

COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

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

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Commission Members:

Steve Bosarge, Chairman

Ronald Daniels

Richard Gollott

Natalie Guess

Mark Havard

Also Present:

Joe Spraggins, Executive Director DMR

Sandy Chesnut, Esq., Assistant Attorney General

1           COMMISSIONER BOSARGE: I would like to call this  
2 meeting to order and welcome everybody to our regular  
3 scheduled February meeting of the Commission on Marine  
4 Resources.

5           I would like to ask Executive Director Spraggins  
6 to lead us in the Pledge of Allegiance.

7           (Pledge of Allegiance was recited.)

8           COMMISSIONER BOSARGE: Now, we will take just a  
9 moment of silence to reflect on where we are in this great  
10 country of ours today.

11          (Moment of silence observed.)

12          COMMISSIONER BOSARGE: Thank you.

13          Next up on the agenda is approval of minutes.  
14 We've got quite a few minutes to approve.

15          Ms. Chesnut, do we need to do these  
16 individually?

17          SANDY CHESNUT: Yes.

18          COMMISSIONER BOSARGE: We have had some changes  
19 to the minutes and some updates, and Ms. Chestnut has put  
20 those actually out for all the Commissioners to see and  
21 did a heck of a job.

22          I had gone through them myself, and I told her I  
23 had quite a few sticky notes where I made changes, but she  
24 went through and actually listened to the audio and did a  
25 good job of getting things they way they need to be.

1           with that being said, do we have a motion to  
2 approve the minutes of the December 18<sup>th</sup> meeting as  
3 amended?

4           COMMISSIONER GOLLOTT: Mr. Chairman, I will make  
5 the motion for December the 18<sup>th</sup>.

6           COMMISSIONER BOSARGE: Okay. We have a motion.  
7 Do we have a second for that motion?

8           COMMISSIONER HAVARD: I'll second the motion.

9           COMMISSIONER BOSARGE: We have a motion and a  
10 second.

11           All those in favor aye.

12           (All in favor.)

13           COMMISSIONER BOSARGE: Opposed like sign.

14           (None opposed.)

15           COMMISSIONER BOSARGE: Motion carries.

16           All right. Next up is the approval of the  
17 special session minutes from December the 3<sup>rd</sup>. We have had  
18 some changes to those also and they have been posted.

19           Do we have a motion to approve those minutes as  
20 amended?

21           COMMISSIONER HAVARD: Mr. Chairman, I'll make a  
22 motion that we approve the minutes as amended for the  
23 meeting December the 3<sup>rd</sup>.

24           COMMISSIONER BOSARGE: All right. We have a  
25 motion.

1 Do we have a second for that motion?

2 COMMISSIONER GUESS: I'll second it.

3 COMMISSIONER BOSARGE: We have a motion and a  
4 second.

5 All those in favor aye.

6 (All in favor.)

7 COMMISSIONER BOSARGE: Opposed like sign.

8 (None opposed.)

9 COMMISSIONER BOSARGE: Motion carries.

10 Next up is the approval of the special session  
11 minutes for December the 12<sup>th</sup>.

12 Ms. Chesnut, were there any changes to those  
13 minutes?

14 SANDY CHESNUT: I don't believe there were. I  
15 didn't bring the minutes with me, but I do not believe  
16 there were any changes.

17 COMMISSIONER BOSARGE: That's what I remember.

18 Approval for the minutes of the special session  
19 meeting for December 12<sup>th</sup>, do we have a motion?

20 COMMISSIONER HAVARD: I'll make a motion that we  
21 approve the minutes for the special session meeting of  
22 December 12.

23 COMMISSIONER BOSARGE: All right. We have a  
24 motion.

25 Do we have a second for that motion?

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

3 COMMISSIONER BOSARGE: We have a motion and a  
4 second.

5 All those in favor aye.

6 (All in favor.)

7 COMMISSIONER BOSARGE: Opposed like sign.

8 (None opposed.)

9 COMMISSIONER BOSARGE: Motion carries.

10 COMMISSIONER BOSARGE: Approval of the minutes  
11 of the January 15<sup>th</sup> meeting.

12 I'm going to have to ask Ms. Chesnut one more  
13 time. Were there any changes to those?

14 SANDY CHESNUT: There were some changes, but  
15 they have been updated as well on the website.

16 COMMISSIONER BOSARGE: Okay. So do we have a  
17 motion to approve those minutes as amended?

18 COMMISSIONER GUESS: I'll make a motion.

19 COMMISSIONER BOSARGE: All right. We have a  
20 motion.

21 Do we have a second for that motion?

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

24 COMMISSIONER BOSARGE: All those in favor aye.  
25 (All in favor.)

1 COMMISSIONER BOSARGE: Opposed like sign.

2 (None opposed.)

3 COMMISSIONER BOSARGE: Motion carries.

4 One more. Approval of the special session  
5 minutes from January the 24<sup>th</sup>.

6 Do we have a motion to approve those minutes?

7 COMMISSIONER GUESS: I'll make a motion.

8 COMMISSIONER BOSARGE: We have a motion.

9 Do we have a second for that motion?

10 COMMISSIONER HAVARD: I'll second the motion.

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

13 All those in favor aye.

14 (All in favor.)

15 COMMISSIONER BOSARGE: Opposed like sign.

16 (None opposed.)

17 COMMISSIONER BOSARGE: Motion carries.

18 All right. Thank you.

19 Next up will be approval of the agenda.

20 Do we have any changes, or modifications, to the  
21 agenda?

22 JOE SPRAGGINS: I would like to, if you don't  
23 mind, look at K-2 which is Gear Task Force and it from  
24 that point, and, then, move it to K-9, if we could, at the  
25 end.

1           COMMISSIONER BOSARGE: All right. So we are  
2 going to take K-2, delete it and create K-9 Gear Task  
3 Force.

4           JOE SPRAGGINS: Yes.

5           COMMISSIONER BOSARGE: All right.

6           Do we have a motion for that?

7           COMMISSIONER GUESS: I'll make the motion.

8           COMMISSIONER BOSARGE: All right. We have a  
9 motion.

10          Do we have a second for that motion?

11          COMMISSIONER HAVARD: I'll second the motion.

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

14          JOE SPRAGGINS: Rather than move all of the  
15 numbers. We will just do that.

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

18          All those in favor aye.

19          (All in favor.)

20          COMMISSIONER BOSARGE: Opposed like sign.

21          (None opposed.)

22          COMMISSIONER BOSARGE: Motion carries.

23          Next up is the Executive Director's report.

24          JOE SPRAGGINS: Yes, sir. I tell you what it  
25 has been a busy month. Just to give you a little bit of

1 update, I spent the first part of the month in Washington,  
2 D.C., visiting with the congressmen and senators from the  
3 five states. Had some outstanding meetings.

4 One of the things that came out of the meetings  
5 that I think is going to be great for everything in the  
6 long run, if we can get it approved, is that they are  
7 working on putting aquaculture as the same as agriculture  
8 to the point to where if you grow oysters on the bottom  
9 and you have your own private lease, or if you grow them  
10 off bottom, then, we can have insurance for it. It would  
11 be crop insurance.

12 I think that would be a great thing that we  
13 could do because they did make a rule that says  
14 aquaculture is not fishery. So, by that, we were able to  
15 change some things around.

16 wonderful meetings, and I just wanted to let you  
17 know that it did work out good.

18 In Jackson, it has been pretty busy. I will  
19 give you an update on it in a few minutes, but, before we  
20 get to that, I promised you we are working on that Peer  
21 Review Committee, and we are going to get you a briefing  
22 on it in just a few minutes.

23 Before we do that, I wanted to give you an  
24 update on any new employments.

25 If we could bring that up on the screen. For



1 some reason, or another, our screen is not showing out  
2 there.

3 Next slide. That's our two new employees that  
4 we have hired under contract.

5 Next slide, please. If you will look at it  
6 here, we have a couple of things. In fisheries, those are  
7 the employees that we are looking at, and, then, look  
8 below that and you will see a couple of reverse auctions.  
9 One of them is for some JEA boats that are being paid for  
10 by JEA. We did a reverse auction, and were able to come  
11 up with a low bidder for that.

12 If you will look at the next one below there, it  
13 is another reverse auction that was done, and it is for a  
14 boat for fisheries for artificial reef.

15 Once again, all three of these boats were done  
16 by reverse auction.

17 Then, if you go to the next page, we have five  
18 hundred and fifty thousand for two boats. These were done  
19 with reverse auction, also. They are being paid for by  
20 FEMA through a grant. This is our Port Security.

21 Am I right, Chief?

22 KEITH DAVIS: Yes, sir.

23 JOE SPRAGGINS: That is for our Port Security  
24 over Pascagoula and Gulfport. Two big vessels that we are  
25 going to be able to buy for that.

1           Most of the funds are being paid for out of a  
2 grant from FEMA, and we are matching some of the Tidelands  
3 funds to it.

4           COMMISSIONER BOSARGE: I guess, just for the  
5 benefit of everybody here, could you describe for us that  
6 process of reverse auction?

7           JOE SPRAGGINS: Yes, sir. It is kind of new.  
8 It is something that senator folks put in out of the state  
9 about a year ago.

10           what it amounts to is that you go out and you  
11 ask people to give you a bid. Just say that you wanted to  
12 buy a boat and you ask them to give you a bid. You  
13 describe the boat and tell them to give you a bid on this  
14 boat.

15           we take all the bids.

16           Rick, don't let me mess this up wherever you  
17 are.

18           we take all the bids.

19           As a matter of fact, wait. Before I do this,  
20 why don't I get the contracting officer?

21           Rick, where are you?

22           Come to the mike. I don't want to mess this up.

23           COMMISSIONER BOSARGE: I was just curious and  
24 wanted to make sure everybody kind of knew the process.

25           RICK KINNARD: Like the general was saying --

1 COMMISSIONER BOSARGE: Turn the mike on, please.

2 RICK KINNARD: Is that on?

3 COMMISSIONER BOSARGE: Yes.

4 RICK KINNARD: Like the general was saying --

5 COMMISSIONER BOSARGE: (Interposing) Put it a  
6 little closer to you where everybody can hear, the mike.

7 RICK KINNARD: Better?

8 COMMISSIONER BOSARGE: Yes. You're getting  
9 there.

10 RICK KINNARD: Like the general was saying, we  
11 solicit for bids. Whoever is going to bid on it brings  
12 bids in to us. We take an average of those prices that  
13 they have bid. We go into the MAGIC system, the State  
14 system. They have to register with MAGIC, the whole  
15 process with that. Then, what they do is go in an  
16 auction, except it is going down instead of up.

17 That's what it is.

18 JOE SPRAGGINS: What it amounts to is these bids  
19 are not opened. They don't know what each other bid until  
20 afterwards.

21 Right?

22 RICK KINNARD: Yes, sir.

23 JOE SPRAGGINS: There is an average, and it  
24 cannot go above the average, but it can go below the  
25 average. So you can turn around and bid lower than the

1 next person.

2 This goes on for how long?

3 RICK KINNARD: We generally do it for about  
4 twenty minutes. We set the auction for about twenty  
5 minutes.

6 Depending on what the commodity is, we can  
7 actually -- my staff and I will go out and do market  
8 research. Regardless of what they actually bid, we can  
9 set the price at what we deem as the market says it should  
10 be because a lot of times, of course, they are going high.

11 COMMISSIONER BOSARGE: It kind of sounds almost  
12 like I see the freight people and they are on line bidding  
13 on the price together.

14 RICK KINNARD: Exactly. That's it in a  
15 nutshell.

16 JOE SPRAGGINS: Yes. It has worked out very  
17 good for us. We, first, had a lot of hurdles to get over  
18 because it was tough.

19 Now, certain things do not have to be reverse  
20 auctioned.

21 Is that correct, Rick?

22 RICK KINNARD: Correct.

23 JOE SPRAGGINS: Could you give that just real  
24 quick?

25 RICK KINNARD: We generally reverse auction

1 commodities, not services.

2 JOE SPRAGGINS: Mainly what we do, anything that  
3 is going to be over fifty thousand dollars, that we know  
4 that the price will be at least fifty thousand plus, we do  
5 a reverse auction on it, so it makes it work out pretty  
6 good.

7 It is just another checks and balance.

8 COMMISSIONER BOSARGE: All right. Thank you,  
9 sir.

10 JOE SPRAGGINS: As you see there at the end,  
11 we've got aquaculture. We've got a request out for  
12 someone to take a position there. It will be coming up  
13 very soon. We don't have it filled, at this time.

14 That gives you just a little bit of an idea of  
15 what is going on in the contracting world. We are buying  
16 a few new boats, but they are all being done by the  
17 procurement process that they go through a reverse auction  
18 which gives everybody an equal shot.

19 Next up on the agenda on that, I think we have  
20 Sandy wants to talk to you about a Peer Review Committee.

21 COMMISSIONER BOSARGE: It's Kim.

22 KIM PAPANIA: Yes, sir.

23 JOE SPRAGGINS: Kim. Okay. Sorry.

24 KIM PAPANIA: That's okay.

25 Good morning Commissioners, Director Spraggins,

1 Ms. Chesnut.

2 I'm just going to summarize for you the PEER  
3 Review Committees that were proposed I think by  
4 Commissioner Bosarge.

5 First we have the Financial Review Committee.  
6 The proposed members are going to be Steve Bosarge and  
7 Mark Havard. The purpose of this committee is to review  
8 the financial status of the MDMR. The committee will  
9 review monthly reports, yearly audits and conduct periodic  
10 meetings with the MDMR Executive Director to assess the  
11 agency's financial stability and that expenditures on  
12 programs and facilities are adequately justified and that  
13 the expenditures further the policy of the state as it  
14 related to management of marine resources and coastal  
15 wetlands.

16 Next we have the Contract Review Committee. The  
17 proposed members are Mark Havard and Natalie Guess. The  
18 purpose is to review the contracts with a value in excess  
19 of ten thousand dollars entered into by the MDMR. The  
20 committee will review monthly reports, yearly audits and  
21 conduct periodic meetings with the MDMR Executive Director  
22 to assess whether the contract is adequately justified and  
23 was not inappropriately awarded to a family member, or  
24 business associate of MDMR employees, or awarded as a  
25 result of the undue influence from elected, appointed, or

1 public figures.

2           Next we have the Program Review Committee. The  
3 proposed members are Richard Gollott and Ronnie Daniels.  
4 The purpose of this committee is to review MDMR land  
5 acquisition and land management programs of the MDMR. The  
6 committee will review biannual reports and conduct  
7 periodic meetings with MDMR Executive Director and assess  
8 whether the established programs have justifiable criteria  
9 for identifying properties for inclusion in the programs  
10 and provisions for long-term management of properties  
11 acquired.

12           The committees will meet twice a year, called by  
13 the MDMR Executive Director, or at other times as deemed  
14 necessary by the Commission, or the Director.

15           COMMISSIONER BOSARGE: I have had just a little  
16 chance to kind of look at this and look it over, and I  
17 like a lot of what you had. Some of it I had some issues  
18 with.

19           In there, basically, you spell out which reports  
20 that we can actually see. I have a slight problem with  
21 that in that I don't think there needs to be a limit as to  
22 what we can look at.

23           The other issue I have with it is if you go back  
24 to your last slide, basically, it says that the meetings  
25 will be called by Director Spraggins. I have a problem

1 with that in that I think that the committee should be  
2 able to.

3 In other words, if you had somebody come forward  
4 that has an issue that you want to look at to see if there  
5 is a problem there, then, I think it should be the  
6 committee calling the meeting and giving the Director a  
7 specified amount of time to let him know that we want to  
8 call a meeting.

9 In other words, if it is an oversight committee,  
10 I don't think that the person that is in charge of the  
11 organization needs to be the person calling it.

12 See what I'm saying?

13 Maybe Ms. Chesnut and I can work towards  
14 refining this a little bit further.

15 SANDY CHESNUT: Certainly. We absolutely can.

16 Another thing you might want to consider is if  
17 we want to add this to the handbook, we would need to go  
18 through the process to update the handbook anyway, and  
19 there are some other changes that probably need to be made  
20 to the handbook. So we could present those at the next  
21 meeting for amendments to the handbook.

22 COMMISSIONER BOSARGE: I agree. I think there  
23 are some things we do need to change in the handbook.

24 Is that okay with you, Kim?

25 KIM PAPANIA: That's fine.



1 COMMISSIONER BOSARGE: Thank you.

2 JOE SPRAGGINS: All right, sir.

3 Any other questions on that?

4 (No response.)

5 JOE SPRAGGINS: If not, we will move to the next  
6 thing, and it is Repeal of Title 22, Part 20, Chapter 21,  
7 Paragraph 105, an update from legal.

8 SANDY CHESNUT: There was a motion made at the  
9 January meeting to repeal Title 22, Part 20, Chapter 21,  
10 Paragraph 105 only.

11 I represented to the Commission then that it  
12 wouldn't be a problem to repeal that paragraph only  
13 immediately. However, we consulted with the Secretary of  
14 State's office and they advised that the repeal would not  
15 be immediate as I had advised the Commission. They  
16 advised that the repeal had to go through the Notice  
17 provisions and the final repeal would not be effective for  
18 a minimum of sixty days.

19 Based on the discussion we had during the  
20 January meeting, I represented to the Secretary of State's  
21 office that we would be filing a new regulation after the  
22 February meeting. They explained that it would be better  
23 to wait until the new language was ready. They could just  
24 go ahead and substitute that language in February, so we  
25 that wouldn't have two overlapping rules out. One out for

1 repeal, and, then, the other out for Notice of Approval.

2 I contacted Mr. Bradley a couple of times during  
3 the month asking him to send his proposed language, and he  
4 advised on, I think it was February 5<sup>th</sup>, or 6<sup>th</sup>, that he  
5 needed more time.

6 We don't have a Notice of Intent before the  
7 Commission, as you had requested at the January meeting.

8 In order to deal with this, I have tried to come  
9 up with some options. One would be to set a time limit  
10 for the petitioner to submit his proposed language, and,  
11 then, use your statutory authority under 49-15-304 to  
12 grant an exception to that regulation, to that paragraph  
13 of that regulation for as long as you want to give the  
14 petitioner time to submit his proposed language.

15 Then, if the petitioner fails to submit the  
16 proposed language in the time frame you set, you can again  
17 consider the alternative language that I presented at the  
18 January meeting.

19 COMMISSIONER BOSARGE: All right. You know,  
20 looking back and trying to recall what we actually did, I  
21 think, as you stated, the will of the Commission was to  
22 repeal this Title 22, Part 20, Chapter 21, Paragraph 105.

23 SANDY CHESNUT: Yes.

24 COMMISSIONER BOSARGE: you know, I can  
25 understand how they probably don't want two separate sets

1 of language overlapping, but, at the same time, I think  
2 the will of the Commission at that point was however long  
3 it took to go ahead and repeal that language.

4 SANDY CHESNUT: well, when I looked back at the  
5 minutes, it was obvious that you wanted something before  
6 you at this meeting.

7 COMMISSIONER BOSARGE: Correct.

8 SANDY CHESNUT: So we don't have that like we  
9 thought we were going to.

10 COMMISSIONER BOSARGE: well, then, I guess, to  
11 me the update would have been where are we in the process  
12 of repealing this.

13 In other words, is that process ongoing now?

14 SANDY CHESNUT: No, it's not because they  
15 advised that so that we would not have two overlapping  
16 regulations out there, to just go ahead and substitute the  
17 ones we were going to have in February.

18 Like I said, there is a way to deal with this  
19 without having overlapping regulations on the books. You  
20 can make the order that you want in that paragraph for a  
21 set period of time, and, then, we can have that time and  
22 we can do the new regulation. We can have the new  
23 regulation out on notice, during that time period.

24 COMMISSIONER BOSARGE: And, then, this all comes  
25 back possibly to, I think it's Administrative Procedures.

1 Correct?

2 SANDY CHESNUT: Yes.

3 COMMISSIONER BOSARGE: I see Mr. Bradley. This  
4 was his Petition for Reconsideration.

5 Do you want to address this, Mr. Bradley?

6 RYAN BRADLEY: Yes. Good morning Commissioners.  
7 Ryan Bradley, Director of Mississippi Commercial  
8 Fisheries United.

9 I was under the impression that when I presented  
10 this last that we were in agreement that if y'all moved to  
11 repeal this, this ended my Petition to Reconsider and by  
12 y'all voting on that and approving that vote, that this  
13 regulation that we were challenging in that Petition to  
14 Reconsider would be repealed.

15 We are kind of saddened to learn that that has  
16 not been done, so we would urge the Commission to proceed  
17 with repealing the regulation, that you vote to repeal.

18 Let's get it done, and, then, let's work towards  
19 looking and seeing if we can't come up with some better  
20 language here.

21 I was looking through some of the statutes and I  
22 had seen an opinion from the Attorney General that says  
23 that the CMR does not have the authority to levy  
24 administrative fines and to suspend, or revoke, fishing  
25 licenses.

1 I don't know how current that is, or what that  
2 is about, but reading back through the minutes as all of  
3 this transpired, I didn't see a real will of the  
4 Commission that was pushing this particular regulation.

5 I'm not quite sure where it came from, but I  
6 didn't see where the Commission was driving this  
7 particular regulation.

8 Furthermore, there was a bill introduced in the  
9 legislature this session and it was House Bill 1260 and  
10 this bill, it gave the Commission this authority to revoke  
11 these permits, endorsements, or similar provisions

12 So I really question does the Commission have  
13 the authority to even promulgate this type of regulation.  
14 It is not specifically given that authority in State  
15 statutes and I wonder why we are promulgating looking at  
16 legislation to give y'all that authority.

17 Maybe they passed this this year and maybe you  
18 do have the authority to do this, but it is not real clear  
19 to me right now, does the Commission even have that  
20 authority.

21 Again, we would recommend that the Commission  
22 proceed with the full repeal and, once it is settled,  
23 then, we will proceed with looking at coming up with some  
24 better language for this type of regulation.

25 COMMISSIONER BOSARGE: Right now, the way I see

1 it is that the Commission asked for this to be repealed.

2 Unless somebody wants to make a better  
3 suggestion, I suggest that that is the course we need to  
4 take.

5 JOE JEWELL: I am going to try and provide a  
6 little clarity.

7 COMMISSIONER BOSARGE: Go ahead, Joe.

8 JOE JEWELL: As y'all recall, back at the  
9 October meeting, this is where this language change to  
10 Paragraph 105 occurred for final adoption.

11 It became effective, I think, November 15<sup>th</sup>, or  
12 16<sup>th</sup>, and, then, the Petition for Reconsideration followed,  
13 and, then, we marched up to January.

14 Now, as Sandy described to y'all, you really  
15 only have two paths forward right now, but they will cause  
16 their own unique issues.

17 The Commission has already voted to repeal this,  
18 but what Sandy is trying to tell y'all is in order to do  
19 this, you are going to have to follow the Administrative  
20 Procedures process which essentially will take that  
21 language out and put it where it was before the October  
22 meeting, and that will take sixty days.

23 Through the administrative process, if there is  
24 a discussion and an agreement as to what penalty matrix,  
25 or whatever it is that is on the table, you could actually

1 do that quicker than having this done.

2 COMMISSIONER BOSARGE: I agree, Joe.

3 This is kind of where I'm at on it. This  
4 Administrative Procedures, I'm not an attorney, but the  
5 more I dig into it the more I learn and the more I see,  
6 I'm not sure I'm okay with what we did.

7 In my opinion, we need to repeal what we did,  
8 and, then, this group come back and look at this again and  
9 see if we really need to go down this path.

10 You see what I'm saying?

11 JOE JEWELL: I do and, Counselor Chesnut, please  
12 correct me.

13 A repeal is a little bit different than actually  
14 diverting back to the language. It might be more  
15 efficient if the Commission adopts a motion to put the  
16 language back to where it was originally because the  
17 repeal process, I don't think it available for you.

18 Is that correct, Sandy?

19 SANDY CHESNUT: It was very complicated in the  
20 Secretary of State's office.

21 what I would like for the Commission to do is  
22 make a motion stating their will. we will live by that  
23 motion and we will figure out how to get the rule  
24 repealed.

25 JOE JEWELL: If the Commission decides to go

1 back to what the original language was, we can provide  
2 some documentation to start that process today, if y'all  
3 vote on it.

4 COMMISSIONER BOSARGE: And when you say what the  
5 original language was?

6 JOE JEWELL: well, the adopted language that  
7 occurred in November when it became effective said that  
8 the Commission can consider repealing, or canceling,  
9 endorsements.

10 The language before that didn't have that.

11 You could make a motion to revert the language  
12 back to prior to the November adoption of the final  
13 language included in Paragraph 105.

14 JOE SPRAGGINS: Joe, if I'm not mistaken, the  
15 endorsement was the endorsement only. It didn't have  
16 anything to do about licenses, or anything else.

17 JOE JEWELL: Not licenses.

18 JOE SPRAGGINS: It was just the endorsement of  
19 speckled trout.

20 Right?

21 SANDY CHESNUT: It was those things that are  
22 granted under our statutory provisions for -- in the  
23 commercial industry.

24 JOE JEWELL: I guess -- and I'm going to defer  
25 to counselor Chesnut -- if the Commission's will is to



1 back with the way the document read before November, I  
2 think a motion by the Commission will do that.

3 COMMISSIONER BOSARGE: I think the will of the  
4 Commission is to take this back to the point to where it  
5 began, not just where it was in November.

6 You see what I'm saying?

7 JOE JEWELL: The original language.

8 COMMISSIONER BOSARGE: No. In other words, to  
9 take this totally out of the regulations to where we could  
10 go back and visit this again and see if this Commission  
11 feels that we have the authority and the wherewithal to  
12 enact, or to take somebody's endorsement, or tags.

13 See what I'm saying?

14 JOE JEWELL: Okay. Then, I think I'm going to  
15 agree with counselor Chesnut. We can start that process  
16 today, if the Commission votes on it.

17 COMMISSIONER BOSARGE: That's fine.

18 JOE JEWELL: You just have to tell us exactly  
19 what you want to do because what I think I heard you just  
20 say is you want to delete Paragraph 105 altogether.

21 COMMISSIONER BOSARGE: Correct. Repeal it.  
22 That's what I want.

23 SANDY CHESNUT: You want that to go out on  
24 Notice of Intent?

25 COMMISSIONER BOSARGE: Yes, ma'am, if that's

1 what it takes.

2 SANDY CHESNUT: Okay. It won't be effective for  
3 sixty days.

4 COMMISSIONER BOSARGE: That's fine. That's  
5 fine. The wheels of government turn very slow.

6 JOE SPRAGGINS: Sir, may I add, too, it is up to  
7 y'all, but during that sixty days, there are no penalties  
8 out there that we know of right now.

9 Unless y'all enforce a penalty between now and  
10 the sixty days, the sixty days is just a number that we  
11 are looking at, and that is the only thing that you have  
12 to worry about.

13 COMMISSIONER BOSARGE: All right.

14 JOE JEWELL: So I guess the motion for Notice of  
15 Intent would be to delete Paragraph 105 in Title 22, Part  
16 20, Administrative Penalties, Chapter 21.

17 Is that correct?

18 COMMISSIONER BOSARGE: Correct.

19 SANDY CHESNUT: To put that out on Notice of  
20 Intent.

21 Correct?

22 COMMISSIONER BOSARGE: Yes.

23 SANDY CHESNUT: Okay.

24 COMMISSIONER BOSARGE: So I will make the  
25 motion, and Joe says it. I'm not going to try to say it

1 again.

2 JOE JEWELL: I will say it again.

3 The motion is for Marine Fisheries staff to go  
4 out for Notice of Intent to delete Paragraph 105 from  
5 Title 22, Part 20, Chapter 21.

6 COMMISSIONER BOSARGE: Correct.

7 RYAN BRADLEY: I just want to clarify. I think  
8 there is also language in Paragraph 104. If we just  
9 repealed 105, deleted 105, there is still language in 104.  
10 So this wouldn't be a full repeal. I want to make sure we  
11 are clear on that.

12 COMMISSIONER BOSARGE: And what is in 104?

13 JOE JEWELL: Well, 105 is what the Commission  
14 modified in November of last year.

15 RYAN BRADLEY: One second. Let me check here.

16 SANDY CHESNUT: If we are going to go further  
17 than 105, we are going to need to bring it back at the  
18 next meeting for Notice of Intent.

19 COMMISSIONER BOSARGE: All right.

20 RYAN BRADLEY: One second.

21 COMMISSIONER BOSARGE: I will make the motion.  
22 Did you get it from what Joe said?

23 SANDY CHESNUT: Are you referring to the motion  
24 pertaining to Paragraph 105?

25 COMMISSIONER BOSARGE: Yes, ma'am.

1 SANDY CHESNUT: Okay. Yes.

2 COMMISSIONER BOSARGE: I will make the motion.  
3 Do we have a second for that motion?

4 COMMISSIONER GOLLOTT: Excuse me, Mr. Chairman.  
5 I am a little confused on this.

6 would you kind of explain what we are doing here  
7 and what it is for briefly, please?

8 COMMISSIONER BOSARGE: Yes, sir.

9 what we are doing is it has gone on here for  
10 quite a few meetings where we and that is the Commission  
11 voted to give ourselves the authority to revoke  
12 endorsements, tags and whatever else it was.

13 COMMISSIONER GOLLOTT: Licenses.

14 COMMISSIONER BOSARGE: Correct, and if you look  
15 back -- anyhow, that authority, in my opinion, does not  
16 need to be within the realm of this five member panel. We  
17 are doing what the courts normally do.

18 You see what I'm saying?

19 This is my opinion. I can't go any further than  
20 that, but I don't feel we here -- we might not all agree.  
21 I don't.

22 Anyhow, I think that the business of making  
23 decisions such as this, that affect people's lives should  
24 be left to somebody with the education to make those  
25 decisions. That is the problem I have with what we did.

1 SANDY CHESNUT: I do want to clarify.

2 Commissioner Gollott's question was whether that  
3 pertained to licenses. That does not pertain to licenses.

4 COMMISSIONER BOSARGE: Does not pertain to  
5 licenses.

6 SANDY CHESNUT: That only pertains to those  
7 regulatory programs that the Commission has authorized.

8 You do have the right to revoke licenses under  
9 statute, though.

10 COMMISSIONER GOLLOTT: I will second your  
11 motion, Mr. Chairman.

12 COMMISSIONER BOSARGE: All right.

13 COMMISSIONER HAVARD: Before you vote on this, I  
14 would like to see the staff come back with some  
15 recommendations for what kind of language to put in place.

16 We have already gone these steps to make this --

17 COMMISSIONER BOSARGE: (Interposing) well,  
18 that's what the staff has done, and the staff has come  
19 back and she had some recommendations up on the portal,  
20 but I haven't been able to get back to them where she  
21 talks about first offense and second offense and third  
22 offense and what you could do under those offenses.

23 Once again, this is not a court of law.

24 Do you feel like you have the authority and  
25 expertise to be able to rule on something like that?

1           COMMISSIONER HAVARD: I do think that we have  
2 the authority to give the license, to approve somebody for  
3 the license.

4           Correct?

5           COMMISSIONER BOSARGE: well, we set the  
6 standards, or the qualifiers for the license.

7           COMMISSIONER HAVARD: I just feel that there are  
8 modifications that can be done.

9           I agree that there should be a matrix, a penalty  
10 matrix.

11          COMMISSIONER BOSARGE: Once again, I will go  
12 back to Ms. Chesnut on this.

13          If we go there and somebody does first offense  
14 and it doesn't really state what that offense could be,  
15 that offense could be no life jacket and it goes all the  
16 way and we revoke somebody's endorsement, tags, or  
17 whatever.

18          If you are in a court of law, there is always an  
19 appeal process.

20          SANDY CHESNUT: There is an appeal process in  
21 this procedure as well, and you do have five Commissioners  
22 up here voting and deciding whether they are going to  
23 revoke someone's tag, or endorsement, for a life vest.

24          The language that I presented also said that  
25 they were related to the program and the suspensions would

1 only be taken during the season in which they were fined  
2 for that particular program. It is tied to the program  
3 and there is an opportunity for appeal.

4 COMMISSIONER BOSARGE: And, once again, if you  
5 go back to -- you work for the Attorney General's office  
6 and, at one point, the Attorney General made the opinion  
7 that we don't need to be in this business.

8 Correct?

9 SANDY CHESNUT: I would have to look at that  
10 Attorney General's opinion. I think that was an old  
11 opinion, and I think they have changed the law since then,  
12 but I can't comment for sure because I don't have that in  
13 front of me.

14 COMMISSIONER BOSARGE: Here is it, if you want  
15 to read it.

16 (Document handed to Sandy Chesnut by  
17 Commissioner Bosarge.)

18 SANDY CHESNUT: Do you want to recess for  
19 fifteen, or twenty, minutes and give me time to look at  
20 this?

21 COMMISSIONER BOSARGE: Yes, ma'am, we can take a  
22 --

23 COMMISSIONER GOLLOTT: (Interposing) Instead of  
24 taking a recess, can we just skip over it and go to  
25 another item?

1           we've got so many items. We will be here all  
2 day.

3           COMMISSIONER BOSARGE: All right.

4           would that be okay with you, Ms. Chesnut?

5           SANDY CHESNUT: Certainly.

6           COMMISSIONER BOSARGE: All right. So we will  
7 table this issue and move on.

8           JOE SPRAGGINS: Yes, sir. We've got one more  
9 thing on the Executive Director's report, and, then, we  
10 can come back to that, if you would like.

11           First off, if you notice, there is a sign  
12 outside that says "No Weapons Allowed In Here".

13           If a lot of you are like me, you have always  
14 carried a knife all of your life, but, please, they are  
15 not allowed in here. That is a State law. It has nothing  
16 to do with the CMR. That is a State law and the State  
17 building, so no guns, or no weapons, or anything.

18           If you accidentally have one on you right now,  
19 feel free to do one of two things. You can give it to one  
20 of the Marine Patrol officers to hold it for you, or  
21 whatever, or, number two, you can take it and put it in  
22 your vehicle, or something like that.

23           I hate to do this, but that is part of the law.

24           COMMISSIONER BOSARGE: I don't know many  
25 commercial fishermen that don't carry a pocket knife.



1           JOE SPRAGGINS: I don't know either, sir, and  
2 I'm sorry, but that is just the law.

3           COMMISSIONER BOSARGE: I never leave home  
4 without mine.

5           JOE SPRAGGINS: If we can -- somehow or another  
6 my slide just flipped over. I don't know what happened  
7 here, but I wanted to give you an update. Here is an  
8 update of what is going on in Jackson. This is just for  
9 y'all.

10           The Exempt Fishing License Records from Public  
11 Records Act died. It is dead, so we don't have to worry  
12 about that.

13           The Artificial Reef 5 Year location exemption  
14 for public records act, it died also.

15           The Commission Authority to revoke/suspend  
16 regulatory program requirements, it also never came out.  
17 It never made it out of any bill, or anything. It never  
18 got printed.

19           Commission Authority to revoke/suspend license  
20 for unpaid fines died in both committees.

21           Those are the ones that died there that you will  
22 see and, if you will look down a little bit further, you  
23 will see that the authority to redesignate natural/public  
24 oyster reefs passed the House and the Senate.

25           Now, they have both passed and they are

1 different bills. One of them has different wording than  
2 the other. So they will have to come together, or either  
3 go to conference on that.

4 Marine Patrol Reserve Officers passed, so we can  
5 now have Marine Patrol reserve officers.

6 If we move that forward, it died in the  
7 committee and the Senate, but it passed in the House and  
8 was transferred to the Senate.

9 Unmarked Vehicles for the Marine Patrol passed  
10 in the House and transferred to the Senate.

11 The Marine Fisheries Increase Shell Retention,  
12 it died in the House, but passed in the Senate. Now,  
13 transferred back to the House. So we will see what  
14 happens there.

15 They don't want to do anything right now with  
16 raising fees. I can tell you that, and they are real  
17 concerned about it.

18 Aquaculture established a new off-bottom  
19 aquaculture license. It passed on the House floor and  
20 will go to the Senate, also.

21 Those are the ones there, and, then, we've got  
22 the Coastal Resources Wetlands Protection Act that died in  
23 both committees.

24 we have a couple of non-DMR drafted bills, and  
25 one of them was the Spotted Seatrout Set Open Season for

1 Taking by Net. That died. It never made it out of  
2 committees. So it is dead.

3 The Haul Seine Net, to prohibit use of taking  
4 within one-half mile of shoreline was modified. It passed  
5 the House and it passed on the floor of the House this  
6 past week and it was modified to read "Cat Island Only".  
7 One of the things there was they had had it originally to  
8 say that it was any shoreline, but it is now Cat Island  
9 only. It has got to go to the Senate and it is up to them  
10 whether they pass it and move on.

11 The bonds to be issue for MDMR, I don't know if  
12 y'all knew about that, but the City of Biloxi decided to  
13 send a bill up to say that we would increase our bond to  
14 fifty million dollars and, in turn, the money would go to  
15 them to build out Point Cadet Marina and we would pay for  
16 it in Tidelands. This is not a MDMR bill and, hopefully,  
17 we've got it killed in both committees. That is what we  
18 are doing the best we can, but don't think we want to  
19 spend our money that way.

20 Then, operations of vessels in reckless or  
21 negligent manner, including wakeboarding restrictions, it  
22 passed out of the committee, but died on the House  
23 calendar. So I don't think it is going anywhere else.

24 That is just an update, to give you an update of  
25 what the bills of MDMR, what is going on in Jackson.

1           Sir, unless Sandy is ready, that is the end of  
2 the Executive Director's report, unless you are ready to  
3 go back to that.

4           COMMISSIONER BOSARGE: Ms. Chesnut, are you  
5 ready?

6           SANDY CHESNUT: No, sir. You can continue on.

7           COMMISSIONER BOSARGE: All right. We will  
8 continue on.

9           Next up will be Commissioners' report.

10          Under that, we have Tarpon update from Dr. Jim  
11 Franks, Commissioner Mark Havard.

12          COMMISSIONER HAVARD: Mr. Jim Franks is going to  
13 come up and talk a little bit about Tarpon.

14          JIM FRANKS: I appreciate the invitation to come  
15 here today by Commissioner Havard.

16          Thank you Commissioners, General Spraggins,  
17 Counselor Chesnut.

18          We are pleased to be here today. Pleased to  
19 talk about some of the research that we are doing out at  
20 the Gulf Coast Research Lab in the Center for Fisheries  
21 Research and Development there on Tarpon, on this great  
22 fish that occurs in our local waters. Of course, you know  
23 that the Center and GCRL are a component of USM School of  
24 Ocean Science and Engineering, and it is a pleasure to be  
25 here today.

1 I think there is an advance perhaps, slide  
2 advance.

3 COMMISSIONER BOSARGE: We are not showing a  
4 presentation, Dr. Franks.

5 JIM FRANKS: No. It will be now.

6 I had a black screen there so it would capture  
7 your attention.

8 As I said, we are very pleased to be here today.

9 Just a bit about Tarpon, just very general  
10 information. It is one of the most highly respected and  
11 premiere game fish in the world. It occurs in the  
12 tropical, subtropical Atlantic Ocean.

13 The adults are seasonally migratory, and we  
14 experience that here off the Coast of Mississippi, and the  
15 juveniles are estuarine dependent.

16 These are big fish. They get up to over nine  
17 feet in length, can weigh over two hundred and eighty  
18 pounds. I think the existing world record is two hundred  
19 and eighty-six pounds which is a huge fish.

20 These fish can live to be seventy-five years old  
21 and their age at first maturity, the males mature about  
22 seven years of age and the females about ten.

23 Huge economic impact in the U.S. waters and  
24 recreational fishery. In Florida alone, it is estimated  
25 the Tarpon fishery is valued at about two billion dollars

1 per year. From the Carolinas down the East Coast around  
2 Florida through the Gulf to Texas, an estimated five  
3 billion dollars a year in that recreational fishery of  
4 Tarpon alone.

5           Importantly, it is not a commercial fishery  
6 species of any interest in U.S. waters.

7           I wanted to share just a bit of this with you,  
8 the history of Tarpon fishing on our Coast here. I  
9 uncovered a lot of this, when I was rummaging around the  
10 Old Biloxi Library back in the day before Katrina, and I  
11 found a little gold mine of historic information on  
12 Tarpon.

13           There actually was a Tarpon Club in Pass  
14 Christian. It was out on Cat Island. This is 1929.  
15 There were Tarpon fish camps. There was a famous Tarpon  
16 hole off Pass Christian. There were Tarpon rodeos from  
17 the thirties through the fifties (indicating photograph).

18           In this article I found in the Sun Herald back  
19 in the day of the Daily Herald 1930:

20           “Large schools. Thousands of Tarpon in  
21 Mississippi Sound in the Bays. More  
22 Tarpon here than in any other section  
23 of the Gulf between Texas and Florida.”

24           It was just amazing and, if you look at the  
25 photographs, this first photograph on the left, that is

1 Captain Ernest Desporte. He was the lighthouse keeper out  
2 at Ship Island back in the day and, also, ran some boats  
3 between Gulfport and Ship Island.

4 That is in 1895. This is the first record of a  
5 giant Tarpon being caught in Mississippi Sound on rod and  
6 reel (indicating photograph).

7 This is a magazine some of you may be familiar  
8 with back in the day. It was very popular on the Coast.  
9 This couple here has just caught this large Tarpon off  
10 that pier on Biloxi beach across from Deer Island. That  
11 was in 1925 (indicating photograph).

12 Then, here was a great catch in 1938 in Bay St.  
13 Louis (indicating photograph).

14 The Tarpon were all in the Sound and up in the  
15 bays.

16 This is not a very great photograph here, but I  
17 found this. This fish was caught off the Biloxi  
18 Lighthouse in 1950.

19 So at one time, our waters were filled with  
20 large Tarpon, big schools of Tarpon roaming around the  
21 Mississippi Sound up in the bays and south of the islands.

22 That is certainly not the case today, as far as  
23 the large fish are concerned.

24 Here is another interesting picture. This young  
25 lady caught these two fish off the pier. It says off the

1 Old Spanish Trail which, of course, is Highway 90 off  
2 Biloxi. This is back in the 1930's and this was actually  
3 part of the Book of Fishes which was published in the  
4 thirties by the National Geographic Society.

5 There was a radical decline in the Tarpon  
6 population in Atlantic waters, including the Gulf of  
7 Mexico, including our waters. As this states here, there  
8 were multiple lines of evidence that the numbers have  
9 radically declined from historic levels and a particularly  
10 noticeable decline in the fish population in Florida since  
11 the 1960's.

12 Now, there are several factors that are believed  
13 associated with that decline, and I have listed them here  
14 (indicating slide).

15 Loss and degradation of nursery habitats which  
16 we are researching at this point and defining what really  
17 is nursery habitat for Tarpon in our waters.

18 There are perhaps some water quality issues.

19 Lot of fishing pressure in adjacent countries  
20 that harvest Tarpon for consumption. Mexico and some of  
21 the Caribbean countries still consume Tarpon and, of  
22 course, that is part of the big Atlantic stock, and, then,  
23 a reduction in those young fish coming out of the  
24 estuaries and the marshes. Recruiting for the offshore  
25 spawning population should begin there.



1           As a result of all this, Tarpon has been  
2 assigned a vulnerable status by the International Union of  
3 Conservation of Nature.

4           Importantly, there has never been a formal stock  
5 assessment of the Tarpon population conducted in any  
6 portion of species range and that includes the Gulf of  
7 Mexico.

8           Back in 2006, when we were informed by some  
9 local fishermen and folks out getting bait for trout, or  
10 whatever, that they were beginning to encounter some  
11 really small fish that looked like Tarpon up in these  
12 estuaries, particularly over in Jackson County and some  
13 over in Hancock County, we took a look at those fish and  
14 they were young Tarpon which was something that was  
15 foreign to us. We had very few records of any Tarpon  
16 being collected of this size in our Coastal waters.

17           So we began our survey at that point to better  
18 understand what was going on here and what this really  
19 meant, and most of this work has been funded through the  
20 Tidelands Trust Fund Program. We really appreciate that.

21           In recent years, we have made collections in  
22 various locations. We have over three hundred and sixty-  
23 eight collections of these young fish. Many of those were  
24 released alive.

25           we have to get into these backwaters to get

1 these young fish because that is their primary habitat.  
2 Have to use a cast net to get in there.

3 I want to just acknowledge my colleague, Pat  
4 Brown, who has done much of the work that I am presenting  
5 today and has helped with this presentation.

6 These are really great fish. They are usually  
7 two to fourteen inches in length. That is the range.  
8 They are less than a year old. We are collecting them  
9 from August through December with our sampling program.

10 This is the sort of habitat where we find these  
11 young fish scattered across the Coast with an inlet here  
12 out the Mississippi Sound winding back up in through the  
13 marsh. This happens to be in Gautier, and this is the  
14 back part of that particular tidal slough. It winds all  
15 the way back up to its dead end, and the Tarpon love these  
16 kinds of places, the young fish do. It is low in DO.  
17 They are fortunate to have an air bladder where they can  
18 actually aerial respire which enables them to live in  
19 low DO conditions. There is plenty of prey for these  
20 little fish up in there and, even though they are small,  
21 they are sort of the big guys on the block up there.

22 I want to show you this, if we can activate this  
23 just a moment. This sort of indicates the kind of  
24 sampling we do and, when we go to these sort of backwater  
25 locations that young Tarpon prefer, what it looks like

1 (indicating photograph).

2 As you walk up to this particular location here,  
3 you see some flips in the water. We have learned over the  
4 years to recognize those as Tarpon flips, not mullet. The  
5 little fish are coming up to gulp air, and so, when we see  
6 that, we go ahead and throw the cast net and that is  
7 probably the biggest banana cast I have ever seen, but we  
8 are sort of limited to the area there.

9 This gives you an idea of what we are seeing.  
10 We are not only collecting one, or two, of these little  
11 guys in these tidal sloughs and these backwaters, those  
12 are all Tarpon in that net.

13 We would measure these, get our environmental  
14 data from that location to help us better understand the  
15 habitat, and, then, release a lot of these fish, but we do  
16 bring some back to the lab for studies.

17 You can see there is quite a range in there.  
18 There are some three, or four, inches long and some may be  
19 six, or eight, inches long. Beautiful fish.

20 Here is just a couple of graphs showing the  
21 length of these young fish here from about two inches up  
22 to about fourteen inches. The mean size here is about six  
23 inches, and we collect them from August through December,  
24 with the majority of our collections September, October  
25 and November.

1           We now are beginning to understand a little bit  
2 more about what we call the larger juveniles, and these  
3 are the fish that are two to three feet in length, three  
4 to four years old. We collect those in the spring, and,  
5 then, later in the year, and the locations where we found  
6 those are indicated by these red dots here, primarily in  
7 Back Bay up around Parker's Creek, and, then, up Fort  
8 Bayou. These are beautiful fish that we have actually  
9 caught ourselves, and, then, the yellow dots indicate  
10 areas of reported captures of fish this size to us, so we  
11 are beginning to learn just a bit about these larger fish.

12           We have looked at the young fish. We think  
13 these are the fish that the younger guys have grown into  
14 and maybe have moved out of the marsh areas into deeper  
15 habitats, and so we are trying to better understand that  
16 movement and what those habitat requirements are for the  
17 larger fish that are three, or four, years old, indicating  
18 they have lived here at least three, or four, years in our  
19 estuaries.

20           Now, how did these fish get here?

21           Well, this is a Tarpon larvae. It is an  
22 interesting looking animal. It never gets anymore than  
23 about an inch in length. It is transparent and it can  
24 drift on the ocean currents for thirty, or forty, days  
25 before it encounters an appropriate habitat (indicating

1 photograph).

2 This is something that has really been of  
3 interest to us. In trying to understand where these  
4 juveniles are coming from, when they first arrive as a  
5 larvae form, that is where some of our efforts are focused  
6 now.

7 To date, we have collected over a hundred of  
8 these young fish, by pulling this net here. It's a  
9 specialized plankton net. You pull it along the fringing  
10 marshes. One of our favorite location places, most  
11 productive is around Belle Fontaine, just off this Belle  
12 Fontaine Coastal marine preserve that is overseen by DMR.  
13 We found this to probably be one of our most productive  
14 Tarpon habitats on the Coast (indicating photograph).

15 By pulling that net along this fringing marsh  
16 here and along the beaches, we collected a number of  
17 those. They are never over an inch, about three-quarters  
18 to an inch in length. It is an amazing animal.

19 The interesting thing is we are collecting them  
20 in areas that are adjacent to the entrance ways into these  
21 habitats where the larger juveniles live.

22 These are the months that we have been  
23 collecting those leptocephali they are called. It is the  
24 name given the Tarpon larvae.

25 These little guys also they also have the

1 ability, once they begin to metamorphose to breath air,  
2 and we have actually raised some of these before at the  
3 lab. Very interesting to see that transformation.

4 we published this recently on the first  
5 occurrence of the Tarpon larvae in the Mississippi Sound  
6 estuary. This has not been known before.

7 The question is where were these little guys  
8 spawned?

9 Now, we have the larvae, we have the juveniles,  
10 we have the older juveniles that are up to three, or four,  
11 years old.

12 where did those fish come from?

13 well, the literature tells us that in Florida  
14 and Mexico, the Tarpon spawn offshore, way offshore, and  
15 we thought until recently maybe those are the only two  
16 places where Tarpon actually spawn.

17 If that is the case, how did they get here?

18 Maybe on currents perhaps, but our work is  
19 leading us to think that perhaps these fish are spawned  
20 south of us here.

21 So we take these larvae Tarpon -- this is a  
22 blowup of one of the Tarpon heads and there is a little  
23 bone right here under the brain what is called an otolith.  
24 It is actually an ear bone, and we have used that over the  
25 years to age many species of fish.

1           when you have a catfish, a little catfish skull,  
2 you can rattle it and you hear the rolling around. Those  
3 are ear bones, and what we have learned if you take those  
4 ear bones, you section them, you look at them under a  
5 microscope, you can tell how many years old a fish will  
6 be, and that is very important for stock assessment and  
7 for management.

8           well, in this case, we are able to tell how many  
9 days old these little guys are.

10           Here is an example of one of those micro  
11 otoliths under a scope. It is about the size of a pen  
12 head, and we have determined this is an example. This  
13 fish is about twenty-three days old.

14           what we have learned is the leptocephali, or the  
15 very earliest stages we are collecting now in the  
16 Mississippi Sound, those little fish range between  
17 nineteen and thirty-eight days old.

18           Now, that is important for something else I am  
19 going to tell you about here in a minute.

20           Now we know how old they are. Their ages seem  
21 to match and our collections seem to match the known  
22 literature of where actually we examined a couple of fish  
23 two, or three, years ago that were actually in spawning  
24 conditions in the northern Gulf. That was the first time  
25 that was reported that Tarpon were spawning actually in

1 the northern Gulf, and the ages of our larvae actually  
2 matched the hatch dates that would have been reported from  
3 our offshore collections, so it seems that our ages and  
4 the time the Tarpon are spawning offshore in the northern  
5 Gulf match up very nicely.

6 We are thinking that these young fish may come  
7 from a spawning population south of us here rather than,  
8 say, Mexico, or Florida.

9 Now, we are trying to look at that and better  
10 understand that, by this process here, by using this  
11 Northern Gulf Operational Forecast Model. This is a model  
12 of the currents in the northern Gulf and in the  
13 Mississippi Sound, showing the waters flowing into the  
14 Sound.

15 If we can do this, it is a slow process, but it  
16 will really give us an indication of the movements of the  
17 water offshore and into our area.

18 When we do, we know the age of those fish, the  
19 larvae, we know the collection dates and where they were  
20 collected. We plug that information into this forecast  
21 model and actually run it backwards. We hind cast from  
22 day thirty-one. Say a fish is thirty-one days old, we  
23 hind cast it through this model for a period of thirty-one  
24 days, and it should give us some indication of where that  
25 fish was spawned offshore. If that is the case, then,



1 this is the first time this has been confirmed as well.

2 It is possible that the source of our young fish  
3 that we see in our estuaries are coming from out here  
4 offshore south of us. If that is the spawning population,  
5 that is an important population of fish to be considered.

6 In order to better understand those adult fish  
7 offshore that roam through here every summer, we think  
8 they are the remnant population of those vast numbers that  
9 were here once before. We do know they show up in early  
10 summer south of Petit Bois, move across Horn and Ship over  
11 toward Cat and down toward the Chandelier Islands.

12 We want to know more about those big fish. This  
13 summer, this past summer with the guidance and the help of  
14 Captains Kyle Johnson, Jerry Mchugh and Mark McDonald --  
15 they are here today -- we actually were able to go  
16 offshore south of Cat island, encounter some of these big  
17 fish and attach satellite trackers to four of them during  
18 August and September, and those tags, actually what they  
19 do is they record every five minutes data on the location,  
20 on the depth the fish is in the water column and on the  
21 temperature the fish is swimming in.

22 In other words, it is sort of an environmental  
23 gauge of where the fish is and what its preferences are.

24 We get the fish up to the boat which is not an  
25 easy task. I can tell you. These fellows are really good

1 at catching these big fish. We calm the fish down. We  
2 measure it.

3 This is the process here of inserting the  
4 satellite tag into the fish, and those tags are programmed  
5 to remain on these fish for certain periods of time, and,  
6 then, eject, float to the top and transmit that data to us  
7 by email.

8 It is really a microcomputer that we are putting  
9 on the fish to track their movements and their behaviors.

10 We have plans to deploy two additional tags this  
11 summer.

12 These are great fish. The data that we have  
13 received from a few of these tags isn't as robust as we  
14 had hoped, but we are hoping that the longer-term  
15 deployments will give us a good indication of what these  
16 fish are doing once they leave our waters.

17 Do they return the following year, or, as we are  
18 beginning to believe, is there an offshore population here  
19 in the northern Gulf that may not migrate at all?

20 We may have an offshore population that spawns  
21 offshore and they are responsible for the fish we are  
22 getting, and that is to be documented yet.

23 Hopefully this information will be very  
24 informative to us, as we go forward.

25 In summary, we are showing that Mississippi

1 coastal estuaries provide the multiple type of habitats  
2 for Tarpon larvae and juveniles. We are not sure if this  
3 has occurred before. We don't have much information  
4 locally in our literature. Our collections don't indicate  
5 this has happened in prior years. This may be something  
6 that is new. We don't know that. We would like to think  
7 there is some sort of recurrence of the population. We  
8 know now that the larvae collected in our waters were  
9 spawned during the summer, May and September, perhaps  
10 south of us here, and we are continuing our work to  
11 identify those offshore spawning locations using those  
12 satellite tags.

13           what I mean by inshore-offshore connectivity is  
14 the relationship between the big fish that migrate through  
15 here in the summertime, or come from offshore to us in the  
16 summertime, and the connectivity with the young fish that  
17 we are seeing offshore.

18           what is that connection?

19           Are our fish connected to an important spawning  
20 group of fish south of the islands in the summer?

21           We are continuing with our satellite tagging  
22 work. Our next steps, we really want to understand more  
23 about our young fish here in our local waters and are they  
24 actually contributing to this Gulf population, are they  
25 perhaps contributing to a resurgence of that population, a

1 recruitment into that population.

2 Things we would like to do as part of this, we  
3 would like to become engaged in some public outreach, by  
4 providing the public and our fishing public with the  
5 information on how to identify these young Tarpon because  
6 we know people get them confused. You might get them  
7 confused with a Skipjack Herring.

8 we think that is important, and we would like to  
9 know when those fish are caught and perhaps the local  
10 angling public could present that information to us, and  
11 we also would like to inform them of the best handling  
12 practices for successful release of those fish because  
13 there is no reason to keep these young fish.

14 Also, we would like to get information from the  
15 anglers on their catch and release of these Tarpon in our  
16 waters, particularly the young fish up in the estuaries.

17 Commissioner Havard asked that I show this  
18 slide. This is just a quick rundown of the management,  
19 the regulations currently for Tarpon in each state. You  
20 can read those yourselves.

21 As you will see, Mississippi currently has no  
22 regulations and neither does Louisiana.

23 we are sort of varied back and forth, but these  
24 are conservation efforts that should benefit the  
25 population, not only in their states, but also Gulfwide,

1 and the conservation considerations for this species is  
2 certainly warranted.

3 Acknowledgments to those who have been part of  
4 this study with us over the years, and we certainly  
5 acknowledge the Tidelands Trust Fund Program and others  
6 who have donated to this work, our Fisheries biologists  
7 who have spent time on this project and our captains I  
8 just mentioned a few minutes ago.

9 This is sort of an overview of our work. We are  
10 pleased with what we are learning. It is exciting for us  
11 and we think that as we learn about the significance of  
12 our local waters to the growth and survival of these young  
13 fish in our local waters, that that information is  
14 important as support for conservation of the species.

15 Thank y'all. I will try to answer any questions  
16 you might have.

17 COMMISSIONER HAVARD: Mr. Jim, I appreciate you  
18 coming and telling us about Tarpon that we have right here  
19 at home.

20 As you stated, back in the late eighteen  
21 hundreds, Mississippi could arguably be the second best  
22 place in the country to catch Tarpon.

23 JIM FRANKS: People came from all over the world  
24 to fish here.

25 COMMISSIONER HAVARD: And as we see by those

1 numbers, it was a huge economic impact up the East Coast  
2 and down into Florida currently.

3 JIM FRANKS: That's right.

4 COMMISSIONER HAVARD: And there is really no  
5 reason we can't have that here on the Mississippi Gulf  
6 Coast.

7 As a sport fishing guide myself, that is one of  
8 the ultimate fish for guys to catch and they can obviously  
9 catch. It is just an awesome fish. It jumps out of the  
10 water, when you catch it. It is a pretty historic-looking  
11 animal. There are all kind of other interesting facts  
12 that go along with the Tarpon fish.

13 I think it is vital that we start some  
14 protection, some conservation for these fish in our state.  
15 I hate that we are falling behind the rest of the Gulf  
16 states to put in some kind of regulation.

17 At this time, I would like to make a motion for  
18 the staff, or the department, to come back with some  
19 recommendations for potentially some regulatory action.

20 JIM FRANKS: Thank you, sir.

21 COMMISSIONER HAVARD: I appreciate you guys  
22 coming out and taking your time.

23 JIM FRANKS: Any questions?

24 COMMISSIONER BOSARGE: Yes, sir. It looked like  
25 you put a lot of time into your presentation. I wish we

1 could have had it on our portal where we would have had a  
2 chance to look at it. Might have had a few more  
3 questions.

4 I have spent a lot of hours on the water and, I  
5 guess, the only time I have really ever laid eyes on a  
6 Tarpon was in Florida and really not so much in the  
7 process of fishing. It is just around the docks.

8 JIM FRANKS: Yes, sir.

9 COMMISSIONER BOSARGE: And it seems to me like  
10 that -- I'm sure we have had a lot of Tarpon here, but I  
11 can only imagine what it was like in Florida before the  
12 population increases and when it was back in its natural  
13 life. There are still a lot of Tarpon in the State of  
14 Florida, more than I have ever seen here in Mississippi.

15 Those are some mighty big creatures and some  
16 mighty old creatures, you know, seventy-five years.

17 JIM FRANKS: It is amazing, isn't it?

18 COMMISSIONER BOSARGE: It is. It is, and you  
19 have to take in mind that when you do take that seventy-  
20 five year old creature out, it took a long time for that  
21 fish to get that size.

22 JIM FRANKS: Absolutely.

23 COMMISSIONER BOSARGE: So, yes, I agree with  
24 Commissioner Havard. We probably need to look at what the  
25 rest of the states have done.

1           Since we've got you up here and you've got a  
2 pretty good -- I tried to check up just a little bit. I  
3 have known of you for a long time and I have seen a lot of  
4 things you have worked on.

5           We've got an issue coming up here that I would  
6 like to ask you a different question on.

7           We looked at what in this state, some of the  
8 different species where we don't fall within the  
9 guidelines, the Federal guidelines, and one of them being  
10 shark.

11           I know you have done a lot of research on sharks  
12 and I'm sure that you would probably agree that this  
13 Mississippi Sound would be the nursery, a lot of the  
14 nursery for a lot of these different species of sharks.

15           JIM FRANKS: Oh, yes, our research, and we have  
16 some members of our shark team here today.

17           COMMISSIONER BOSARGE: Pardon?

18           JIM FRANKS: We have members of our Shark  
19 Research Team here today, and they spent a lot of time on  
20 that, and definitely the Mississippi Sound is a nursery  
21 for various species of sharks, yes, sir.

22           COMMISSIONER BOSARGE: And, you know, because I  
23 have been involved in a lot of Federal fisheries  
24 management plans and that's my concern a lot of the times  
25 is that what we do as a state may affect the management



1 plan for Federal species.

2 JIM FRANKS: Oh, yes.

3 COMMISSIONER BOSARGE: And we have a -- on the  
4 state side, we allow to take the smaller sharks, and just  
5 to get your take on this, I mean, this is your area of  
6 expertise. You do this. You have done it all your life.

7 where do you stand on that?

8 In other words, because it is going to come here  
9 later on in this meeting, and I just want to get your  
10 opinion on it.

11 JIM FRANKS: You mean the catch of young sharks?

12 COMMISSIONER BOSARGE: Pardon?

13 JIM FRANKS: The capture, or the catch, of young  
14 sharks in our waters?

15 COMMISSIONER BOSARGE: Yes, sir.

16 On the Federal side, we are at fifty-four inches  
17 on a lot of sharks and in the state, we are at twenty-  
18 five.

19 JIM FRANKS: Honestly, I tell you I would feel  
20 better if those people who work practically on a daily  
21 basis on our shark research could address that far better  
22 than I could. That is my opinion.

23 COMMISSIONER BOSARGE: well, I mean, you have  
24 been here so long, I'm sure you have done a lot of work on  
25 it.

1           JIM FRANKS: Well, I have, but I think you need  
2 to be conservative, but very open about how those sharks  
3 are managed. Those young fish are nursery sharks, but  
4 some of the young fish that we see, some of the young  
5 sharks that we see in our estuary such as the Sharpnose,  
6 some of those are not only juveniles, but they may be some  
7 adult fish as well, so the smaller fish are not only just  
8 juveniles, and each of those would need to be managed, I  
9 would recommend, based on the information we get on their  
10 life histories.

11           Each shark is different, has a different life  
12 history strategy, based on its size at maturity, and I  
13 think those factors should be evaluated when trying to  
14 determine what sort of size regulation should be placed on  
15 those fish.

16           COMMISSIONER BOSARGE: Do you feel that the  
17 Federal Government has done a pretty good job of doing all  
18 that research and setting those size limits?

19           JIM FRANKS: I think they have done a good job,  
20 yes.

21           COMMISSIONER BOSARGE: If we go against what the  
22 Federal Government says, then, we may have to kind of  
23 revisit that a little bit.

24           JIM FRANKS: Well, the states certainly have the  
25 prerogative based on the information that they have, that

1 you have before you, and our laboratory has a great deal  
2 of information I think that would be useful to you.

3 COMMISSIONER BOSARGE: Yes, sir. Okay. I'm  
4 sorry.

5 who is this woman?

6 JIM FRANKS: And this is Jill Hendon. She is  
7 one of our shark people, since you mentioned that.

8 COMMISSIONER BOSARGE: We've got a long agenda,  
9 so we need to --

10 JIM FRANKS: (Interposing) Jill is the Director  
11 of our Fisheries center, so I would like to hear what she  
12 has to say as well.

13 COMMISSIONER BOSARGE: And your name again?  
14 I'm sorry.

15 JILL HENDON: Good morning Commissioners, Ms.  
16 Chesnut.

17 My name is Jill Hendon, and I am the Director of  
18 the Center for Fisheries Research and Development at the  
19 Gulf Coast Research Lab part of the University of Southern  
20 Mississippi, and we have a pretty extensive shark research  
21 program that goes back several decades, and we have been  
22 sampling throughout the Mississippi Sound and just south  
23 of the Sound. So we are really hitting our coastal  
24 waters.

25 we have quite a bit of data that we can start to

1 look at to see where population statues stand currently,  
2 what the kind of projections are and what sustainability  
3 levels might be.

4           Currently at the Federal level, the sharks are  
5 managed in two different groups, a small coastal complex  
6 and a large coastal complex, and we have both species in  
7 our waters, but, instead of managing them as a complex,  
8 they are starting to look at the species individually  
9 because what we are finding is the life history characters  
10 for the individual species need to be taken into  
11 consideration to properly manage them.

12           As they start taking those steps to look at them  
13 individually, you will have better understanding of what  
14 needs to be done to manage a particular species.

15           Here in the Sound, by far one of the biggest  
16 nursery areas that we have on the Gulf Coast. It has got  
17 some of the greatest diversity. We are really unique with  
18 those barrier islands. So we've got some of the greatest  
19 species diversity anywhere right here in our waters.

20           I would say from our past survey work, seventy  
21 to seventy-five percent of the sharks that we encounter  
22 are juveniles and only very few are adults, and so fishing  
23 done in our waters is really affecting the juvenile  
24 population.

25           we can look further into this. I am a member of

1 the Mississippi Stock Assessment Panel with DMR, and this  
2 is something that we can definitely delve into.

3 COMMISSIONER BOSARGE: All right. Thank you.

4 JILL HENDON: Thank you.

5 JOE JEWELL: Commissioner Bosarge, I do want to  
6 make one final comment on the sharks. The Commission did  
7 ask us to follow up on non-compliant species and that does  
8 include shark, but the presentation that we are going to  
9 give to the Commission, K-5, really addresses only the  
10 finfish portion of it.

11 we delayed the shark because we want to consult  
12 with the experts and ensure that we provide the most  
13 accurate information to the Commission for them to make a  
14 decision on.

15 So that should be in the next couple of months,  
16 or so, we will come back with a presentation that is just  
17 on sharks.

18 COMMISSIONER BOSARGE: All right. When I  
19 figured since we had Dr. Franks up here, he is well known,  
20 and Ms. Hendon, I had seen your name on a lot of different  
21 literature so you are also well known.

22 JIM FRANKS: Yes. I thought she would be the  
23 person you should hear from.

24 COMMISSIONER BOSARGE: All right. We had a  
25 couple of folks that wanted to speak on public comment on

1 this.

2 JIM FRANKS: Thank you.

3 COMMISSIONER BOSARGE: Yes, sir. Thank you.  
4 Kyle Johnson.

5 KYLE JOHNSON: Good morning. I'm Kyle Johnson.  
6 I'm not going to say everything that Jim Franks  
7 just said, but there are definitely Tarpon here in these  
8 waters, and I would love to see some protection on them  
9 and us to make the right move to conserve this fish  
10 because it really is -- it's like nothing you have ever  
11 caught. I mean, I would never want to kill one, and I  
12 would hate to see some killed just for a picture, or  
13 social status, or anything like that.

14 If the Commission, or the staff, wants any  
15 footage, pictures, videos, between me and Captain Jerry  
16 Mchugh back there, we have footage for days to give you an  
17 idea of just how many Tarpon really are in these waters.

18 I mean, a lot of people might say they are not,  
19 but they are just not looking, or not looking in the right  
20 spots, and I just really commend the Commission on hearing  
21 Dr. Franks and hearing out this Tarpon and I look forward  
22 to some regulations on them in our waters to protect these  
23 fish. Thank you.

24 COMMISSIONER BOSARGE: Thank you.

25 All right. Up next is Mr. Mark McDonald.

1           MARK McDONALD: My name is Mark McDonald. I do  
2 Ambush Fishing Charters out of Long Beach. I worked on  
3 the Tarpon project with Jeremy and Kyle and Mr. Jim.

4           I would like to just thank Mr. Jim for that  
5 presentation. That was wonderful.

6           I just want to share my support for their  
7 regulation being put in place to kind of mirror Florida,  
8 or the other states that are doing something to protect  
9 these fish because I really feel like they need  
10 protection.

11           I hope we can get y'all's support in moving  
12 something forward on that. Thank you.

13           COMMISSIONER BOSARGE: Thank you.

14           I've got several requests here. One is a break  
15 for a restroom break.

16           COMMISSIONER HAVARD: I have a motion.

17           COMMISSIONER BOSARGE: I'm sorry. Mark does  
18 have a motion on the table.

19           COMMISSIONER GOLLOTT: I will second Mark's  
20 motion, Mr. Chairman.

21           COMMISSIONER BOSARGE: And Mark's motion was to  
22 have the staff look at Tarpon and look at what the other  
23 states are doing and what we may could do to mimic it.

24           Is that basically the motion?

25           COMMISSIONER HAVARD: That's correct.

1           JOE JEWELL: My recollection of the motion was  
2 for the staff to come back with regulatory recommendations  
3 for a Notice of Intent.

4           The only thing I would ask for is, Mark, if you  
5 have some idea of what timeline you want?

6           COMMISSIONER HAVARD: I would like to do it as  
7 quick as possible.

8           JOE JEWELL: So just amend the motion to say for  
9 the staff to come back at the March meeting with  
10 regulatory information for the Commission to proceed with  
11 a Notice of Intent.

12          COMMISSIONER HAVARD: As Joe stated, I would  
13 like to add that to my motion.

14          COMMISSIONER BOSARGE: All right. We have to  
15 amend the motion, and we have a motion and we have a  
16 second by Commissioner Gollott.

17          Any further discussion?

18          (No response.)

19          COMMISSIONER BOSARGE: All those in favor aye.

20          (All in favor.)

21          COMMISSIONER BOSARGE: Opposed like sign.

22          (None opposed.)

23          COMMISSIONER BOSARGE: Motion carries.

24          All right. Now, we are going to take a ten-  
25 minute break.



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MEETING STANDS IN RECESS

COMMISSIONER BOSARGE: I would like to call the meeting back to order.

Are you ready, Ms. Chesnut?

You want to back up to that?

SANDY CHESNUT: Yes, we can go back. I have had a chance to look at that decision.

COMMISSIONER BOSARGE: All right.

So what have you learned, Ms. Chesnut?

SANDY CHESNUT: The decision that was handed to me was a 1998 AG's opinion.

The question presented was may the Commission on Marine Resources, by its regulations, provide for criminal penalties different from those set out by the legislature for violations of the Commission's Marine Fisheries regulations, and the AG's office answered no, that they cannot do that, and the answer is still no.

The Commission does not have the authority to establish criminal penalties different than what is set out in the statute.

The second question that was asked is whether the Commission has the authority to provide for administrative non-criminal sanctions for violations of its fisheries ordinances.

The answer to this was also no in the AG's 1998

1 opinion. However, in 2005, the legislature specifically  
2 granted that authority to the Commission through the  
3 Administrative Penalties Act in 49-15-401.

4 COMMISSIONER BOSARGE: So...?

5 SANDY CHESNUT: If you would like for me to read  
6 you --

7 COMMISSIONER BOSARGE: (Interposing) well, no.  
8 I think I'm understanding. Basically, you are saying that  
9 the Attorney General said that no, we can't do that, and  
10 the legislature kind of overrode his decision and gave CMR  
11 the authority.

12 SANDY CHESNUT: That's correct, and it happens  
13 quite often.

14 COMMISSIONER BOSARGE: So which would be the --  
15 I mean, here again I wish I was an attorney.

16 who holds the most power, the legislature, or  
17 the Attorney General?

18 SANDY CHESNUT: It's important to remember that  
19 the criminal penalties are different from the civil  
20 penalties. The penalties that are imposed under the  
21 Administrative Penalties Act are civil penalties, so there  
22 is no overlap there.

23 The legislature has provided for the criminal  
24 penalties, and our Administrative Penalties Act, our  
25 regulations that we promulgated under the statutory

1 authority of the Administrative Penalties Act provides  
2 civil penalties.

3 Of course, the legislature has more authority  
4 than the AG opinion. AG's opinions are advisory and they  
5 are not like a court decision.

6 COMMISSIONER BOSARGE: All right. So I guess so  
7 we can move on with this, I would like to just see that we  
8 continue on with the wishes of the Commission and repeal  
9 that Paragraph 105, Title 22, Part 20, Chapter 21,  
10 Paragraph 105 where it reverts back to the language it  
11 originally was.

12 JOE JEWELL: We can do that now. That was the  
13 original motion in January, and we will just proceed with  
14 that.

15 COMMISSIONER BOSARGE: Correct. Thank you. No,  
16 it doesn't need a motion. That was the motion that was  
17 originally... All right. We will move on. Up next will  
18 be Office of Marine Patrol, Chief Davis.

19 KEITH DAVIS: Good morning. I will be real  
20 brief with the report this month to save time.

21 I would like to point out that there were two  
22 significant cases made for oyster violations. We had one  
23 case in Hancock County and one case in Jackson County  
24 where individuals were recreationally harvesting oysters  
25 both in a closed season and in restricted waters.

1           we had one commercial crab violation where an  
2 individual was crabbing north of CSX and we also witnessed  
3 him crabbing south of CSX, and, then, go north of the  
4 bridge and did not separate his harvest.

5           Besides those significant impacts, are there any  
6 other questions about the report?

7           COMMISSIONER BOSARGE: I'm trying to get mine to  
8 come up.

9           KEITH DAVIS: while you are getting it to come  
10 up, Mr. Chairman, I did want to point out that there were  
11 two calls received that we assisted on. One was a dead  
12 sturgeon and one was a dead dolphin and, obviously, those  
13 were turned over to IMMS and GCRL.

14           Other than that, the last thing I would like to  
15 report to you is last month we hired seven individuals  
16 and, obviously, we are not going to identify those  
17 individuals because we are going to put some of them in an  
18 undercover capacity to deal with our recreational  
19 violators who are catching and selling their catch  
20 illegally.

21           If you hear about Marine Patrol officers  
22 fishing, we are. We are going to go out and fish the  
23 banks and try to get conversation with individuals and try  
24 to cut down on some of the recreational sold catch.

25           COMMISSIONER BOSARGE: I'm old school. This is

1 our first meeting where we didn't get paper copies of  
2 everything. So we are catching up with technology.

3 I see where failure to complete trip tickets,  
4 eight.

5 what was this about?

6 Do you recall?

7 KEITH DAVIS: Yes, sir. That has been amended.  
8 The fisherman was caught with a trout line and his tags  
9 were torn off, or frayed, from just over usage. He has  
10 come and received new tags and the officer amended his  
11 citation to a warning. So that has been handled.

12 COMMISSIONER BOSARGE: That was one of my  
13 questions that I remember looking at.

14 we haven't had any more late filings of trip  
15 tickets?

16 KEITH DAVIS: I'm sorry. You are correct. We  
17 did some commercial fishermen who failed to report their  
18 Red Fish catch, and those citations were taken through the  
19 criminal court.

20 I know there have been a lot discussions about  
21 Administrative Penalties, but, on these particular cases,  
22 they not only met the thresholds that the Commission  
23 considered in the Spotted Seatrout cases, so those cases  
24 were taken through the criminal courts.

25 COMMISSIONER BOSARGE: So this was unreported

1 landings.

2 Is that what you are saying?

3 KEITH DAVIS: Yes, sir.

4 COMMISSIONER BOSARGE: All right, and I know  
5 that we closed our Red Fish season early before the quota  
6 was met. I'm pretty sure I'm correct on that.

7 Joe, I know you are on a side conversation  
8 there, but the Red Fish season, did it close before we  
9 filled the quota?

10 KEITH DAVIS: I am being told that you are  
11 right. It was closed early.

12 COMMISSIONER BOSARGE: And the reason for that,  
13 in other words, before we filled the quota?

14 Do we know?

15 JOE JEWELL: The quota was not met. It was  
16 closed early.

17 KEITH DAVIS: I'm confused.

18 COMMISSIONER BOSARGE: That was just a question.  
19 I just wondered if there was --

20 JOE JEWELL: (Interposing) My understanding is  
21 we were requested to close it.

22 COMMISSIONER BOSARGE: Okay.

23 JOE SPRAGGINS: Was there a reason that we  
24 closed it early?

25 Maybe I'm just missing something myself.

1           JOE JEWELL: I'm not aware of the reason. We  
2 were requested to close it early.

3           JOE SPRAGGINS: By who?

4           KEITH DAVIS: I was just informed that Marine  
5 Patrol wasn't the reason why it was closed, but it was  
6 closed early. We provided the numbers of what the  
7 investigation entailed and I'm not sure why the season was  
8 closed.

9           COMMISSIONER BOSARGE: So we still have some of  
10 the quota left?

11          JOE JEWELL: There is about five, or six,  
12 thousand pounds that were not caught in that segment.

13          JOE SPRAGGINS: Is there a second season on that  
14 that we can add that to, or is this something...

15          JOE JEWELL: I will let counselor Chesnut answer  
16 that.

17          SANDY CHESNUT: By regulation, if the quota is  
18 not met in one period, you can add that to the next  
19 period.

20          JOE JEWELL: The question is that was the last  
21 period that it is open and they left five, or six,  
22 thousand pounds.

23                 I think what Director Spraggins is asking is can  
24 they add it to 2019?

25          SANDY CHESNUT: Yes, they can.

1           COMMISSIONER BOSARGE: All right. So will there  
2 be another season for Red Fish?

3           JOE JEWELL: That is not my understanding. My  
4 understanding is that -- you are right. I wasn't  
5 listening. There was about five, or six, thousand pounds  
6 left on the table because of that early closure.

7           I think what Director Spraggins was asking is  
8 can they attach that to the 2019 season?

9           I don't think you would extend the season. For  
10 instance, if the first quarter is twenty thousand pounds  
11 and if they don't reach it, it carries over to the next  
12 one.

13           So I think the Commission has the authority and  
14 you would have to so move, make a motion to add that onto  
15 this year's quota.

16           COMMISSIONER BOSARGE: When you say this year's  
17 quota, I'm a little confused. That will be the --

18           JOE JEWELL: (Interposing) well, there are  
19 sixty thousand pounds for this year's quota.

20           COMMISSIONER BOSARGE: Correct.

21           JOE JEWELL: I don't know the exact number, but  
22 we were short five, or six, thousand pounds. So it will  
23 be sixty-five thousand pounds.

24           COMMISSIONER BOSARGE: For next year's quota?

25           JOE JEWELL: 2019, this year's quota.



1                   JOE SPRAGGINS:  When does that season start,  
2  Joe?

3                   JOE JEWELL:  January 1.

4                   JOE SPRAGGINS:  The 2019?

5                   JOE JEWELL:  Correct.

6                   JOE SPRAGGINS:  So right now we are talking, it  
7  closed for the 2018 season with five thousand left.

8                   Is that what we're saying?

9                   JOE JEWELL:  Yes.

10                  JOE SPRAGGINS:  All right.  So what you are  
11  saying is that we could go back right now.  I mean, as far  
12  that goes, we could add it to the first session of the  
13  January 1.

14                  We get twenty thousand, twenty thousand, twenty  
15  thousand.

16                  Is that correct?

17                  JOE JEWELL:  Yes.

18                  JOE SPRAGGINS:  And it goes January 1 to what  
19  date?

20                  JOE JEWELL:  Red Drum, it goes through December  
21  31<sup>st</sup>.  It is in three segments.  January 1 through April  
22  the 30<sup>th</sup>, May 1<sup>st</sup> through August 31<sup>st</sup> and September 1  
23  through December 31<sup>st</sup>.

24                  JOE SPRAGGINS:  So, I guess, the question I'm  
25  asking is if we wanted to add five thousand pounds, could

1 we add it to the first one, or would we add it equally as  
2 portions over the three sections?

3 JOE JEWELL: The Commission can choose to do  
4 either one of those options. I would recommend that they  
5 do it proportionately like the quota is now which is  
6 twenty, twenty, twenty because, if they don't meet the  
7 quota in the first two segments, it can roll over.

8 SANDY CHESNUT: To be clear, the regulation  
9 currently provides that it is added to the next time  
10 period. However, we can always utilize the authority,  
11 statutory authority to make an exception to make it even  
12 over the three periods, if you would like.

13 COMMISSIONER BOSARGE: All right. I would like  
14 that, if we could.

15 SANDY CHESNUT: You would like to make it even  
16 over the three periods?

17 COMMISSIONER BOSARGE: Correct.

18 SANDY CHESNUT: Okay. Pursuant to statutory  
19 authority 49-15-305, you make a motion to take the unused  
20 quota from 2018 and evenly apply them to the three periods  
21 in 2019.

22 Is that correct?

23 JOE JEWELL: I do have that number in front of  
24 me. I have all the tickets.

25 COMMISSIONER BOSARGE: How long have we got for

1 the next one?

2 JOE JEWELL: The quota was sixty thousand pounds  
3 for last year and, when we stopped, it landed at fifty-  
4 five thousand three hundred and one pounds. Right at five  
5 thousand pounds.

6 COMMISSIONER BOSARGE: I tell you what, Joe,  
7 instead of us deciding this right now, let's you and I  
8 talk about this and talk about which would be the best way  
9 that we want to add it. We just know that we need to have  
10 a discussion on this. Let's don't make any decisions on  
11 it right now.

12 JOE JEWELL: Okay.

13 COMMISSIONER BOSARGE: Thank you.

14 All right, Chief. I didn't mean to get you in  
15 the middle of all of that.

16 I don't think I have any further questions on  
17 anything in this report. Thank you, Chief.

18 KEITH DAVIS: Thank you.

19 COMMISSIONER BOSARGE: Next will be Office of  
20 Coastal Resources Management, Jan Boyd.

21 JAN BOYD: Good morning Mr. Chairman,  
22 Commissioners, Director Spraggins, Ms. Chesnut.

23 We have one action item and one land acquisition  
24 overview for you this morning, and Jennifer Wilder will be  
25 our first presenter.

1           JENNIFER WILDER: Good morning. My name is  
2 Jennifer wilder, and I will be presenting a request for a  
3 permit extension by the City of Diamondhead.

4           The location is in Rotten Bayou near the south  
5 end of Devil's Elbow in Diamondhead. It is in the General  
6 Use District, and the agent is James Chiniche.

7           This is a list of the original dredging and  
8 excavation impacts that were permitted in 2014 by the  
9 Commission.

10           On March 18<sup>th</sup>, 2014, the project was presented to  
11 the Commission; was approved as recommended.

12           In August of 2018, a permit modification was  
13 issued to change ownership from Hancock County Board of  
14 Supervisors to the City of Diamondhead.

15           On January 31<sup>st</sup> of this year, the City of  
16 Diamondhead has requested a permit extension so they can  
17 continue working toward getting their Corps of Engineers  
18 permit, and, then, complete the project once that is  
19 received.

20           Based upon departmental review and evaluation,  
21 the staff recommends the Commission approve the  
22 applicant's request for a two-year permit extension.

23           Any questions?

24           COMMISSIONER BOSARGE: Any questions?

25           (No response.)

1 COMMISSIONER BOSARGE: Do we have a motion?

2 COMMISSIONER GUESS: I'll make a motion.

3 COMMISSIONER BOSARGE: And your motion would be  
4 to...?

5 COMMISSIONER GUESS: Extend the permit.

6 COMMISSIONER BOSARGE: All right. Accept the  
7 staff's recommendation?

8 COMMISSIONER GUESS: Yes.

9 COMMISSIONER BOSARGE: All right. We have a  
10 motion.

11 Do we have a second for that motion?

12 COMMISSIONER HAVARD: I'll second the motion.

13 COMMISSIONER BOSARGE: Any further discussion?  
14 (No response.)

15 COMMISSIONER BOSARGE: All those in favor aye.  
16 (All in favor.)

17 COMMISSIONER BOSARGE: Opposed like sign.  
18 (None opposed.)

19 COMMISSIONER BOSARGE: Motion carries.

20 Thank you.

21 JENNIFER WILDER: Thank you.

22 COMMISSIONER BOSARGE: Mr. Jan, is that the only  
23 item you have?

24 JAN BOYD: No, sir. We have a land acquisition  
25 update. Ayesha is going to present that.

1           AYESHA GRAY: Good morning Mr. Chairman,  
2           Commissioners, Director Spraggins, Ms. Chesnut.

3           This is an update on the project, the Grand Bay  
4           Land Acquisition and Habitat Management Project. This is  
5           a project that is funded by the National Resources Damage  
6           Assessments. This is money coming from Deep Water Horizon  
7           oil spill.

8           This project has been presented multiple times  
9           at the Mississippi Restoration Summit, and I am just  
10          giving you an overview of the project, and, then, the  
11          latest update.

12          The project occurs in the Grand Bay area where  
13          we have several areas of conservation interest. Of  
14          course, there is the Grand Bay National Estuarine Research  
15          Preserve located there. There is the outline in red.

16          There is also the Grand Bay National Wildlife  
17          Refuge. This is the U.S. Fish and Wildlife Service  
18          refuge. That area is outlined in green.

19          There is also a larger acquisition boundary  
20          which is the U.S. Fish and Wildlife Service, and that area  
21          is in light blue hash.

22          COMMISSIONER BOSARGE: I looked at this and I  
23          was kind of in my own mind picturing.

24          So what we have in red is actually what  
25          encompasses Grand Bay NERR?

1 AYESHA GRAY: Yes.

2 COMMISSIONER BOSARGE: That is owned by the  
3 State?

4 AYESHA GRAY: It is a mixture of private and  
5 state holdings and also Federal property.

6 COMMISSIONER BOSARGE: So it falls -- everything  
7 that is in red, even if the State doesn't own it, it falls  
8 under the guidelines of the Grand Bay NERR?

9 AYESHA GRAY: Yes. It is considered within the  
10 NERR boundary, although that doesn't necessarily change  
11 the private property rights that are in that area.

12 It does affect whether a private owner might be  
13 able to get a permit from the DMR to do something. It  
14 would be under consideration that it was part of the NERR.

15 COMMISSIONER BOSARGE: I looked at the  
16 guidelines and, of course, the red outline, and I know  
17 this is over in my neck of the woods, and I was just  
18 curious if we had actually acquired all of those lands  
19 because I know there are some privately owned lands within  
20 that boundary that you have in there, so that was my  
21 reason for asking the question.

22 AYESHA GRAY: Yes. Sure.

23 COMMISSIONER BOSARGE: Thank you.

24 AYESHA GRAY: This area of southeastern  
25 Mississippi, y'all know is the top of the Grand Bay

1 Estuary. This is some of the largest contiguous marshland  
2 that exists in the State of Mississippi, and it is also  
3 rather unique because it has an entire upland area that is  
4 naturally a wetlands savanna.

5 This area is the largest area of natural  
6 emergent marshlands and has these wetlands pine savannas  
7 to the uplands.

8 We know that estuaries and these marshlands  
9 function as important nursery habitat for a lot of fish,  
10 commercial and recreational fishing. So it is really  
11 important for fish and shellfish in this area.

12 The function of these estuary marshlands is  
13 supported by the wetland pine savannas. Wetland pine  
14 savannas have been impacted mostly through lack of fire,  
15 but also invasive species.

16 The aim of this project is to restore the  
17 wetland pine savannas. This project is a long-term  
18 partnership between the refuge, the Mississippi DEQ, the  
19 Grand Bay NERR, the Secretary of State's office and the  
20 Mississippi Trustee Implementation Group, what we call the  
21 TIG.

22 To restore this area, we are going to both  
23 acquire land in this area and, also, manage that land. We  
24 are going to manage it through mechanical clearing,  
25 through herbicide treatments for invasive species and



1 through prescribed fire.

2           You can see from these two photographs the  
3 difference. In 1968, a lot of this area was open pine  
4 savanna, and that was because it was regularly burned by a  
5 lot of private owners, and, then, in 2016, you can see  
6 that large parts of it have become overgrown.

7           In addition, the Grand Bay NERR is going to  
8 conduct scientific monitoring of these areas so that we  
9 can document the change because of these restoration  
10 activities. We are going to look at a composition of  
11 vegetation communities, and we are going to do that both  
12 by on-the-ground surveys and also using UAV to do aerial  
13 photography service.

14           This is the current project. These are the  
15 planning, the management activities, monitoring,  
16 acquisition. All of that is currently underway as part of  
17 Phase One of this project.

18           What you can see here on this picture is the  
19 hashed areas that are green, the existing project area of  
20 Phase One.

21           The hashed areas that are kind of a different  
22 color, that is an adjacent project that is funded by NFWF  
23 funds. So we are actually leveraging other projects in  
24 the area so that we can more bang for our buck by spending  
25 these monies on the ground.

1           Then, the pink area shows in this first Phase  
2 One there was a land acquisition. The land acquisition  
3 was completed in December. About fifteen hundred acres  
4 that were in private holdings have been added to the  
5 refuge and the NERR and those parcels are delineated in  
6 pink.

7           COMMISSIONER BOSARGE: A question that you may  
8 not be able to answer.

9           AYESHA GRAY: Yes, sir.

10          COMMISSIONER BOSARGE: Just out of curiosity,  
11 about what per acre did we wind up paying for those acres?

12          PAUL MICKLE: Chairman Bosarge, the land  
13 acquisition process involves all those groups a couple of  
14 slides ago, and Secretary of State's office along with DEQ  
15 proffer all land deals negotiations, and I know by law and  
16 the TIG agreement, they have to pay yellow book.

17          COMMISSIONER BOSARGE: I'm sorry.

18                 Yellow book approval?

19          PAUL MICKLE: Yellow Book appraisal.

20          COMMISSIONER BOSARGE: And I'm just curious as  
21 to what that was.

22                 Do you happen to know just an average?

23          PAUL MICKLE: I'm not sure. I can get back with  
24 you on that number.

25          COMMISSIONER BOSARGE: All right. Thank you.

1           AYESHA GRAY: You will notice just one other  
2 thing I want to point out is that the areas of this  
3 project we have put in very visible places. The project  
4 is going to occur right around the building of the Grand  
5 Bay NERR and also adjacent to Highway 90.

6           Our intent with that was to make a project where  
7 we were making big changes on the ground that were visible  
8 to our community so they can see this money at work and,  
9 also, so that we can have outreach opportunity through the  
10 Grand Bay NERR to talk to our community about what is  
11 going on.

12           We believe that this project is going to be a  
13 tremendous benefit to Mississippi coastal habitats and it  
14 gives us vast opportunities for science and outreach that  
15 we are going to be working on leveraging the NERR grant to  
16 do that.

17           That's all I have. If you have any questions.

18           COMMISSIONER BOSARGE: That area is that savanna  
19 longleaf yellow pine and coming from old school commercial  
20 fishermen where we had boats built out of wood, and that  
21 longleaf old growth pine, these trees don't have a limb  
22 until you get to the very top and they are straight as an  
23 arrow. So there was always boat building material in  
24 their heart.

25           Anyhow, it is nice that those are protected.

1 There is not a lot of that old growth pine left.

2 AYESHA GRAY: There is an ample seabank that  
3 exists in these areas, and so what we find is that upon  
4 burning, putting them back into a burn cycle that goes  
5 every two to three years, that the longleaf pine actually  
6 come up naturally.

7 COMMISSIONER BOSARGE: Yes. That's amazing.  
8 Any further questions?

9 JOE SPRAGGINS: I just want to tell you she had  
10 two babies about a year ago.

11 How big were they?

12 AYESHA GRAY: A pound and a half and a pound and  
13 fifteen ounces.

14 JOE SPRAGGINS: And where are they at, now?

15 AYESHA GRAY: They are big girls now. They are  
16 fifteen pounds and seventeen pounds.

17 JOE SPRAGGINS: Miracles.

18 AYESHA GRAY: They are. Thank you.

19 COMMISSIONER BOSARGE: Thank you.

20 Up next is Office of Finance and Administration.  
21 I think Mr. Joe is going to going to do this for  
22 Shavay.

23 JOE SPRAGGINS: Yes. She had to go to the  
24 doctor. She had a little ailment this morning, so she  
25 asked me to do this, just to give you a quick idea of what

1 we had on the 31<sup>st</sup> of January.

2 At the end of January, our State Revenue was  
3 four point four million. Total Agency Revenue was  
4 seventeen point nine million.

5 Our State Net Income was three hundred and  
6 eighty-two thousand. Total Agency Net Income was four  
7 point five million.

8 You can see there, after seven months of fiscal  
9 year 2019, we have seventy-six point eight percent of our  
10 Operating Budget remaining. The Tidelands Budget has  
11 fifty-five point eight percent remaining.

12 Just to give you an idea, if you see the little  
13 deficits that popped up awhile ago, the DFA still owes us  
14 a million and sixty-five thousand dollars for the State  
15 Appropriation Fund. They will get that toward the end of  
16 the year, end of the fiscal year which is June, and, then,  
17 it will show that and the transfer will come in.

18 Then, also, we have our NFWF and the Federal  
19 funds. A lot of times we are behind getting paid there  
20 because we do it, and, then, get paid. So it is about a  
21 million and something on that. Three hundred and fifty-  
22 nine thousand NFWF and Federal, one point two million, or  
23 right at one point three.

24 We are doing very well overall, unless you have  
25 any questions, sir.

1           COMMISSIONER BOSARGE: The only question I have  
2 is Shavay had mentioned at the last meeting that the audit  
3 was complete and that she was --

4           JOE SPRAGGINS: (Interposing) And the are  
5 getting me reports of it, right now. So I will get y'all  
6 one. Each one of you will have one.

7           COMMISSIONER BOSARGE: Okay. That was my  
8 question.

9           JOE SPRAGGINS: Since they have got the reports  
10 coming to me, as soon as I get them in my hand, I will get  
11 them to you.

12           COMMISSIONER BOSARGE: Thank you, sir.

13           All right. Next is Public Affairs, Charmaine.

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

16           The Mississippi Department of Marine Resources  
17 was mentioned seventeen times in local, state and national  
18 media, since the January CMR meeting.

19           Popular news items included Blue Crab  
20 aquaculture at the Gulf Coast Research Lab and a missing  
21 boater.

22           Marine Patrol taught one boat-and-water safety  
23 class and certified twenty-two students. So far in fiscal  
24 year 19, officers have taught eleven classes and certified  
25 two hundred and thirty-two students.

1 Marine Patrol also participated in Harper  
2 McCaughan Elementary School's Career Day on January 30<sup>th</sup>.

3 Various departments and programs within MDMR  
4 took part in the agency's Capitol Day last week in  
5 Jackson. Our employees were able to talk with legislators  
6 and visitors in the Capitol about the agency and our  
7 efforts to enhance, protect and conserve Mississippi's  
8 Marine Resources.

9 The Shellfish Bureau's growing area evaluation  
10 for the FDA Program Element Evaluation Report received an  
11 outstanding evaluation and is in compliance with all  
12 program elements of the Mississippi Shellfish Program  
13 Growing Area Classification Element from National  
14 Shellfish Sanitation Program guideline.

15 Shrimp and Crab Bureau Biological Coordinator,  
16 Jason Saucier, presented information on Mississippi's  
17 successful derelict crab trap removal and recycling  
18 program, including side scan retrieval at the Southeast  
19 Aquatic Resources Partnership's Coastal Committee derelict  
20 crab trap removal workshop on February 12<sup>th</sup> and 13<sup>th</sup>.

21 Shrimp and Crab Bureau Scientist Jeremy Timbs'  
22 first publication was issued in the Journal of Shellfish  
23 Research for his study "Assessment of the Relationship of  
24 Stock and Recruitment in the Atlantic Surfclam."

25 Finfish Scientist Trevor Moncrief contributed

1 the newest publication from the NFWF Reef Fish Project  
2 which compares Red Snapper reproductive characteristics  
3 over a multi-decadal scale, and it was published in the  
4 January 2019 American Fisheries Society's Bulletin.

5 Trevor also discussed his career, when he served  
6 as featured keynote speaker at the Gulf Coast Research  
7 Laboratory Marine Education Center's Hurricane Bowl on  
8 February 1<sup>st</sup>.

9 COMMISSIONER BOSARGE: That's good.

10 JOE SPRAGGINS: One quick thing, y'all had asked  
11 her to come back at this meeting, and we are looking at  
12 the cleanup area for the Gulf that Chief Davis and them  
13 are doing, that they wanted to implement, and I think you  
14 had asked that.

15 we looked at some things and Charmaine and them  
16 are still looking at it. We had a bunch of ideas for  
17 buckets. It may not be the right thing because of the  
18 accessibility of how to do it.

19 So they have gone back now and they are looking  
20 at some baskets, or other things, or some bags, or  
21 anything we can do.

22 I ask you, if you don't mind, if they could come  
23 back to you next meeting and tell you what we have for  
24 that.

25 I think we are starting this, what, in the



1 springtime, Chief?

2 KEITH DAVIS: Yes, sir. I apologize. I forgot.  
3 You threw me off with the closing of Red Fish season.

4 Yes, sir. We are going to deploy the Operation  
5 Cleanup Mississippi Gulf Coast on the opening day of the  
6 season which is May 31<sup>st</sup>.

7 As he said, we are looking at a lot of different  
8 considerations for providing containers, but what came up  
9 in our discussions is we want to ensure the boaters are  
10 actually using it and our review of the cost is  
11 substantial, like, thirteen dollars a bucket, so that is  
12 pretty high.

13 We are trying to find the best case scenario to  
14 provide to you and, hopefully, we can have something next  
15 month, but we have time.

16 JOE SPRAGGINS: The biggest thing is somebody to  
17 use it and not just take it and put their tools in it and  
18 put it in their garage. We are trying to find out what  
19 that would be.

20 Then, a bucket may be too big for a lot of boats  
21 and it may take up too much space, so we are looking at a  
22 lot of different ways of going at it, but I just wanted to  
23 let you know they were working on it.

24 COMMISSIONER BOSARGE: You know, when you talk  
25 about buckets, to me I think of -- a lot of folks, you

1 know, when you need a five-gallon bucket, well, Lowe's  
2 sells five-gallon buckets.

3 would it be possible to -- I mean, I'm sure not  
4 in that short amount of time, but to partner with somebody  
5 like Lowe's where they put our logo on their bucket and we  
6 --

7 KEITH DAVIS: (Interposing) Yes, sir. I think  
8 all options are on the table. We looked at several  
9 different things.

10 In discussions with the Executive Director, it  
11 did come up that in order for them to be effective -- for  
12 instance, the lid. Charmaine pointed out that the lids,  
13 you know, if they don't close the lids all the way, the  
14 lids blow out and they become part of the problem on  
15 putting stuff in the water. We just want to take all of  
16 those things into consideration.

17 The buckets that you are talking about at  
18 Lowe's, we did look at those and the lids are a little bit  
19 hard to get on and off of the container.

20 We just want to make sure we provide you with  
21 the best option possible at the most reasonable cost.

22 COMMISSIONER BOSARGE: I agree. A lot of us  
23 probably don't think of it quite that in depth, but I  
24 agree with you. You know, these folks now, it's not like  
25 that old twenty-five horse motor when you are puttering

1 along. You are getting up and going. It will pick a  
2 five-gallon bucket up and take it off, too. We don't need  
3 to add to the problem.

4 Thank you, Charmaine.

5 CHARMAINE SCHMERMUND: Thank you.

6 COMMISSIONER BOSARGE: Up next is Office of  
7 Marine Fisheries, Mr. Joe Jewell.

8 JOE JEWELL: Thank you, Commissioner. I also  
9 want to echo Chief Davis' comment. The Red Drum did catch  
10 me a little off guard. Now my memory is starting to jog a  
11 little more.

12 I think it was wise for you to delay action and  
13 have some conversation because the data that I gave you is  
14 correct. It's a little over fifty-five thousand pounds,  
15 but we need to go back and review the trip tickets that we  
16 have to ensure that. It may be that we reached the sixty  
17 thousand pounds. We just don't know that right now. We  
18 will get back with you on that.

19 COMMISSIONER BOSARGE: Good.

20 You are going to have to speak into that mike  
21 just a little bit more.

22 JOE JEWELL: I'm going to have to lean down a  
23 little bit.

24 The first agenda item for Marine Fisheries is an  
25 update on the Oyster Task Force. As you may recall, the

1 Oyster Task Force met on February 5<sup>th</sup>, and just an overview  
2 of the findings of this meeting.

3 The Oyster Task Force held its inaugural meeting  
4 on February 5<sup>th</sup> with the following goals:

5 Review of the standard operating procedures.

6 Election of officers which included the Chair  
7 and Vice Chair.

8 The following items were discussed by the task  
9 force as part of the agenda:

10 The 2019 cultch plant update. Mr. Erik  
11 Broussard gave that.

12 The Bonnet Carre Spillway update. Mr. Broussard  
13 gave that.

14 Proposed legislation, and I presented that to  
15 the task force.

16 The task force motion reports, I will read those  
17 into the minutes.

18 First, the motion was to accept the task force  
19 standard operating procedures. This passed unanimously,  
20 nine to zero, the voting members.

21 The task force motioned and adopted to support  
22 House Bill 1261 and Senate Bill 2285 that increases the  
23 shell retention fee from thirty cents to a dollar a sack.  
24 Motion passed eight to one.

25 The task force motioned and adopted opposition

1 to House Bill 1262 and Senate Bill 2783 which would allow  
2 limited leasing of public oyster reefs. That motion  
3 passed unanimously nine to zero.

4 Then, finally, the task force motioned and  
5 adopted that the task force representative to the CMR  
6 present the adopted motions in two and three above.

7 So the task force adopted those as their  
8 position statements, and, then, of course, our chairman  
9 delegated me to give the presentation today. I appreciate  
10 that honor, but they also wanted the Commission to know  
11 that they clearly oppose the private leasing of public  
12 oyster reefs and that they supported the tag increase.

13 Are there any questions?

14 COMMISSIONER BOSARGE: No, sir.

15 JOE JEWELL: Okay. With that being said, there  
16 was sort of a break in the agenda. Item two, the Gear  
17 Task Force, the final adoptions of part five and eight was  
18 moved to K-9, so that would mean up next is an update on  
19 the Charter-For-Hire Task Force meeting by Ms. Carly  
20 Somerset.

21 CARLY SOMERSET: As Joe said, similar to the  
22 Oyster Task Force, I am just giving you an update on our  
23 most recent meeting.

24 The Charter-For-Hire Task Force was held here on  
25 February 13<sup>th</sup> at 6:00 p.m. This meeting was actually a

1 joint meeting with the Gulf Council's For-Hire Reporting  
2 Workshop.

3 Emily Ulstein, part of council staff, has been  
4 holding public workshops in each state to provide  
5 information about upcoming reporting requirements for all  
6 Federally permitted for-hire captains, so she presented  
7 first, and, then, we started the task force meeting.

8 There were at least thirty in attendance, not  
9 including DMR staff, so I was really glad to see the good  
10 turnout.

11 This presentation provides a summary of the  
12 discussion on the agenda items above and any actions, or  
13 recommendations, that resulted from the Charter-For-Hire  
14 Task Force meeting.

15 Emily gave a presentation on Federal for-hire  
16 reporting. She provided quite a bit of information, so  
17 I'm just going to provide some highlights and some main  
18 points that she made.

19 Vessels with Federal Reef Fish and/or Coastal  
20 pelagic permits will be required to report species  
21 retained and discarded, and the goal of these new  
22 requirements is to get a better understanding of species,  
23 more accurate models and more informed management  
24 decisions.

25 There are penalties if there is a failure to

1 report regularly which results in a loss of fishing  
2 privileges during the season, and, then, revocation of  
3 Federal permits until all reports are turned in.

4 vessels will choose reporting devices equipment  
5 for approved vendors. I believe there are three currently  
6 and possibly more that will come on line in the future.

7 The reporting program will be implemented in two  
8 phases. Phase one is a hail out, or electronic reporting,  
9 and she gave a tentative date of August 15<sup>th</sup>. Phase two  
10 GPS tracking, a tentative date of October 1<sup>st</sup>, and this was  
11 pushed back due to the government shutdown.

12 we also discussed the Mississippi for-hire  
13 reporting survey. I believe you have all seen this list  
14 before. It is a logbook that is built in house to record  
15 targeted species, and Brian's team, the IT, was very  
16 helpful and provided just a mockup, an example of what  
17 this might look like and just some of the information that  
18 could be reported; date of trip, license number, number of  
19 fish caught, number of anglers, hours fished, and, then,  
20 species targeted.

21 One other thing that came from this discussion  
22 was a lot of captains were most interested in collecting  
23 data on where fish are harvested. That specifically being  
24 Spotted Seatrout, whether they are in Mississippi, or  
25 Louisiana, waters.

1 Another agenda item discussed was regarding  
2 compliance when fishing for, or retaining, sharks. We  
3 just reminded them that any vessel that has an active HMS  
4 permit has to follow Federal regulations for sharks no  
5 matter where they are fishing. This includes length and  
6 bag limits, the shark endorsement.

7 If your vessel does not have an active HMS  
8 permit, shark regulations are dictated by where you are  
9 fishing. In State waters within three miles, your vessel  
10 falls under State regulations, or, if in Federal waters  
11 which is beyond three miles, you are prohibited from  
12 fishing for, or retaining, sharks and any other species  
13 regulated by the HMS permit.

14 Lastly, additional recommendations that came out  
15 of the meeting. There was a motion for the chairman of  
16 the task force to come before the Commission in March to  
17 advocate for keeping state shark regulations at status  
18 quo.

19 Any questions?

20 COMMISSIONER BOSARGE: Thank you, Carly.

21 CARLY SOMERSET: Thank you very much.

22 JOE JEWELL: Next on the agenda is  
23 recommendations for the development of fish tagging  
24 program. Mr. Wade Hardy will be giving that presentation.

25 WADE HARDY: Good morning Commissioners,



1 Director Spraggins, Ms. Chesnut.

2 Today I will be talking about recommendations  
3 for development of the fish tagging program.

4 At the January 20, 2019, CMR meeting, the  
5 following motion was made regarding recommendations for a  
6 tagging program in Mississippi coastal waters.

7 The motion was for Marine Fisheries to bring  
8 back a format of a possible tagging program for Spotted  
9 Seatrout, Red Drum and potentially other species as noted  
10 by the staff.

11 This presentation will outline the procedures  
12 involved in managing the program.

13 I am going to present two options. The first  
14 option is for DMR to manage the program and with this  
15 option, we would first need to secure annual funding. We  
16 would then initiate and manage a tag and recapture program  
17 targeting Spotted Seatrout, Red Drum and other species as  
18 necessary.

19 We would recruit up to two hundred Mississippi  
20 anglers for-hire and private to participate, and we would  
21 provide enough tags for thirty-five hundred Spotted  
22 Seatrout and Red Drum combined each year.

23 Tagging activities will only occur in  
24 Mississippi State waters.

25 There will be some staffing requirements

1 involved with this option. We would designate two  
2 Fisheries scientists to manage the program, and they would  
3 be responsible for recruiting volunteer anglers into the  
4 program, they would obtain all tagging supplies and  
5 promotional materials, distribute the tagging packets to  
6 the anglers, create a reward system for participating  
7 anglers, and perform all data analysis and produce annual  
8 reports at the end of each project period. The  
9 approximate annual cost for this option would be forty-  
10 eight thousand six hundred dollars.

11 Option B is for GCRL to manage this tagging  
12 program and with that we would add Spotted Seatrout and  
13 Red Drum to their existing sport fish tag-and-release  
14 program funded through a U.S. Fish and Wildlife Service  
15 Sport Fish Restoration grant.

16 This option would be more cost effective, as  
17 GCRL already has an infrastructure in place and that  
18 infrastructure includes the reporting platforms, the data  
19 bases and the proper staff.

20 Lastly, all tagging data and angler reporting  
21 would flow through one entity as in GCRL and would help to  
22 minimize confusion among anglers when they reported tagged  
23 fish.

24 The approximate annual cost for this option  
25 would be around fourteen thousand dollars.

1 I will take any questions.

2 COMMISSIONER BOSARGE: I have just a couple,  
3 unless Commissioner Havard has some.

4 So our funding, where do we come up with that  
5 fourteen thousand dollars?

6 JOE SPRAGGINS: I have it in Tidelands Funds  
7 that I could give, and I'm not sure that is the exact  
8 number of what we would be talking about, but we could  
9 work with GCRL in house, and I do have a little extra in  
10 there.

11 COMMISSIONER BOSARGE: Would it be possible to  
12 include some commercial fishermen in that tagging program?

13 WADE HARDY: I'm not sure about that.

14 Joe, do you have anything on that?

15 JOE JEWELL: Any individual is available to  
16 participate in the program. They are not excluded from  
17 the program.

18 Then, I do want to add to Director Spraggins, we  
19 also had sport fish money available. We had the money to  
20 fund the fourteen thousand in Federal funds.

21 COMMISSIONER BOSARGE: This was Commissioner  
22 Daniels' request, I believe, if I remember correctly, and  
23 he's not here. So I don't know just which way to go with  
24 this, but in an effort, we would need a motion from this  
25 Commission to proceed with this?

1 JOE JEWELL: Proceed with option A, or B.

2 From a financial perspective, option B is the  
3 more cost effective because it is an existing program.

4 COMMISSIONER BOSARGE: Yes. I think that that  
5 is very wise. If there is an existing program and they  
6 are willing to do it, then, yes. There is no sense in  
7 duplicating.

8 COMMISSIONER GUESS: That's what I was fixing to  
9 say was that I would like to make a motion to go with plan  
10 B, if Gulf Coast Research Lab is onboard, to pursue that  
11 option.

12 COMMISSIONER BOSARGE: And in there, do we need  
13 to make it -- you said the commercial fishermen could be,  
14 but I would like to add it at least in the language  
15 somewhere that some of these commercial hook-and-line  
16 guys, in other words, could also be involved in that  
17 tagging process.

18 JOE JEWELL: Can y'all move the slide show back  
19 to Option B, please?

20 So that can actually be part of the motion,  
21 also.

22 COMMISSIONER GUESS: So the motion would be to  
23 pursue Option B and add commercial fishermen to the  
24 program, to be able to participate in the program.

25 JOE JEWELL: That the program be available for

1 both commercial and recreational fishermen.

2 COMMISSIONER BOSARGE: Correct.

3 Any further questions?

4 (No response.)

5 COMMISSIONER BOSARGE: We have a motion.

6 Do we have a second for that motion?

7 COMMISSIONER HAVARD: I'll second the motion.

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

10 All those in favor aye.

11 (All in favor.)

12 COMMISSIONER BOSARGE: Opposed like sign.

13 (None opposed.)

14 COMMISSIONER BOSARGE: Motion carries.

15 WADE HARDY: Thank you.

16 COMMISSIONER BOSARGE: Yes, sir. Thank you.

17 JOE JEWELL: Thank you, Wade.

18 Next up is an assessment of the species for  
19 consideration for compliance with Federal guidelines. Mr.  
20 Trevor Moncrief is going to give that presentation and  
21 please recall, as I stated a little bit earlier in the  
22 meeting, that this does not include sharks. We are going  
23 to come back with information, once we have coordinated  
24 more closely with GCRL and some of the other scientists.

25 COMMISSIONER BOSARGE: Trevor, what is this that

1 you were recognized for, this piece of literature that you  
2 have done?

3 I mean, it is kind of impressive.

4 TREVOR MONCRIEF: That was actually a mistake.  
5 That was a publication by Nancy Brown Peterson who is a  
6 part of the NFWF project as well, reef fish.

7 My publication was on Vermillion Snapper that  
8 came out earlier this year.

9 COMMISSIONER BOSARGE: Well, that's good.  
10 Congratulations.

11 TREVOR MONCRIEF: Thank you.

12 I appreciate that intro, Joe.

13 Once again, we are going to bring up the  
14 assessment of species for consideration. It is going to  
15 cover finfish species.

16 In the January 2019 CMR meeting, the following  
17 motion was made regarding State and Federal compliance.  
18 The motion was for staff to come back next month with an  
19 assessment of species for consideration for compliance  
20 with Federal guidelines.

21 This presentation will outline the specific  
22 changes to ensure compliance in Mississippi's fisheries.

23 To keep everyone informed about our State water  
24 designation, the territorial line for State and Federal  
25 waters is three miles south of the barrier islands. It

1 follows the curvature of those islands.

2 This line does not include reef fish which is  
3 nine nautical miles south, and it is two hundred nautical  
4 miles south for Red Snapper currently for the EFP.

5 We want to go specifically into some of these  
6 finfish non-compliant numbers.

7 Spanish Mackerel, the State regulation is  
8 fourteen inches. Federal regulation is twelve inches.

9 Cobia is no take because we have it established  
10 as game fish species, and, then, in Federal waters it is  
11 two per person, thirty-three inches fork length.

12 Red Drum, sixty thousand pounds annually out  
13 here in our State. No take. There is a moratorium on  
14 that fishery in the Federal side.

15 Hogfish is currently twelve inches in our State  
16 waters. We don't normally see this fish here. It is  
17 fourteen inches in Federal waters.

18 Moving to the recreational side, Red Drum, right  
19 now we have a three per person bag limit. Size limit of  
20 eighteen to thirty inches. One over thirty inches. Once  
21 again, the Federal fish is in moratorium.

22 Vermillion Snapper is a twenty in aggregate bag  
23 limit. In the Federal waters it is a ten per person  
24 within a twenty reef fish bag limit.

25 Red Grouper is four in aggregate currently in

1 State waters. Federal waters is two per person.

2 Hogfish, the same on the commercial side. It is  
3 twelve inches for State waters, and fourteen inches for  
4 Federal waters.

5 Spanish Mackerel, we currently have no minimum  
6 size limit in our State. In Federal waters, it is a  
7 twelve inch minimum size limit.

8 Swordfish, there is currently no regulations  
9 written right now in our State regulations, but in Federal  
10 waters it is forty-seven inches lower jaw fork length.

11 Remember, some of these species we don't see  
12 often in the State waters, like Red Grouper, Hogfish,  
13 Swordfish, things of that nature.

14 We developed a few options for the Commission to  
15 consider and any range in-between these options.

16 Option One would be status quo. Keep everything  
17 the way it is currently.

18 Option Two would be to have compliance with  
19 exceptions. Some of those obvious exceptions would be Red  
20 Drum which is currently in a Federal moratorium, but  
21 provides a viable recreational and commercial fishery for  
22 the State and for other states in the Gulf of Mexico, and  
23 Cobia, since it was designated as a game fish per State  
24 statute 49-15-76, it cannot be commercially harvested and  
25 would take a State statute change to be able to have that.



1           Option Three would be to comply with all Federal  
2 regulations.

3           with that, I will take any questions.

4           COMMISSIONER BOSARGE: As you said, there are  
5 quite a few species there. Swordfish, we never see.  
6 Grouper, I have seen some of the really, really, really  
7 immature little Grouper that you see in some of the State  
8 waters.

9           TREVOR MONCRIEF: Yes, sir. We see them every  
10 now and then.

11           COMMISSIONER BOSARGE: To back up, I would like  
12 to see some of these brought in compliance, especially the  
13 ones that don't really seem to make a difference, and that  
14 is Spanish Mackerel, or course, brought down to twelve  
15 inches to meet the Federal guidelines.

16           Hogfish, is it going to really matter?

17           In other words, let's look at the ones that make  
18 a difference.

19           Instead of me calling them out, Joe, don't you  
20 think that you could kind of go down here and look at what  
21 we actually need to come in compliance with?

22           I mean, we talked about sharks, but I can see  
23 where this needs to have some more discussion.

24           JOE JEWELL: Sharks, we are going to delay until  
25 we get a little more information.

1           For these regulations in place, actually in a  
2 migratory, or transitional, way, some of these fish can be  
3 found here in Mississippi waters, so it is very difficult  
4 for us to determine what is important to the Commission,  
5 or not.

6           For instance, Swordfish, in a drought period  
7 when there is high salinity, they can come on the back of  
8 the islands. You can find them just south of the islands.

9           Does the Commissioner consider those significant  
10 enough to establish regulations on?

11           Now, Hogfish, it is very rare that you will find  
12 them in our waters because they are kind of depth  
13 dependent.

14           Spanish Mackerel is found here local, and they  
15 are both commercial and recreational.

16           COMMISSIONER BOSARGE: So to comply with the  
17 Federal guidelines, just like you said with Swordfish, I  
18 personally have never seen, or heard, of Swordfish in  
19 State waters, but, if it did happen to occur, then, yes,  
20 we need to stay with the Federal guidelines on that.

21           JOE JEWELL: Can we go back one slide where the  
22 species are listed, please?

23           Of course, Cobia is a game fish and it is  
24 already affected by State statute.

25           Red Drum, we are one of only two states that

1 have a commercial take.

2 If you are asking me, the commercial ones, there  
3 is probably no adjustment on, unless you want to increase  
4 the size of Hogfish.

5 Now, the recreational, the same here. I would  
6 maintain the current State regulations.

7 Vermillion Snapper, that is a little of a gray  
8 area. Which direction do you want? The Federal  
9 regulations are certainly more stringent than the State  
10 regulations.

11 Red Grouper, again, that is not something you  
12 would ever commonly catch here in the Mississippi State  
13 waters.

14 COMMISSIONER BOSARGE: And that's my point. It  
15 is hard. There are enough regulations out there, now. It  
16 is hard enough to -- I mean, I have an app on my phone  
17 that gives you State regulations versus Federal  
18 regulations. I know a lot of these folks probably have  
19 the same thing. It is hard enough just making sure that  
20 you are abiding by the rules where there is one set of  
21 rules versus two. I'm with you.

22 JOE JEWELL: The ones that you could consider  
23 are Spanish Mackerel and Swordfish.

24 Now, Swordfish is not common, but Swordfish is a  
25 very nice fish that I would think you would have

1 regulations because it eventually is in that category the  
2 Tarpon is in.

3 JOE SPRAGGINS: Joe, I think what the  
4 Commissioner is asking, like, on the Commercial side, why  
5 are we more stringent on the State side for Spanish  
6 Mackerel?

7 JOE JEWELL: well, that would be the only  
8 species that I would recommend you take some look at, and  
9 I would recommend that whatever you take that it is equal  
10 in commercial and recreational, and that if you are going  
11 to comply with the Federal which is twelve inches, I would  
12 recommend that we go both twelve inches for commercial and  
13 twelve inches for recreational.

14 COMMISSIONER BOSARGE: I agree. I agree.

15 JOE JEWELL: You can motion for the Staff to do  
16 that and we will be glad to proceed with that. We would  
17 have to modify Title 22, Part 7.

18 COMMISSIONER BOSARGE: And Hogfish, that's not--  
19 in other words, that is not going to make a difference.  
20 So let's go ahead and get them the same where when we look  
21 at one regulation, it's the same.

22 JOE JEWELL: I would say we can modify Hogfish  
23 to comply with Federal regulations.

24 we will modify Spanish Mackerel to comply with  
25 the minimum Federal regulations for both commercial and

1 recreational.

2 swordfish is sort of a judgement call.

3 COMMISSIONER BOSARGE: I say yes on that.

4 JOE JEWELL: Yes. Absolutely. We will do that,  
5 too.

6 So if someone will make a motion for those three  
7 species and we would need for the staff to prepare a  
8 Notice of Intent for the March meeting for compliance with  
9 Federal regulations on Hogfish, Spanish Mackerel both  
10 commercial and recreational, and Swordfish.

11 COMMISSIONER GUESS: I will make the motion that  
12 we are in compliance with the Federal regulations for  
13 commercial and recreational for Spanish Mackerel, the  
14 Hogfish and Swordfish.

15 COMMISSIONER BOSARGE: We have a motion.

16 Do we have a second for that motion?

17 COMMISSIONER HAVARD: I'll second the motion.

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

20 Any further discussion?

21 TREVOR MONCRIEF: The last thing I will say is  
22 that these Federal regulations do pop up on us and we have  
23 that sixty-day turnover for State regulations, so there is  
24 going to be times where we are federally non compliant  
25 until we get the regulation changed.

1 COMMISSIONER BOSARGE: I agree.

2 JOE SPRAGGINS: And, also, this is to go out for  
3 a Notice of Intent, not to actually change anything right  
4 now.

5 JOE JEWELL: That's correct. We will come back  
6 in March with the proposed Notice of Intent.

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

9 COMMISSIONER BOSARGE: All those in favor aye.  
10 (All in favor.)

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

13 COMMISSIONER BOSARGE: Motion carries.  
14 Thank you, Trevor.

15 TREVOR MONCRIEF: Thank you.

16 JOE JEWELL: Next up for the Commission's  
17 consideration, if you will recall back in the January  
18 meeting, some discussion was made on giving the CMR  
19 emergency management response to environmental conditions.

20 We had some discussion between staff and legal  
21 counsel and I think legal counsel is going to address this  
22 issue.

23 SANDY CHESNUT: So at the January meeting, the  
24 motion was made for department staff to present a proposed  
25 Notice of Intent for the Commission to take emergency type

1 measures in response to environmental conditions.

2 The Commission currently has several authorities  
3 along those lines. This is 49-15-38 in reference to  
4 oysters and 49-15-64.1 in reference to shrimping.

5 Also, under the Administrative Procedures Act, a  
6 regulation can become effective immediately if it confers  
7 benefit, or removes a restriction on the public, or if it  
8 is an eminent peril to public health, safety, or welfare.

9 There actually may be situations that would fit  
10 under those. There actually may be situations that come  
11 up that we could simply do an exception to an established  
12 regulation under 49-15-304, and we would have to evaluate  
13 those on a case-by-case basis.

14 So at this time what we would have to do is just  
15 propose legislation for the 2020 session to grant the  
16 Commission the authority to modify all fisheries programs  
17 in response to environmental conditions, and we can work  
18 on those. We usually start working on those around  
19 August, or September.

20 COMMISSIONER BOSARGE: So if I understand you  
21 correctly, what we were asking for, really we already  
22 have.

23 SANDY CHESNUT: You have it in a lot of  
24 instances, but not all instances. You have it in  
25 reference to oysters and shrimp and in those other

1 situations that may fit into other regulations, but if we  
2 want an all encompassing statute like wildlife does have  
3 kind of an all encompassing statute, then, we would need  
4 to propose that at the next legislative session.

5 COMMISSIONER BOSARGE: So we would not be -- we  
6 need to cancel our Notice of Intent?

7 SANDY CHESNUT: Yes. At this time, we can't do  
8 a Notice of Intent.

9 COMMISSIONER BOSARGE: And that's kind of the  
10 way -- when I looked at your presentation, that is kind of  
11 what I came away with.

12 Do we want to get in on this discussion?

13 (No response.)

14 COMMISSIONER BOSARGE: All right.

15 So, Joe, do we need a motion to suspend our  
16 Notice of Intent?

17 JOE JEWELL: To withdraw the Notice of Intent.  
18 You are within the Administrative Procedures Act timeline  
19 to withdraw it. The Commission can motion to withdraw the  
20 original Notice of Intent, and we can take care of that  
21 today, or tomorrow.

22 SANDY CHESNUT: There actually wasn't a Notice  
23 of Intent filed. No Notice of Intent has been filed. It  
24 was just to be brought back for consideration at this  
25 meeting. So we can't do a Notice of Intent.



1           COMMISSIONER BOSARGE: So what would our motion  
2 be, Ms. Chesnut, or do we even need a motion?

3           SANDY CHESNUT: You really don't even need a  
4 motion.

5           COMMISSIONER BOSARGE: Joe, are you all right  
6 with that?

7           JOE JEWELL: Yes, sir.

8           I'm looking up the motion. Give me just a  
9 second.

10          COMMISSIONER BOSARGE: No pressure.

11          JOE JEWELL: It was not a Notice of Intent.  
12 Counselor Chesnut is correct. Although, if you will give  
13 me a few minutes to examine it closer.

14          COMMISSIONER BOSARGE: All right. Good deal.  
15 Something real easy.

16          The next item.

17          JOE JEWELL: Next up for the Commission's  
18 consideration is the 2019 Red Snapper update, and that  
19 will be given by Mr. Trevor Moncrief.

20          TREVOR MONCRIEF: Good morning again,  
21 Commissioners.

22          I'm just going to talk about 2019 EFP for Red  
23 Snapper.

24          EFP is an exempted fishing permit. EFP's are  
25 permits issued by NOAA that allow harvest of certain

1 species that would otherwise be not allowed under Federal  
2 regulations.

3 Typically, these permits are used for scientific  
4 purposes, and 2019 will be the second year of the approved  
5 EFP for State Red Snapper management.

6 A little bit of information about Mississippi's  
7 EFP. A revised EFP has been submitted to NOAA by all  
8 states and approved for the 2019 recreational Red Snapper  
9 season.

10 Mississippi's EFP allows the State to control  
11 harvest for both the State For-Hire and private  
12 recreational components of the recreational sector.

13 Federally permitted for-hire vessels are  
14 federally managed under Mississippi's EFP.

15 The purpose is to determine if a recreational  
16 Mississippi landed annual catch limit can be accurately  
17 attained, and to gather region-specific scientific data  
18 that is currently limited on Red Snapper in the Gulf of  
19 Mexico.

20 For our data collection, MDMR will once again  
21 utilize the Tails n' Scales Program to collect data on Red  
22 Snapper harvest, angler effort, and biological samples in  
23 Mississippi state and federal waters out to two hundred  
24 nautical miles.

25 we will look back at what the ACL will be from

1 last year, including into this year.

2 In 2018, Mississippi's harvest for the two  
3 components was a hundred and thirty-seven thousand nine  
4 hundred and forty-nine pounds. That is with the private  
5 recreational having a hundred thirty-five thousand one  
6 hundred and forty-nine pounds, and the State For-Hire  
7 being twenty-eight hundred pounds.

8 Due to an increase in the overall Gulf ACL for  
9 the Red Snapper fishery, Mississippi's 2019 allocation  
10 will be a hundred and fifty-one thousand five hundred and  
11 eighty-four pounds. This split makes the private  
12 recreational have a hundred and forty-eight thousand five  
13 hundred and seven pounds, and the State For-Hire at three  
14 thousand seventy-seven pounds. This is accounting for the  
15 State Fore-Hire overage in 2018 of four hundred and  
16 thirty-five pounds, so their allocation would then be two  
17 thousand six hundred and forty-two pounds.

18 I know there are a lot of numbers I am throwing  
19 out.

20 As last year, a required ten percent buffer will  
21 be applied to ensure Mississippi does not exceed its ACL,  
22 and to ensure that Mississippi will manage to the ACT.

23 Potential Red Snapper Season.

24 The recreational season will begin Memorial Day  
25 weekend, May 24<sup>th</sup>, and end Labor Day, September 2<sup>nd</sup>.

1           This is eighty-one days, and is projected to  
2 meet out ACT as listed in Mississippi's Red Snapper EFP.

3           Additionally, we request to have the ability to  
4 set a mid-season closure, as we did in 2018 as y'all are  
5 familiar, to ensure that our ACL is not met before Labor  
6 Day. This request will allow the Red Snapper season to be  
7 closed for a brief time to project harvest and ensure  
8 Mississippi stays within its ACL.

9           The mid-season closure would occur from July 8<sup>th</sup>  
10 through July 28<sup>th</sup> and, once again, this closure will allow  
11 MDMR staff to analyze all data from the first segment of  
12 the season and be able to run projections based on harvest  
13 up to this date and, once again, this will potentially get  
14 us to Labor Day as planned.

15           What will be required is a motion granting the  
16 Executive Director authority to manage Mississippi's 2019  
17 recreational Red Snapper season, under the guidelines  
18 established in the Mississippi EFP granted by NOAA.

19           COMMISSIONER BOSARGE: All right, and I was  
20 trying to remember.

21           Did the percentages change from this year to  
22 last year for each state?

23           JOE SPRAGGINS: It didn't change, sir. What it  
24 was they increased the allocation accordingly, and right  
25 now we are at three point five five, our percent of it.

1           There is a meeting coming up at the end of  
2 April, or in April.

3           JOE JEWELL: Beginning of April.

4           JOE SPRAGGINS: Yes, for the Feds to adopt that.

5           COMMISSIONER BOSARGE: I'm trying to get back to  
6 where MRIP said we were.

7           what did MRIP say our landings should be?

8           Do you remember?

9           PAUL MICKLE: Mr. Chairman, are you requesting  
10 what Mississippi's MRIP landings were?

11           COMMISSIONER BOSARGE: Yes. I was looking. I  
12 remember in 2016 -- you know, when we you talk about MRIP  
13 data, I'm thinking in 2016 it said our landings -- they  
14 estimated our landings at about a hundred and fifty-one  
15 thousand pounds.

16           PAUL MICKLE: I think it was actually a hundred  
17 and eighty thousand.

18           Since then, we have been certified. The Tails  
19 n' Scales Program is actually superceding MRIP now for  
20 landings.

21           COMMISSIONER BOSARGE: Correct. By the time our  
22 landings came in, we were nip and tuck with what MRIP had  
23 actually said we were going to be, and I was wondering how  
24 it was this past year.

25           TREVOR MONCRIEF: With the new FES calibration,

1 the estimates that are coming out are closer to a million  
2 pounds, plus it in there with Louisiana, so it is not  
3 reflective of what we are gathering with Tails n' Scales.

4 COMMISSIONER BOSARGE: I don't think that that  
5 data hasn't been actually accepted yet.

6 All right. Do we have a motion?

7 COMMISSIONER HAVARD: I'll make a motion that we  
8 move forward by giving Executive Director authority to  
9 manage the 2019 recreational Red Snapper season under the  
10 guidelines established in the MS EFP granted by NOAA.

11 COMMISSIONER BOSARGE: We have a motion.

12 Do we have a second for that motion?

13 COMMISSIONER GUESS: I'll second it.

14 COMMISSIONER BOSARGE: Any further discussion?

15 (No response.)

16 COMMISSIONER BOSARGE: All those in favor aye.

17 (All in favor.)

18 COMMISSIONER BOSARGE: Opposed like sign.

19 (None opposed.)

20 COMMISSIONER BOSARGE: Motion carries.

21 TREVOR MONCRIEF: Thank you.

22 COMMISSIONER BOSARGE: Thank you.

23 JOE JEWELL: Our next presentation will be give  
24 by Chief Science Officer, Dr. Paul Mickle, and it is a  
25 request by the Commission for an oyster depuration

1 feasibility study.

2 PAUL MICKLE: Good morning Commissioners.

3 Today I will be presenting the Oyster Depuration  
4 Feasibility Study.

5 I would like to say I really enjoyed studying  
6 and collaborating with scientists all around the world at  
7 your request, versus seagrasses, Spotted Seatrout over the  
8 years and, now depuration. I want to say that I have  
9 actually really gotten into this one and that there is a  
10 mountain of information I boiled down because of time.

11 Feel free to ask questions, and I will try to  
12 answer them, but it is actually a really intriguing  
13 methodology of actually depurating oysters and what our  
14 state has been through in the history of this.

15 If you remember, your motion request was to  
16 direct staff to come back with a presentation which  
17 includes an oyster depuration feasibility study.

18 I will present that, along with the past  
19 efforts, hurdles and strategies that we have seen in our  
20 state, as well as internationally.

21 Remember that depuration is a very simple  
22 concept of being able to harvest oysters from restricted  
23 areas, areas that we can't get open to the FDA Federal  
24 Regulations and allow them to be depurated, or cleaned up,  
25 in various, many, many types of methodologies to actually

1 depurate oysters, and, then, you can actually let them hit  
2 the markets.

3 That is the overall concept. A very simple  
4 concept, but, of course, it gets very complicated very  
5 fast.

6 If you remember back in September Ruth Pasadas  
7 from Marine Fisheries gave a wonderful presentation of the  
8 background of the depuration process, as well as the  
9 regulatory structure behind depuration.

10 I am going to continue that with a Mississippi-  
11 based feasibility model which I have adopted from what  
12 other models have done around the world and present to you  
13 exactly if this is possible, how would it be done, and,  
14 then, additional strategies upon that.

15 Internationally, there has been a lot of  
16 interest in depuration. Nationally there has been  
17 interest and interest for over fifty years here in  
18 Mississippi which I will go into briefly.

19 Operations around the world range from Spain,  
20 Australia, Italy and New Zealand. They have all had  
21 successful depuration facilities.

22 In America, Hawaii, Washington State, parts of  
23 New England and briefly in Louisiana they had a fairly  
24 successful depuration facility as well.

25 Mississippi, like I said, has had a long



1 interest in depuration because we have large areas that  
2 are prohibited from harvest, whether they are restricted,  
3 or prohibited, and also we have small tidal swings that we  
4 all know about.

5 South Florida has got four-and-a-half, or five,  
6 foot. New England, they've got like seven, or eight, foot  
7 tides.

8 We just have weak tides in Mississippi, so you  
9 can see water quality is always an ongoing issue as far as  
10 FDA regulations and getting approved areas.

11 You can see the interest that this Commission  
12 has shown in depuration because of just where Mississippi  
13 is and how the tidal complex runs.

14 Here is actually the feasibility model. These  
15 are the start-up costs that really deal with a terrestrial  
16 based depuration facility, using UV sterilization process.

17 You can see here it costs about two hundred  
18 thousand dollars to actually buy all the stuff and it gets  
19 really complicated on really starting up. Going from a  
20 single boat, a boat engine, it is all in there. Cages.  
21 Refrigeration capabilities. Depuration tanks. All these  
22 different things, and this is the per unit cost for  
23 producing under a million oysters depurated per year.

24 Obviously, all of this would go up if you start  
25 compartmentalizing increasing in size.

1           COMMISSIONER BOSARGE: How many oysters did you  
2 say per year?

3           PAUL MICKLE: Just around a million to depurate  
4 and that actually comes out to be about thirty-six hundred  
5 sacks. A million oysters adds up to thirty-six hundred  
6 sacks.

7           Here is the true budget itself. I must cite Dr.  
8 Chen from Hawaii. I got on the phone with him. He called  
9 me at 10:00 o'clock my time; 5:00 o'clock his time. So  
10 the next day I called him at 10:00 o'clock my time; 5:00  
11 o'clock his time. I did get him back, but he was gracious  
12 to give us this model.

13           The top left number, that million, that is the  
14 number of oysters. If you change that, it changes every  
15 single number in this model because you are either scaling  
16 up, or scaling down, and there are price points. Once you  
17 get up above a million, or a little bit more, you've got  
18 to buy more tanks, you've got to hire more people and, if  
19 you get less than that, all those different things.

20           It is not as simple as it looks up there, but  
21 believe when I say they studied this very closely and they  
22 were gracious to give me the models so I could adjust it  
23 for all Mississippi prices, what it costs to do business  
24 in Mississippi and discussions that I have had with local  
25 folks here on the Coast.

1           This is the model that I am presenting here  
2 today. At a million oysters depurated per year, you are  
3 still fifty-seven thousand in the hole from production  
4 costs of making a profit. If you go to one point three  
5 one million oysters, you break even.

6           Obviously, no one wants to go into business on  
7 breaking even, but, once you get around two million  
8 oysters, then, you are making about a hundred thousand  
9 dollars a year which I consider that a pretty viable  
10 business. I don't know relative comparison, but that's  
11 more than...

12           COMMISSIONER GOLLOTT: Is that about seventy-two  
13 thousand sacks?

14           PAUL MICKLE: If you get two million oysters,  
15 that will be seventy-two hundred sacks. So that would be  
16 around a hundred thousand dollars.

17           I think that is why we haven't had a depuration  
18 facility really take hold in Mississippi just because of  
19 these high start-up costs and the unknowns of doing it.

20           That is why these feasibility studies are so  
21 valuable.

22           I want to present here very quickly a land-based  
23 depuration facility which I presented in the previous two  
24 slides and, also aquatic-based wet storage strategy which  
25 is quite different from what I have spoken about up to

1 this point, but, again, what I have seen with this  
2 strategy alongside a land-based strategy really works.

3 I am complicating things, but, again, these are  
4 two separate strategies.

5 The first one on the left is having that land  
6 based, the building, the boat, everything. Depurating  
7 oysters on land using the equipment.

8 The aquatic based is very different. That is  
9 actually doing private leasing. You are leasing areas in  
10 restricted areas. We have lots of areas in the  
11 Mississippi Sound that are restricted. You lease areas in  
12 those, and, then, you actually move them into approved  
13 areas and within fourteen days you are legally allowed to  
14 harvest.

15 You don't have to change any regulations. You  
16 just start leasing bottoms. There is a high startup cost  
17 with cultch once you begin, but, once you have cultch  
18 planted your private lease areas and you start cultivating  
19 them very cheaply once you purchase the cultch it becomes  
20 very feasible. That's why I mention it here today.

21 From these light green areas, or yellow areas,  
22 you can grow oysters in private leases there at only five  
23 dollars an acre, and, then, move them to approved areas  
24 and, in fourteen days, you can harvest. You don't need  
25 the building. You don't need the tanks. You don't need

1 the UV. You don't need to manipulate any of the  
2 regulations. You can do this right now today.

3 That is kind of why I have this list for y'all  
4 to look at. If you want to come back, or have side  
5 conversations, please feel free because I have run the  
6 numbers on a lot of these.

7 The land-based depuration is expensive. The  
8 high startup costs, annual permits and the regulatory  
9 testing costs about nine thousand dollars just to do all  
10 your own water testing at the depuration facility itself.  
11 There is high equipment costs, large staff requirements,  
12 constrained by the size of the facility, and you are also  
13 constrained by the amount of oysters, and you really have  
14 no control over the amount of oysters that you might need,  
15 if you want to scale up very quickly.

16 The aquatic based of leasing in restricted areas  
17 and also leasing approved areas and moving them around,  
18 you have high startup costs, but you have extended startup  
19 time. I would say probably two years before you ever had  
20 an oyster hit the market for you, but, again, bottom  
21 leasing if very cheap. Five dollars an acre. The  
22 equipment costs are low. Small staff requirements.  
23 Currently no regulatory change is needed. You can do this  
24 today. Low operational costs and, again, you control the  
25 constant supply of oysters.

1           If you know anyone that does private leasing,  
2 they know exactly what they have got on their leases and  
3 you can actually build your business model of your  
4 expenses, by what you know you've got out there.

5           Again, from what Director Spraggins mentioned at  
6 the beginning of the meeting of the very optimistic  
7 environment on capitol hill of people wanting to look at  
8 ensuring oysters with an off-bottom and on-bottom, that,  
9 again, just makes the business plan even more user  
10 friendly and more profitable.

11           Those are two recommendations that I give. I  
12 think a mixture between these two strategies would be very  
13 successful. You would have your leasing operations going  
14 on. You would have you land-based depuration facility  
15 coming online. Again, you have high startup costs with  
16 both, but when oyster supplies change in the land-based  
17 depuration scenario, you can move over to aquatic based.

18           Another really interesting thing is these  
19 conditionally-approved areas, sometimes we go through  
20 droughts, or low-rain areas, and we can actually get those  
21 open like we did with Biloxi Bay for the first time in  
22 fifty-seven years, if you remember. A couple of years  
23 ago, we got Biloxi Bay open.

24           Let's say you are leasing areas in there and you  
25 get it open, you don't even need to relay. You can

1 harvest straight out of the conditionally approved, and  
2 that is even better.

3 It does get very complicated very quickly, but  
4 with these strategies I think the business plan is quite  
5 viable, but, again, why we haven't seen it is obviously  
6 the regulatory side and, again, I think the startup costs  
7 are very high, but all businesses nowadays at some level  
8 have fairly high startup costs.

9 Both of these you can build on very slowly, but,  
10 again, you are going to be spending money for a couple of  
11 years without ever having an oyster hit the market.

12 That is pretty much what I have to bring to you  
13 today. If you want to get into the numbers here, feel  
14 free to. If you want to sit down with me, I can pull up  
15 the model and we can run different scenarios on what you  
16 think you can grow in an acre, or how many oysters are in  
17 restricted areas now to do the land-based operation. All  
18 those different scenarios can be played out, but, again,  
19 we all want the oyster industry to come back. I think  
20 these are very viable options.

21 Like I said, one has high startup costs, but  
22 very low operational costs. I just want to make that very  
23 clear. Private leasing has worked in a lot of areas in  
24 the world and I think it is favorable in Mississippi,  
25 especially with a feasibility study for aquatic-based wet

1 storage which is actually depuration.

2 COMMISSIONER BOSARGE: I'm sure Commissioner  
3 Gollott has probably got some questions.

4 Back up a couple of slides.

5 PAUL MICKLE: This one?

6 COMMISSIONER BOSARGE: Yes, sir.

7 If I'm following you correctly, you were talking  
8 about leasing the bottom and moving oysters out of a  
9 restricted area.

10 I thought we couldn't do that.

11 PAUL MICKLE: Well, you can. No one is saying  
12 that you can't because you can relay from restricted and  
13 conditionally approved to approved.

14 Now, restricted is a sixty-day depuration  
15 period. Conditionally approved is a fourteen-day period.  
16 So, again, the time is shorter, but you can legally do it,  
17 and you can see Pascagoula Reef, the relay that we did  
18 this past year is exactly that scenario.

19 COMMISSIONER BOSARGE: You are saying that you  
20 could go somewhere in Jackson County and lease the bottom  
21 for five dollars an acre and move oysters off of the  
22 closed...?

23 PAUL MICKLE: Sure. Let's just take a scenario.  
24 You and I want to start a business.

25 COMMISSIONER BOSARGE: I'm trying to follow you



1 here and I'm following you, but I want to make sure that I  
2 understand.

3 PAUL MICKLE: I appreciate the question.

4 I say you and I go into business. Let's lease  
5 ten acres in the conditionally approved right here.

6 we would apply for a permit, come to the  
7 Commission. You have to go to the Army Corps of Engineers  
8 and get your permit to be able to put cultch on the  
9 bottom.

10 There are historical reefs in these areas.  
11 There are non-historical reefs. You can lease it for five  
12 bucks an acre from the Secretary of State.

13 Then, you can lease another couple of acres  
14 south of the island where it is approved.

15 COMMISSIONER BOSARGE: All right.

16 PAUL MICKLE: So we have spent roughly twenty  
17 dollars on two acres. Four acres total. Two to grow  
18 oysters. Two to depurate oysters.

19 Now, we go spend some money on some cultch and  
20 go put it out, whether it catches spat, or we expose the  
21 spat to seed, we grow oysters for a year, or two years, in  
22 our first leased area behind the island.

23 Then, when they are grown up, we relay them out  
24 to the open area. In fourteen days, we can take them and  
25 let them hit the market.

1 All you need is a boat and some tongers to move  
2 them, and you don't have to have a facility, or anything.

3 If there is a drought in the fall and DMR  
4 actually does the sampling and gets this area approved,  
5 you haven't spent a single dollar on doing any of that  
6 water sampling. If it becomes open, we go out and harvest  
7 our oysters in the conditionally approved without even  
8 relaying. We let them hit the market right there.

9 That is the better scenario because you are  
10 going to have loss. You are going to have some mortality  
11 with all the transplant, in other word, transferring from  
12 one area to another.

13 Does that play out a little bit better in your  
14 mind?

15 COMMISSIONER BOSARGE: Yes, it does.

16 Have you got some questions?

17 COMMISSIONER GOLLOTT: I don't have a lot of  
18 questions because I have done this personally and I knew  
19 it was feasible. I just didn't have the figures down  
20 where you could look at them.

21 It would be great if we could get some kind of  
22 coop, or something, for the fishermen to get involved with  
23 this and they can take a make a living tonging, or  
24 dredging, oysters and using this depuration system.

25 PAUL MICKLE: That's right.

1           COMMISSIONER GOLLOTT: Paul, thank you. I  
2 appreciate it. I would like to have the numbers to look  
3 at up close, but the bottom line is it is very feasible.

4           Right?

5           PAUL MICKLE: Yes, sir.

6           Commissioner Gollott, I can send you this model  
7 and, if you change this number, the number of oysters that  
8 you want to depurate per year, it changes all of this and  
9 shows you what you are going to make. Absolutely, feel  
10 free.

11           COMMISSIONER BOSARGE: And would this business  
12 fall within the MDA?

13           PAUL MICKLE: FDA.

14           COMMISSIONER BOSARGE: No. No. I'm sorry.  
15 Mississippi Development Authority.

16           PAUL MICKLE: I'm sorry.

17           COMMISSIONER BOSARGE: Would this type of  
18 business be a business that MDA would fund?

19           PAUL MICKLE: I'm not really sure. With  
20 granting someone to start a business, there are a lot of  
21 state laws on startups.

22           Now, there are tax breaks and things that I know  
23 MDA does, and you are getting way out of my lane as a  
24 scientist, but, again, there are a lot of commercial  
25 fisheries interest in Washington on doing sustainable new

1 types of fisheries, and I can see monies being brought to  
2 that of no-interest loans, or certain types of bonds for  
3 someone to go out to lower the risk from the private  
4 sector to start this.

5 Looking at other areas of the nation and the  
6 world, it usually takes one, or two, fairly large business  
7 interests that come in and either invest, or start up  
8 slowly, but, again, I really think it is a viable  
9 combination between these two methods, and I would really  
10 love to see this take off in Mississippi to have that.

11 We are growing oysters on these leases. We are  
12 moving them around. Water quality is increasing. The  
13 operational costs are low, and you have a steady supply of  
14 oysters all year round, not just in spring and fall.

15 These approved waters, you can harvest all year  
16 round. That's why the off-bottom business plan is so  
17 good.

18 COMMISSIONER GUESS: I wanted to say I think MDA  
19 does have a program.

20 Is anyone here in the audience from MDA by  
21 chance?

22 (No response.)

23 COMMISSIONER GUESS: Through your business  
24 plans, they will purchase the equipment, and you basically  
25 pay them back, but if the business fails, then, they get

1 the equipment back, but that would be pretty huge for this  
2 type of project.

3 PAUL MICKLE: (Interposing) That is  
4 interesting, yes.

5 COMMISSIONER BOSARGE: And we've got our old  
6 Executive Director there.

7 PAUL MICKLE: I would like to see him stand at  
8 this podium. I don't think I have ever seen that.

9 COMMISSIONER BOSARGE: Thank you, Paul.

10 COMMISSIONER HAVARD: Paul, I have one quick  
11 question.

12 PAUL MICKLE: Sure.

13 COMMISSIONER HAVARD: You talked about relays,  
14 and we relayed a bunch of oysters out of the Pascagoula  
15 area.

16 PAUL MICKLE: Yes, sir.

17 COMMISSIONER HAVARD: And, then, we asked you  
18 guys to come back every couple of months and let us know  
19 survival rates, after we did the relay.

20 Have we done any dives to see how successful  
21 that relay was?

22 JOE JEWELL: That was Marine Fisheries and you  
23 requested that we come back, but you have also given a  
24 ninety-day timeline for that, and we plan to have that on  
25 the March agenda.

1           As a note, we have done dives on that and done  
2 some dredging on it.

3           An analysis is almost done, and we are going to  
4 have that on the agenda for March.

5           COMMISSIONER HAVARD: That will be great.  
6 Thanks.

7           COMMISSIONER BOSARGE: All right. Thank you.

8           JOE JEWELL: So our final agenda item is Mr.  
9 Rick Burris is going to update y'all on the Gear Task  
10 Force recommendations for final adoption. I think it was  
11 moved from K-2 to K-9.

12           Rick.

13           RICK BURRIS: Good afternoon Mr. Chairman,  
14 Commissioners, General Spraggins, Ms. Chesnut.

15           As Joe said, today I want to present to the  
16 Commission the final adoption of the regulatory changes to  
17 Title 22, Parts 5 and 8.

18           As you recall, these changes were recommended by  
19 the Gear Type Task Force. It was voted on in the January  
20 22<sup>nd</sup> meeting.

21           On the 24<sup>th</sup> of January, the CMR held a special  
22 session and passed the Notice of Intents for both Title  
23 22, Parts 5 and 8.

24           On the same day, those Notice of Intents were  
25 filed with the Secretary of State's office.

1           On the same day, those public notices about  
2 those Notice of Intents were posted on the MDMR web page.

3           The legal notice appeared in the Sun Herald on  
4 January 26<sup>th</sup>, and a public hearing was held on February  
5 14<sup>th</sup>.

6           At the public hearing, there was a total of  
7 nineteen in attendance. Six were from the public.  
8 Thirteen were MDMR employees.

9           The public comment period was January 24<sup>th</sup>  
10 through February 18<sup>th</sup> which is a total of twenty-five days.

11           To date, five public comments have been  
12 received. Three of those were oral comments, one was an  
13 email comment and one was a written comment.

14           Out of the five, four supported the proposed  
15 changes, none opposed the proposed changes, and we have  
16 one miscellaneous comment.

17           Here is a summary of the public comments, the  
18 three oral comments that were received at the public  
19 hearing.

20           First, we have Mr. F. J. Eicke from CCA  
21 Mississippi. He commends the Gear Task Force as a  
22 positive move to clarify the ambiguity that had existed in  
23 defining methods of fishing, and CCA lends its support to  
24 the proposed regulatory changes. The proposed changes  
25 should allow MDMR enforcement to effectively monitor

1 methods of fishing that will be in the best interest of  
2 sustaining our marine resources.

3 Then, Steve Shepard from the Mississippi Chapter  
4 of the Sierra Club. Mr. Shepard, as well as the Sierra  
5 Club, supports the changes.

6 Ralph Humphrey thanks the MDMR for making these  
7 changes. It is a positive step and a step in the right  
8 direction.

9 we have one email comment submitted by Don  
10 Balias noting that haul seine was not included in Title  
11 22, Part 5, Chapter 4, Subsection 101.08, and we will  
12 address that when we get to the language.

13 we did have a written comment submitted by CCA  
14 supporting the recommended changes to Title 22, Parts 5  
15 and 8.

16 There is a picture of that here. I believe you  
17 have that in your packet, and I will read that into the  
18 record.

19 The date is February 14<sup>th</sup>, 2019.

20 The subject line reads:

21 "Position on proposed regulatory changes  
22 to Title 22, Parts 5 and 8.

23 "Coastal Conservation Association of  
24 Mississippi commends the work of the  
25 Gear Type Task Force as a positive



1           move to clarify the ambiguity that  
2           had existed in defining methods of  
3           fishing. With the work of the Task  
4           Force now adopted by the Commission  
5           on Marine Resources and out for  
6           public comment, we lend our support  
7           to the regulatory changes proposed.  
8           “Defining entanglement and entrapment,  
9           as well as haul seine as a specific  
10          type of seine with a definition  
11          reflecting concerns that did come to  
12          public notice, has been needed to  
13          establish guidelines for commercial  
14          net fisheries, together with the  
15          definition of gill net continuing  
16          to require biodegradable material  
17          as stated in other sections of the  
18          regulations that fits into these  
19          guidelines as a net that entangles,  
20          these changes should allow MDMR  
21          enforcement staff to effectively  
22          monitor methods of fishing that will,  
23          we believe, be in the best interest  
24          of sustaining our marine resources.”  
25          Now, I will read the changes into the record

1 beginning with Title 22, Part 8, Chapter 4 (Definitions).

2 We first added the definition of entanglement to  
3 Section 116, and it reads:

4 "Entanglement. A method in which fish  
5 are primarily ensnared, or entangled,  
6 by the gills, or other boney  
7 projections through interaction  
8 with gear."

9 We, then, added Entrapment, Section 117, and it  
10 reads:

11 "Entrapment. A method in which fish  
12 are primarily surrounded and confined,  
13 not entangled by the gills, or other  
14 boney projections, within a space  
15 through interaction with gear."

16 The subsequent definitions had to be renumbered.

17 I won't read those into the record, but it goes all the  
18 way to 124 where we added "Haul Seine", and it reads:

19 "Haul Seine. A net set vertically  
20 in the water column and pulled by  
21 hand, or by power, to capture fish  
22 by entrapment through encircling  
23 and confining fish within itself,  
24 the shore, or bank, as a result of  
25 mesh size and construction. Haul

1            seines shall be constructed of a  
2            mesh size not to exceed fifteen  
3            sixteenths bar and one inch and  
4            seven eighths stretch and shall  
5            not be constructed of monofilament.”

6            Again, subsequent definitions had to be  
7            renumbered all the way to 156.

8            Those are the changes to Title 22, Part 8. What  
9            will be required is a motion to proceed with final  
10           adoption of the regulatory changes to Title 22, Part 8,  
11           Chapter 4, regarding the addition of new definitions  
12           developed by the Gear Type Task Force.

13           COMMISSIONER BOSARGE: All right. Do we have  
14           any questions, or do we have a motion?

15           COMMISSIONER HAVARD: I'll make a motion that we  
16           move forward with the motion as written.

17           COMMISSIONER BOSARGE: All right. We have a  
18           motion.

19           Do we have a second for that motion?

20           COMMISSIONER GUESS: I'll second it.

21           COMMISSIONER BOSARGE: Any further discussion?  
22           (No response.)

23           COMMISSIONER BOSARGE: All those in favor aye.  
24           (All in favor.)

25           COMMISSIONER BOSARGE: Opposed like sign.

1 (None opposed.)

2 COMMISSIONER BOSARGE: Motion carries.

3 RICK BURRIS: I will now read into the record  
4 changes to Title 22, Part 5, Chapter 4, Commercial Net  
5 Closure Areas and Gear Size Restrictions.

6 I will begin with Section 100 where it reads:  
7 "It shall be unlawful for any person,  
8 firm, or corporation, to catch, take,  
9 or carry away, any saltwater fish by,  
10 or with, any gill nets, trammel nets,  
11 purse seines, seines -- we add "haul  
12 seines" -- fish traps, except permitted  
13 eel traps, or any other like contrivances,  
14 in the territorial waters of the State of  
15 Mississippi within twelve hundred feet of  
16 any public pier, or any pier owned and  
17 operated by hotels, or motels, for the  
18 use of their patrons and guests for  
19 swimming and fishing, or any harbor  
20 within twelve hundred feet of the  
21 shoreline of Deer Island."

22 Section 101:

23 "It shall be unlawful for any person,  
24 firm, or corporation, to catch, take,  
25 or carry away, any saltwater fish by,

1 or with, any gill nets, trammel nets,  
2 purse seines, seines -- and we add  
3 "haul seines" -- fish traps and other  
4 like contrivances except permitted eel  
5 traps in the following areas of the  
6 state of Mississippi."

7 The next change will be in Section 101.08.

8 Again, we received a public comment addressing  
9 the inclusion of haul seine in Section 101.08 and, after  
10 review, we concurred with the inclusion because it does  
11 comply with Section 25-43-3.1 07 of the Administrative  
12 Procedures Act, so I will now read that into the record.

13 Section 101.08:

14 "It shall be unlawful for any person,  
15 firm, or corporation, to use at any  
16 time trammel nets, gill nets, seines  
17 -- we add "haul seine" -- or any other  
18 like contrivances in excess of twelve  
19 hundred feet in length. Except when  
20 fishing gill and trammel nets between  
21 October 15 through December 15 of each  
22 year, nets must be of a mesh size of  
23 one and one-half inch square, three-  
24 inch stretch, or larger, and it shall  
25 be unlawful for any boat to use more

1 than one such net. Between October  
2 15 through December 15 of each year,  
3 gill and trammel nets must be of a  
4 mesh size of one and three-fourths  
5 inch square, three and one-half inch  
6 stretch, or larger, and it shall be  
7 unlawful for any boat to use more  
8 than one such net.”

9 The next section is 101.10 where it reads:  
10 “It shall be unlawful for any person,  
11 firm, or corporation, to leave a gill  
12 net, trammel net, purse seine, seine --  
13 we add “haul seine” -- or any other  
14 net like contrivance governed by the  
15 restrictions set forth in this Part  
16 unattended in the waters of this state.”

17 We, then, removed, and at least one person shall  
18 be required to stand by within one boat length of the boat  
19 using said net, at all times the net is in the water.

20 Then, it continues to read:  
21 “It shall further be unlawful for any  
22 person, firm, or corporation, to use,  
23 or have in their possession, a gill  
24 net, trammel net, seine -- we added  
25 “haul seine” -- or like contrivance,

1           on the waters of this state without a  
2           visible buoy attached every one hundred  
3           feet clearly marked with the license  
4           number, or owner's full name, thereon."

5           what will be required is a motion to proceed  
6 with final adoption for the regulatory changes to Title  
7 22, Part 5, Chapter 4, regarding the inclusion of haul  
8 seine regulation and modification to language in  
9 subsection 101.08 and 101.10.

10           COMMISSIONER GOLLOTT: Mr. Chairman, what  
11 exactly is this changing?

12           I think I understand, but spell it out for me,  
13 what the law is now and what it will be, after we pass  
14 this.

15           RICK BURRIS: well, before there was no  
16 definition of an actual haul seine, so that has been  
17 defined and it is placed in the regulation where they can  
18 and can't be used.

19           JOE JEWELL: The short answer, Commissioner  
20 Gollott, is the task force established the three  
21 definitions of haul seine, entanglement and entrapment,  
22 and that is what the changes in 8 will incorporate, and,  
23 then, the changes in 5 put those definitions into the  
24 regulations.

25           COMMISSIONER BOSARGE: And these are the same

1 exact changes that we asked for in Notice of Intent?

2 RICK BURRIS: Yes, sir, with the exception of  
3 101.08 where we went back and added "haul seine". It was  
4 a slight oversight and we didn't see it. So we added haul  
5 seine to Section 101.08.

6 COMMISSIONER BOSARGE: Wait a minute, now.

7 JOE JEWELL: So the Notice of Intent went out  
8 for those two regulations, as the Commission passed, but  
9 subsequent to that, we received a comment that noted in  
10 Section 101.08 that haul seine was not included. It was  
11 appropriate that it should be included because that was  
12 the intent of the task force and the Commission. It was  
13 just an oversight on our part.

14 what will have to happen, should the Commission  
15 vote and approve this, I will have to submit a modified  
16 final adoption that includes that language in there for  
17 the Administrative Bulletin.

18 COMMISSIONER BOSARGE: Okay, Joe, but this -- in  
19 other words, this has been a long ongoing -- and now we  
20 have changed some of the language. We have inserted some  
21 language that is a change what we originally agreed to.

22 JOE JEWELL: Just one section.

23 COMMISSIONER BOSARGE: I know one section, but  
24 still one, or two, words changes the whole meaning of  
25 something and, in all honesty, I did not know that we had



1 changed anything from what the Gear Task Force originally  
2 intended.

3 JOE JEWELL: What the Gear Task Force gave  
4 direction to and was presented to the Commission was to  
5 change all appropriate sections to include that language.

6 It was an oversight on our part by not including  
7 101.08.

8 COMMISSIONER GUESS: They just forgot to put  
9 "haul seine" in the sentence.

10 COMMISSIONER BOSARGE: Yes, but it makes a big  
11 difference.

12 For instance, in 100, basically, by inserting  
13 haul seines in there, if I read this correctly, it outlaws  
14 haul seines within twelve hundred foot of the shoreline of  
15 Deer Island.

16 RICK BURRIS: That was in the original Notice of  
17 Intent. The only thing we added was in 101.08 where it  
18 defined the length of a haul seine, twelve hundred foot.  
19 This is the only thing that was not in the Notice of  
20 Intent.

21 COMMISSIONER BOSARGE: Say it again, Rick. I'm  
22 sorry.

23 RICK BURRIS: The only thing that was not in the  
24 Notice of Intent is 101.08 which is right here where we  
25 added the words "haul seine", and it just defines the

1 length at twelve hundred foot.

2 These two sections, 100 and 101 were in the  
3 Notice of Intent.

4 COMMISSIONER BOSARGE: So why are we separating  
5 this?

6 Originally, it was one Notice of Intent to make  
7 these changes.

8 Correct?

9 JOE JEWELL: That's correct.

10 COMMISSIONER BOSARGE: So, now, we have two  
11 Notices of Intent.

12 JOE JEWELL: No. No. We originally had two  
13 Notice of Intents. There was one for Part 5. It was one  
14 separate Notice of Intent, and that is where we  
15 incorporated the definitions into the regulations, and,  
16 then, we had a separate Notice of Intent which is Part 8  
17 where we actually inserted the definitions for those in  
18 there.

19 As you recall at the task force meeting, what  
20 was requested by the task force at the very end was for  
21 the staff to come forward to the Commission with proposals  
22 to put all these in the appropriate sections.

23 They didn't identify the sections. They allowed  
24 us to do that, and it was our oversight to not include it  
25 into 101.08.

1           We got that public comment, and so we consulted  
2 with legal and under the Administrative Procedures Act we  
3 were allowed to put that in without modifying the current  
4 Notice of Intent.

5           However, we will have to modify the final  
6 adoption, if the Commission proceeds.

7           COMMISSIONER BOSARGE: So this was in the  
8 recommendation from the Gear Task Force?

9           RICK BURRIS: The motion from the task force  
10 requests the staff to look at Title 22, Part 5, Chapter 4,  
11 and make necessary recommendations as discussed regarding  
12 haul seine definitions.

13           We were inserting haul seine where it was  
14 appropriate, and it was an oversight on 101.08 where we  
15 missed it on the first Notice of Intent.

16           COMMISSIONER BOSARGE: All right. Just as long  
17 as we are good.

18           RICK BURRIS: Yes, sir.

19           COMMISSIONER BOSARGE: I didn't realize that  
20 this was a change from what we originally intended. Okay.  
21 All right. I'm good with it.

22           COMMISSIONER GUESS: I'll make a motion.

23           COMMISSIONER BOSARGE: And your motion is...?

24           COMMISSIONER GUESS: I make a motion to proceed  
25 with the final adoption for regulatory changes to Title

1 22, Part 5, Chapter 4, regarding the inclusion of haul  
2 seine in regulation and modification to language in  
3 subsections 101.08 and 101.10.

4 COMMISSIONER BOSARGE: All right. We have a  
5 motion.

6 Do we have a second for that motion?

7 COMMISSIONER HAVARD: I'll second the motion.

8 COMMISSIONER BOSARGE: Any further discussion,  
9 Joe?

10 I see you with your finger on the button.

11 Is there something you need to say?

12 JOE JEWELL: I was just going to say if y'all  
13 pass this motion, I was going to ask the Executive  
14 Director and you to stick around because I need a  
15 signature.

16 COMMISSIONER BOSARGE: Do what?

17 JOE JEWELL: I was going to ask you and  
18 Executive Director Spraggins to stick around after the  
19 meeting so I can get y'all's signature.

20 COMMISSIONER BOSARGE: All right.

21 Any further discussion?

22 (No response.)

23 COMMISSIONER BOSARGE: All those in favor aye.

24 (All in favor.)

25 COMMISSIONER BOSARGE: Opposed like sign.

1 (None opposed.)

2 COMMISSIONER BOSARGE: Motion carries.

3 RICK BURRIS: Thank you.

4 COMMISSIONER BOSARGE: Thank you.

5 JOE JEWELL: That concludes Marine Fisheries.

6 COMMISSIONER GUESS: I'm going to go ahead and  
7 make a motion that we go into closed session to discuss  
8 the need for executive session to discuss the pending  
9 litigations and personnel matters.

10 COMMISSIONER BOSARGE: All right. We have a  
11 motion on the floor.

12 Do we have a second for that motion?

13 COMMISSIONER GOLLOTT: I'll second the motion.

14 COMMISSIONER BOSARGE: We have a motion and a  
15 second.

16 All those in favor aye.

17 (All in favor.)

18 COMMISSIONER BOSARGE: Opposed like sign.

19 (None opposed.)

20 COMMISSIONER BOSARGE: Motion carries.

21 MEETING STANDS IN RECESS

22 COMMISSIONER BOSARGE: I would like to call the  
23 meeting back to order.

24 We will let counselor Chesnut give you an update  
25 on the closed session.

1 SANDY CHESNUT: Yes, sir.

2 At 12:25, the motion was made by Commissioner  
3 Guess, seconded by Commissioner Gollott to go into closed  
4 session to discuss the need for executive session to  
5 discuss pending litigation and personnel matters.

6 Commissioners present were Steve Bosarge,  
7 Richard Gollott, Mark Havard, Natalie Guess. Legal  
8 counsel were present, Sandy Chesnut and Kim Papania. The  
9 Executive Director was present, Joe Spraggins.

10 At 12:37, a motion was made by Richard Gollott  
11 and seconded by Mark Havard to go into executive session  
12 to discussion pending litigation and personnel matters.

13 Those matters were discussed. No motions were  
14 made during the executive session.

15 At 1:09, a motion was made by Commissioner  
16 Gollott to end the executive session. That motion was  
17 seconded by Commissioner Guess.

18 COMMISSIONER BOSARGE: All right. Thank you,  
19 ma'am.

20 Next up on the agenda is other business.

21 Just one second.

22 Is there anything that needs further discussion  
23 under other business?

24 (No response.)

25 COMMISSIONER GOLLOTT: Don't you need a motion,

1 Mr. Chairman?

2 COMMISSIONER HAVARD: We have one more bit of  
3 information that we want to talk about other business.

4 At this time, we want to lift the ban, the net  
5 ban that we have around Cat Island. It's haul seine.

6 COMMISSIONER BOSARGE: I guess maybe to simplify  
7 it would be just to rescind the order.

8 SANDY CHESNUT: If I could just clarify, the  
9 motion that was made by Commissioner Havard in December, I  
10 think it was, or January -- I'm not sure -- pertained to  
11 Title 22, Part 5, Chapter 4, Paragraph 101.04, and that  
12 was to start the net ban around those islands listed in  
13 that regulation on February 1<sup>st</sup>, instead of waiting until  
14 May 15<sup>th</sup>.

15 What Commission Havard, I think, is trying to do  
16 is to go ahead and lift that ban so the haul seiners that  
17 meet the legal definition now can go back to fishing  
18 around those islands listed.

19 In order to meet the definition of a variance,  
20 the net ban would not close on May 15<sup>th</sup>, as currently  
21 stated in regulation, but it would extend nineteen days  
22 which is the number of days it has been closed. So that  
23 closure would not take affect until June 2<sup>nd</sup>.

24 COMMISSIONER BOSARGE: All right.

25 COMMISSIONER HAVARD: That sounds great.

1           COMMISSIONER BOSARGE: Joe, I see you shaking  
2 your head, and this is Fisheries.

3           JOE JEWELL: Once again, I'm a little confused.  
4 I do have the December motions. There are actually two of  
5 them.

6           One was net fishing on Cat Island, and  
7 Commissioner Gollott motioned no new nets can be  
8 introduced into the fisheries. That passed three to two.

9           Then, motion thirteen was to form a half-mile  
10 zone around Cat Island for no finfish nets for commercial  
11 fishing, except brill nets, cast nets and shrimp nets, and  
12 that motion was withdrawn.

13          JOE SPRAGGINS: Joe, I think we are talking  
14 about -- what we are looking at, we made the motion back  
15 in December, or either January -- I'm not sure exactly  
16 what date -- that we would put a temporary moratorium of  
17 sixty days that was on net fishing, and we used the same  
18 criteria that was under the 15 May to 15 September  
19 criteria, the same criteria they had there.

20          what they are saying now is they would like to  
21 go ahead and relieve that ban that we had, that temporary  
22 ban, starting on the 19<sup>th</sup> day of this month which is today,  
23 and, then, carry it nineteen days additionally at the end.  
24 Instead of it being 15<sup>th</sup> of May, it would go to June for a  
25 closing date in that same area.



1           Then, it would start on 3 June going back to the  
2 same thing it has traditionally been from 15 May to 15  
3 September.

4           JOE JEWELL: That is what is sort of confusing  
5 me.

6           I do have the motion here. It was in January.  
7 It was by Commissioner Havard. It says to exercise the  
8 Commission's authority under 49-15-304 to make an  
9 exception and grant a variance to Title 22, Part 5,  
10 Chapter 4, to make a start date change for closed season  
11 to begin February 1<sup>st</sup>. As soon as the Gear Task Force gets  
12 in place and get established and, at that point in time,  
13 it could be sooner than sixty days. It could be thirty  
14 days. At that point in time, we will open back up the  
15 closed season.

16           I understand all of that, but when we get to the  
17 point where we are adding on, or subtracting, nineteen  
18 days is what I'm sort of confused on.

19           Are we backing up the May 1<sup>st</sup> start date, or are  
20 we adding to the end of the season, the nineteen days, or  
21 are we subtracting those?

22           SANDY CHESNUT: That closure, the one-mile  
23 closure would not take affect until June 2<sup>nd</sup>. That adds in  
24 those nineteen days that it has been closed from February  
25 1<sup>st</sup> to February 19<sup>th</sup>. That is what makes their action a

1 variance.

2           There is already established a hundred and  
3 twenty-four day closure by that regulation. If we close  
4 it the 1<sup>st</sup> to the 19<sup>th</sup>, and, then, we close it back on May  
5 15<sup>th</sup> to September 15<sup>th</sup>, that would be an additional closure.

6           So to keep it within the definition of a  
7 variance, we have to take that closure start date into  
8 June to make sure that it is only closed a hundred and  
9 twenty-four days.

10           JOE SPRAGGINS: What is amounts to is the  
11 nineteen days that have been closed this month, instead of  
12 being closed May 15<sup>th</sup> to September 15<sup>th</sup>. It will now be  
13 closed June the 3<sup>rd</sup> through September 15<sup>th</sup>, and that will  
14 give back those nineteen days that they are talking about.

15           MATT HILL: The principal is right, but, if you  
16 do that, the math isn't there. If you are moving it back,  
17 you would have to move back the actual closing date from  
18 September 15<sup>th</sup> for nineteen days.

19           If you go from May 15<sup>th</sup> and move it back to the  
20 19<sup>th</sup>, you are shortening the closure date. So we need to  
21 keep the closure date at the same time.

22           JOE SPRAGGINS: Matt, what you are not seeing in  
23 this -- and I think I understand your confusion -- is  
24 number one, 15 May to 15 September is a hundred and  
25 twenty-three days.

1           We are saying that at no time will we take more  
2 than a hundred and twenty-three days of that net season  
3 off of them.

4           To do that, the net season normally opens up on  
5 the 1<sup>st</sup> of February and ends on May the 15<sup>th</sup>.

6           So what we are doing, now, since we closed down  
7 nineteen days to start with, we are going to give them  
8 those nineteen days of net season on the end which will  
9 turn around and make that from a hundred and twenty-three,  
10 minus nineteen, that they will have if you start on June  
11 the 3<sup>rd</sup> and go to September the 15<sup>th</sup>, and, then, you take  
12 the nineteen that we have already taken from them, then,  
13 that is where the hundred and twenty-three comes in.

14           MATT HILL: Yes, sir.

15           JOE SPRAGGINS: The idea is not to punish the  
16 fishermen because of what we did.

17           MATT HILL: I agree with that, and, also, one of  
18 the things is all islands. I think we need to say the  
19 areas listed in 101.04. I believe that is what we would  
20 need specifically to say. It's not all the islands, but  
21 you would still have the twelve hundred foot closure  
22 around Deer Island that has already been placed in the  
23 regulations. I think you need to specify the actual which  
24 I believe is 101.04.

25           JOE SPRAGGINS: Is that the one that starts 1

1 February?

2 MATT HILL: That starts May 15<sup>th</sup> through  
3 September 15<sup>th</sup> and that lists the closure areas.

4 JOE SPRAGGINS: I guess the point I'm getting at  
5 is we are not worried about that at this point. We need  
6 to go back.

7 what is the one that starts 1 February and ends  
8 May 15<sup>th</sup>?

9 MATT HILL: That is just the Spotted Seatrout  
10 season.

11 JOE SPRAGGINS: We just need to open Spotted  
12 Seatrout season now, on the 19<sup>th</sup> day of February and extend  
13 it to June the 2<sup>nd</sup>, and I think that will eliminate all the  
14 issues that we have.

15 JOE JEWELL: That makes more sense because we  
16 don't actually have a net season. Spotted Seatrout opens  
17 on February the 1<sup>st</sup> and you can use whatever gear. You are  
18 just restricted in certain areas with nets. So that makes  
19 sense to me now. I was confused.

20 JOE SPRAGGINS: Out of fairness to the  
21 fishermen, since we have taken all their day, you want to  
22 do it tomorrow?

23 COMMISSIONER BOSARGE: Yes.

24 SANDY CHESNUT: But Spotted Seatrout wasn't  
25 closed. The season wasn't closed. Spotted Seatrout

1 season has been open. They just haven't been able to fish  
2 around those islands listed in 101.04 like Matt was  
3 saying.

4 JOE JEWELL: They just couldn't use haul seines,  
5 nets.

6 SANDY CHESNUT: So this action that they are  
7 taking today only applies to Title 22, Part 5, Chapter 4,  
8 Paragraph 101.04.

9 MATT HILL: That's correct, and that is for all  
10 species. That is not just dealing with Spotted Seatrout.

11 So I think what the motion needs to state is  
12 specifically Title 22, Part 4, Chapter 4, 101.04, and we  
13 need to leave Spotted Seatrout out, and that will allow  
14 for all species to get around Cat Island.

15 SANDY CHESNUT: Yes.

16 MATT HILL: Okay.

17 JOE JEWELL: That makes sense.

18 COMMISSIONER BOSARGE: That all makes sense.  
19 Let's have somebody state it in the correct fashion.

20 JOE SPRAGGINS: I just wanted to ensure that we  
21 are not doing anything other than opening the season as we  
22 would have on February the 1<sup>st</sup> to February the 19<sup>th</sup>, the  
23 time that we closed, and we closed that for netting only  
24 is what it was.

25 Right?

1           JOE JEWELL: That's right.

2           MATT HILL: For all species. Not just spotted  
3           Seatrout.

4           JOE SPRAGGINS: That's right, but, if all  
5           species would have opened February the 1<sup>st</sup>, that's what we  
6           need to correct.

7           MATT HILL: So the closure would be to be  
8           extended for nineteen days past September the 15<sup>th</sup>. So  
9           beginning tomorrow, the net season around Cat Island shall  
10          be open for all species and shall not be closed again  
11          until when?

12          COMMISSIONER BOSARGE: One hundred and twenty-  
13          four days.

14          MATT HILL: For one hundred and twenty-four  
15          days.

16          JOE SPRAGGINS: June the 2<sup>nd</sup>, Matt.

17          MATT HILL: June the 2<sup>nd</sup>. It will be June the  
18          2<sup>nd</sup>. The closure will be June the 2<sup>nd</sup> and run through  
19          September 15<sup>th</sup>.

20          JOE SPRAGGINS: That makes more sense.

21          MATT HILL: Change the beginning closure date.

22          JOE SPRAGGINS: while we are talking about this,  
23          this means since the change in the haul seine has been  
24          adopted today, that would be what a haul seine is  
25          considered as, what was adopted today by the Commission.

1 MATT HILL: Okay. Change beginning closing date  
2 to June 3<sup>rd</sup>, and closure shall run through September 15<sup>th</sup>.

3 SANDY CHESNUT: Do you see anything else, Matt?

4 MATT HILL: This covers it.

5 JOE SPRAGGINS: Matt, do we have to put anything  
6 in there about the new adopted net, or not?

7 MATT HILL: If y'all are in agreement that it  
8 goes into affect tomorrow, I do not believe we would need  
9 to put that in there.

10 JOE SPRAGGINS: Any of the fishermen that are  
11 here, I just want you to understand that because I don't  
12 want you going out and using a net that wasn't approved.

13 JOE JEWELL: That's correct. Just one little  
14 point of clarification, this would go into affect  
15 tomorrow. The final adoption of the regulatory changes to  
16 Parts 8 and 5, once I file them today, will take thirty  
17 days from today, and, then, those are in affect.

18 JOE SPRAGGINS: We understand that Joe, but the  
19 Commission has agreed to go ahead and use the rules that  
20 were passed today for the definition of a haul seine,  
21 entanglement and entrapment, so that will be also what law  
22 enforcement will be working off of starting tomorrow  
23 morning with this rule right here.

24 COMMISSIONER BOSARGE: Yes, Chief Davis.

25 KEITH DAVIS: I would like to point out that

1 Marine Patrol, any fishermen that want to come by and let  
2 us voluntarily look at their nets to make sure that they  
3 have the proper gear, we would be willing to do that.

4 COMMISSIONER BOSARGE: Thank you, sir.  
5 We have a motion, I think, by Commissioner  
6 Havard.

7 Correct?

8 COMMISSIONER HAVARD: That's correct. I make  
9 the motion as written.

10 COMMISSIONER BOSARGE: Do we have a second for  
11 Commissioner Havard's motion?

12 COMMISSIONER GUESS: I'll second it.

13 COMMISSIONER BOSARGE: Seconded by Commissioner  
14 Guess.

15 Any further discussion?

16 (No response.)

17 COMMISSIONER BOSARGE: All those in favor aye.

18 (All in favor.)

19 COMMISSIONER BOSARGE: Opposed like sign.

20 (None opposed.)

21 COMMISSIONER BOSARGE: Motion carries.

22 All right. Next up is public comment, and we  
23 have a lot of public comments to go.

24 Mr. F. J. Eicke.

25 JOE SPRAGGINS: I don't know if he is here, or



1 not.

2 COMMISSIONER BOSARGE: He is gone.

3 All right. Next up will be Thao Vu.

4 THAO VU: Good afternoon Commissioners, General  
5 Spraggins and counselor Chesnut.

6 My name is Thao Vu. I am the Director of the  
7 Mississippi Coalition for Vietnamese-American Fisher Folks  
8 and families.

9 I am here on behalf of my constituents. Some of  
10 them are sitting in the back, some fishermen, some fisher  
11 folks, and we would like the agency here and the  
12 Commission to consider reopening the oyster reefs for  
13 harvesting.

14 Last year in 2018-2019 season, there was a quota  
15 set. However, according to MDMR, less than three thousand  
16 sacks were harvested in the seven days, and the last day  
17 was very inclement weather, so many of the boats were not  
18 able to go out and harvest.

19 We would like to have the opportunity to have  
20 particularly the agency and the Commissioners discuss this  
21 and reopening the reefs.

22 The fishermen are here. There are some letters  
23 they have signed. I'm holding over fifty letters, as well  
24 as a letter from our organization, and some of them will  
25 stand up and speak about this, how urgently they need to

1 do the work.

2           They greatly need to work. They are seriously  
3 struggling. They have been for the past several years,  
4 and last year was just the worse year ever, less than  
5 three thousand sacks.

6           Can you imagine, when they used to have a six-,  
7 or seven-month season to help raise funds for their  
8 families.

9           These hardworking fishermen, they greatly,  
10 greatly need to work. They are not asking for a handout.  
11 They just need an opportunity to work and do what they  
12 know best.

13           Thank you.

14           COMMISSIONER BOSARGE: Thank you.

15           Next up is Mr. James Sandrum (phonetic).

16           JAMES SANDRUM: I would just like to say --

17           COMMISSIONER BOSARGE: (Interposing) State your  
18 name, please.

19           JAMES SANDRUM: James Sandrum.

20           COMMISSIONER BOSARGE: Yes, sir.

21           JAMES SANDRUM: I am more fortunate than these  
22 other folks. My wife works, and I just try to make enough  
23 money to maintain my boat, and I can't even do that.

24           This cutting us off on the oyster reefs, it  
25 really hurts us bad.

1           We had a few days of bad weather, and, then, we  
2 only make a short reason like that, we are forced to go  
3 out there and risk somebody's safety over trying to make  
4 enough money to get by on, and y'all cut us on them sites.

5           The rest of that reef is dead more, or less, but  
6 St. Joe is still holding on. As bad as it has been abused  
7 hauling all them oysters off of it and all, it is still  
8 holding on.

9           I think knocking some of that stuff down and  
10 all, would help the reef myself. You know, them oysters  
11 get so big they die, and that's all they are doing. They  
12 are sitting there dying, and they are saying, well, that's  
13 the only seed they have.

14           Well, there were no small oysters harvested.  
15 They were checking for the size of oysters, and I don't  
16 know of anybody that got a ticket for small oysters.

17           The DMR, they do a good job. They check and  
18 they give you a ticket and make you go dump them, if they  
19 are too small, or whatever.

20           I don't see why we can't get a little extension  
21 on that and let us work that a little to try to get up a  
22 little more so we can buy licenses and stuff like that.

23           Louisiana license, that is a lot of money and  
24 gear. I have a lot of work I need to do to my boat and I  
25 just don't have the money for it and everything I made

1 with the boat went back in the boat.

2 Like I said, my wife works and supports us.  
3 These other fellows don't have that and my deckhands, they  
4 are about to starve to death really.

5 well, thanks.

6 COMMISSIONER BOSARGE: Thank you, sir.

7 Next up is Mr. James Miller aka Catfish.

8 JAMES MILLER: James Miller, commercial  
9 fisherman all my life.

10 we have a good stock down there in Bay St. Louis  
11 down there at St. Joe, plentiful oysters.

12 I don't know if we have met our quota yet. I  
13 don't think we have, but being a fishermen, I feel like we  
14 deserve a little bit more shot down there to clean that  
15 place up a little with the muscles.

16 Big oysters, plentiful big oysters, they are  
17 dying down there without harvesting them.

18 So we've got a little opportunity to get a good  
19 water sample, or something. Maybe y'all might need to  
20 reopen and cap it at twenty-four hundred sacks. We sure  
21 could sure them, before the season ended.

22 It has been terrible since 2009, the oil spill.

23 I'm struggling. I'm holding my composure  
24 without chewing people out because I think that we could  
25 do a lot of things differently with our disaster money we

1 got from BP, and it is not helping me out at all; a little  
2 bit, but not much.

3 If you think we are being paid by them, we are  
4 not. They have given us the least that they can give us,  
5 and we are not getting rich I promise you.

6 Maybe y'all need to take into consideration and  
7 let us harvest the twenty-four hundred sacks because it  
8 would sure would help us with license and buying gear and  
9 getting ready for the season.

10 Another issue I have, I know it's not on the  
11 agenda, but we are just not moving fast enough for these  
12 oysters.

13 I don't know what we are doing with our money,  
14 the BP money and our staff here. I just think we can move  
15 swiftly, and I have been approached. They are worrying  
16 about raising an oyster in a cage.

17 I wasn't raised on a oyster in a cage. I was  
18 raised with a dredge, not no tongs neither, and I really  
19 have PTSD, Post-traumatic Stress Disorder over it because  
20 a seven-day season is nothing.

21 I made forty thousand dollars a year in 2000 to  
22 2009 every year, six-month season.

23 I will show you my taxes. It is crazy that I'm  
24 making less than ten thousand dollars a year on a State  
25 reef today, after the oil spill.

1           We know we had a tragedy out there. Well, let's  
2 try to fix our problems.

3           You are not moving quick enough for me. I mean,  
4 I'm not wanting y'all to be at the speed of light, but I  
5 think things can be a little different with that money and  
6 work a little harder toward the fishermen.

7           I know everybody wants the cage, you know, to  
8 grow oysters up off the bottom. That is good. Don't get  
9 me wrong, but I'm a dredge fishermen. I was born and  
10 raised on it, and the steam stocking days at weems'  
11 factory and boat loads of oysters. My daddy steamed  
12 stocked, and it's just a tragedy today.

13           I love y'all and if y'all could open that season  
14 and give us a little bit more time down there, that sure  
15 would be appreciated.

16           Thank y'all for listening.

17           COMMISSIONER BOSARGE: Thank you, Catfish. Good  
18 to see you again.

19           JAMES MILLER: Yes, sir.

20           COMMISSIONER BOSARGE: Kay Nguyen.

21           THAO VU: They had to leave, but I can --

22           COMMISSIONER BOSARGE: (Interposing) You are  
23 going to have to come speak in the mike..

24           THAO VU: Mr. and Mrs. Nguyen had to leave  
25 earlier, but I am just basically summarizing their letter

1 that I gave a copy to Mr. Jewel here.

2 It says:

3 "Dear Department of Marine Resources.

4 "I am a hardworking oyster harvester

5 and longstanding resident of the

6 Mississippi Gulf Coast.

7 "I, as numerous other commercial

8 fishermen, strongly recommend that

9 the MDMR reopen the western Sound

10 oyster reefs for harvesting, since

11 the 2018-2019 season quota has not

12 been met.

13 "According to MDMR, approximately

14 less than three thousand sacks have

15 been harvested in 2018-2019 season.

16 "My family, like many other

17 commercial fishermen, are experiencing

18 significant financial hardship and

19 really need to work.

20 "We highly recommend that MDMR reopen

21 the reef for another two weeks. To

22 reiterate, MDMR should reopen the

23 public reefs, or consider

24 compensating the commercial fishermen

25 for loss of income due to the

1 insufficient harvesting days.

2 "Thank you in advance for your  
3 consideration."

4 That is the letter that they signed.

5 COMMISSIONER BOSARGE: Okay.

6 Mr. Tran, state your name, please.

7 THAO VU: I will interpret for him. His name is  
8 Mr. Tun Tran (phonetic).

9 He has been an oyster harvester for over thirty  
10 years, and he greatly recommends that the Commissioners  
11 and the agency reopen the oyster reefs for harvesting. He  
12 greatly needs to work right now.

13 COMMISSIONER BOSARGE: All right. Thank you.

14 That concludes our public comment.

15 I don't know if procedurally we can -- is there  
16 anything we need to do at this point in the meeting?

17 COMMISSIONER GOLLOTT: Mr. Chairman, let me ask  
18 Joe a question, please, sir.

19 COMMISSIONER BOSARGE: Yes, sir.

20 COMMISSIONER GOLLOTT: Joe, St. Joe, or Biloxi  
21 Bay, would any of them pass the fecal coliform count so we  
22 could open it up, if we desired to?

23 JOE JEWELL: Currently, right now the  
24 information we have available is really for the Western  
25 Sound and the answer is no.



1           The management criteria for the river stage is  
2 ten point five. The Pearl River right now is a little  
3 over eleven.

4           If the Commission decided to take action, we  
5 couldn't open the areas because of the management  
6 criteria.

7           If the Commission decided to open the area, we  
8 would just open when we met the management criteria.

9           COMMISSIONER BOSARGE: I'm going to have to ask  
10 Ms. Chesnut, at this point in the meeting, procedurally,  
11 can we legally do anything like that?

12           SANDY CHESNUT: If someone makes a motion and it  
13 passes, yes.

14           JOE JEWELL: I will give y'all a little  
15 information because of the statements weren't quite  
16 accurate.

17           The Commission passed a motion back in September  
18 and it was thirty percent by area.

19           We reached about fifty percent of the quota  
20 which is somewhere around thirty-five hundred sacks we  
21 have right now, and about fifty percent for the overall  
22 quota and about fifty percent on St. Joe, that area.

23           COMMISSIONER BOSARGE: So if we were to  
24 entertain the motion to give the Executive Director the  
25 authority to open the season back up, we would still use

1 the management plan which is the thirty percent per area.

2 JOE JEWELL: Correct.

3 COMMISSIONER GOLLOTT: Mr. Chairman, I would  
4 like to make that motion that we give the Executive  
5 Director the authority to check the reefs and, if they are  
6 manageable and we can open them and meet the health  
7 criteria, that he do so.

8 COMMISSIONER BOSARGE: And this would be for the  
9 Western Sound?

10 COMMISSIONER GOLLOTT: Yes, sir.

11 COMMISSIONER BOSARGE: We have a motion on the  
12 floor.

13 Do we have a second for that motion?

14 (No response.)

15 COMMISSIONER BOSARGE: I will actually second  
16 that motion.

17 I think it is probably a long shot that we will  
18 get any weather to actually be able to open it, but as  
19 long as we stay within our thirty percent management  
20 criteria, then, I'm okay with it.

21 JOE JEWELL: And we are expecting somewhere  
22 around --

23 JOE SPRAGGINS: (Interposing) Could we put a  
24 time limit on this thing because you just left it wide  
25 open.

1           Could you put a time limit as to when you want  
2 to do this by the end of March, or whatever?

3           COMMISSIONER GOLLOTT: Joe, what do you think  
4 would be -- yes, I imagine the end of March would be  
5 enough time.

6           JOE SPRAGGINS: I just don't want to get the --

7           COMMISSIONER BOSARGE: (Interposing) Yes, it  
8 does get warmer.

9           JOE JEWELL: Open areas in the Western Sound  
10 that have not met the quota and extend until March 30<sup>th</sup>,  
11 once it meets the management criteria.

12          COMMISSIONER BOSARGE: Correct.

13          SANDY CHESNUT: Joe, will you take a look at the  
14 motion, please?

15          JOE JEWELL: I would say that where it says  
16 "that have not met", it should be "once they meet the  
17 quota in accordance with the management plan, not to  
18 exceed March 30<sup>th</sup> of 2019".

19          When it say, "Motion to give the Executive  
20 Director the authority to open oyster reefs in the Western  
21 Sound", it next should say, "Once they have met the quota  
22 and in accordance with the management criteria".

23          SANDY CHESNUT: You are opening based on the  
24 fact they haven't met the quota.

25          Right?

1           JOE JEWELL: Well, on two factors. One, they  
2 have not met the quota, and two, the areas currently can't  
3 be opened because of the management plan.

4           SANDY CHESNUT: Right.

5           JOE JEWELL: So you could say that they have not  
6 met the quota -- oh, I see what you are saying.

7           Then, in the second sentence, say, "and once the  
8 management criteria has been met".

9           That last sentence should say, "and once the  
10 management criteria has been met."

11          SANDY CHESNUT: I'm sorry. We were working on  
12 this, and that authority is granted to the Executive  
13 Director until when?

14          JOE JEWELL: March 30<sup>th</sup>.

15          SANDY CHESNUT: March 30?

16          JOE JEWELL: Not to extend past March 30<sup>th</sup>, 2019.

17          COMMISSIONER BOSARGE: Commissioner Gollott,  
18 does that meet your standards?

19          COMMISSIONER GOLLOTT: Yes. That's fine.

20          COMMISSIONER HAVARD: Commissioner Bosarge.

21          COMMISSIONER BOSARGE: Yes, sir.

22          COMMISSIONER HAVARD: Erik Broussard, while we  
23 are talking about this, do you want to comment on this  
24 proposed motion, give us some of your thoughts?

25          ERIK BROUSSARD: I would say Joe covered most of

1 it.

2 Just to recap, the season was open for nine  
3 days. There is still fifty percent of the quota that was  
4 originally adopted by the Commission in September.

5 If I remember, it was contingent on having the  
6 relay in December which we had.

7 It was brought back up in December and the  
8 motion failed.

9 COMMISSIONER HAVARD: From a scientific  
10 standpoint, do you think it is the right thing to do?

11 ERIK BROUSSARD: Well, if I remember correctly,  
12 in September, we presented thirty percent as an option and  
13 we were comfortable with that. The resource is depleted.  
14 There is no question about that.

15 COMMISSIONER HAVARD: Thank you.

16 JOE SPRAGGINS: Erik, while you are there, a  
17 question, and this is one of the statements that some of  
18 the gentlemen had made.

19 Do we have oysters dying out there because they  
20 are getting too big?

21 ERIK BROUSSARD: We haven't seen any of that at  
22 this point through our sampling.

23 JOE SPRAGGINS: I'm just curious. I just wanted  
24 to make sure. That was the statement made.

25 ERIK BROUSSARD: Sure.

1 JOE SPRAGGINS: All right.

2 COMMISSIONER BOSARGE: Any further discussion?

3 (No response.)

4 COMMISSIONER BOSARGE: We have a motion on the  
5 floor and we have a second.

6 All those in favor aye.

7 (Commissioner Bosarge, Commissioner Gollott,  
8 Commissioner Guess in favor.)

9 COMMISSIONER BOSARGE: Opposed like sign.

10 (Commissioner Havard opposed.)

11 COMMISSIONER BOSARGE: Motion carries, three to  
12 one.

13 All right. I think that pretty well winds it  
14 up.

15 Is there any other business?

16 (No response.)

17 COMMISSIONER BOSARGE: Hearing none, or seeing  
18 none, I ask for a motion to adjourn.

19 COMMISSIONER GOLLOTT: I make that motion, Mr.  
20 Chairman.

21 COMMISSIONER BOSARGE: We have a motion.

22 Do we have a second?

23 COMMISSIONER HAVARD: I'll second the motion.

24 COMMISSIONER BOSARGE: Motion and a second.

25 All those in favor aye.

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(All in favor.)

COMMISSIONER BOSARGE: Opposed like sign.

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

Meeting adjourned.

(Whereupon, at 1:51 o'clock, p.m., the February 19, 2019, meeting of the Commission on Marine Resources was concluded.)

C E R T I F I C A T E

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

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