MISSISSIPPI ADVISORY COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, June 15, 2021
9:00 a.m.
Bolton Building Auditorium
1141 Bayview Avenue
Biloxi, Mississippi

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Commission Members:

Ronnie Daniels, Chairman
Natalie Guess, Vice Chairman
Cammack (Cam) A. Roberds

Also Present:

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

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788
COMMISSIONER DANIELS: Good morning everyone.
At this time, we will call the Tuesday, June
15th, 2021, meeting to order.
First up, we are going to have our Pledge of Allegiance.
We've got Commissioner Roberds back in the building today. I am going to ask him to lead us in it.
(Pledge of Allegiance was recited.)
COMMISSIONER DANIELS: At this time, I would like to ask the Director to provide us with a little prayer for today.
JOE SPRAGGINS: First off, I just want everyone to thank you and also put in your hearts and your prayers for everybody who is working out there every day for us. There are a lot of people out there on the water. There are a lot of people on the streets that are helping us every day. So let's keep them all in your minds and keep them all in your hearts.
If we could, let's go to the Lord in prayer.
Heavenly Father, we thank you for the opportunity. Thank you for allowing us to serve you. Just take this group and lead us and guide us and direct us to do the things you would have done and not what we would do.
Lord, we just ask you to lead and guide us every
day. We ask this in Jesus Christ’s name. Amen.

COMMISSIONER DANIELS: Approval of the minutes from the May 18th, 2021, meeting.

Do we have any discussion on that?

(No response.)

COMMISSIONER DANIELS: Can I get a motion to approve the minutes?

COMMISSIONER GUESS: I’ll make a motion.

COMMISSIONER ROBERDS: I’ll second it.

COMMISSIONER DANIELS: I have a motion and a second.

All those in favor aye.

COMMISSIONER GUESS: Aye.

COMMISSIONER ROBERDS: Aye.

COMMISSIONER DANIELS: Aye.

Motion passes.

Approval of today’s agenda.

Do I have a motion for that?

COMMISSIONER ROBERDS: I’ll make a motion.

COMMISSIONER GUESS: I’ll second it.

COMMISSIONER DANIELS: Commissioner Roberds makes a motion. Commissioner Guess seconds.

All those in favor aye.

COMMISSIONER ROBERDS: Aye.

COMMISSIONER GUESS: Aye.
COMMISSIONER DANIELS: Aye.

Mr. Joe, it is yours.

JOE SPRAGGINS: I appreciate it. Thank you very much.

First off, if you have any public comments, please hold your hand up and TJ is in the back. He can get it from you and we just need to make sure that we put it down so we can get you where you need to be in the public comment part of it.

One announcement real quick. We want to let you know that we have a new Chief Scientific Officer. We have been in the search for this and looked hard and were able to select one of our own, Rick Burris. He is coming out of Fisheries to be our new Chief Scientific Officer for the Department of Marine Resources.

(Applause.)

RICK BURRIS: Thank you.

JOE SPRAGGINS: Rick comes to us with a lot of knowledge. He has been in the agency for about eighteen years.

Is that right?

RICK BURRIS: Fourteen years.

JOE SPRAGGINS: Fourteen years. Well, I gave you four extra.

He has worked hard and he is now the Assistant
Director in Fisheries. He is doing a fantastic job. We are very proud to have him to move forward with the agency.

I've got a couple of things here.

Employment contracts.

As you see, we've got a few new people, or some that have moved around.

We've got Mr. Jack Husley who is promoted to Marine Patrol Officer II, Corporal.

Chris Collins is one of our new Lieutenants and Marine Patrol Supervisor.

Bryce Gex is promoted to Assistant Chief of Marine Patrol.

Merritt McCall is Marine Fisheries Scientist II in the Shellfish Bureau.

Nickolas Moreno is Marine Fisheries III in the Shrimp and Crab Bureau.

Luke wall is one of our new interns.

Logan Jones is an intern.

Taylor Cook is an intern.

Paul Frye is an intern.

Lauren Kegley is an intern.

Nathan Blackledge is an intern with us.

They are all working in different areas. The first three in Fisheries and some in the NERR and IT.
Ethan Favre is an intern working at Lyman.

Natalie Favre is an intern working for Public Affairs.

We've got Bettie Shoemaker who is an intern in Coastal Preserves.

Also, we have Alyssa Stoner, an intern in Coastal Preserves.

We have Glenn Ocean Gehrmann and he is an intern in Coastal Preserves.

We are very proud to have those. We take a lot out of those interns. If you go back and look around the agency, several of those interns wound up being full-time employees here at this agency and they are still here. So that is a great thing for us to have.

Bad News. We've got a couple of retirements.

Mike Yonce is retired. He retired as of June 1, from Marine Patrol. We wish Michael the greatest in life and we hope that he will come back by and see us on a regular basis. We think a lot of that young man.

Ms. Shavay Gaines, Finance Director, says there is no way I can talk her into staying. She is leaving, too. She has her twenty-five years in service and she wanted to move on and start her second life. We are definitely going to miss her, too.

Mr. Joe Jewel. Joe is an icon here. He has
been in this agency for as long as I can remember and has
done a fantastic job heading Fisheries. Joe has decided
it is time to retire.

I’m not sure that we are going to be able to do
much as far as retirement for any of them because most of
them just want to go ahead and ease on out the door, but,
if you see them, please tell them how much we appreciate
everything they have done for us.

We are definitely going to miss them. They are
great people and we want to continue to be able to stay in
touch with them and, hopefully, they will continue to talk
to us and continue to help us. We would appreciate that.

Real quick on another thing. The skimmer trawl
TED on the reimbursement of that, we have total
applications received of thirty-nine. We have completed
twenty-six, and we've got thirteen that are incomplete.
The most recent payment was made as late as June the 9th.

We are doing it. If any of the fishermen out
there need to be able to purchase that, you can come and
meet with our Fisheries Department and they will show you
what to do.

Traci is the one handling that, I think?

RICK BURRIS: Yes, sir.

JOE SPRAGGINS: Traci Floyd will help you get
what you need there.
As far as an agency update, if you didn't know, we had snapper season started the end of last month. If you haven't seen snapper season, I can tell you right now it is pretty good out there. We had two of three good weekends.

I think we are probably close to fifty percent. We are not quite fifty percent; just under it, but we are probably at fifty percent of the ACT, but the ACL, we are just under it.

We have caught quite a few; about sixty thousand pounds.

Rick, is that right, something like that?

RICK BURRIS: Yes, sir.

JOE SPRAGGINS: The weather is beautiful. If you weren't out the today, guess what, you missed a good one.

I don't know that we will have too much fishing this weekend. If you do, you are going to have to fish in high waves. It is going to be a different story.

Snapper season is going good and shrimp season is going good. It started out. We had about a hundred-plus boats starting out the shrimp season and, obviously, it depends on the weather, it depends on the moon and it depends on everything in the world, as to how that works, but people are catching shrimp, and they are about normal market price from what Rick and them have told us on that.
I’m sure there may be more update for that here in a second.

I am going to meet with the Governor's office this week and we are going to talk about GOMESA, what we are going to do with some additional projects with that.

If you have been around the last few weeks, he has made a couple of announcements over the last couple of months of new GOMESA projects that are going out. So we are able to move forward with it and, hopefully, everything will be good.

CARES Act.

Rick, do you want to comment?

RICK BURRIS: Yes, sir.

Traci is out today, but she did submit the CARES Act Two proposal to Gulf States last week. After the public comment period, we were able to incorporate a few of those public comments, and we sent that out last week and they subsequently sent it on to NOAA. It is with NOAA for approval.

We don’t anticipate there being a whole lot of issues because it is essentially the same plan as it was last time for the CARES Act One that has already been approved. So we should get some comments here pretty quickly within the next week, or two, and, then, be able to address those.
I think they wanted payments out by the end of September.

Is that correct?

JOE SPRAGGINS: Yes, and I would assume that they are going to move this as quick as possible because they are trying to get those payments out as quick as possible.

Any questions on the CARES Act?

COMMISSIONER DANIELS: Yes.

I have been getting a few phone calls asking about what is going to be the process for people that may have applied previously and they only used a certain amount of the time that they could turn in, as opposed to turning in the full year.

JOE SPRAGGINS: Well, it is basically a whole year, now. Even if you didn’t apply the first half, when we did it last year, you can use that first half now and you can apply for it under that way. It is going to go for the whole year of 2020.

Just to give you an idea, say that a fisherman lost ten thousand dollars and out of that ten thousand dollars they got forty-five hundred. Well, they still have fifty-five hundred dollars worth of loss and they can still apply for it.

As long as they are not made whole. They cannot go farther than whole. If you only lost ten thousand, you
can’t get twelve thousand. You can only get back the ten thousand that you lost.

The same way with the processors. The same way with anyone else.

It is the whole year. We had looked at it. There have been some questions about the possibility of carrying it into the first half of 2021, but there was no way to backup the records on that. Every other state is doing it the same way. So we would recommend that they stay where we are with 2020. We will do the whole year of 2020.

Any loss. If you filed and you received money, if you were not made whole, you can still file more.

COMMISSIONER DANIELS: There will be a time period where they can either make an initial application, or they can make an additional application than what they originally put in.

JOE SPRAGGINS: That’s right, and that should come shortly.

COMMISSIONER DANIELS: That was what the question was,

RICK BURRIS: That is what is in our proposal and we don’t anticipate any issues with that, but that is what we plan on doing, yes, sir.

COMMISSIONER DANIELS: Thank you.
JOE SPRAGGINS: Rick, you might as well stay up there.

We have the Bonnet Carre update.

RICK BURRIS: Yes, sir.

As I mentioned to y'all last time, we did submit the spend plan, with some more comments, back to NOAA.

It is currently, I believe, with the Office of Management and Budget which, as I have learned over the past week, they don’t really have a time line. As they are under the Executive branch, they don’t answer to anybody but the president. It is in their hands and we are waiting on their review and if they have any comments -- I don't know that they will, but they have to approve that spend plan for us to be allocated the money, or to be awarded the money. We are currently waiting on the Office of Management and Budget to approve our spend plan.

COMMISSIONER DANIELS: What is the next step, after they approve it?

RICK BURRIS: Once they approve it, the funds will be awarded to us, and, then, we will implement all our programs. We are ready to go.

As y'all know, at least for the direct payment part, we did this last year on a complete whim as quick as we could.

We are ready to go, as far as that goes. All

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our other long-term programs are restoration projects and some of the management projects that we have, we are ready to start those as well, but, as far as the direct payments go, as soon as we get awarded that, we can start the application process, start the application process, review those applications, and, then, line everything up.

Once we get that award, it shouldn't be an issue.

JOE SPRAGGINS: The biggest thing we are getting is OMB holds up things, once it gets there, and I'm not saying OMB is holding it up deliberately. I'm just saying it gets to a point. When you get things to them, it's not just like NOAA and it is the only thing going to them. Everything in the world is going to them and, when it gets there, the Office of Management and Budget, they have got to review everything to the very T, and, then, come back and give them permission.

That sometimes can take a year, or more, to get it done. Hopefully, we are going to get something pushed through with this. We are trying to get Senator Wicker and them to help us, and they are trying to help as much as they can, and we are going to try to get something pushed through as quick as possible, but it is a process.

We are ready. NOAA may be ready, but that doesn't mean that it has a chance to get through OMB and
to get done.

As soon as we get it, I can promise you as soon as it comes in, we will have it out to be able to process it and be able to get people the money as quick as possible.

Anything else, Rick?

RICK BURRIS: Until then, we’ve got the CARES Act.

JOE SPRAGGINS: Yes, and two rounds of CARES Act has helped a little bit, and we had the 2011 Bonnet Carre.

RICK BURRIS: That’s right. It was a blessing.

JOE SPRAGGINS: So we have had a little bit over the last year, or two, and hopefully we will get some more here shortly.

RICK BURRIS: That’s right.

JOE SPRAGGINS: Anything else, Rick?

RICK BURRIS: No, sir.

JOE SPRAGGINS: Actions update from prior meetings.

SANDY CHESNUT: There was one item discussed at the May meeting. That was the motion to recommend that the 2021-2022 shrimp season be opened by the Director when sampling reached the statutory requirement of sixty-eight count per pound.

The Commission recommended approval of the
request, and the Director approved the request and shrimp season was opened.

There are two actions still pending from April. The recommended fines for Shawn Gollott and the recommended fines for Cleo Benward.

I think they are still in the process of gathering more information for those.

JOE SPRAGGINS: Any questions?
(No response.)

JOE SPRAGGINS: Then, we’ve got the Advisory Commission Handbooks.

SANDY CHESNUT: Yes. I am presenting recommended changes to Title 22, Part 22, otherwise known as the Commission Handbook.

These changes reflect the changes prescribed by House Bill 827. It is removing wording that was already covered in Mississippi Code, but those references are still included so that everybody knows where it comes from.

We are updating the format to “Rules” and “Sources” to conform with the format prescribed by the Secretary of State's Office.

Substantive changes specifically are:

Changed the Commission's authority to advisory to the Executive Director.
Added provision for educational meetings where no Commission action is necessary.

Deleted the four hours advance notice of Called Special Meetings. This conflicts with Mississippi statute. So Mississippi statute will be followed.

Changed to reflect that the Executive Director establishes the agenda for the public meetings.

Clarified that public comments related to an agenda item will be taken up during discussion of that item and all other public comments will be heard during the public comments sections of the meeting. That is kind of the way we have been doing it anyway.

Established the three-minute time frame for each individual to make public comments. Again, that is something we have been following.

Revised the Regulations section to reflect Commission’s advisory role.

We removed the Petition for Review section. That information is already covered in Title 22, Part 15, and that title will also be revised based upon House Bill 1211.

We deleted the Policies and Directives section based upon the changes to the Commission’s role as advisory.

We deleted the changes to the Commission
Handbook section. The changes will be processed as all other regulation changes.

A draft of how it will look in its final form was provided to all the Commissioners and it will also be available on the website.

What I need now is a recommendation to the Executive Director. If there are no questions, we need a recommendation to the Executive Director that the new format and changes to Title 22, Part 22, be sent to the Secretary of State’s Office for Notice of Intent, and that is the site where it will be (indicating slide).

JOE SPRAGGINS: Any questions?
(No response.)

COMMISSIONER DANIELS: We need a motion on this.
I will make the motion to make the recommendation to the Executive Director.

COMMISSIONER GUESS: I'll second it.
COMMISSIONER DANIELS: All those in favor aye.
COMMISSIONER GUESS: Aye.
COMMISSIONER ROBERDS: Aye.
COMMISSIONER DANIELS: Aye.

Motion passes.

SANDY CHESNUT: Thank you.

JOE SPRAGGINS: The Secretary of State is trying to work hard to cut down a lot of the stuff that is out
there.

I tell you what, there are only a couple of pages out there on the Secretary of State that he has to look at every day. I wouldn't want to know, but there are probably in the millions of words, but he is trying to get everything and not make things redundant and get them back more in line where they can be understood and not be repetitious. We appreciate that, and thank you very much.

Sir, that is my report, unless you have anything else.

COMMISSIONER DANIELS: Thank you, Mr. Joe. I appreciate it.

Do any of our Commissioners have anything to report?

(No response.)

COMMISSIONER DANIELS: Joe, I would like to bring up one thing just real quick.

I was loading my boat this past week just before shrimp season started, and I got to kind of eavesdrop on one of our Marine Patrol officers having an encounter with a crabber.

Chief, he was great, super polite, respectful, professional, but in hearing what was going on there, the crabber had a complaint about notification of opening shrimp season. They were having to rush to get their
traps out of the water, out of the way of the shrimp boats.

I asked him if he had seen the press release, or anything like that, and he just didn’t really seem like he spends a whole lot of time on the computer.

One of the things that he asked about is would there be any possible way leading up to shrimp season that we could do temporary signage at the boat docks, or something, letting them know a week ahead of time when we would be opening the season.

Just a concern that I got to overhear at the boat launch and I figured I would pass it along.

JOE SPRAGGINS: Obviously, we want to give them as much notice as we can.

Kyle, if there is something we could look at, as far as your concern and, Rick, as far as Fisheries, if there some little sign that we could put up at a place we could do it, I don’t have a problem with that.

The problem with it is we don’t know until we get to working at the time.

You were putting it out, what was it, seven to ten days in advance?

RICK BURRIS: Yes. As long as I have been here -- I know this time line was established probably fifteen, or twenty, years before that -- we have given the
fishermen and given the public seven days notice, and that is pretty advanced notice.

We would like to do it within three, or four, days because we get a better feel on what the shrimp size is going to be, but we have always given them seven days. We gave them seven days this year and it is no different than any other year.

The word, especially at the docks, tends to spread like wildfire. Everybody knows. All it takes is one phone call to me and the whole fleet knows.

It is unfortunate that this particular fisherman didn’t know that shrimp season was coming within those seven days, but we can try to do something to get that information out a little bit better next time.

COMMISSIONER DANIELS: Like I said, it was just something I got to overhear and it peaked my interest and I figured I would pass it along.

JOE SPRAGGINS: We did put it on WLOX and Fox and I think several other channels, and we did press releases on it. Once again, we put it on our website.

COMMISSIONER DANIELS: I know we did everything we can.

JOE SPRAGGINS: There is always room for improvement. So we are not arguing that at all. We will definitely look at it.
COMMISSIONER DANIELS: Thank you.
Chief, are you ready?

KYLE WILKERSON: Yes, indeed.

I would like to say that we will get with Rick and Fisheries and everything and do the best we can to get it out to them, assimilate it into the public because, like Rick says, it is just that quick (indicating). I've got a loud voice anyway. I don't want to blow you out.

Commissioners, Director, Counsel, I would personally like to congratulate Rick on his advancement.

I would like to congratulate Bryce Gex. He is a cog in the machine. So he is going to do well.

Well, let's get started with this.

As y'all know, May is a busy month, especially the last part of it, and it was a tremendous month for Marine Patrol.

I would like to say that for the four days of the Memorial Day weekend, we checked thirteen hundred and forty people. That is four days.

Very good snapper counts. Unfortunately, we had to seize seventy-three of them due to the fact that they didn't do the Tails n' Scales program which is very simple. There were fourteen violations for that. There were three violations for under-sized snapper.

We had a percentage rate of seventeen point five
percent checks on the weekend. As of right now, it is thirteen point seven percent. We try to keep it above five percent. So we are really blowing it out of the water, right now.

Several violations for BUI’s. We had a lot of seizures for Mangrove Snapper and Red Snapper and Gray Trigger Fish. One possession of filets for that matter. They try to sneak it under the radar there.

It is pretty much self-explanatory. I will field any questions that you folks may have.

JOE SPRAGGINS: One thing I’ve got is if you don't do a snapper check, shame on you. I'm talking about Tails n’ Scales. We have been doing this for four years, now, five years, and we have given you every benefit in the world.

If you want to lose your fish and get a fine, go ahead, just don’t take the time to do it, but it is not hurting you one bit. It is not hurting one thing that you are doing. It is not going against anything against your allocation, or anything else.

We are going to get our numbers anyway, the way we have do it. Please. Please go out and get your Tails n’ Scales so we don’t have to do this.

COMMISSIONER DANIELS: We made a trip three weeks ago. It took two minutes out of my day, and that was the
first time I have done it. I don’t ever fish for snapper. I argue about them a lot, but I never get to fish for them. It took two minutes for my first shot.

KYLE WILKERSON: I would like to say real quick before I close that the total checks on individuals for the month of May was twenty-three hundred and ninety-six people.

The folks in Marine Patrol, the ladies and gentlemen are doing a phenomenal job. They make my job easy.

JOE SPRAGGINS: Be safe out there.

KYLE WILKERSON: Yes, sir. Thank you.

COMMISSIONER ROBERDS: Great job by you and your team, Chief.

KYLE WILKERSON: Thank you, sir.

COMMISSIONER DANIELS: Thank you, Chief. We appreciate it. Y’all keep up the good work.

KYLE WILKERSON: Yes, sir.

COMMISSIONER DANIELS: Next up is going to be Ms. Leslie Brewer, Office of Finance and Administration.

LESLEY BREWER: Good morning Director, Commissioners, legal.

My name is Leslie Brewer, CFO. I will be presenting the financial statements for the end of May 31st, 2021.
At the end of May, our State Revenue was four point six million. Our Total Agency Revenue was forty-six million.

Our State Net Income was a negative one million and Total Agency Net Income was twenty-four point eight million.

Of course, we are still waiting for our State appropriations to be transferred.

After eleven months of fiscal year 2021, we have seventy-one point two percent of our Operating Budget remaining, while the Tidelands Budget is at thirty-four point five percent.

Does anyone have any questions?

COMMISSIONER DANIELS: Any questions?

(No response.)

COMMISSIONER DANIELS: Thank you.

LESLIE BREWER: Thank you.

COMMISSIONER DANIELS: Ms. Charmaine.

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

The Mississippi Department of Marine Resources was mentioned twenty-one times in local, state and national media, since the May MACMR meeting.

News items included the opening of Red Snapper season, the opening of Shrimp season and fishermen who
were rescued when their boat capsized near Katrina Reef.

Marine Patrol took part in the Ag Safety Day at Vancleave Middle School on May 18th.

Tiffany Weidner, Melody Chaplin and Nicholas Moreno in the Shrimp and Crab Bureau, as well as the Grand Bay NERR staff, took part in Sand Jam 2021 on the beach in Ocean Springs this past Saturday. The staff had a booth set up to educate the public about turtle excluder devices and to distribute educational material.

On May 17th, Alicia Carron in the Shellfish Bureau held oyster harvester training virtual sessions as required by the Interstate Shellfish Sanitation Conference. The seminar, which had five participants, covers basic oyster handling, hygiene and regulations involving oyster harvesting practices.

COMMISSION DANIELS: Thank you for keeping us informed.

CHARMAINE SCHMERMUND: Thank you.

COMMISSIONER DANIELS: Next up we are going to have Erik Broussard.

RICK BURRIS: Good morning Commissioners, Director Spraggins, Ms. Chesnut.

Obviously, I’m not Erik Broussard. He is out today doing some training. So I’m going to fill in for him for these regulatory changes.
However, I would like to, for the record, just say a few words about Joe Jewel’s retirement. He was pretty adamant about not making a big display about this event. So out of respect for his wishes, I will keep it brief.

I think everybody knows how much Joe meant, not only to the Office of Marine Fisheries, but to the overall agency as well. He was here for twenty-three plus years and had an integral part in developing many agency policies, procedures and programs that are still in use today.

Joe gave everything he had to the Department of Marine Resources and the marine resources that we are charged to protect. In coach speech, he left it all on the field.

Joe's leadership had a profound affect on the Office of Marine Fisheries, but most importantly instilling in us that nothing short of perfection should be our standard. His commitment to excellence was exemplified through the achievements and milestones that our office accomplished during his tenure.

As I said, I am going to keep it brief. So I'm not going to go down that long, long list.

With the exception of a very few, Joe had an integral part in hiring most all of the employees in the
Office of Marine Fisheries. This collection of professionals includes some of the Gulf of Mexico’s most brilliant scientists and managers that I am extremely privileged and honored to work with today.

For me personally, from my very first day literally at this agency as a young scientist fresh out of school, Joe pushed me as hard as he could. He absolutely never let up. He saw something in me and wanted to utilize me for my fullest potential, and I can honestly say that one of the main reasons as to where I’m at today is because of those efforts.

To sum it all up, through Joe’s vision and guidance, he set up our office, the Office of Marine Fisheries for future success and he can definitely hang his hat on leaving us in a much better shape than when he got us.

All that being said, Joe, we thank you for all you have done, we will miss you and may God bless you in all your future endeavors.

JOE SPRAGGINS: Amen.

RICK BURRIS: Thank you for that opportunity.

What I am going to present to you today is regulatory changes to Title 22, Part 1, 13 and 17. This is kind of in line with what Sandy brought up. The Secretary of State has charged us with conforming all of
our regulations, condensing all of our regulations so we decided to start with the first part, which is oysters.

We had three regulations that involved oysters. Part 1, the Rules and Regulations for Shellfish Harvesting, Tagging, Landing, Unloading, Transporting, Relaying, Management, Area Classification and Other Shellfish Related Activities in the State, and the Leasing of Territorial Waters under the jurisdiction of the State of Mississippi. We have condensed that down to a very short title.

We are also putting pieces of Part 13 in there, which is the Rules and Regulations for Aquaculture in the Marine Environment in the State of Mississippi. We will be adding just the shellfish rules.

Then, lastly, Part 17 is the Regulation of Molluscan Shellfish Landing and Loading, Transporting, Processing, Buying, Selling, Opening and Other Molluscan Shellfish Related Activities in the State of Mississippi.

What we have done is condensed all those titles into one short title that is now going to read Part 1, Rules and Regulations for Molluscan Shellfish Related Activities. Make it a little bit more palatable.

This was a very arduous process. It took between six and eight months to combine all these regulations because there was so much to do, but we
removed the wording that was already covered in State statute. State statute stands alone. There is no reason for us to repeat it.

Then, we took out a lot of language that was straight from the NSSP model ordinances, which we managed our shellfish resources with under that purview.

What we did is we went through and referenced the applicable statutory and regulatory authorities rather than repeating it verbatim.

We updated the format to “Rules” and “Sources” to conform with the Secretary of State’s request.

We added new language and updated old language, while we were in this process.

This went through Marine Fisheries review for our management purposes. It, then, went through legal review and review from Marine Patrol for enforceability and to ensure that everything was in line with the Secretary of State’s request.

Due to the massive amounts of content, I am not going to present the actual changes verbatim as we normally do. Rather, we will summarize the substantive changes within the documents.

The detailed changes and the language were made available to you on the portal and, again, as Sandy mentioned, we will make those changes available on our
website, once this goes out for public comment.

   Basically, we did a major reorganization of
these three titles and parts into one.

   I will go by chapter and chapter, going over the
substantive changes.

   Chapter 1, there were no substantive changes.

   Chapter 2 was the definition section. We added
some new definitions, about seventeen of them that were
important for management. We added the definition of
aquaculture intermediate market and seed size.

   Intermediate size is one to two inches.

   Aquaculture market size is two inches, or greater, and,
then, aquaculture seed size is zero to twenty-five
millimeters. We did this so our harvesters can proceed
with the way they need to operate.

   We added definitions for authority, bulk
tagging.

   We also added definitions for commercial
Molluscan Shellfish aquaculture permit, commercial
Molluscan Shellfish lease permit, commercial Molluscan
Shellfish transport permit, which those were already in
place, but they weren’t defined, or noted, in our
regulations. Per legal and Marine Patrol recommendation,
we added those in there to give those documents teeth, not
only for the harvesters, but for our enforcement officers
as well.

We added definition of marina, depuration, public reef, retailer, seed, and, then, shellfish-related activities.

We also defined the different tag colors. White tag is a sack of oysters, or oysters that are harvested commercially in open areas available for raw consumption. Green tag will be harvested in commercially open areas for shucking purposes only. Red tag is for personal use. Purple tag is for oysters that are cultivated, removed from a lessee’s sublease, cultivated and they must be returned back to that lease and not harvested.

Chapter 3. We removed the Growing Waters Management Plan. It is now found in our Molluscan Shellfish Growing Waters Management Plan document which will be available online.

Previously, all our area classifications, your approved, conditionally approved, restricted, harvested and all those specific areas with the GPS coordinates and everything were all found in the regulations and because it is not a regulatory process, it is more of a data-driven process, the Shellfish Bureau goes out and conducts these annual assessments of the growing waters. They do shoreline surveys, sanitary surveys, water quality analysis, and they take that data and they analyze it to
determine the best management practices for varying the classifications of growing waters.

This is updated annually and because it is not a regulatory process, it is a data-driven process, we referenced it in the regulation, but it is going to continue to be updated annually and made available to the public, to our harvesters and to our enforcement officers to be able to determine where those open and closed areas are.

Chapter 4. We essentially took what was in the existing regulation and reorganized them into subcategories. We have a public Reef Harvest rule, an On-Bottom Private Lease Harvest rule and an Off-Bottom Aquaculture Lease Harvest rule. All those follow different sets of rules. So we separated them out for clarification and for ease of use for the public, as well as our enforcement officers.

Chapter 5. We added some wording on the tagging of On-Bottom Lease Harvest. We added some wording on the Tagging of Off-Bottom Aquaculture Harvest.

We added a rule in Chapter 6, 6.3E, the Cleansing of Adulterated Shellstock.

Once again, all of this comes from the model ordinance that all shellfish harvesting and shellfish transporting states adhere to. We are not reinventing the
wheel. We are just following those standards as we signed up to do.

For instance, if some shellstock is found to be adulterated in a certain manner that could be cleansed, we put some language in there to where they have to depurate that shellstock for a period of time to where they can, then, harvest it again, rather than destroying it, if that is the case.

There are multiple cases where they have to be destroyed, but if there is a case where it can be saved, we did put that into the regulation.

Chapter 7, no substantial changes.

Chapter 8. The Off-Bottom Molluscan Shellfish Aquaculture, we added Rule 8.3A which is seed grow-out in prohibited waters.

This is a common practice with the off-bottom aquaculture oyster industry. They grow out seed up to twenty-five millimeters in prohibited waters. They, then, sell that seed, or move that seed, to their farms in conditionally approved, or approved, areas where they grow out for ninety to a hundred and twenty days until they reach that two-inch size, at which point they have depurated enough to where just because they were grown in prohibited waters at such a small size they don’t bile accumulate up to that size.
We, then, also added some additional reporting requirements to Rule 8.3 as well.

Chapter 9. We added Rule 9.1 C1. We clarified retailer activity.

What this means is that an entity that is a retailer that only sells to the end user can break down sacks of oysters and sell them individually. They are not processing.

Before that, the wording read as if they had to be certified to break down sacks, but the FDA has clarified that a retailer can break down a sack and sell it. As long as they are not processing, they don’t have to be certified.

Chapter 10, Rule 10.2, some language on off-bottom Molluscan Shellfish leases. Basically that the lessees must follow the sublease agreement, the permit, this title and parts, and, then, the model ordinance, as well.

Just to give you a brief rundown, like Sandy said, when we go through this today, these changes will be filed with the Secretary of State’s Office. They will go out on public comment for a period of no less than twenty-five days. We will have them available on our website.

Once that public comment period is over with, we will take a look at those public comments. If there are
any substantive comments, we will bring it back to the Commission.

Next month, we will bring it back to the Commission anyway for final adoption, after that public comment period. So this will also be brought up next month, as well.

Again, we will provide the link to the actual language on our website and it will also be out for public comment on the Secretary of State’s website.

Before I get into the motion, or ask for any questions, I just want to thank Kristina Broussard. She did the lion’s share of this work. She works tirelessly days, nights, holidays. She worked this weekend on it. She did a lot of work, and I just want to thank her for helping out through this whole process because it was one of the biggest regulatory changes that I have been a part of, that most of us have been a part of since we have been here.

Are there any questions?

COMMISSIONER DANIELS: I think you explained it all very well.

RICK BURRIS: Well, good. I’m glad.

COMMISSIONER DANIELS: I understood every word of it.

JOE SPRAGGINS: Commissioners, this is something
that really needed to be done. A lot of times things change over the years and we just need to get things so people understand exactly what they can and cannot do.

RICK BURRIS: Yes, and because this was Part 1, this is the first part of many series that we are going to come back. We are going to do the same thing. We are going to have to get all of our regulations in line with this format. We plan on taking it fishery by fishery and regulation by regulation. We will come back with Finfish. We will put all of those into one, Crab and Shrimp, and that way we will conform our regulations from twenty-two down to however many and condense it to probably less than half of what it is now.

COMMISSIONER DANIELS: Redundancy in these things I have seen over the years a couple of times have just created gray areas.

RICK BURRIS: I got the matrix on it. When we started out with these three regulations, there were twenty thousand eight hundred and eighty-seven words, fifty-nine pages, and we got it down to thirty-one pages and about ten thousand words. We are going to continue to do this.

COMMISSIONER DANIELS: That is great. It makes it easier to find and makes it cleaner to read.

RICK BURRIS: That’s right.
COMMISSIONER DANIELS: Do we have a motion?

COMMISSIONER GUESS: I’ll make the motion, the recommendation to the Executive Director.

COMMISSIONER ROBERDS: I’ll second that motion.

COMMISSIONER DANIELS: We have a motion and a second.

All those in favor aye.

COMMISSIONER GUESS: Aye.

COMMISSIONER ROBERDS: Aye.

COMMISSIONER DANIELS: Aye.

The motion passes.

Thank you.

JOE SPRAGGINS: Real quick. I know it’s not on the agenda, but the oyster plan, can you go ahead and just say something?

RICK BURRIS: Yes. The public comment period for the oyster plan, we put it out last month. The public comment period ended at the month, end of May. We are currently evaluating all those comments and we will summarize them and sit down and see which ones need to be incorporated, which ones we feel need to be incorporated. We will evaluate that, and, then, if it is substantive, which it probably will be, we will put it back out on public comment, let the public see what we have added to it, and, then, if there are any more public comments, take
those out, and, then, probably hold some public hearings
to go over the management plan and let everybody know what
our plans are for the future, how we are going to
implement these plans, and just kind of get everybody on
the same page, let them know that we are working to
restore the oysters and the shellfish resources in the
State of Mississippi.

COMMISSIONER DANIELS: Thank you.

RICK BURRIS: Matt Hill is going to fill in for
Jonathan Barr today with some state records.

COMMISSIONER DANIELS: We’ve got a bunch of them
today. This is always fun.

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

I am here for Jonathan today. It is a pretty
day. My staff seems to get to slip out on pretty days.
So I told him I would fill in today.

I would like to take a brief opportunity, first,
to congratulate Rick. One thing I can say about Rick is I
have worked with him for a while, now. I respect his
opinion, but one thing I respect about him is he brings
professionalism to just about situation that we are in.

He does get a little excited at times, but he
stays professional and, in the end, he is very level
headed.
There are a couple of people in the agency that when I do make a decision for my bureau, the first person is to go run it by Rick and just see what he thinks.

I do appreciate his professionalism and the opportunity that I have had to work with him and, hopefully, he will come down and visit us and continue to work together for a while.

Also, the next one obviously will be Joe. I can’t speak as eloquently as Rick did about Joe because, as most people know, a lot of mine and Joe’s conversations were not very eloquent.

We were very, very close. I cherished our personal relationship very much. We worked together for well over twenty years, but, like I said, the personal side of our relationship is what I do cherish.

Professionally, we always had the same goal. We usually never had the same path to get there. We usually would meet in the middle and we would make something work, but, if anybody was in those offices, they heard several arguments between Joe and myself which were not very professional, but, in the end, we would work things out and we would go lunch and, like I said, we were the best of friends in the end and, like I said, it is something that I will continue to cherish and, hopefully, he will get to keep coming up here and help us out.
He has a lot of institutional knowledge that we have lost over the years and that is something that I do cherish, and I just want to say thank you to him and I appreciate everything he has done for me professionally and mainly personally.

We will get into this. We do have several state records today.

The first is an all tackle record, the Almaco Jack. The old record is thirty-five pounds two point four ounces. The new record is thirty-six pounds three point two ounces. Mr. Dyllan Camplejohn is the angler.

Here is a picture of the fish. Here is a picture of Dyllan holding up the fish.

Our next is also going to be an all tackle record of the Red Lionfish with the old record of one pound fifteen point zero four ounces and a new record of two pounds five point four ounces. The angler is Mr. Stanford Georgen.

Here is a picture of the Lionfish and a picture of our angler with the Lionfish.

Our conventional record begins with a Gag. The old record was fifty-eight pounds four point eight ounces. The new record is sixty-seven pounds six point four ounces, and our angler was Mr. Travis Gessley.

There was also another Gag caught on this with a
youth record that we are going to get to later, but it was neat to see these two fish together on the same vessel.

Here is a picture of the Gag and here is a picture of the angler holding it up and, as you can see, it is very impressive.

Also, in the conventional record we have a Gulf Flounder. The old record is one pound seven point six eight ounces. The new record is one pound eleven point five two ounces and Mr. Donald Bosarge II is the angler.

Here is a picture and it is hard to see here, but, like I said, this is the Gulf Flounder. There are some dots there, some black dots that are in a triangular formation. Sometimes we can’t get the best pictures, but it is a pretty fish.

The one everybody has been waiting for, obviously, this past weekend we had the Swordfish. The old record was two hundred forty-two pounds eight point six four ounces, and they shattered it with the new record of three hundred and nine pounds fourteen point four zero ounces, and the angler was Mr. Donnie Jackson, Jr.

Here is a picture of the Swordfish, and here is a picture of Mr. Jackson with the fish.

COMMISSIONER DANIELS: Matt, do you mind if we interject on this one?

We’ve got a public comment on this particular
one here.

MATT HILL: Yes, sir.

COMMISSIONER DANIELS: Mr. Robert Carter.

ROBERT CARTER: Thank you. Thank you. Thank you.

First, let's start with a few weeks ago. Your team back here helped my dad save two lives and that was the preface to all of this.

This is a family affair that we do this. I have my three young ones back here, and it just brings everyone together.

We have been doing this for twenty-five years and we couldn’t do it without y'all, the community, just everybody, the State of Mississippi.

Just so are aware. The largest event in the Gulf of Mexico belongs here. The largest Blue Marlin ever caught in the Gulf belongs here. The largest payout for a Swordfish, the top two ever paid out belongs here.

We are very proud of where we are from, our families. Everyone here is greatly appreciative.

Thank you, and I don’t know else to say. It is just that it is awesome to be here.

COMMISSIONER DANIELS: Thank you for that.

JOE SPRAGGINS: I also want to thank the team, Matt and them for being there all weekend working hard. I
was texting them on a regular basis about things, and I
want to thank them for working hard on that, too.

That Billfish Tournament is a pretty nice place,
and there were quite a few people there, one of the
greatest sights in the world.

We ought to have a picture of it right now
somewhere. We ought to have a video and be able to
publicize this all over America, but on that morning on
that Thursday when they were going out and when they had
that hundred and something billfish boats going out, and,
then, that hundred and something shrimp boats going out,
the Gulf of Mexico was looking good.

MATT HILL: Along with Director Spraggins’
comment there, I would like to personally thank Jonathan
Barr. He is our lead taxonomist and he did stay down
there with me all evening until it was over with. We
didn’t leave until after eleven o’clock waiting on this
fish to come in.

He did his job. He is very professional. He
asked all the right questions. We got all the information
we needed without delay and we worked tirelessly with the
tournament committee to get all the paperwork done so we
can congratulate this young man and get this behind us.

I do want to thank Jonathan personally.

These are the records that we look most forward
to. It’s in our Youth Division.

This Gag was also caught on that same trip, like I said, with Mr. Bosarge’s Gag earlier. It is just a new record. There was not an old record in the Youth Division, and it sets the new record at forty-five pounds one point six ounces. The angler was little Blake Bosarge.

Here is a picture of the fish, and here is a picture of Blake with the fish, and you can see the other Gag that we mentioned earlier laying right next to it there.

Also, for the Gafftopsail Catfish in the Youth Division, it does set a new record of five pounds twelve point eight ounces, and the angler is Mr. Samuel Wright.

Here is the fish, and here is a picture of Samuel with the Gafftop.

What we are asking, now, is a recommendation from the advisory commission to Director Spraggins to approve these records.

COMMISSIONER DANIELS: I will be happy to make that motion.

COMMISSIONER ROBERDS: I’ll second it.

COMMISSIONER DANIELS: All those in favor aye.

COMMISSIONER GUESS: Aye.

COMMISSIONER ROBERDS: Aye.
COMMISSIONER DANIELS: Aye.

Motion passes.

Good job everybody. That is a lot of records for one month.

MATT HILL: It is.

COMMISSIONER DANIELS: Thank you, Matt.

MATT HILL: Thank you.

COMMISSIONER DANIELS: Does anybody have any other business?

(No response.)

COMMISSIONER DANIELS: No more comments, Joe, public comments?

This was the only one we had?

JOE SPRAGGINS: That is all I had.

COMMISSIONER DANIELS: Can I get a motion to adjourn?

COMMISSIONER GUESS: I'll make the motion.

COMMISSIONER DANIELS: I'll second that.

All those in favor aye.

COMMISSIONER GUESS: Aye.

COMMISSIONER ROBERDS: Aye.

COMMISSIONER DANIELS: Aye.

The meeting is adjourned.

(Whereupon, at 9:54 o'clock, a.m. the June 15, 2021, meeting of the Mississippi Advisory Commission on
CERTIFICATE

I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above and foregoing forty-five pages, including this page, is a true and correct transcript of the June 15, 2021, meeting of the Mississippi Advisory 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.

s/____________________________________
LUCILLE MORGAN, CSR 1251
COURT REPORTER

Lucille Morgan, CSR 1251
COURT REPORTER
(228) 396-8788