I think that concludes our meeting, unless we
24 have any additional public comments out there that anybody
25 would like to discuss.

1 COMMISSIONER GOLLOTT: Mr. Chairman, I would
2 like to make a motion we adjourn.

3 COMMISSIONER HAVARD: I like that motion.
4 we would like to wish everybody Happy Holidays
5 and a Merry Christmas.

6 COMMISSIONER DANIELS: I'll second the motion.

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

9 All those in favor say aye.

10 (All in favor.)

11 COMMISSIONER HAVARD: Motion moves.

12 (Whereupon, at 12:26 o'clock, p.m., the December
13 17, 2019, meeting of the Commission on Marine Resources
14 was concluded.)

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CERTIFICATE

I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above and foregoing is a true and correct transcript of the December 17, 2019, meeting of the Commission on Marine Resources, as taken by me at the time and place heretofore stated in the aforementioned matter in shorthand, with electronic verification, and later reduced to typewritten form to the best of my skill and ability; and, further, that I am not a relative, employee, or agent, of any of the parties thereto, nor financially interested in the cause.

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