

COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, May 21, 2019
9:00 a.m.
Bolton Building Auditorium
1141 Bayview Avenue
Biloxi, Mississippi 39530

Commission Members:

Steve Bosarge, Chairman

Mark Havard, Vice Chairman

Ronald Daniels

Richard Gollott

Natalie Guess

Also Present:

Joe Spraggins, Executive Director DMR

Sandy Chesnut, Esq., Assistant Attorney General

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

5 We've got a few folks I would like to recognize;
6 one being Senator Mike Seymour. I appreciate you taking
7 the time out of your day to come join us.

8 We have some other special guests also with
9 Coast Crime Stoppers, Lori Massey.

10 Also, with the Coastal Mississippi Regional
11 Tourism Board, we have Erin Rosetti and Anna Roy.

12 Thank you. We appreciate you guys taking your
13 time to come and see us.

14 Next up would be The Pledge of Allegiance, and I
15 will ask Commissioner Daniels to lead us in that.

16 (The Pledge of Allegiance recited.)

17 COMMISSIONER BOSARGE: Next up on the agenda is
18 a moment of silence. We need to take the time and think
19 about things. We have lost a comrade in arms here in
20 Biloxi, and I think we've got one in Auburn, Alabama. I
21 wonder a little bit what this world is coming to.

22 I have been out of this country and I thank God
23 every day for the privilege to be here in this country.

24 So let's take a moment of silence.

25 (Moment of silence observed.)

1 COMMISSIONER BOSARGE: All right. Thank you.
2 Up next is approval of the minutes of the April
3 16th meeting.

4 Do we have any modifications, or changes, to the
5 minutes?

6 COMMISSIONER GOLLOTT: Mr. Chairman, I would
7 like to make a motion that we accept the minutes of the
8 last meeting as written.

9 COMMISSIONER BOSARGE: Okay. Commissioner
10 Gollott, turn your mike on, please.

11 COMMISSIONER GOLLOTT: Okay. Thank you.

12 COMMISSIONER BOSARGE: There you go.
13 We have a motion by Commissioner Gollott.
14 Do we have a second for that motion?

15 COMMISSIONER HAVARD: I will second the motion.

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 on the agenda will be the Executive
24 Director's report.

25 JOE SPRAGGINS: Approval of the agenda.

1 COMMISSIONER BOSARGE: I'm sorry. Approval of
2 the agenda, yes, sir.

3 We have a couple of items on the agenda. We get
4 our information about ten days out from the meeting, and
5 D2 and D3 have got a lot of information that I know me for
6 one haven't had time to really go through and look at.

7 If possible, I would like to make a motion that
8 we table those two, D2 and D3, until our next meeting.

9 COMMISSIONER HAVARD: I think we have done all
10 the background work and we are ready to present it. I
11 think most everybody is familiar with it.

12 COMMISSIONER BOSARGE: All right.

13 COMMISSIONER GOLLOTT: Mr. Chairman, I would
14 like to second your motion.

15 COMMISSIONER BOSARGE: Okay, Commissioner
16 Gollott.

17 Any further discussion?

18 COMMISSIONER GOLLOTT: Yes, it has been looked
19 at vaguely, but this is two wide-reaching items on the
20 agenda and I think we do need more time and we are not
21 just going to vote and cram it down somebody's throat.

22 It would be a good idea to put them off and let
23 everybody really dig into it and see what they are voting
24 on.

25 COMMISSIONER BOSARGE: Yes, ma'am.

1 Our stenographer is asking, Commissioner
2 Gollott, for you to speak into the mike just a little
3 more.

4 COMMISSIONER BOSARGE: That's what I saw. I
5 mean, if you look at the all the supporting documentation,
6 it is a lot. One of the supporting documents, I think, is
7 fifty-four pages. It is a lot of information.

8 We have a motion and a second.

9 Any further discussion?

10 (No response.)

11 COMMISSIONER BOSARGE: All those in favor aye.

12 (Commissioner Bosarge, Commissioner Gollott in
13 favor.)

14 COMMISSIONER BOSARGE: Opposed like sign.

15 (Commissioner Daniels, Commissioner Guess,
16 Commissioner Havard opposed.)

17 COMMISSIONER BOSARGE: I'm sorry. Let's do this
18 one more time.

19 JOE SPRAGGINS: By a show of hands.

20 COMMISSIONER BOSARGE: Yes, show of hands.

21 All those in favor aye.

22 (Commissioner Bosarge, Commissioner Gollott in
23 favor.)

24 COMMISSIONER BOSARGE: All those opposed like
25 sign.

1 (Commissioner Daniels, Commissioner Guess,
2 Commissioner Havard opposed.)

3 COMMISSIONER BOSARGE: Motion fails.

4 Agenda stays as is.

5 Do we have a motion to approve the agenda as
6 written?

7 COMMISSIONER GUESS: I'll make the motion.

8 COMMISSIONER HAVARD: I'll second the motion.

9 COMMISSIONER BOSARGE: So we have a motion to
10 approve the agenda as written.

11 Any further discussion?

12 (No response.)

13 COMMISSIONER BOSARGE: All those in favor aye.

14 (Commissioner Daniels, Commissioner Guess,
15 Commissioner Havard in favor.

16 COMMISSIONER BOSARGE: Opposed like sign.

17 (Commissioner Bosarge, Commissioner Gollott
18 opposed.)

19 COMMISSIONER BOSARGE: Motion carries.

20 Next up is the Executive Director's report.

21 JOE SPRAGGINS: Yes, sir. Thank you very much.

22 I hope Ms. Sandra is doing okay. I know you
23 were out last time and had to go back to Texas, and I hope
24 everything is doing better.

25 COMMISSIONER BOSARGE: Yes, sir.

1 JOE SPRAGGINS: She is in our prayers every day.

2 COMMISSIONER BOSARGE: Thank you, sir. We are
3 making it.

4 JOE SPRAGGINS: Just a couple of things real
5 quick.

6 The employment, we will go over a few things on
7 the contracts.

8 Next slide, if I could.

9 we've got a couple of new employees, Tiffany
10 Weidner with Fisheries and Katherine Glover also there,
11 and, then, Austin Burmaster in Finfish. I don't know if
12 they are here, or not.

13 Are any of them here?

14 (No response.)

15 JOE SPRAGGINS: I doubt it. They are probably
16 out working, but anyway we are glad to have them.

17 Then, we have these contracts. If you will look
18 at it, reverse auction to deploy limestone, and we have
19 done the reverse auction for six hundred thousand dollars
20 worth of the Bonnet Carre funds to do that.

21 Is that the one, Joe, that we just extended?

22 JOE JEWELL: Yes.

23 JOE SPRAGGINS: We are going to extend that to 7
24 June, or is that the one we are extending all the way to
25 September?

1 JOE JEWELL: I think it's the one all the way to
2 September.

3 JOE SPRAGGINS: Yes, that's the one to
4 September, and we are doing that. We asked for an
5 extension. It has gone to Jackson, and the reason for
6 that is because of the Bonnet Carre and the water, to be
7 able to put it out at a good time where it will catch spat
8 when we need to.

9 The other is we've got a Marine Patrol reverse
10 auction buying three floating boat lifts, and they have
11 already gone out with that. So it should be fine, and it
12 is coming out of the Bond Fund that we do. It really
13 helps save these boats, these new boats and all that we
14 bought. Being able to put them on those portable lifts
15 and move them around, it makes a lot of difference.

16 One other thing, it's not on there and I
17 apologize, but it just got kind of finalized yesterday.
18 We are going to have a new CFO and thank goodness after
19 nine months. I have been searching for a CFO, and her
20 name is Leslie Brewer and she is a CPA coming with us.

21 Leslie is not here today, but she is scheduled
22 to come onboard the 3rd of June.

23 We've got a CPA coming in there. It will be a
24 good deal, and I'm sure Shavay is begging for help. We
25 will be able to get her onboard soon.

1 with that, the next thing we have on it is The
2 Role of Seafood Technology and Marine Patrol in Seafood
3 Processing Plants by Ms. Sandy Chesnut.

4 SANDY CHESNUT: Good morning.

5 I have to say I am presenting this, but there
6 was a lot of cooperation going into this. I have to thank
7 Marine Fisheries' staff, especially the Seafood Technology
8 Bureau for their help and Marine Patrol for their help as
9 well, and Kim was instrumental in doing a lot of the
10 research.

11 with that, we will move forward.

12 The Commission passed a motion in March
13 requesting the Executive Director to review all the
14 regulations containing language describing the HACCP and
15 sanitation and come back to the Commission in April with a
16 Notice of Intent that makes a clear distinction between
17 HACCP and sanitation roles in the Seafood Technology
18 Bureau and the role of law enforcement in the seafood
19 processing plants.

20 The regulations referenced prior to the motion
21 were Title 22 Part 17 which applies to molluscan shellfish
22 and shellfish, including processing, and Title 22 Part 21
23 that applies to saltwater crab processing.

24 There are no regulations that apply specifically
25 to shrimp processing, but to fully analyze the different

1 roles, there are additional federal and state statutes and
2 regulations that must be included in the review.

3 Do I need to stop?

4 JOE SPRAGGINS: The screen, you can barely read
5 it. They were trying to get it where everybody can see
6 it.

7 SANDY CHESNUT: Okay.

8 Should I go on, or wait a minute?

9 JOE SPRAGGINS: Give me just a second.

10 SANDY CHESNUT: Okay. You got it.

11 JOE SPRAGGINS: There may not be anything we can
12 do, but that helps a lot right there.

13 Thank you. Sorry.

14 SANDY CHESNUT: That's okay.

15 The background information in 49-15-15 gives the
16 Commission the authority to regulate all seafood
17 sanitation and processing programs and to enter into a MOU
18 which is a Memorandum of Understanding with the Health
19 Department and Department of Agriculture to implement a
20 seafood sanitation program.

21 49-15-28 provides for a combined
22 dealer/processor license that entitles the licensee to
23 operate as a wholesale or retail dealer, or a processor.

24 There are dealers that are not also processors.
25 However, all processors are dealers.

1 As of Friday, March the 15th, the following were
2 in operation throughout the State of Mississippi, and this
3 is the breakdown. You can see there are sixty-three total
4 dealer/processor licenses, with four of those being
5 inactive.

6 Even though that is an old number from March, I
7 was told that those numbers fluctuate very slightly from
8 month to month maybe by two, or three.

9 This is the flow chart that the Seafood
10 Sanitation staff provided for me, showing the oyster
11 dealers/processors inspections, and the MDMR
12 responsibilities are with HACCP and sanitation, and it is
13 broken down as indicated.

14 The crab inspections. The MDMR has
15 responsibility for sanitation, and there is a sanitation
16 checklist that was included in the support document, and
17 they also are responsible for general inspection of the
18 facility.

19 The FDA and the Health Department cover the
20 HACCP plans and labeling of product.

21 It is the same breakdown for the shrimp
22 processing plants.

23 The MDMR has two employees in the Seafood
24 Technology Bureau, and I have a new respect for the their
25 duties because they are very, very busy and they have a

1 lot to do.

2 The qualifications for an employee to be a
3 certified inspector are outlined in the NSSP Guide, 2017
4 revision, and that was also included in the support
5 documents.

6 The inspections are conducted in accordance with
7 the NSSP Model Ordinance, January 2019. This is a
8 publication that was published by the Food and Drug
9 Administration. It includes twenty-seven inspection
10 categories, with various elements under each category.

11 For example, under Item 8, Safety of Water, the
12 inspectors are required to check the source of the water
13 supply, the plumbing, cross contamination between potable
14 and non-potable water supplies.

15 COMMISSIONER BOSARGE: Ms. Chesnut, if I could
16 ask one question?

17 SANDY CHESNUT: Yes.

18 COMMISSIONER BOSARGE: How many years has this
19 been going on, with it being this procedure?

20 SANDY CHESNUT: I would have to defer to the
21 Marine Fisheries staff for that question.

22 JOE JEWELL: The mandatory requirements came
23 into effect, in 1997.

24 As people may remember, the HACCP plan came out
25 of the food and poultry industry. It was brought up

1 before the executive board in ISSC a few years before
2 that, 94 and 95. It started implementation in 1996, but
3 became mandatory in 1997.

4 COMMISSIONER BOSARGE: And we hired our two
5 Seafood Technology Bureau people at that point in time?

6 JOE JEWELL: No, sir. The two people that are
7 onboard right now were not part of Marine Fisheries, or
8 employed here at that time.

9 we originally had four inspectors in the Seafood
10 Technology Bureau and over the years it has evolved down
11 to two. The two inspectors now have been here roughly ten
12 to fifteen years between the two of them. They have been
13 here quite a while, though.

14 COMMISSIONER BOSARGE: And they have been doing
15 most all of the inspections?

16 JOE JEWELL: They do all of the HACCP and
17 sanitation inspections for our agency.

18 COMMISSIONER BOSARGE: With the help of Marine
19 Patrol, if I understand it correctly.

20 JOE JEWELL: Marine Patrol absolutely assists in
21 that process. They have a role.

22 COMMISSIONER BOSARGE: Correct.

23 Continue.

24 COMMISSIONER GOLLOTT: Joe, over the years,
25 hasn't the processing industry shrunk quite a bit, in the

1 last twenty years?

2 JOE JEWELL: Yes, sir, Commissioner Gollott,
3 especially after Hurricane Katrina, and, then, again,
4 after the BP Oil Spill.

5 It has rebounded a little bit, but in a
6 different way. We don't have those very large seafood
7 processors and dealers that we had prior to Hurricane
8 Katrina.

9 I think there were a little over eighty at one
10 point, or close to eighty, and, now, we are down to sixty-
11 three and, as Sandy mentioned, it fluctuates from month to
12 month.

13 After Hurricane Katrina, we never reestablished
14 the industry the way it was prior to Katrina.

15 COMMISSIONER GOLLOTT: Thank you.

16 SANDY CHESNUT: When the Seafood Technology
17 Bureau inspectors discover critical violations, if the
18 violation is not immediately corrected, they call Marine
19 Patrol for potential seizure of the product and to write
20 any necessary violations. The specific citations issued
21 are determined by Marine Patrol.

22 Seizure and disposal of the shellfish for
23 sanitation violations is carried out by the Marine Patrol
24 as directed by the Commission, the Executive Director, the
25 Marine Fisheries Director, Seafood Technology Bureau

1 Director, or the inspector, and this is pursuant to Title
2 22 Part 17.

3 For other than critical violations, the
4 inspectors establish a timeline where those violations
5 must be corrected.

6 The shuckers and packers are required to have
7 quarterly inspections.

8 The shippers are required biannual inspections.

9 The Seafood Technology Bureau inspectors have
10 the authority to do unannounced inspections, but they
11 typically will do a courtesy call prior to going, and this
12 is especially the case where you have processors in the
13 northern part of the state because you want to make sure
14 the right people are there when they go for the
15 inspections.

16 FDA conducts an evaluation/inspection of
17 randomly selected facilities once a year, and they have
18 contracted with the Health Department to conduct
19 inspections.

20 There are several ways the Seafood Technology
21 staff have of discovering potential problems: routine
22 inspections, self reporting, other processors reporting,
23 public reporting, Marine Patrol reporting, or when someone
24 gets sick.

25 Seafood Technology has the authority to initiate

1 administrative suspension, or revocation of certification
2 and licenses. This goes before the Commission, and this
3 is pursuant to Title 17 as well.

4 To my knowledge, I think there was one started
5 many years ago, but I don't think anyone has ever been
6 actually processed before the Commission.

7 MDMR and the Department of Health has an MOU
8 which provides for the sharing of information between the
9 agencies, but this MOU does not limit, or otherwise
10 restrict, the authority of the Office of Marine Patrol to
11 enforce the molluscan shellfish regulations, and I
12 submitted that MOU as supporting documentation as well.

13 Seafood Technology Bureau does not regulate
14 finfish, or shrimp, products. They do not check receipts,
15 or coolers, for certain seafood products.

16 They do have the authority to ask for receipts
17 for oysters and crab products, but not for finfish and
18 shrimp products.

19 Seafood Technology does not have the authority
20 to inspect products from foreign countries, or to inspect
21 for recreationally caught products.

22 Now, we move on to Marine Patrol role in the
23 processing plants. The background information for that,
24 49-15-21, provides that Marine Patrol officers shall
25 enforce all laws and regulations for the protection of all

1 saltwater aquatic life. They are constituted peace
2 officers with full police power and jurisdiction to
3 enforce all laws of the State of Mississippi and all
4 regulations adopted by the Commission.

5 They can exercise this authority in any county
6 in the State of Mississippi and they shall investigate all
7 persons, corporations and otherwise who are alleged to
8 have violated any laws.

9 This same statute provides that the application
10 for any license, or permit, from the Commission to catch,
11 fish, take, transport, or handle, or process, any form of
12 aquatic life shall constitute acquiescence and agreement
13 on the part of the owners, captains, crews, employers and
14 dealers, and the agreement that the enforcement officers
15 may exercise the authority granted under the provisions
16 hereof.

17 97-23-3 is the specific deceptive advertising
18 statute which says that any person who sells something
19 that is deceiving, or misleading, shall be fined not more
20 than five hundred dollars and may be held civilly
21 responsible as well for the damages resulting from the
22 violation.

23 49-15-303 provides that the Commission has the
24 authority to enter into and authorize the Executive
25 Director to execute contracts, grants and cooperative

1 agreements with any public, or private, institution,
2 federal or state agency.

3 The MDMR has entered into a joint enforcement
4 agreement with NOAA, since the JEA's national inception in
5 2001. The emphasis in the JEA's directives have changed
6 over time, as we will see.

7 In 2009, the GAO report -- the GAO is the
8 Government Accounting Office. They say on their website
9 they are the congressional watchdog of the Federal
10 government.

11 In 2009, it was the FDA's turn to come under the
12 microscope of the GAO. The FDA told GAO that it focuses
13 on food safety and undertakes few fraud-related
14 activities.

15 The FDA examines only about two percent of
16 imported seafood annually, and its primary seafood
17 oversight program does not address economic progress which
18 limits the ability to detect fraud.

19 COMMISSIONER BOSARGE: Ms. Chesnut, you do
20 understand that that is mainly -- that GAO report is all
21 about imported product and the fraud taking place in other
22 countries by transshipment and the like?

23 SANDY CHESNUT: I do understand that the report
24 was about imported product, but it is also addressing
25 trying to keep it out of the stream of commerce.

1 COMMISSIONER BOSARGE: It is all about the
2 imported product and what is taking place in the foreign
3 countries and how that product comes to this country and
4 is not checked, or inspected, enough to be sure that that
5 product does not make it to our place as an adulterated
6 product full of antibiotics.

7 SANDY CHESNUT: Correct.

8 COMMISSIONER BOSARGE: Okay.

9 SANDY CHESNUT: The 2011 GAO report said that
10 the FDA needs to improve the oversight of imported seafood
11 which includes foreign countries and locally, and to
12 better leverage their resources.

13 In 2013, a Safety and Fraud Enforcement Act was
14 introduced, but it failed to be enacted. Our Southern
15 Shrimp Alliance supported this act.

16 In 2014, there was a Presidential Task Force
17 established on Combating Illegal, Unreported and
18 Unregulated Fishing and Seafood Fraud. This is referred
19 to as the IUU.

20 What came out of that is in 2015 the National
21 Ocean Council Committee was established to oversee the
22 implementation of the IUU and the implementation of the
23 Task Force Action Plan which identified fifteen
24 recommendations outlining aggressive steps required by
25 federal agencies.

1 NOAA and Department of State were named as the
2 co-chairs of the committee.

3 This has led to a national emphasis on
4 relabeling of seafood and product substitution, and it has
5 required greater cooperation between FDA and NOAA, and
6 between federal agencies and state agencies.

7 Department of Commerce which NOAA is under is
8 authorized to enforce provisions of these following acts:

9 The Magnuson Stevens Act, the Endangered Species
10 Act, as well as the Lacey Act.

11 All of those acts have a provision that they are
12 to utilize the personnel, services, equipment and
13 facilities of the State agencies.

14 Five CFR 600.725 provides that it is unlawful
15 for any person to interfere with any authorized officer in
16 the conduct of any search, inspection, or seizure, in
17 connection with the enforcement of these acts.

18 All Marine Patrol officers are deputized by the
19 Commerce Department to perform duties under the JEA
20 agreement, and this may be hard to see, but it is
21 basically saying they have the authority to act on behalf
22 of the Department of Commerce enforcing Federal Laws.

23 There is a NOAA publication that states that the
24 JEAs serve as a force multiplier for NOAA and the Office
25 of Law Enforcement, and it strengthens their ability to

1 effectively respond to numerous enforcement
2 responsibilities.

3 In 2016, our Division Enforcement Plan which is
4 under the JEA identified five general priorities and one
5 execution priority for TED compliance. So we can see, in
6 2016, the big emphasis was mostly in TED compliance.

7 In 2017, the DEP identified two general
8 priorities and three execution priorities, and this is the
9 first year that the JEA identified IUU as a priority and
10 it was elevated to execution priority.

11 COMMISSIONER BOSARGE: Just so everybody in the
12 audience is clear, IUU is basically when a foreign country
13 takes slave labor, catches fish illegally out of season
14 and imports it into this country.

15 I'm with you, Ms. Chesnut, but most everything
16 that you are citing has not anything to do with what takes
17 place in this country as much as it is in foreign
18 countries, and there is a big push by a bunch of federal
19 agencies and a bunch of trade agencies to try to stop some
20 of this.

21 I'm not quite sure how to see it relates to what
22 we are doing here.

23 SANDY CHESNUT: There is a big push to stop it
24 in the foreign countries, but it does get into this
25 country. The push is if it gets into this country, we

1 want to stop it where we can, and this is what we are
2 seeing from the JEAs.

3 In 2018, JEA and DEP identified two general
4 priorities and four execution priorities which included
5 the IUU duties, and specifically this is the provision
6 from the 2018 provision enforcement plan, and it talks
7 about specifically that the agency may document JEA IUU
8 hours when during the course of normal agency inspections
9 at commercial markets, wholesale dealers, processors and
10 all other cold storage facilities.

11 COMMISSIONER BOSARGE: This would be to look at
12 mostly imported product coming into this country.

13 SANDY CHESNUT: Yes, sir.

14 The agency will report the number of inspections
15 conducted and the outcome is sent to OLE for investigation
16 and they determine if it will be a federal offense.

17 why is mislabeling important?

18 Seafood fraud can threaten human health.
19 Species substitution may lead to the consumption of a
20 product that is riddled with contaminants, toxins, or
21 allergens, that can make people sick, including
22 anaphylactic shock which can be fatal.

23 In a 2013 article, the Southern Shrimp Alliance
24 noted that the 2009 GAO report concluded that the federal
25 government was not adequately addressing seafood fraud,

1 especially with respect to ninety-one percent of the
2 seafood that the U.S. imports.

3 The lack of oversight can harm the health and
4 finances of consumers and negatively impact the
5 profitability of U.S. fishermen who play by the rules.

6 Marine Patrol duties in the seafood processing
7 plants.

8 Marine Patrol does not check for sanitation
9 issues, but they will report anything that may seem to be
10 a sanitation issue to the Seafood Technology Bureau.

11 There have been no tickets issued to processors
12 for HACCP violations that have not been specifically
13 referred to them by Seafood Technology.

14 Marine Patrol does routinely check licenses,
15 coolers for different species of seafood and fish, and
16 receipts and invoices to match with product on hand and
17 submitted reports.

18 There have been cases regarding mislabeling
19 investigated by NOAA, along with other state agencies.

20 Alpin Brothers. In February of 2015, owner of a
21 seafood processing facility pled guilty to a felony count
22 of making, or substituting, false records in violation of
23 the Lacey Act. Falsely labeled twenty-five thousand
24 pounds of foreign raised imported shrimp as wild caught
25 product of the U.S.

1 He was issued a hundred thousand dollar fine,
2 three years probation and required to institute a training
3 program to educate staff regarding federal country of
4 origin labeling regulations.

5 This case was investigated by NOAA with the
6 assistance of the Louisiana Department of Wildlife and
7 Fisheries.

8 Another one. In September of 2005 -- the
9 sentencing took place in 2005 -- Garcia Shrimp Company
10 violation of Lacey Act. Thirty-five thousand pounds of
11 Mexican shrimp labeled as product of the U.S. A hundred
12 and fifty thousand dollar fine, three years probation with
13 conditions that subjected the company to increased
14 labeling, record keeping and audit requirements.

15 This case was also investigated by NOAA with
16 assistance from Louisiana.

17 COMMISSIONER BOSARGE: It was actually Texas
18 Parks and wildlife, but go ahead.

19 SANDY CHESNUT: I verified that Louisiana did
20 the investigation. Texas may have had a hand as well.

21 In summary, the Seafood Technology Bureau has a
22 distinct role regarding sanitation.

23 Marine Patrol has a distinct role regarding
24 enforcement.

25 There are no regulations that would prohibit

1 Marine Patrol from being in the seafood processing plants
2 and, the sanitation MOU's specifically state that law
3 enforcement's role is not limited, or restricted, by the
4 agreement.

5 State statutes grant Marine Patrol the authority
6 to enforce seafood laws and regulations and mandates the
7 acquiescence of license holders.

8 Federal statutes and the NOAA JEA grant Marine
9 Patrol the authority to enforce federal seafood laws and
10 regulations.

11 The other Gulf States have the same structure.
12 The agency regulatory staff and FDA have responsibility
13 for sanitation and HACCP, and law enforcement has
14 responsibility, under state and federal laws, to check
15 such things as licensing and receipts to verify species on
16 hand such as legal species, or legally or illegally
17 caught, or obtained, species.

18 It is not that we don't trust our seafood
19 processors, but, as we were reminded by President Ronald
20 Reagan, trust, but verify, and that's what they are doing.

21 COMMISSIONER BOSARGE: And I guess the point,
22 and we have gone a long ways around and you have given
23 quite a presentation and a lot of information, but I don't
24 think anybody here doubts that marine enforcement has the
25 right to enforce the laws of the State of Mississippi.

1 I guess the question that I have anyway is do --
2 in other words, for years and years and years, I think it
3 has been Ms. Ruth Posadas as part of the Seafood
4 Technology Bureau.

5 Was that under Marine Fisheries, or is it under
6 Marine Patrol, Mr. Joe?

7 In other words, the inspections, are they under
8 the control of Fisheries, or enforcement?

9 Who do they answer to?

10 JOE JEWELL: I'm not quite sure. Right now the
11 Seafood Technology Bureau is a part of the Office of
12 Marine Fisheries and reports through that chain of command
13 and ultimately to me, and, then, to Director Spraggins.

14 Now, originally the Seafood Technology Bureau,
15 when this agency was first formulated, was a separate
16 office, neither part of Marine Fisheries, nor Marine
17 Patrol. It was its own separate office.

18 Our first executive director when we moved into
19 this building made the determination, at that time, that
20 it would become a bureau and part of the Office of Marine
21 Fisheries.

22 So throughout its history, it has been
23 independent at some point and now it is part of Marine
24 Fisheries.

25 COMMISSIONER BOSARGE: So now what we are

1 talking about doing would be moving that to enforcement?

2 SANDY CHESNUT: There is no Notice of Intent on
3 the table to move Seafood Technology to enforcement.

4 I don't see a problem with Seafood Technology
5 staying under Fisheries. They have a distinct role in
6 sanitation, where law enforcement has a distinct role in
7 enforcement.

8 KEITH DAVIS: One of your earlier slides, Ms.
9 Chesnut, shows the different roles. You had a flowchart
10 identifying what Seafood Technology -- I think that is
11 what the chairman is asking about.

12 COMMISSIONER BOSARGE: Well, where I'm going is
13 what has changed?

14 SANDY CHESNUT: Well, nothing has changed.

15 Actually the law enforcement has been in the
16 crab and oyster processing plants for years, as far as I'm
17 aware, and there is no reason why they can't be in all the
18 plants.

19 COMMISSIONER BOSARGE: And I can understand
20 enforcement's job in policing and looking, but in those
21 plants -- because I have been in the industry all my life
22 and I've got two boats in North Carolina now. So I get to
23 see a lot of different things -- some folks will let you
24 in those plants, some folks won't, and because of the way
25 they do things especially -- and I will give you an

1 example of peeling rock shrimp.

2 There was one plant in Texas -- I won't go any
3 further than that -- that had an edge on everybody else
4 because he learned what to do with those rock shrimp
5 before he ran them through those machines and he could
6 peel a whole lot more a whole lot easier and a whole lot
7 cheaper.

8 So I guess my point is -- and I think that's
9 what our concern here is -- if you have a need to go into
10 that plant, state your need up front and do what you need
11 to do.

12 KEITH DAVIS: Mr. Chairman, if I may, I think
13 counsel has outlined that very clearly in the form of the
14 IOU responsibility that we have.

15 I couldn't care less about how you peel shrimp,
16 sir. I don't need to know how to begin to understand the
17 process.

18 What I am concerned about is imported seafood
19 making it to our restaurants and our businesses.

20 COMMISSIONER BOSARGE: Yes, sir, I agree with
21 you and probably twenty years ago that was a big problem.

22 I don't know that it is that much of a problem
23 now.

24 KEITH DAVIS: Well, excuse me. I don't know if
25 it is either, and I don't know what happened twenty years

1 ago, but what I do know is it is our responsibility to
2 ensure that it is not happening.

3 COMMISSIONER BOSARGE: Agreed, and if you have
4 proof, or you have suspicions, then, look into those
5 suspicions, but just because you have -- in other words,
6 you and all your folks will see things in those plants
7 that they don't realize is proprietary information.

8 Do you see what I'm saying?

9 KEITH DAVIS: No, sir, I don't. None of our
10 people have -- we are not processors. We are law
11 enforcement officers.

12 We are not going to go in and see any special
13 process, and, then, take it and open a business.

14 I really don't understand your argument there.

15 JOE SPRAGGINS: Sir, if I might real quick, I
16 don't think that the issue here is that anybody is trying
17 to change anything that has not been done in the past. I
18 think that is here the same way it has always been. I
19 don't think anybody is trying to do that.

20 There were some questions. I think Marine
21 Patrol had gone into to some processors, and there were
22 some questions as to why they were allowed to go in there
23 and if they were allowed to go into the processors.

24 I think the old issue is that if someone asks
25 them, or if another agency from the federal government, or

1 anything, asks them to support them in doing something,
2 then, they would need to follow those rules. I think that
3 is all we are talking about right now.

4 COMMISSIONER BOSARGE: I agree and I am a
5 hundred percent behind you for stopping illegal activity,
6 but we don't need to get so aggressive that we go on a
7 witch hunt on a hunch.

8 You see what I'm saying?

9 In other words, if you've got legitimate
10 information, then, go for it because I have been fighting
11 this fight for the better part of my lifetime. I am
12 President of Southern Shrimp Alliance and we fight it
13 hard.

14 KEITH DAVIS: Yes, sir.

15 COMMISSIONER BOSARGE: So I am with you a
16 hundred percent, but I also know a lot of processors up
17 and down the Coast and they don't want people just coming
18 in their plant for no reason.

19 COMMISSIONER GOLLOTT: Mr. Chairman, may I say
20 something?

21 COMMISSIONER BOSARGE: Yes, sir.

22 COMMISSIONER GOLLOTT: Even the federal
23 government, FDA, when they come to our plants -- and it is
24 all surprise -- they walk. They go to the office and they
25 give you a slip to sign giving them permission to go in

1 the plant.

2 They do not just show up in your plant and go
3 through the front door without notification, and I
4 understand that is what our Marine Patrol did. They just
5 went in the plants.

6 They said, well, we just want to see.

7 When our agency shows up, there is no objection
8 to you going in. You just need to go to the office and
9 notify the people in charge of the plant and go through
10 them, and you are not allowed to take pictures. The
11 federal government does not do this.

12 You can shake your head, if you want to. I have
13 talked to the processors and they said that you just
14 showed up, and, then, when it was asked, what are you
15 doing, well, I think the last explanation is you had some
16 attorney that wanted to see the plant.

17 COMMISSIONER BOSARGE: Anyhow, we just ask that
18 if there is a need for Marine Patrol to go in these
19 plants, be sure to document it. In other words, be sure
20 that there is a reason, be sure that we are doing our job
21 correctly, and be courteous enough to try to follow their
22 protocol, if you can.

23 JOE SPRAGGINS: Commissioner, if I might, sir, I
24 can promise you Chief Davis and I have had long
25 conversations about this and we have talked about what we

1 thought, and maybe the perception was that they were doing
2 something, but I can promise you the patrol officers were
3 not in there to try to figure out anything. They were
4 doing something.

5 If someone asks them to do something and if
6 there is a need from another side of an agency outside the
7 state of Mississippi, or in the state of Mississippi, that
8 they ask for help, then, we, by law, should be able to do
9 that.

10 COMMISSIONER BOSARGE: I agree.

11 JOE SPRAGGINS: I don't think that anyone of
12 them -- I don't think Chief Davis and them go to any
13 processors anymore. I have talked to the ones that
14 Commissioner Gollott is talking about, and I think we
15 understand, and it was just a misunderstanding and
16 everything is fine.

17 Our Marine Patrol officers are not trying to go
18 in and just and say, hey, I'm looking at something. I
19 want to do this. They are going only if they have a need
20 and it is only because they have been asked to do it.

21 COMMISSIONER BOSARGE: Good deal.

22 COMMISSIONER GOLLOTT: But, sir, don't we have
23 an agency that can show up in a plant without notification
24 and they always come to the office, when they come to my
25 place and say, hey, we want to inspect, and we send

1 somebody with them.

2 We have somebody in our agency already to do
3 that.

4 Why would Marine Patrol do this?

5 JOE SPRAGGINS: I think, if you go back and look
6 at the slide that was just presented, that they have no
7 control over shrimp.

8 Tell me if I'm wrong, Sandy, that he is talking
9 about our Seafood Technology.

10 SANDY CHESNUT: Correct. They have no role in
11 shrimp.

12 JOE SPRAGGINS: So, if shrimp is brought up to
13 us for other reasons -- and it is just like what we talked
14 about. It could be anything. It could be that -- he did
15 nothing -- I don't think there is anything illegal about
16 having Asian shrimp in a processing plant. It's just a
17 matter of are they are processed correctly and are they
18 done the right way and, if they are sent the right way,
19 then, I don't know that there is any problem.

20 COMMISSIONER GOLLOTT: The only thing that a
21 processor is required to do is label it "Country of
22 Origin".

23 JOE SPRAGGINS: And I understand that.

24 COMMISSIONER GOLLOTT: That is basically it.

25 JOE SPRAGGINS: And that is all. They are just

1 doing what they are asked to do.

2 Chief, I know you have worked hard at this and I
3 know that our officers aren't trying to do anything and
4 they are not trying to fool anybody. I can promise you
5 that. They are very professional in what they do.

6 COMMISSIONER BOSARGE: Like I said, I just say
7 be careful because there is proprietary information in
8 there and, even though you may not intentionally divulge
9 that, because you go to so many different places and you
10 have conversations, there could be things that slip that
11 you don't realize.

12 Just be careful. That is all I ask.

13 KEITH DAVIS: Do you mind if I respond to that?

14 COMMISSIONER BOSARGE: No, sir.

15 KEITH DAVIS: We sit here every month and we
16 talk about fishermen and making sure that these fishermen
17 are compensated fairly.

18 The main choke point when it comes to verifying
19 shrimp is just that our fishermen are working hard and we
20 are receiving shrimp into this country and their prices
21 are being driven down.

22 Marine Patrol does have a vital role, when it
23 comes to that.

24 COMMISSIONER BOSARGE: All right.

25 COMMISSIONER GOLLOTT: No, sir. I disagree with

1 you. I don't think Marine Patrol has any part in what the
2 price of shrimp is coming into this country, imported or
3 domestic.

4 I think you just need to make sure that all the
5 laws are kept.

6 KEITH DAVIS: Certainly we will do that.

7 If we receive information which we do a lot that
8 I am not going to discuss in this open forum, we are going
9 to follow up on that as per state statute, Mr. Gollott.

10 COMMISSIONER GOLLOTT: Okay. Thank you, sir.

11 COMMISSIONER BOSARGE: Thank you.

12 Next up, Joe.

13 JOE SPRAGGINS: I'm sorry. Next up is our Trip
14 Ticket Program. We were asked to look into that, and
15 Sandy has got a report for that, also.

16 SANDY CHESNUT: Again, I have to thank my co-
17 counsel for her assistance in researching a lot of this
18 information and helping me, and we had other outside help
19 as well. We have talked to a lot of the states in
20 gathering the information.

21 In March, the Commission made a motion
22 requesting legal staff to research the Trip Ticket
23 programs of other states and the federal government and to
24 present the findings to the Commission.

25 COMMISSIONER BOSARGE: Can I stop you right

1 there just for a minute?

2 SANDY CHESNUT: Yes.

3 COMMISSIONER BOSARGE: Because I went back to
4 the minutes of the meeting and the actual motion was for
5 you to check with the different states. This is
6 Commissioner Bosarge. I was clarifying the motion.

7 I said, "Say it again, Sandy, for you to
8 check with the different states and the
9 federal government on how they release their
10 their trip ticket information."

11 Correct?

12 SANDY CHESNUT: I don't have the motion in front
13 of me, but I looked at the minutes when I made this slide.

14 I think there was a lot of discussion about it.

15 You made the motion to request legal staff to
16 review Title 22 Part 9 to see if there was a variance
17 between the regulations and how it is enforced.

18 COMMISSIONER BOSARGE: And the second motion
19 that was made was the motion to cite specific variances in
20 trip ticket laws that Marine Patrol is making. That was
21 the second motion, and here are the minutes from the
22 meeting (indicating document).

23 COMMISSIONER GOLLOTT: Can I ask you a question,
24 Sandy?

25 SANDY CHESNUT: Yes.

1 COMMISSIONER GOLLOTT: Isn't the intent of the
2 law, the guts of it -- and I have been here for sixteen
3 years so I have been through a lot of exchanges and
4 everything, but it seemed to me, Commissioner Bosarge,
5 when he made the motion -- and I think I seconded it, or I
6 made the motion -- for the trip tickets, it was stated
7 that it would not be used for enforcement.

8 SANDY CHESNUT: That was the general discussion,
9 yes, and the point of my presentation is if it has been
10 used for enforcement, if it is intended to be used for
11 enforcement and if it has been used for enforcement. So
12 that is the way I went with it.

13 COMMISSIONER BOSARGE: And just to go a little
14 further because Richard and I are the two that have been
15 here the longest, he and I actually were on opposite sides
16 of the fence with the Trip Ticket Program in that Richard
17 didn't see a need for it and I did.

18 We battled that out for quite some time, didn't
19 we, Commissioner Gollott?

20 COMMISSIONER GOLLOTT: Yes.

21 COMMISSIONER BOSARGE: Anyhow, for whatever
22 reason, we wound up with a Trip Ticket System, and I have
23 asked -- I think I need to do it in the form of a motion,
24 but I have asked for the minutes of those meetings and to
25 see because the intent of this Trip Ticket System was for

1 information to better manage the fisheries and because we
2 did trip tickets in all other states up and down the Gulf
3 and the South Atlantic, I have come to realize that that
4 is proprietary information and that I made sure when we
5 put this in place that the intent was that it would not be
6 used as a tool for enforcement.

7 I don't know if anybody has ever gone back and
8 looked.

9 I actually went last night, but I can't get back
10 that far to try to find the minutes.

11 Joe, have you looked?

12 Have you seen anything?

13 In other words, I just want to clarify the
14 intent of the Trip Ticket Program.

15 JOE JEWELL: That discussion has come up
16 internally in Fisheries when listening to what the
17 Commission has requested. We are trying to go back as far
18 as we can.

19 As my memory recalls, the initial discussions
20 about implementing a complete Trip Ticket Program --
21 remember, prior to that, we had the Oyster Trip Ticket
22 Program which is a little bit separate and a different
23 format -- was in 2011. I can't recall that far back
24 exactly when it was. I think it was in mid, late summer.

25 I do know that the rule went into effect

1 December 1st, 2011, that implemented the initial Trip
2 Ticket Program. So we say 2012.

3 That is my recollection. I don't know the
4 details. I could be a little bit off.

5 COMMISSIONER BOSARGE: I'm sorry. To ahead,
6 Joe.

7 JOE JEWELL: It was 2011.

8 COMMISSIONER BOSARGE: I would like to see the
9 minutes of that meeting, please, at some point in time.

10 SANDY CHESNUT: I will answer this. In 2011,
11 the wording was the same as it is now which deals with the
12 enforcement of the Title 22 Part 9, and the wording is:

13 "MDMR enforcement personnel are authorized
14 to inspect any and all seafood purchased
15 and/or sales receipts from firms, or
16 individuals, whether licensed or not by
17 the MDMR, to ensure reporting requirements
18 listed in this part. MDMR enforcement
19 officers may not reveal confidential
20 information, except as it applies in
21 violations of the reporting requirements
22 of this part."

23 So enforcement has always been a part of Title
24 22 Part 9.

25 COMMISSIONER BOSARGE: Correct.

1 The problem is trip ticket information can be
2 used in a lot of different ways and it can be used not so
3 much on the enforcement side, but on the penalty side, and
4 it can be used to prove that there was wrongdoing done.

5 The problem we have is can trip ticket
6 information be the only information used to determine
7 guilt for a person.

8 SANDY CHESNUT: I don't think it has ever been
9 used just to determine guilt.

10 COMMISSIONER BOSARGE: Well, let me give you an
11 example.

12 When we fined the fishermen for turning in their
13 trip tickets late, did those fishermen break any laws?

14 SANDY CHESNUT: They violated a regulation
15 established by the Commission, yes.

16 COMMISSIONER BOSARGE: They broke a fishing law?

17 SANDY CHESNUT: They violated a regulation
18 established by the Commission.

19 COMMISSIONER BOSARGE: Go ahead with your
20 presentation and I will try to make my point so you can
21 understand why these fishermen are upset.

22 SANDY CHESNUT: Okay.

23 In Louisiana, their statute provides that all
24 information obtained shall used for the equitable and
25 efficient administration and enforcement of the laws

1 pertaining to the fisheries resources of the state and for
2 conservation and management purposes.

3 COMMISSIONER BOSARGE: And did you -- by chance,
4 could you actually give us that statement?

5 In other words, once again, I have no way of
6 researching this.

7 You have had since March to present this
8 information. We have had about five, or six, days to take
9 it and try to discern it and make sure that it is not
10 biased in any way.

11 SANDY CHESNUT: And no one requested me for
12 that, but, yes, I can provide you that statute. I am
13 available all the time. All you have to do is call me and
14 I will send you whatever you need.

15 COMMISSIONER BOSARGE: I understand that, Ms.
16 Chesnut, but please understand from my standpoint we serve
17 at the pleasure of the state here, but we also have -- we
18 have jobs. We have -- in other words, I work just like
19 you.

20 Your job is to do this. My job is to do the
21 best I can here with the time I have. That is why I asked
22 for a little more time to look at this because my days are
23 pretty busy, but I do want to try to do the best I can to
24 represent our fishermen.

25 SANDY CHESNUT: I will provide you whatever

1 information you need.

2 Texas statute provides that -- it mandates the
3 department to establish the statistical gathering program.

4 Texas told us that they are authorized to
5 examine the statistical reports and they actually have
6 access to realtime data on their phones.

7 COMMISSIONER BOSARGE: Okay. Let's make sure we
8 get this straight, now.

9 Texas is allowed to look at statistical data.
10 In other words, they are allowed to look at data in a
11 whole.

12 SANDY CHESNUT: From what I understand, the
13 statistical reports they are actually referring to is the
14 trip ticket data. They refer to it in different terms.

15 COMMISSIONER BOSARGE: Correct, but it is in
16 aggregate, not in individual.

17 SANDY CHESNUT: No, sir. They actually have
18 information, access to the realtime data on their phones.

19 COMMISSIONER BOSARGE: So they can pull up a
20 specific person and look at their trip ticket data on
21 their phone?

22 SANDY CHESNUT: That is what was reported to us
23 from Texas.

24 COMMISSIONER BOSARGE: I would have to disagree
25 with you, but go ahead.

1 KEITH DAVIS: That is correct, Mr. Chairman. I
2 can verify that for her. That is correct. We have seen
3 the system.

4 SANDY CHESNUT: In Alabama, their code says:
5 "All records required by this regulation
6 shall be maintained and available for
7 inspection immediately upon the request
8 of a conservation enforcement officer,
9 or other authorized agent."

10 In Florida, 68E-5.002 requires that all marine
11 life sold, exchanged, bartered, distributed, or landed, be
12 reported.

13 "The Commission may revoke, suspend, or
14 deny, the renewal of the license of any
15 wholesale, or retail, dealer for failure
16 to make the required reports, for failure,
17 or refusal, to permit the examination of
18 required reports, or for falsifying such
19 records."

20 COMMISSIONER BOSARGE: If I remember correctly -
21 - because like I say, I haven't had a lot of time, but for
22 this information, trip ticket information in Mississippi
23 to be released, that person has to be trained and
24 certified to accept that information.

25 Correct?

1 SANDY CHESNUT: Joe, do you know the specific
2 training requirements of the confidentiality laws?

3 COMMISSIONER BOSARGE: I think that is in state
4 statute. I didn't have the time to look for it in
5 chapter, but basically we went down and kind of mimicked
6 what the feds did, and that is what it is on the federal
7 side, and I'm pretty sure that is what it is on the state
8 side.

9 KEITH DAVIS: I think what you are referring to
10 is the keeper has to be -- what you are referring to is
11 you are talking about that confidentiality agreement that
12 they sign, but that is signed in their office. So
13 enforcement has access to the Trip Ticket Program.

14 If you would let her get through her
15 presentation, I think it will all come together for you.

16 COMMISSIONER BOSARGE: It states that anybody
17 that receives that information has to be trained and
18 certified to receive that information.

19 That's what I say. That's why I asked for more
20 time, but go ahead.

21 KEITH DAVIS: If she can get through her
22 presentation, I think it will all come together and you
23 can understand it better.

24 SANDY CHESNUT: In Florida, the wildlife
25 Conservation Commission law enforcement is not allowed to

1 use the trip tickets to make a case, but the officers are
2 allowed to request trip ticket data for review to verify
3 observations in the field either prior to, or during, an
4 investigation of an individual's fishing activities.

5 Florida officers frequently request copies of
6 trip ticket data for an individual for these purposes.

7 Law enforcement is also notified in cases of
8 significant delinquency, or non-reporting by seafood
9 dealers with regards to commercial trip tickets.

10 Because Florida has a MOU with NOAA, federal
11 enforcement officers may also be provided confidential
12 trip ticket data upon request.

13 COMMISSIONER BOSARGE: Can you back up one
14 second?

15 when you talk about Federal Trip Ticket System
16 and secretary subject to the data confidentiality
17 provisions of the MSA, could you cite some of those for
18 us?

19 SANDY CHESNUT: You are going ahead, I think,
20 instead of back.

21 COMMISSIONER BOSARGE: Oh, I'm sorry. I'm ahead
22 of you. Okay.

23 SANDY CHESNUT: Of course, we have already gone
24 over Mississippi's Title 1 part.

25 I do not have those confidentiality provisions

1 with me.

2 Like I said, the focus was on whether it could
3 be used for enforcement, or not. That is the subject of
4 my presentation.

5 Under Federal Law, the Secretary, subject to the
6 data confidentiality provisions, may disclose information
7 as necessary and appropriate to any other federal, or
8 state, government agency, as long as the agency has
9 procedures to protect such information from unintended,
10 unauthorized disclosure and when such disclosure is
11 necessary to ensure compliance with any law, or
12 regulation, enforced by the Secretary, to assist in any
13 investigative, judicial, or administrative, enforcement
14 proceedings.

15 NOAA Fisheries. Dealers not submitting complete
16 and accurate electronic reports within the required time
17 frame will be considered out of compliance and may be
18 referred to the NOAA OLE for further action. This was on
19 their website.

20 There have been numerous examples of trip ticket
21 data being used for enforcement purposes over the years.

22 In 2009, Golden Eye Seafood, Robert Lumpkins and
23 fifteen others were charged with illegally harvesting and
24 under-reporting striped bass.

25 They admitted to failing to record and falsely

1 recording the amount of striped bass the fishermen had
2 harvested.

3 They were given eighteen months in prison with
4 three years probation and a thirty-six thousand dollar
5 fine and a hundred and sixty-four thousand dollars
6 restitution.

7 COMMISSIONER BOSARGE: Once again, if you look
8 at this, these fishermen were caught and arrested for
9 fishing violations.

10 The trip ticket data was used just to verify the
11 illegal act.

12 SANDY CHESNUT: That's correct.

13 In 2018, James Craddock and eleven others pled
14 guilty for federal charges for violating the Lacey Act.

15 They were charged with filing false reports in
16 connection with the illegally harvested fish.

17 NOAA conducted an analysis of electronic data
18 and written reports from those vessels. I confirmed with
19 NOAA OLE that trip tickets were reviewed in this
20 investigation.

21 During the investigation, Craddock made false
22 statements to NOAA concealing the true location of the
23 harvest in his federal vessel trip reports.

24 Thirty-two co-conspirators were involved, but
25 only twelve were charged and sentenced. Illegally

1 harvested thirty-one thousand pounds in 2009 and a hundred
2 and two thousand pounds in 2010, with a retail value of
3 one point one million dollars.

4 The annual trawl quota for North Carolina is a
5 hundred and sixty thousand pounds which means the illegal
6 harvesting of this species reduced the quota available to
7 be caught by honest fishermen.

8 Four vessels were forfeited. Other assets of a
9 hundred and twenty-four thousand were forfeited. One
10 point two three million in restitution, with the most
11 egregious conspirator paying six hundred and fifty-three
12 thousand seven hundred and ninety-five dollars. Probation
13 from fisheries activities for a total of thirty-eight
14 point five years and eight hundred and fifty hours of
15 community service, with three of them serving six months
16 of home confinement.

17 COMMISSIONER BOSARGE: And, once again, this is
18 a case where they broke the law, they got caught breaking
19 the law, and the trip ticket data was used to verify what
20 they did.

21 SANDY CHESNUT: Jessie Lambas. In 2010, he was
22 arrested for falsifying trip ticket information in order
23 to file a BP claim.

24 His statement in that press release says that
25 Louisiana routinely reviews trip tickets from the

1 commercial industry to ensure the most accurate data is
2 collected. Inaccurate, or embellished, trip tickets will
3 be investigated by the department's law enforcement
4 division.

5 COMMISSIONER BOSARGE: Now, hold up just a
6 minute because that is very misleading. Let me find my
7 information.

8 That gentleman, he was arrested for falsifying
9 trip tickets, and what actually happened was when he was
10 charged, he was charged with filing false public records,
11 injuring public records and theft by fraud.

12 It had nothing to do with trip tickets. What he
13 did was he took trip tickets that he was issued in 2008
14 and submitted them to BP.

15 The State of Louisiana never had the trip
16 tickets. All they had was the trip tickets that he gave
17 to BP.

18 The actual article, it says:

19 "Lambas filed documents showing he caught
20 five thousand six hundred and forty-four
21 pounds shrimp worth more than ten thousand
22 dollars and collected three payments from
23 BP totaling three thousand dollars.
24 wildlife and Fisheries has no record of
25 those trip tickets."

1 That came from houmatoday.com, posted in 8-6-
2 2010, at 10:05 in the morning.

3 So to be totally honest with you --

4 KEITH DAVIS: (Interposing) You read the case.

5 COMMISSIONER BOSARGE: I am trying to do my
6 homework.

7 KEITH DAVIS: Yes, sir, but it says that they
8 didn't have a record of it. If they didn't have a record
9 of it, then, he could not submit it to BP for a claim.
10 That's what it is saying.

11 COMMISSIONER BOSARGE: That's what I'm saying.
12 He submitted it to BP as if he had submitted it to the
13 state, but he actually never submitted it to the state.
14 He only submitted it to BP, and, then, once they got to
15 checking, then, they realized that he had not submitted it
16 to Wildlife and Fisheries.

17 So this is kind of a false narrative we have
18 here in this case.

19 SANDY CHESNUT: To continue on, December of
20 2011, Harper's Seafood pled guilty to conspiracy to
21 purchase fish they knew had been taken and sold in
22 violation of Florida laws and regulations, and to making
23 and submitting false Florida Marine Fisheries Trip
24 Tickets.

25 Harper was fined fifty thousand dollars and

1 given three years probably. Co-defendants were given
2 twenty-five thousand dollars fine, three years probation;
3 five thousand dollars fine, three years probation.

4 This was investigated by NOAA and the Louisiana
5 Department of wildlife and Fisheries.

6 COMMISSIONER BOSARGE: And, once again, this was
7 a gentleman out of Georgia and he was buying
8 recreationally-caught fish and there was a guy in East
9 Point, Florida, that was, also. So they got him for a
10 Lacey Act violation and they used the trip ticket
11 information to back up what they had cited him for and
12 what they arrested him for.

13 SANDY CHESNUT: That's correct.

14 Cowart Seafood, July 2017, selling fish to
15 Louisiana seafood buyers that was taken in violation of
16 Mississippi Law, failing to report seafood purchases on
17 trip tickets to MDMR and buying fish from recreational
18 fishermen.

19 He received twenty-five months in Federal prison
20 for conspiracy to violate the Lacey Act and illegal
21 possession of a short barrel shotgun.

22 This was investigated by NOAA and the MDMR.

23 And, again, these are just showing that the Trip
24 Ticket Program has been used for enforcement purposes.

25 COMMISSIONER BOSARGE: It has been used to back

1 up the arrests that had been made.

2 where I have a problem is, like I said before,
3 when the trip ticket information is the only information
4 you have and you make a case based off of that. That's
5 enforcement.

6 I've got one question. It comes back to Texas.
7 That keeps bugging me.

8 Is Texas part of the Trip Ticket Program, Joe
9 Jewell?

10 JOE JEWELL: Well, they are and they aren't.

11 I'm going to let Matt Hill answer that question.
12 He is much more familiar with the exact program and the
13 reporting requirements of each state.

14 COMMISSIONER BOSARGE: I've been to Texas and --
15 anyhow. I had trip tickets in the State of Texas.

16 MATT HILL: Thank you, Commissioner.

17 They do receive funding from Gulf States to
18 provide them with the information. However, they have
19 their own unique Trip Ticket System. They do not use Gulf
20 States Trip Ticket System, and I will explain it.

21 For our offshore fishery to track Red Snapper,
22 we use Tails n' Scales.

23 we can do whatever we want with that data,
24 because e paid for it, we funded it and, now, we have an
25 outside source funding it, but we also do send it to NOAA,

1 but they don't send us any -- we don't get any funds for
2 that. It is outside of the normal program of the MRIP
3 Program.

4 Texas is in a similar situation with their Trip
5 Ticket Program. They have a stand-alone Trip Ticket
6 Program for the State. They can do whatever they want to
7 with it inside the state for enforcement purposes, to
8 release the information. They have no restrictions, as do
9 we, but they do receive some funding to get it into the
10 NOAA System through Gulf States, but it is not the Bluefin
11 System that we are accustomed to here.

12 COMMISSIONER BOSARGE: So they don't have to
13 abide by quite all the regulations that we do here in
14 Mississippi?

15 MATT HILL: They just have to provide the data.
16 That is all they have to do. They are not required to use
17 the same system that we use.

18 COMMISSIONER GOLLOTT: Mr. Chairman.

19 COMMISSIONER BOSARGE: Yes, sir.

20 COMMISSIONER GOLLOTT: Let me say this. A lot
21 this is irrelevant, if the motion was made that they
22 couldn't use these trip tickets for enforcement when the
23 law was passed.

24 I think the best thing to do is go back and see
25 exactly what the motion was.

1 COMMISSIONER BOSARGE: To the best of my
2 knowledge, Commissioner Gollott, it wasn't a motion. It
3 was more a statement of intent.

4 COMMISSIONER GOLLOTT: It would be the minutes.
5 Right?

6 COMMISSIONER BOSARGE: It will be in the
7 minutes, yes, sir.

8 MATT HILL: I will say one thing on that, and we
9 are all at a handicap here.

10 The minutes are not in the building right now
11 that we need. They are being scanned something, but we
12 have called and we've got the minutes that are applicable
13 the best that we could get them, but we don't physically
14 have the minutes right now. We cannot track them down,
15 but in October of 2011 is when this all took place, when
16 the intent discussion took place and the motion discussion
17 took place, and I will just go ahead and read it, but I am
18 not -- we are not against using trip tickets to validate
19 enforcement, any way we can help enforcement.

20 The issue that we have had this entire time is
21 the intent of it is we weren't up front with the
22 fishermen, the dealers and the processors with what we are
23 doing right now, and the motion, or the conversation, or
24 the intent and Commissioner Bosarge read it:

25 "Recent events have demonstrated the

1 need for the implementation of
2 Commercial Trip Ticket Program for
3 Mississippi Fishery. The enactment
4 of a Commercial Trip Ticket Program
5 will provide the Commission and the
6 department valuable information on
7 the commercial fishing effort in the
8 State and adjacent waters. This
9 information will be used to make
10 more informed decision on the
11 management of the various commercial
12 species. This same information would
13 also aid true commercial fishermen in
14 documenting their losses in the after-
15 math of disasters such as Hurricane
16 Katrina and the BP Deep Water Horizon
17 oil spill.”

18 That was the intent and the gist of the
19 conversation and full disclosure, I don't have. We just
20 have bits and pieces here. We did the best we could, when
21 we got here, but this was the intent of the Trip Ticket
22 Program.

23 If the intent needs to shift, I don't have an
24 issue with it. We don't have an issue with it. We just
25 need to state what all the intent is now so everybody is

1 on the same page, management, enforcement, dealers,
2 fishermen and processors, what it will and will not be
3 used for, but this is what was passed.

4 COMMISSIONER BOSARGE: Correct, and I don't have
5 a problem with enforcement, after they have made a case of
6 whatever illegal activity took place, going back and
7 looking at trip ticket data to verify what was done, but
8 just to have access to trip ticket data to look for
9 something being done wrong, no, no, no.

10 I mean, there is -- let me ask you a question.

11 MRIP data. We do MRIP interviews.

12 Correct?

13 MATT HILL: That's correct.

14 COMMISSIONER BOSARGE: All right. When we do
15 the MRIP interviews, that person that is being interviewed
16 is told that this is not anything to do with enforcement.
17 This is strictly information. If you have any illegal
18 fish, any undersize, any over the limit, there will be
19 nothing done. We just want the information.

20 Correct?

21 MATT HILL: That is correct.

22 COMMISSIONER BOSARGE: So what would be the
23 difference if we went back to the MRIP data and started
24 pulling out all the names of the people that had illegal
25 fish and start writing tickets?

1 MATT HILL: And that is one of the issues that
2 has come up that they have actually asked us to add is
3 whether they have a fishing license or not and what the
4 license number is, and we have denied that request.

5 COMMISSIONER BOSARGE: And that would be the
6 last thing I would want to do.

7 MATT HILL: That starts -- it is the integrity
8 of the data.

9 Now, we do need to valid the data, but it is to
10 be used in aggregate form and we don't have anything that
11 gets down to the personal level on the MRIP data.

12 COMMISSIONER BOSARGE: But you see what I'm
13 saying, if you did, if you did have that?

14 MATT HILL: Yes.

15 COMMISSIONER BOSARGE: Now, you have told that
16 person that you are not going to use this information
17 against them which is basically what we told the people
18 that we were going to do with the trip ticket information.
19 We are not going to use this. This will not be used as a
20 tool for enforcement.

21 And what have we done?

22 SANDY CHESNUT: Like I said, I went back and
23 looked at the regulation, Title 22 Part 9. Enforcement
24 has always been in that regulation.

25 Now, that may have been the discussion, but the

1 regulation has always included enforcement.

2 COMMISSIONER BOSARGE: Correct, and I would like
3 for you to go back and research because I'm pretty sure I
4 read it in the statute where anybody seeking that
5 information has to be certified and trained on how to
6 handle that information.

7 Is that correct, Joe?

8 Am I off base that far?

9 JOE JEWELL: Well, I'm not quite sure what
10 statute that you are referencing. You will have to make
11 that clear to us so we can look at it, but here is what I
12 know about the process and Mr. Hill can correct me if I'm
13 wrong.

14 The true holder of all the trip ticket data,
15 with probably the exception of Texas, is Gulf States
16 Marine Fisheries Commission.

17 By contract, we accumulate and provide that data
18 to them.

19 Now, there is certain training that several of
20 our staff have to go through to be able to manipulate the
21 program that accumulates and processes the trip ticket
22 data. So they are trained that way. I don't know of any
23 federal rule, or requirement.

24 Now, all those people that process that data,
25 have access to that data have to be certified as NOAA

1 Confidentiality officers. That is correct.

2 All the staff of Marine Fisheries that processes
3 that data, have access to that data, they are registered
4 NOAA Confidentiality officers.

5 Does that help?

6 COMMISSIONER BOSARGE: It does, but that's what
7 I say. That's why I asked for a little more time. It
8 sure would have been nice to have just a little more time
9 and I wouldn't have to guess my way through this.

10 COMMISSIONER DANIELS: I've just got a question
11 here.

12 A lot of the talk seems to be pointed towards
13 what we had happen last year and, Chief Davis, if you
14 will, the under reporting, or non reporting, did you go
15 get trip tickets and that's how you found out about that?

16 KEITH DAVIS: No, sir. We have never used trip
17 tickets to bring charges against anyone. We have only
18 used trip tickets to verify information we already had.

19 COMMISSIONER DANIELS: Thank you.

20 SANDY CHESNUT: I will just finish out the
21 presentation. We continue the discussion, if we need to.

22 Orient Seafood. In 2018, the owner admitted to
23 conspiring with others to under report the amount of sea
24 cucumbers they purchased by approximately twenty-five
25 thousand pounds, with a profit of approximately one point

1 five million dollars.

2 He admitted to falsifying fish tickets, failed
3 to prepare tickets, failed to retain tickets submitted by
4 others and paying cash so that there would be no financial
5 record.

6 The court ordered him to pay the same amount in
7 fines as his profit which was one point five million
8 dollars.

9 In summary, the trip ticket data can and has
10 been used for enforcement purposes by all the Gulf states
11 and the United States.

12 COMMISSIONER BOSARGE: And that Orient Seafood
13 Product case was they pled guilty to conspiracy to violate
14 the Lacey Act, and they had no trip tickets. They
15 falsified fish tickets.

16 Anyhow, we have to be careful what we use this
17 information for because most of the fishermen I talk to
18 now, they don't want to be involved with the Trip Ticket
19 System anymore because they were led in to believe that
20 this would be a system that would help them to tell who
21 they are and what they are, but also help this agency to
22 better manage the fisheries.

23 Now, this same information that they are
24 providing is being used against them, and that is not
25 right.

1 KEITH DAVIS: Commissioner Bosarge, would you
2 entertain a statement of verification, or clarification?

3 COMMISSIONER BOSARGE: You are going to have to
4 speak up, Chief.

5 KEITH DAVIS: I said, would you entertain a
6 clarification?

7 COMMISSIONER BOSARGE: Yes.

8 KEITH DAVIS: I don't know what the intent was
9 of the Commission at the time, but when Mississippi
10 received the funding to implement this program, 16 US Code
11 1881 states that the state employees who are responsible
12 for fisheries management plan enforcement, if the state's
13 employment of the those employees have entered into a
14 fisheries enforcement agreement with the Secretary of
15 Commerce.

16 I don't know if that was overlooked when this
17 implemented, or not, but it is clearly, as Sandy has said,
18 enforcement has always been a part of this program.

19 COMMISSIONER BOSARGE: And I agree with you. It
20 is just how you use it and who is allowed to look at it
21 and the way it is used.

22 I think if you go back and look at some of the
23 federal guidelines which we are supposed to follow --
24 anyhow, like I say, I would like to have just a little
25 more time.

1 KEITH DAVIS: I also think that you may have a
2 misinterpretation of how we use the information.

3 I don't go to Fisheries and say, I want to see
4 trip tickets for Mark Havard. We don't do that, and the
5 information we do receive, it is in aggregate form.

6 In fact, we keep that information from
7 Fisheries. We don't allow them to know what we are
8 working on when we are working on it.

9 I think there is a misunderstanding on your
10 behalf on how we, in enforcement, is using that program.

11 COMMISSIONER BOSARGE: I disagree.

12 I see Director Spraggins I think had to step out
13 for a minute.

14 If I can get back to my agenda...

15 COMMISSIONER GOLLOTT: The next thing is Off-
16 Bottom Oyster Aquaculture, Jason Rider.

17 COMMISSIONER BOSARGE: Yes.

18 up next would be Jason Rider, Off-Bottom Oyster
19 Aquaculture Program.

20 JASON RIDER: Thank you, Commissioner.

21 Good morning Commissioners and legal.

22 My name is Jason Rider. I'm the Oyster
23 Extension Agent for the Department of Marine Resources. I
24 want to give a quick update on the Off-Bottom Oyster
25 Aquaculture Training Program.

1 To refresh y'all's mind, I gave a presentation
2 last year about this time, but I just want to give an
3 update on where we're at and what we are doing.

4 The Off-Bottom Oyster Aquaculture Program is a
5 RESTORE Act project that aims to teach potential and
6 current commercial oyster farmers all aspects of off-
7 bottom oyster farming.

8 Upon completion, participants will be positioned
9 to operate and maintain an off-bottom oyster farm and this
10 program was approved for two years and we began training
11 individuals in 2018.

12 This program came from the Governor's Oyster
13 Council. Training is free, and we gave preference to
14 commercial fishermen and veterans.

15 The whole intention of the program and training
16 is to increase the quantity and value of Mississippi's
17 oyster harvest.

18 Overview of the program. It is dedicated into
19 two phases.

20 Phase one covers classroom training and related
21 to the essentials of operating an off-bottom oyster
22 aquaculture farm. During this phase, participants attend
23 classroom training sessions. They receive grow-out gear
24 that they learned about in the classroom sessions. They
25 also have space to grow seed oysters to market size.

1 This allows the participants the opportunity to
2 learn the scope and work required to become an off-bottom
3 farmer.

4 Phase two focuses on the profitability and
5 sustainability of an off-bottom farm. This is when they
6 lease acreage from the State of Mississippi and begin
7 their commercial operation.

8 Here is an overview of the commercial park. As
9 you can see, it is south of Deer Island between Katrina
10 Key and the eastern end of Deer Island.

11 The training area which is the yellow area is
12 ten acres, and, then, we have approximately fifty acres
13 for lease. It is seven hundred and fifty yards from Deer
14 Island and four hundred yards from Katrina Key.

15 It is hard to see on the overhead here, but that
16 is an aerial shot of the park. If y'all would like to
17 have clearer pictures, please let me know.

18 The first training class, we had twenty
19 participants that began in 2018. In June of 2018, as we
20 covered with the summary, participants attended classroom
21 training, selected oyster growing gear from the knowledge
22 gained from the training, and, then, they received ten
23 thousand oyster seeds and a run of training gear to manage
24 until June of 2019.

25 Some of the requirements that the participants

1 did over this time was installation of the gear, weekly
2 gear maintenance, grading, splitting, tumbling, site
3 maintenance and, of course, DMR employees helped with
4 survival, growth and quality of those oysters.

5 Once they complete all their requirements of the
6 Oyster Farming Fundamentals Class and field training
7 sections of the program, participants are eligible and
8 have been subleasing acreage within the Deer Island Park.

9 We do require business plans for participants to
10 have a plan of action on how they are going to move
11 forward, and, then, also, they have to return all gear,
12 returned and cleaned.

13 Some results from the 2018 class were the
14 participants were given r6's, the seed oysters, the size
15 that they received on August 11th. They received a total
16 of approximately a hundred and sixty thousand oysters
17 between thirteen participants that received oysters.

18 We have thirteen people leasing twenty-five
19 acres in the Aquaculture Park, and they have thirteen
20 businesses started because of this training program.

21 First harvest of oysters was April 9th, 2018,
22 from a participant. The average size of the oysters today
23 is between two and three-quarters and three-and-a-half
24 inches, and they are selling the oysters locally in
25 Mississippi. These are going to wholesalers, retailers

1 and restaurants.

2 Next steps of the program. We do plan for the
3 first year participants to transition to private leases
4 and they are doing that.

5 what that entails is they buy their own
6 equipment, buy their own seed, transition to a lease area
7 and start a business, and that is the end goal with this
8 whole program is to start a business and to grow some
9 oysters.

10 MDMR did begin the second training program on
11 March 16th, 2019. That has twenty-five participants
12 currently enrolled. Classroom training is complete, and
13 they will start the field training application of it in
14 mid July.

15 Because of the interest in the program, DMR has
16 submitted an additional expansion permit for a hundred and
17 thirty-two acres. This is to the west of our current
18 lease area.

19 I can show you on this map here. It is directly
20 to the west of the training area. It follows pretty
21 parallel with the existing site. That is in application,
22 that is in process with the DMR and also the Corps of
23 Engineers.

24 If anyone has any questions, I will be happy to
25 take them, but that is a quick summary of the program.

1 COMMISSIONER DANIELS: Jason, I do, if I may.

2 JASON RIDER: Sure.

3 COMMISSIONER DANIELS: I had an individual pose
4 this question to me the other day, and I haven't been out
5 there to personally see the site, so I figured I would ask
6 you.

7 How is this marked?

8 Are there lights there, if people are running at
9 night?

10 JASON RIDER: Yes. we are following all Coast
11 Guard regulations with our lighting requirements. The
12 corners are marked, and, then, the individuals that lease
13 acreage do have to follow all leasing requirements to mark
14 their corners.

15 COMMISSIONER DANIELS: Okay. Thank you.

16 COMMISSIONER GOLLOTT: Jason, the word on the
17 street is there was some theft out there.

18 Is there any truth to that?

19 Can you talk about it?

20 JASON RIDER: There has been some theft
21 unfortunately, and we are monitoring the situation. We
22 are working internally to come up with a plan of action to
23 try to prevent that, but, unfortunately, this is an area
24 south of Deer Island that does not have a lot of
25 visibility during the evenings and at nights.

1 COMMISSIONER GOLLOTT: Thank you, Jason.

2 COMMISSIONER BOSARGE: Those oysters that were
3 harvested, was this one grow-out season?

4 JASON RIDER: Yes. They received the oysters
5 last August. They started at r6's which is about five
6 millimeters, and, then, they grew out to about two-and-a-
7 half to three inches this spring.

8 COMMISSIONER BOSARGE: Because there are
9 different methods of raising these oysters, is everybody
10 using the same method, I guess, pens and cages?

11 In other words, is everything using the same
12 method?

13 JASON RIDER: One of the things that is covered
14 in the training program is the different methods that you
15 can raise oysters in. There are about three that people
16 use in the Gulf of Mexico.

17 Unfortunately, at our site, the depth is
18 relatively deep. It is about eight foot in most areas.
19 So the floating cages, or baskets, is what the majority of
20 people are using.

21 Now, if the depth was shallower in that area, or
22 any other area in the state, that does open up the
23 possibility to alternate methods.

24 COMMISSIONER BOSARGE: And, then, I guess,
25 because, then, they can walk the bottom and actually do

1 some of the -- there is a lot of physical labor involved
2 in it.

3 JASON RIDER: There is a lot of physical labor
4 and, if you can walk in the water about chest level, it
5 does open up other avenues.

6 The site that we have behind Deer Island, it is
7 about eight foot deep so you can't walk most of the time.

8 COMMISSIONER BOSARGE: And the site we have in
9 Jackson County, it is about the same?

10 JASON RIDER: The site in Jackson County off of
11 Round Island is probably ten plus, but we hope that this
12 builds into private individuals leasing their own acreage
13 outside of the DMR park.

14 Now, if they look at areas throughout the Gulf,
15 or throughout Mississippi that have shallower areas, they
16 are open to that.

17 COMMISSIONER BOSARGE: And do these -- for them
18 to harvest those oysters, does the water have to meet
19 certain...

20 JASON RIDER: Yes. We follow all classification
21 regulations that shellfish currently follows. The area
22 behind Deer Island is an approved area so it is open the
23 majority of the year, unless extreme flooding, or
24 hurricanes, red tide, something like that.

25 Jackson County is a conditionally approved area.

1 They have to follow the management criteria.

2 COMMISSIONER BOSARGE: So there possibly would
3 be times when they could not harvest their oysters because
4 of water quality?

5 JASON RIDER: That's correct.

6 COMMISSIONER BOSARGE: Thank you.

7 JASON RIDER: Thank you.

8 COMMISSIONER BOSARGE: Also, I have been asked
9 by one of the other Commissioners, and maybe you can give
10 us an update on Snapper season, when it opens?

11 Okay. We are going to let Paul Mickle do that,
12 please.

13 PAUL MICKLE: Thank you, Chairman. I appreciate
14 it.

15 Director Spraggins had to step out, but he did
16 want to mention, in his Executive Director's report, that
17 the Snapper season is opening this Friday, May 24th,
18 through September 2nd, with a mid-season closure between
19 July 8th and the 28th, very similar to last year and, again,
20 we are fishing under our second year of our exempted
21 fishing permit which was granted by NOAA through Gulf
22 Council.

23 Are there any questions about the season itself?

24 It is pretty much Memorial Day through Labor
25 Day, with about a two-and-a-half week break in the middle

1 of July for assessment.

2 COMMISSIONER BOSARGE: And we have a TAC of?

3 PAUL MICKLE: What is the TAC, one fifty-one?

4 JOE JEWELL: Hold on just a second.

5 COMMISSIONER BOSARGE: I think that's what it
6 is.

7 JOE JEWELL: It is a little over a hundred and
8 fifty.

9 COMMISSIONER BOSARGE: And are we going to do
10 this year like we did last year where we have basically a
11 two-week break in the middle of the season?

12 PAUL MICKLE: Yes, sir. Between July 8th and the
13 28th, there will be a closure where the scientists actually
14 assess the harvest, the harvest rate, all these different
15 things, and, again, we are trying to project out to get to
16 Labor Day which gives us the most Federal fishing days out
17 to two hundred miles than any state in the Gulf.

18 JOE JEWELL: The total is a hundred and fifty-
19 one thousand.

20 COMMISSIONER BOSARGE: We have to manage to ten
21 percent less?

22 JOE JEWELL: Ten percent less. That's correct.

23 PAUL MICKLE: That's correct.

24 JOE JEWELL: Then, the State Charter-For-Hire,
25 they were over. So there was an allocation that has to be

1 subtracted from their current allocation, under the EFP.

2 COMMISSIONER BOSARGE: That's right. If they go
3 over, it has to come off the next year's catch.

4 PAUL MICKLE: Just a reminder that all
5 recreational Red Snapper fishermen do need to register
6 with Tails n' Scales and have their trip number upon them,
7 when targeting Snapper during the season.

8 You can make trips up to five days out for the
9 authorized season. So, although the season doesn't open
10 up until Friday of this week, you can still get into the
11 system and open up your trips to start on Friday. You can
12 do it up to five days out. So you can start making trips
13 now. You can't go now, but you can get your authorization
14 number for when it opens on Friday.

15 COMMISSIONER BOSARGE: Yes. That's good. We
16 don't want to overload the system.

17 COMMISSIONER DANIELS: Have there been any
18 changes to Tails n' Scales at all, or are the anglers
19 going to see the same thing they did last year?

20 PAUL MICKLE: Very similar.

21 I will let Marine Fisheries answer that, as the
22 program exists in their office, but, from what I know,
23 there have been very small additions to it making it more
24 efficient, but it is so similar to what they are
25 recognizing.

1 To your question, it won't overwhelm them with a
2 new type of system. It is very, very similar to last year
3 and the prior.

4 MATT HILL: It has been updated. It is a new
5 version. Most phones will update it automatically. We
6 are going to send out the press release today, and, then,
7 all the users will get an email shortly following that
8 asking, if it doesn't automatically update, to update, but
9 the user will not notice anything different about the
10 system. It was some things that we did on the back end on
11 the data line side of it, but the interface with the user
12 in the program, it is the same.

13 COMMISSIONER BOSARGE: Thanks, Paul.

14 We have a request for a break, but Commissioners
15 Report.

16 Do we have any Commissioners that want to report
17 anything?

18 (No response.)

19 COMMISSIONER BOSARGE: Hearing none, I am going
20 to ask for a quick ten-minute break, and, then, we will
21 resume our meeting basically at quarter to eleven.

22 MEETING STANDS IN RECESS

23 COMMISSIONER BOSARGE: All right. That's good.

24 I tell you the breaks are good. It gives
25 everybody a chance to kind of visit just a little bit and

1 unwind.

2 Actually, I have a gentleman back here, one of
3 the old time Biloxi fisherman that is here for the
4 meeting.

5 Mr. Tommy Shultz, would you stand up just for a
6 minute, please?

7 TOMMY SCHULTZ: Yes, sir.

8 COMMISSIONER BOSARGE: That is Mr. Tommy
9 Schultz, born and raised here in Biloxi, in the museum
10 down there on the Point. A good guy. Good guy. I
11 enjoyed visiting with him during the break.

12 All right. Let's get it back going. I will
13 bring he meeting back to order.

14 Up next on the agenda is Office of Marine
15 Patrol, Chief Davis.

16 KEITH DAVIS: After that last session, I don't
17 know if I feel comfortable with standing up here.

18 COMMISSIONER BOSARGE: Come on, now, Chief.

19 KEITH DAVIS: Before we get into the report,
20 there is a presentation. These people have been sitting
21 here waiting for a while. So, if you don't mind, we could
22 go ahead and get that knocked out.

23 COMMISSIONER BOSARGE: Yes, sir.

24 KEITH DAVIS: I would like to ask Mississippi
25 Coast Crime Stoppers and Coastal Mississippi to come up

1 for the presentation.

2 Last month, Coast Crime Stoppers had their
3 annual breakfast and, during that breakfast, Coast Crime
4 Stoppers -- and I will let her talk about it -- recognized
5 officers from across the state, and they have two
6 presentations for our officers this morning to present to
7 you.

8 If you would like to present that?

9 LORI MASSEY: Yes.

10 COMMISSIONER BOSARGE: Please state your name.

11 LORI MASSEY: I want to thank Chief Davis for
12 having us here, and good morning to the Commissioners.

13 My name is Lori Massey. I am Program
14 Coordinator for Mississippi Coast Crime Stoppers.

15 Each year we honor law enforcement with a
16 breakfast and awards. This year we had over three hundred
17 and fifty attend.

18 We cover six counties, so you can imagine there
19 are a lot of agencies there.

20 We had twenty-six nominations. We ask that
21 nominations include officers that go above and beyond the
22 call of duty, or ones that are an inspiration to other
23 officers. This includes Federal, State, local, school
24 resource officers and also military police.

25 This is our ninth year hosting the event, and

1 the first year to have two winners from one agency.

2 Because of scheduling conflicts, our winners
3 were not able to attend the breakfast.

4 This is the nomination letter we received from
5 DMR.

6 "At approximately 1530 hours, with high
7 winds, adverse sea conditions and an
8 extremely high volume of vessel traffic
9 on the Mississippi Sound, Officer Jada
10 Whittington responded to the request for
11 assistance from Officer Steve Trosclair.
12 Officer Whittington, along with trainee
13 David Hart, arrived on scene and quickly
14 observed a kayak with a father and a
15 small infant aboard taking on water.
16 Officer Whittington observed the infant
17 was not protected with a personal
18 flotation device and became concerned
19 the child was in extreme danger.
20 Almost immediately, the kayak capsized
21 sending the infant into the deep rough
22 sea; completely submerging the child.
23 In full duty gear and her ballistic
24 vest donned, Officer Whittington,
25 without hesitation, or concern for her

1 own safety, dove into the water and
2 retrieved the submerged infant.
3 She was able to not only keep herself
4 above water, but was also able to pass
5 the infant up the assisting officers,
6 without incident to the infant.
7 She also aided the father who was
8 wearing an improperly attached personal
9 flotation device, after rescuing the
10 child.
11 Officer Trosclair's ability to maneuver
12 the vessel and position it in such a
13 manner that the rescue of the infant
14 could be made in such adverse conditions
15 played a pivotal role in the life saving
16 actions demonstrated on that day."

17 Because of this courageous act, Crime Stoppers
18 has chosen Officer Whittington and Officer Trosclair as
19 2019 officer of the Year.

20 AWARDS PRESENTED

21 KEITH DAVIS: This is a pleasant surprise.
22 Governor Phil Bryant just walked into the
23 building.

24 Governor, if you would, would you mind taking a
25 photograph with these officers?

1 PHIL BRYANT: I will be glad to.

2 KEITH DAVIS: Would the Commissioners like to
3 take a photograph with the Governor and the officers, as
4 well, and Director Spraggins?

5 COMMISSIONER BOSARGE: Yes. This is a real
6 honor.

7 JOE SPRAGGINS: Ladies and gentlemen, the
8 Governor just has a second. He was here and I just wanted
9 to bring him in to say hello.

10 PHIL BRYANT: I just wanted to say thank you for
11 your work. Great things going on on the Mississippi Gulf
12 Coast.

13 The General and I just spent about another
14 twenty-seven million dollars. We will tell you more about
15 that later.

16 KEITH DAVIS: Governor, we appreciate that. It
17 is not often that -- I have never been afforded that in my
18 career to take a photograph with the Governor after being
19 recognized.

20 Congratulations to these officers.

21 COMMISSIONER BOSARGE: That was a surprise
22 there.

23 To the officers, I tell you what, they deserve
24 that award, just the courage and I guess the natural
25 instinct. Maybe it was the motherly instinct to save the

1 child. She did a great job, both of them.

2 KEITH DAVIS: Yes, sir. We certainly have and
3 we should all be proud of the officers that we have
4 working for us. We have a great bunch of officers, men
5 and women, that go out and selflessly put their lives on
6 the line each and every day. They go out in weather
7 conditions that we would not want to go out in.

8 I am very proud of the men and women that I get
9 a chance to work with every day.

10 Now, to the report. There are a couple of
11 highlights about the report this month that I really want
12 you to recognize.

13 One was a citation issued for adulterated
14 oysters in one of our seafood dealer locations. The
15 officers found a sack of oysters sitting in icy water with
16 other seafood which obviously had the potential to cause a
17 lot of harm to the public.

18 We issued one citation for sell of
19 recreationally-caught fish. A recreational fisherman was
20 in the business of selling recreationally-caught fish.

21 The big case of last month was an individual
22 fishing near the Triple Yellow Rigs and harvesting Red
23 Snapper. I had the privilege of being on that trip, and
24 we seized six Red Snapper from him, and his excuse was,
25 when he tried to file his Tails n' Scales, it would not

1 allow him to.

2 When we asked him if that didn't send him a
3 message, he says, "No. I just thought I couldn't file
4 it."

5 That case has been referred to NOAA for further
6 review.

7 Other than that, there are no updates on the
8 dead dolphins and turtles from IMMS, other than what you
9 all have heard in the media.

10 Any other questions about the report?

11 COMMISSIONER GUESS: When someone is reporting
12 dolphins, or sea turtles, does that just get reported to
13 IMMS?

14 I have had some find dolphins in the Bay.

15 KEITH DAVIS: Yes. We keep a log of it, but we
16 refer to IMMS for recovery.

17 COMMISSIONER GUESS: Okay. I just didn't know
18 if it had to be reported both places.

19 KEITH DAVIS: You don't have to, but, certainly,
20 if we receive the information, IMMS has a direct number
21 that you can call, but we do maintain just a record of it,
22 when we receive the information.

23 COMMISSIONER GOLLOTT: Chief, the adulterated
24 oysters, was that an individual, a processor, or can you
25 say?

1 KEITH DAVIS: It said it was a seafood dealer.

2 COMMISSIONER GOLLOTT: Thank you.

3 COMMISSIONER BOSARGE: I noticed that we didn't
4 have our list of reports that you normally put on there.
5 That's where the dolphins and the turtles and all that are
6 listed. I don't see it in this report.

7 I didn't know if that was going to be the norm,
8 and it could be that I am just missing that page.

9 KEITH DAVIS: No, sir. That's not the norm. I
10 apologize if that information wasn't included. It is
11 possible, but normally it is indicated by zero. It is
12 possible that we didn't get any reports, but I'm not
13 saying that.

14 COMMISSIONER BOSARGE: And the other one,
15 possession of shark fins. That is a good catch.

16 KEITH DAVIS: I forgot about that. That is very
17 serious and Officer Lipscomb who just returned from a
18 deployment, he is real big on that, and he hasn't been
19 back very long, and he did find those shark fins.

20 Yes, we take that very serious.

21 COMMISSIONER BOSARGE: Shark fins by a
22 recreational fisherman?

23 Fishing Violation Citations, that's kind of what
24 it's under. I was just curious.

25 KEITH DAVIS: No, sir. I think it was a shrimp

1 boat, but let me make sure.

2 COMMISSIONER BOSARGE: I don't think I have ever
3 seen that before.

4 KEITH DAVIS: It was a shrimp vessel, sir. It
5 was on a shrimp boat.

6 COMMISSIONER BOSARGE: On the sale of
7 recreationally-caught fish, did you actually ticket the
8 fisherman?

9 KEITH DAVIS: Yes, sir.

10 COMMISSIONER BOSARGE: Good.

11 Any more questions?

12 (No response.)

13 COMMISSIONER BOSARGE: Thank you, Chief.

14 KEITH DAVIS: Thank you.

15 COMMISSIONER BOSARGE: Up next is Office of
16 Coastal Resources Management, Mr. Jan Boyd.

17 JAN BOYD: Good morning Mr. Chairman,
18 Commissioners, Ms. Chesnut.

19 We have three action items on the agenda today,
20 but, before we do that, Willa Brantley has an update on
21 waivers for living shorelines.

22 COMMISSIONER BOSARGE: All right.

23 WILLA BRANTLEY: Good morning.

24 If you remember last month when Dr. Paul Mickle
25 did a presentation for you about our alternative bulkhead

1 design program that we are launching, this is in support
2 of that program.

3 Right now it is easier to permit a bulkhead than
4 it is to permit one of these alternative bulkhead designs,
5 or a living shoreline. So we wanted to do something to
6 make that easier to permit, put it kind of on the same
7 level as a bulkhead, not necessarily to be easier to
8 permit than a bulkhead, but easier to permit than it is
9 currently.

10 The solution we have come up with is to ask the
11 Commission to issue a waiver for these alternative
12 bulkhead designs and living shorelines.

13 This would include an approval of a variance to
14 Chapter 8 Section 2 Part III.0.1 of the Mississippi
15 Coastal Program and to Title 22 Part 3 Chapter 8 Section
16 114.01 which both say basically the same thing,
17 discouraging, or not allowing, fill of coastal wetlands.

18 Usually these living shorelines, or alternative
19 bulkhead designs, require a small amount of fill to be
20 constructed properly.

21 The goal is to streamline permitting for these
22 alternative bulkhead designs and living shorelines.

23 For the applicants, the benefits would be a
24 quicker response to their applications and hopefully a
25 lower cost. They wouldn't have to go through submitting

1 as much information to our office.

2 The permittees, it would be a better use of
3 their time. They could evaluate these applications
4 quicker and get the permits out the door faster.

5 For the Commission, you would have fewer minor
6 beneficial projects presented because each one of those
7 that requires an individual variance to those guidelines
8 and regulations is required to be presented to the
9 Commission right now.

10 Again, this would make permitting requirements
11 equal for living shorelines and traditional bulkheads. It
12 would not give those an advantage over bulkheads as far as
13 permitting goes, but it would put them on a even playing
14 field.

15 COMMISSIONER BOSARGE: Willa, if I understand
16 you correctly, right now we are allowed, or the public is
17 allowed two foot one side, or the other, of the high tide
18 mark for bulkheading and this waiver would allow you to
19 stabilize the shoreline and actually fill out to six feet
20 to put the correct slope on it.

21 Is this what I am understanding correct?

22 WILLA BRANTLEY: That is the general idea. We
23 are actually asking for further out from the shoreline
24 than that. I was about to go over that in my next slide.
25 we have talked with the Secretary of State and,

1 if we write into the waiver the same language that we used
2 to have in the General Permit that we have for living
3 shorelines, that no fill, or accretion, would change the
4 property line as it currently stands at the mean high tide
5 line, they are okay with that, as long as our permittees
6 take measurements of where the current mean high tide line
7 is, just like they would right now for a bulkhead, or
8 riprap, or any other kind of erosion control.

9 what we are going to advertise is that these
10 living shorelines can be up to five hundred linear feet in
11 length along the shoreline and up to fifty feet, or
12 twenty-five percent of the width of the waterway,
13 whichever is less, from mean high tide.

14 If they have a waterway that is only fifty feet
15 wide, we would not let them go out that whole way. They
16 could only go out twelve-and-a-half feet with any fill
17 that they needed to do for their living shoreline which
18 may not be fill in the sense that you may be thinking of
19 it, as in creating dry land.

20 It may be fill to place a breakwater, or some
21 type of oyster structures, out twenty feet from the dry
22 land shoreline where they are planting marsh and that
23 would break the waves before they hit that shoreline.

24 Those oyster breaks, or rock, that they place and
25 make that breakwater out of is also considered fill, even

1 if they don't put soil in-between those two things.

2 They would also be required to use native plants
3 only and monitor for and remove invasive species.

4 They would have to mark with the areas with
5 proper signage, in accordance with Coast Guard regulations
6 because, again, a lot of these may involve breakwaters
7 that are not easily visible to boaters.

8 Any shoreline accretion, again, will not result
9 in a change in property boundaries which the mean high
10 tide line, as I said, would be documented before the
11 permit was issued and would be documented in that
12 authorization that we issue.

13 what is required right now is that we are going
14 to go out on public notice, we are going to ask for public
15 comments, comments from our Coastal Program agencies,
16 comments from other state agencies that we just consider
17 commenting agencies, and we are going to send notice to
18 all of the city and county governments in the three
19 coastal counties.

20 You will also get a copy of these. Actually,
21 you did get a copy of the proposed waiver in your mail
22 out.

23 If you get any calls about this, that's what it
24 is about.

25 We may not go with those dimensions. We may

1 pull that back from fifty feet. We may shorten it down
2 from five hundred, based on comments that we receive, or
3 input from any of the Commissioners, but we wanted to go
4 as big as we thought we needed to go potentially because
5 whatever we advertise, we can't go bigger than that, but
6 we can go smaller. So we can pull it back.

7 The Corps has a nationwide permit. If you are
8 familiar with that program, it makes those easy for them
9 to process.

10 Their nationwide permit for living shorelines is
11 five hundred linear feet and thirty-five feet from
12 shoreline, but their colonel can increase that if he sees
13 fit.

14 We wanted a little bit of wiggle room in there
15 from what theirs is. In case somebody comes in with a
16 larger one and they are going to give a nationwide permit
17 for it, we can still give our waiver.

18 No action at this time. We just wanted to let
19 you know it is going out on notice. In case you see it,
20 in case people ask you questions, that's what it is about,
21 and feel free to direct any questions to me.

22 COMMISSIONER GOLLOTT: Willa, are you changing
23 things?

24 Are you sure you don't have to go out -- you
25 don't have to have approval from us?

1 WILLA BRANTLEY: We are asking if you would give
2 a blanket approval for specific types of projects, only
3 these alternative bulkhead designs, or living shorelines.
4 So no other purpose of fill would be authorized, without
5 coming to you first.

6 COMMISSIONER DANIELS: One concern that is
7 popping into my head, I live on a bayou in Bay St. Louis.

8 If I put one of these in and take up twenty-five
9 percent of my bayou and my neighbor straight across the
10 bayou puts one in and takes up twenty-five percent, is
11 there some kind of something there to stop that because we
12 are getting real narrow at that point, if we take up fifty
13 percent of that bayou?

14 WILLA BRANTLEY: You are, but, at the moment,
15 the general permits allow for that with piers and
16 structures. So we wanted to limit it to the same
17 waterward limitations as piers and other structures were
18 allowed to go out and no more than that.

19 COMMISSIONER DANIELS: Okay.

20 COMMISSIONER BOSARGE: Just out of curiosity, if
21 someone had a bulkhead in place and they wanted to create
22 this living shoreline outside of that bulkhead, is that
23 something that would kind of fall in the same --

24 WILLA BRANTLEY: (Interposing) Yes, sir.

25 COMMISSIONER BOSARGE: So they could use -- in

1 other words, they wouldn't have to take the bulkhead up
2 and use riprap.

3 They could actually go outside the bulkhead?

4 WILLA BRANTLEY: Not necessarily. They could
5 leave the bulkhead in place. That is kind of what our
6 program is aiming toward in a way is people who have
7 already bulkheaded their property and that bulkhead is
8 starting to get old and maybe starting to get on the verge
9 of failing, instead of replacing it with a bulkhead, go
10 out in front of it with one these alternative designs, or
11 living shorelines, and control the erosion and shore up
12 the bulkhead that way, so they still have their lawn the
13 same way they have always had it, but, then, we have the
14 habitat out in front as well.

15 COMMISSIONER BOSARGE: Yes. That sounds good.
16 Dr. Mickle, she covered all the bases?

17 PAUL MICKLE: Yes, willa did perfect.

18 COMMISSIONER BOSARGE: All right. Thank you.

19 WILLA BRANTLEY: Thank you.

20 COMMISSIONER GUESS: In his presentation, he had
21 picture examples of that, where there was a existing
22 bulkhead.

23 COMMISSIONER BOSARGE: I read the minutes, but
24 they didn't have any pictures.

25 NATALIE GUESS: Weren't they in your

1 presentation?

2 PAUL MICKLE: Yes.

3 COMMISSIONER GUESS: Yes.

4 COMMISSIONER BOSARGE: Thank you, willa?

5 WILLA BRANTLEY: Thank you.

6 CHRIS PICKERING: Good morning Commissioners,
7 Counsel.

8 I will be presenting this first action item for
9 you. It is going to be similar to another one you are
10 going to see in a minute for beneficial use and creating
11 marsh.

12 This was submitted by the Mississippi Department
13 of Marine Resources by Jared Harris who is over Beneficial
14 Use.

15 It is located at the mouth of the Wolf River and
16 the St. Louis Bay in Pass Christian, Harrison County.

17 It is in the Preservation Use District.

18 The agent is Allen Engineering and Science and
19 the Mississippi Department of Environmental Quality.

20 The purpose and need of the project is to
21 enhance and restore coastal marsh through the placement of
22 suitable dredge material, as provided in Mississippi Code
23 49-27-61.

24 The applicant is proposing to fill twenty-six
25 acres with suitable dredge material. There are actually

1 two sites for this project. Site one is ten acres. Site
2 two is sixteen acres.

3 They are proposing twenty-nine hundred linear
4 feet of sand berm and sixteen hundred linear feet of
5 riprap berm to contain the dredge material.

6 They are requesting a variance to the Coastal
7 Program, Chapter 8 section 2 Part III.0.1, permanent
8 filling of coastal wetlands because of potential adverse
9 and cumulative environmental impacts is discouraged, and a
10 variance request to Mississippi Code, Administrative Code,
11 Title 22 Part 23 Chapter 8 Section 114.01, permanent
12 filling of coastal wetlands below the mean high tide line
13 because of potential adverse and cumulative environmental
14 impacts is not authorized.

15 The applicant is requesting a ten-year permit
16 for this.

17 The variance request was justified under Chapter
18 VIII Section 2 Part 1.E.2.c.i, the impacts on Coastal
19 wetlands would be no worse than if the guidelines were
20 followed.

21 They are going to replace an area that is
22 currently unvegetated barren waterbottoms, with twenty-six
23 acres of productive marsh habitat.

24 They have justified the Title 22 Part 23
25 variance request under Chapter VIII Section 118.01 which

1 states the impacts on coastal wetlands will be no worse
2 than if the requirements were followed.

3 This project will significantly contribute to
4 addressing two of the priority funding outcomes of NFWF.
5 One is to restore and maintain the ecological function of
6 landscape-scale coastal habitats and, two, to restore and
7 maintain the ecological integrity of priority coastal bays
8 and estuaries.

9 This is an aerial view of the project location.
10 As you can see, this is St. Louis Bay. This is where the
11 Bay meets the Wolf River here. This is site one which is
12 ten acres and site two which is sixteen acres.

13 This is really hard to see for y'all, but this
14 is a zoomed-in aerial. This is site one along the Wolf
15 River, and the opening of the bay here is going to be the
16 riprap containment berm. The rest of this is going to be
17 the sand containment berm, and all around here will be
18 sand containment berm.

19 The project appeared in The Sun Herald on April
20 28th, May 5th and May 12th, 2019.

21 We received no public comments.

22 DEQ is currently reviewing the project.

23 Department of Archives and History requested a
24 Coastal Resource Survey, if any activity affects, or
25 contacts, the most southern marsh island that is

1 immediately adjacent to the project area. However, the
2 authorized agent has stated that all activities will take
3 place in the water and no activities will occur on the
4 small marsh island.

5 wildlife, Fisheries and Parks recommends best
6 management practices.

7 The Secretary of State will require a rent-
8 exempt lease.

9 The staff has conducted a thorough evaluation of
10 the project and made findings on the decision factors in
11 accordance with Chapter VIII, Section 2, Part 1.E.2 of the
12 Coastal Program.

13 These findings were submitted to you in your
14 writeups.

15 Based on these findings, it has been determined
16 that the project is consistent with the Coastal Program
17 because it creates a new site for the disposal of dredge
18 material in accordance with Mississippi Code 49-27-61.

19 It creates approximately twenty-six acres of
20 habitat that will become part of the Wolf River Coastal
21 Preserves and it keeps an estimated two hundred thousand
22 cubic yards of sediment in the littoral system.

23 Staff recommends approval of the variance
24 request and a ten-year permit, contingent upon water
25 quality certification from the Mississippi Department of

1 Environmental Quality.

2 Any questions?

3 COMMISSIONER BOSARGE: The only one I had was
4 the sand berm.

5 I could understand it may be where it's at, but
6 you feel like the sand berm will be good enough?

7 I mean, sand moves.

8 That is going to be good enough to use for
9 containment?

10 CHRIS PICKERING: Yes. They did analysis on
11 this, the agents did, their engineers, and that is why
12 they did the riprap on the most southern part because that
13 is where the most wave action is going to come from. They
14 determined that that would be needed there and the rest,
15 the sand would hold up.

16 COMMISSIONER BOSARGE: Yes. I see where they
17 are putting the cloth down

18 CHRIS PICKERING: There is already going to be
19 marsh in the area around where the sand is going. So it
20 is already protected in some ways.

21 COMMISSIONER BOSARGE: Good. All right.

22 Any questions?

23 (No response.)

24 COMMISSIONER BOSARGE: Do we have a motion?

25 COMMISSIONER GOLLOTT: Mr. Chairman, I will make

1 a motion we accept this project.

2 COMMISSIONER BOSARGE: We have a motion.

3 Do we have a second for that motion?

4 COMMISSIONER DANIELS: I'll second that.

5 COMMISSIONER BOSARGE: We have a motion and a
6 second.

7 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, Chris.

15 CHRIS PICKERING: Thank you.

16 GREG CHRISTODOULOU: Good morning everyone.

17 For this first one, I wish I could just say
18 ditto to what Chris just did, but I will go through it
19 because it is slightly different.

20 This is a request for a permit by the Department
21 of Marine Resources. The location is in Beardslee Lake,
22 Moss Point, Jackson County.

23 It is in the Preservation Use District.

24 The agent is Allen Engineering and Science and
25 the DEQ.

1 The project purpose and need is to enhance and
2 restore marsh habitats through the replacement of suitable
3 dredge material, as provided in Mississippi Code 49-27-61.

4 As Chris mentioned, this is one of the National
5 Fish and Wildlife Foundation projects associated with the
6 BP spill. Just a little background information on that.

7 This project is for eighteen acres of fill with
8 suitable dredge material.

9 This project will also have twelve hundred
10 linear feet of sand, or earthen berm, and two hundred and
11 eighty linear feet of riprap berm.

12 The same variances that were required for the
13 first project, Chapter VIII, Section 2, Part III.0.1,
14 permanent filling of coastal wetlands because of potential
15 adverse and cumulative environmental impacts are
16 discouraged, and a variance from Mississippi Code,
17 Administrative Code, Title 22, Part 23, Chapter VIII,
18 Section 114.01, permanent filling of coastal wetlands
19 below the mean high tide line because of potential adverse
20 and cumulative environmental impacts is not authorized.

21 A ten-year permit is being requested.

22 The variance request was justified for both
23 parts. You would be replacing an area that is currently
24 unvegetated waterbottoms with eighteen acres of productive
25 marsh. The impacts on coastal wetlands would be no worse

1 than if the requirements were followed because the project
2 will significantly contribute to addressing the two
3 priority funding outcomes of NFWF.

4 Here is an aerial of the location where the
5 yellow thumbtack is located. It is kind of at the
6 confluence of the Pascagoula and the Escatawpa.

7 One of the reasons that they located the project
8 in this location is, of course, it has to be adjacent to
9 State-owned lands to do this type of work, but it also
10 ideally needs to be located next to, or near, a source
11 where there will be dredge material opportunities to be
12 taken.

13 In this area, you have a decent amount of
14 industry. VT Halter has a yard here, they have a yard
15 over here, and Omega Protein has their facility over here
16 on the Escatawpa. You have locations nearby where you
17 have source material for the project.

18 Here is a diagram. This is really light. I
19 didn't think it would come out like this, but this is
20 showing the outline of the area and showing the limits of
21 the wall with the slope.

22 The project did appear in The Sun Herald as
23 required, April 28th, May 5th and May 12th. There were no
24 public comments received.

25 DEQ is currently reviewing the project.

1 Archives and History has to objection.
2 wildlife, Fisheries and Parks is recommending
3 best management practices.

4 Secretary of State has said that a rent-exempt
5 lease will be required for the project.

6 As with the previous project, the project has
7 been reviewed by staff and the decision factors were
8 placed in your packets.

9 The staff has determined that the project is
10 consistent with the Coastal Program because it creates a
11 new site for disposal of dredged material as outlined in
12 49-27-61. It creates eighteen acres of marsh habitat that
13 will become part of the Pascagoula and Escatawpa River
14 Coastal Preserves, and it keeps an estimated two hundred
15 to two-hundred-and-fifty thousand cubic yards of material
16 in the system.

17 Staff recommends approval of the variance
18 request and the ten-year permit contingent on water
19 quality certification from DEQ.

20 COMMISSIONER BOSARGE: It looks like a great
21 project.

22 I still have my concerns about that sand berm,
23 especially -- because that Pascagoula River and Escatawpa
24 River come together right there and when that water gets
25 up, it gets up.

1 GREG CHRISTODOULOU: I think maybe just straight
2 out sand is a little bit misleading. I think it is more
3 of an earthen berm rather than sand.

4 COMMISSIONER BOSARGE: Sand is too easy to move.
5 Any other questions?

6 (No response.)

7 COMMISSIONER BOSARGE: Do we have a motion?

8 COMMISSIONER GUESS: I'll make a motion.

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

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

13 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, Greg.

21 GREG CHRISTODOULOU: Coastal's final project on
22 the agenda today.

23 This is a request for an after-the-fact permit
24 by CSX Transportation. It is located on Bayou Pierre in
25 Gautier. It is in the General Use District, and the agent

1 is Wood Environmental and Infrastructure Solutions,
2 Incorporated.

3 The purpose of this project was replacement of
4 an existing timber bridge on the rail line with a precast
5 concrete bridge to allow for safe and efficient transport
6 of materials.

7 The project, as I mentioned, was a bridge
8 replacement project. In order to do the bridge
9 replacement, a work pad was needed for the crane to do the
10 work.

11 I will go through the chronology in just a
12 moment, but the description is the filling of point zero
13 four nine acre of Coastal wetlands, and the mitigation
14 requirements have actually already been achieved.

15 Normally, when we want to do tidal marsh
16 impacts, we usually make it a three-to-one ratio. If you
17 impact one acre, you have to create three.

18 In this case, with the three-to-one ratio, it
19 would have required zero point one four seven acre of
20 mitigation.

21 In 2016, there was a project -- well, earlier
22 than that. CSX had a project close to the Pascagoula
23 River just to east of this site where they were required
24 to do mitigation. It was basically sealing off
25 contaminants from a former creosote plant. They created

1 an excess amount of mitigation with that project. That
2 point two four acre that they created more than accounts
3 for the amount that they would have to mitigate for the
4 impacts to this project.

5 May 3rd of 2016, DMR issued a waiver to replace
6 an existing timber pile bridge with a precast concrete
7 bridge.

8 April 3rd, 2018, DMR issued a modification to
9 that waiver to authorize zero point zero two nine acres of
10 temporary tidal marsh impacts for a work pad and crane pad
11 which would be removed following construction, and, then,
12 the site would be allowed to revegetate within one year to
13 the pre-project conditions.

14 On October 1st, 2018, we received notification by
15 the agent for the applicant that they had to fill a little
16 bit of extra area because they needed a larger crane to do
17 the work and the possibility of making that fill
18 permanent. The extra additional area was zero point zero
19 two acres.

20 Between October of 2018 and February of 2019, we
21 worked with the agent and the applicant on possible
22 solutions, whether we could restore the area, whether the
23 area should be just left like it is with the fill.

24 Due to the safety requirements and their
25 engineers believe that it would be better if they left the

1 work pad in place, due to the stabilization issues with
2 the track with large trains passing by.

3 February 15th, 2019, we received an application
4 to retain the filled material associated with the bridge
5 replacement project.

6 The yellow thumbtack marks the location of the
7 project. You can see it is a pretty hard area to get to.
8 They stage the equipment down here, and, then, they have
9 to move everything to this location, and it is roughly a
10 half mile. I have walked it in the summertime. It is not
11 fun.

12 Here is a picture of the area that I took prior
13 to the work taking place. This is obviously in winter.
14 The vegetation has died back. This is the area of marsh
15 that was impacted with the new retaining wall and crane
16 pad.

17 Here are the pictures that they sent me at the
18 time the work was done. You can see the wall has been
19 moved out into the marsh area, the crane pad, and it is
20 hard to see in this picture. You may be able to see it
21 better in your pictures, but here is some additional rock
22 that they had to put in place on the side of the tracks to
23 crawl the crane out to the location.

24 This is a plan view and a cross-sectional view
25 showing the wall. This pinkish line here is where the

1 wall should have been that was previously authorized, and,
2 then, of course, out here is where it is now and the same
3 with this drawing here.

4 The applicant has requested variances to the
5 Coastal Program and to Mississippi Administrative Code,
6 Title 22, Part 23, permanent filling of coastal wetlands
7 because of diverse and cumulative environmental impacts
8 are discouraged and areas containing submerged vegetation
9 are regularly flooded, emergent vegetation shall not be
10 filled.

11 with Administrative Code, we had permanent
12 filling of coastal wetlands below the mean high tide line
13 because adverse and cumulative environmental impacts is
14 not authorized.

15 Mississippi Code, Title 22, Part 23, Chapter 8,
16 Section 114.03, sensitive coastal wetlands shall not be
17 filled.

18 The variance request was justified under Chapter
19 VIII, Section 2, Part I.E.2.c.iv of the Coastal Program.
20 There is a significant public benefit in the activity, a
21 public hearing has been held, and the activity requires a
22 waterfront location.

23 Then, Title 22, Part 23, Chapter 8, Section
24 118.04 of the Mississippi Administrative Code. There is a
25 significant public benefit in the activity, a public

1 hearing has been held and the activity requires a
2 waterfront location.

3 Notification of the project appeared in The Sun
4 Herald March 17th, 24th and 31st. No comments were
5 received.

6 We also had a public hearing at the Gautier
7 Public Library in Gautier and no public comments were
8 received at the public hearing.

9 DEQ is reviewing the project and has had no
10 comments.

11 Archives and History has no objections to the
12 project.

13 Secretary of State has no comments.

14 Wildlife, Fisheries and Parks has recommended
15 best management practices be properly implemented,
16 monitored and maintained.

17 Staff's recommendation with the project is,
18 based on the decision factors that are in your packet,
19 that the project serves a higher public purpose by aiding
20 in the safe and efficient transport of goods for the
21 nation's economy, military and energy industry.

22 Therefore, staff recommends that the Commission
23 approve the requested variances and issue the after-the-
24 fact permit contingent on water quality certification from
25 DEQ.

1 COMMISSIONER BOSARGE: Any questions?

2 (No response.)

3 COMMISSIONER BOSARGE: So they are going to
4 leave their pad there, I guess, for future need, if they
5 need it?

6 GREG CHRISTODOULOU: That is another access to
7 it.

8 If there is ever any issues with that bridge, it
9 will be there to be used in the future, if they need
10 maintenance.

11 COMMISSIONER BOSARGE: It probably took them
12 what, two years to get everything in place to put that pad
13 there?

14 GREG CHRISTODOULOU: Pretty much, and, then,
15 they had to go through the Corps permitting process as
16 well for that.

17 COMMISSIONER BOSARGE: Do we have a motion?

18 COMMISSIONER HAVARD: I would like to make a
19 motion that we move forward with approval of the staff's
20 recommendation.

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

23 COMMISSIONER BOSARGE: We have a motion and a
24 second.

25 Any further discussion?

1 (No response.)
2 COMMISSIONER BOSARGE: All those in favor aye.
3 (All in favor.)
4 COMMISSIONER BOSARGE: Opposed like sign.
5 (None opposed.)
6 COMMISSIONER BOSARGE: Motion carries.
7 Thank you, Greg.
8 GREG CHRISTODOULOU: Thank you.
9 COMMISSIONER BOSARGE: Up next will be Office of
10 Finance and Administration, Ms. Shavay Gaines.
11 SHAVAY GAINES: Good morning Director Spraggins,
12 Commissioners, legal counsel.
13 I am Shavay Gaines, Finance Director, and I
14 would like to thank the general for allowing me to fill in
15 temporarily while we looked for a CFO. Leslie will be
16 here next month. Thank you, guys.
17 JOE SPRAGGINS: Thank you for the great job you
18 have done. I appreciate it.
19 COMMISSIONER BOSARGE: Yes, ma'am. We
20 appreciate you stepping up to the plate.
21 SHAVAY GAINES: I will be presenting financials
22 as of April 30th, 2019.
23 At the end of April, our State Revenue was five
24 million. We are still waiting on our appropriations from
25 treasury which we probably won't get until September.

1 Our Agency Revenue totaled twenty-one point six
2 million.

3 Our State Net Income was a negative one million,
4 and our Agency Net Income was two point four million.

5 After ten months of fiscal year 2019, we had
6 operating funds of seventy-one point one percent, and
7 Tidelands Trust Fund of fifty-six point two percent.

8 Any questions?

9 COMMISSIONER BOSARGE: Any questions?

10 (No response.)

11 COMMISSIONER BOSARGE: Thank you, Shavay.

12 SHAVAY GAINES: Thank you.

13 COMMISSIONER BOSARGE: Up next is Public
14 Affairs, Ms. Charmaine.

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

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

20 Popular news items included Alternative
21 Bulkheads, the Bonnet Carre Spillway opening and closing,
22 flood water rescues and shrimp season being extended.

23 Marine Patrol taught one boat-and-water safety
24 class and certified twenty-eight students.

25 So far in fiscal year 19, officers have taught

1 nineteen classes and certified four hundred and three
2 students.

3 Since the April meeting, Marine Patrol
4 participated in United Way's Dragon Boat Race, Biloxi
5 Shuckers Education Days and Gorenflo and Nichols
6 Elementary Schools Career Days.

7 The Office of Coastal Restoration and Resiliency
8 did a great job putting together the State of our Coast
9 held on May 6th at the IP. Many attendees took part in the
10 meeting to get updates from Governor Bryant, Congressman
11 Palazzo, our agency and many other partner agencies and
12 organizations.

13 National Heritage Area also took part in the
14 Gulf Coast Historical and Cultural Exposition, National
15 Travel and Tourism Week and a Nation Park Service site
16 visit.

17 Scientists from the agency's Shellfish
18 Monitoring Program, together with staff from the U.S. Food
19 and Drug Administration's Shellfish Sanitation Program
20 conducted a hydrographic dye dilution study that began on
21 April 22nd. They tracked the flow and dispersion of
22 wastewater that is discharging into Biloxi Bay from the
23 Keegan Bayou Wastewater Treatment Plant, through a twenty-
24 four dye injection period during the study.

25 As a result of the dye injection, portions of

1 the upper Biloxi Bay in the general vicinity of the
2 treatment plant and extending to Deer Island turned
3 reddish in color for a brief time and it was visible from
4 the shores.

5 The public was made aware in advance of the
6 study and that the dye was not harmful to people, or the
7 eco system.

8 In April, Office of Marine Fisheries Director
9 Joe Jewell was chosen by Congressman Steven Palazzo to
10 serve as judge for the 2019 Student Congressional Art
11 Competition for Mississippi's Fourth Congressional
12 District. The theme was "Mississippi, The Beautiful", and
13 winners were announced May 3rd where the artwork will hang
14 in the Capitol for one year.

15 Finfish scientist Jon Barr served as weigh
16 master for the Pass Christian Volunteer Fire Department
17 Kids' Fishing Tournament on May 11th.

18 This Thursday, we are going to host our
19 Mississippi Seafood Cookoff. It is our annual cookoff.

20 If any of y'all are interested in going, just
21 let me know and we can get y'all tickets to the event. It
22 is in Pass Christian at the Oak Crest Mansion Inn.

23 COMMISSIONER BOSARGE: Where is it going to be?

24 CHARMAINE SCHMERMUND: Oak Crest Mansion Inn in
25 Pass Christian. It is going to be partnered with the

1 chamber for their symphony event.

2 COMMISSIONER BOSARGE: Good deal.

3 That is a lot of information. I didn't realize
4 Joe had done an art competition judging.

5 Good for you. You are quite the artist. If
6 anybody could judge it, you could.

7 JOE JEWELL: Thank you.

8 COMMISSIONER BOSARGE: Thank you, Charmaine.

9 CHARMAINE SCHMERMUND: Thank you.

10 COMMISSIONER BOSARGE: Speaking of Mr. Joe
11 Jewell, up next is Marine Fisheries.

12 JOE JEWELL: Thank you, Commissioner.

13 The Office of Marine Fisheries has three
14 presentations for the Commission's consideration.

15 First up, Mr. Jon Barr is going to follow up on
16 a Commission request for providing information on
17 implementing additional fishing records.

18 JON BARR: Thank you, Joe.

19 Good morning. I am going to address some
20 information on potentially implementing some additional
21 state fishing record categories.

22 Last month, April 2019, the Commission made a
23 motion -- I will read the motion for you -- for staff to
24 come back at the May Commission meeting with information
25 on implementing additional fishing records.

1 Before we get into this, I would like to take a
2 look at what we are actually doing right now, as a State
3 agency.

4 Currently we have a conventional tackle record,
5 we have a fly fishing record and, in 2018, the Commission
6 adopted Youth Record category which also has conventional
7 tackle and fly fishing tackle.

8 It is always beneficial and interesting to look
9 and see what other Gulf states are doing.

10 I made a chart here. The far left column is the
11 states and, if you will notice, moving right one column
12 all the other states currently have conventional. Now,
13 these are state and agency run categories. All the other
14 states currently have conventional tackle records.

15 All other states, with the exception of Alabama,
16 have fly fishing categories, and outside of that no state
17 has any other categories, with the exception of Texas that
18 has a miscellaneous category called "Other Methods". This
19 includes electric reels, spear guns, hand lines, gigs,
20 trout line for which they certify the heaviest fish.

21 Now, we will get into it. Here are some
22 options.

23 We have an internal review committee for our
24 state fishing records program, and these are some options
25 that we came up with.

1 If you will notice, there is a trend here. All
2 of these options have a category called "Conventional
3 Tackle", and in State statute Mississippi Code 49-15-309,
4 we are required to have a state record category for
5 recreationally caught marine fish landed in the state, and
6 the conventional tackle category satisfies that.

7 Outside of that, everything is just kind of
8 lagniappe. It is great for the fishermen, but it is not
9 actually required by law.

10 Getting into it, the first option is status quo.
11 That is where we keep our conventional tackle and fly
12 fishing categories.

13 The next option would be it would stay with the
14 two-category scheme. We would have a conventional tackle
15 category, and, then, we would open an all tackle category
16 which would be all legal methods of take recreationally.
17 This would include the fly fishing category.

18 For instance, we would have a conventional
19 tackle category and anything caught with legal methods of
20 take outside of traditional rod and reel, as long as it
21 was heavier than the conventional tackle, would go in this
22 category.

23 The third option I have is a three-category
24 scenario. It is where we have the conventional tackle, we
25 have fly fishing tackle categories as we do now, and we

1 would open an all tackle category which, once again, would
2 be all legal methods of take.

3 For example, if a fisherman were to gig a
4 fourteen pound flounder, it would go in all tackle. If a
5 fisherman were to catch a fourteen pound flounder on a fly
6 rod, it would go in all tackle and fly fishing. We would
7 have three categories.

8 Our final option is anything identified by the
9 Commission.

10 Are there any questions?

11 COMMISSIONER DANIELS: I think the original,
12 what was brought to me -- obviously, spear fishing for
13 quite a while has been pretty popular, bow fishing has
14 come on the scene, and I know a lot of guys that have
15 giggered some big flounders that don't qualify for any of
16 this.

17 would it be possible to do a conventional
18 tackle, a fly fishing, and, then, a third category that
19 would encompass all of those methods?

20 JON BARR: I will go back one slide. What you
21 are asking would be in the third option there.

22 COMMISSIONER DANIELS: But they would still have
23 to beat the conventional tackle to be recognized. If we
24 did an all tackle, they would still have to...

25 JON BARR: That's correct.

1 As I mentioned, we have an internal review
2 committee for our State Record Program. It is a program
3 that I head up. It is an honor, but it is not a funded
4 program.

5 Conversation comes up quite often about
6 expansion. When you think about that, the majority of the
7 finfish staff is funded federally. They are not -- there
8 is no state record funding. So when we expand, we have to
9 think about manpower, we have to think about pulling
10 individuals off of other projects that they already paid
11 for.

12 To start up a new program such as you are
13 suggesting initially will take a lot of time, and we have
14 to take that into consideration.

15 Now, it is the Commission's will to do whatever
16 y'all wish.

17 These were the options that we felt were more
18 efficient and effective to offer, I think, what you are
19 asking for the guys who gig a big flounder. It is a
20 recognition for them. Guys who go down and spear fish
21 these big Lion Fish maybe, there is recognition for them.

22 COMMISSIONER DANIELS: That is one of the big
23 points that was brought up because they had what would
24 have been a state record. He is actually here today, the
25 one that brought it up to me. I think it was during a DMR

1 sanctioned event for Lion Fish, but they couldn't enter it
2 because it had been speared.

3 JON BARR: Right.

4 COMMISSIONER BOSARGE: I don't know. I see this
5 getting complicated, really complicated.

6 Is this something we really -- I mean, just
7 looking at the rest of the states, we have the categories
8 that the rest of the states have.

9 Is this -- I mean, I see it going into maybe a
10 disabled category and different -- in other words, I just
11 don't want this to get out of hand.

12 COMMISSIONER DANIELS: I agree with you and I
13 think if we tried to make a separate category like spear
14 fishing, we are going to get overrun with tons of fish.

15 JON BARR: There will be a lot of fish turned in
16 initially.

17 COMMISSIONER DANIELS: I think if we went with
18 all tackle where they had to beat the existing record and
19 we were to add something like that, then, we are not
20 worried about that inundation of everybody shooting
21 anything and turning it in as a state record.

22 JON BARR: It would soften the initial blow.
23 There is no doubt.

24 COMMISSIONER DANIELS: Would that overwhelm you
25 guys, if we were to add an all tackle, something similar

1 like this third option here?

2 JON BARR: I don't believe so.

3 COMMISSIONER BOSARGE: I don't quite understand
4 how it would make any difference. Basically, if we added
5 a third all together category, it is going to encompass a
6 whole bunch of different alternate means of taking fish
7 and --

8 JON BARR: (Interposing) Right. So as far as
9 the methods of take -- I didn't mean to cut you off. I'm
10 sorry.

11 COMMISSIONER BOSARGE: No. Go ahead. Explain
12 it to me.

13 JON BARR: As far as the methods of take, right
14 now in general we were just presenting all legal methods
15 of take. If there was something that y'all, that the
16 Commission decided to maybe, I guess, put parameters on
17 that, that is something that y'all can do. We weren't
18 going to do that. We didn't want to put it in a bottle
19 for y'all. That is y'all's decision.

20 COMMISSIONER BOSARGE: I guess I'm not quite
21 following, Joe. I mean, I can understand a different
22 category for all different types of gear, but that sounds
23 to me like that could become even a bigger category than
24 the original categories.

25 Am I seeing this wrong?

1 You see what I mean?

2 If you are using any type of gear and there is a
3 lot of different types of gear, could that category not
4 become a larger category than what we had on conventional
5 tackle?

6 JOE JEWELL: It could have the potential to do
7 that and we are not anticipating that happening, but it
8 definitely could have that potential, as we said all legal
9 methods of take. Currently there are a host of gear types
10 that would be incorporated in that, and I am assuming that
11 will include cast nets because I have been asked about
12 that issue, and any type of legal recreational gear would
13 be included in that category.

14 COMMISSIONER BOSARGE: Well, that is kind of
15 where I'm going. In other words, this could almost -- I
16 don't know. Maybe I see it get out of hand.

17 COMMISSIONER DANIELS: So your other concern is
18 adding more species?

19 COMMISSIONER BOSARGE: Well, my concern is
20 adding more gear than more species.

21 MATT HILL: One thing to keep in mind, it would
22 add some, but whatever the angler brought in would have to
23 beat the current, any current record.

24 Hook-and-line is actually going to still be part
25 of the all tackle record.

1 So when you are talking about Amberjack for
2 instance, if they go spear an Amberjack, it is going to
3 have to beat whatever the current hook-and-line record is
4 to get into the all tackle because the first entry into
5 that all tackle record will be what is on the books, now.

6 So this fisherman would hold the place in both
7 categories, and this would allow it not to start getting -
8 - I'm not saying it wouldn't get out of hand in this
9 particular category, but it would eliminate us creating
10 any new categories in the future.

11 This would encompass bow fishing, spear fishing,
12 gig, cast net, all these other -- and Lion Fish is the
13 prime example. I would see that would immediately be
14 taken over with the spear.

15 I don't believe it would be many species, but it
16 would have a potential to change some things up and
17 possibly creating some headaches in the beginning, but
18 also logic tells me that I don't think the gear that is
19 going to catch the largest fish and a lot of reasons
20 because the effort is going to be hook-and-line.

21 COMMISSIONER BOSARGE: I guess you know me. I
22 have done a little bit of diving, but I never did care for
23 it much.

24 Spear fishing seems like a mighty unfair
25 advantage over somebody using conventional tackle, in that

1 you can pick and choose what you -- you see the fish.

2 You see what I'm saying?

3 MATT HILL: That's why we would keep the
4 conventional tackle record. You would always have a hook-
5 and-line record. You would always have that conventional
6 tackle.

7 COMMISSIONER BOSARGE: A spear fisherman --

8 COMMISSIONER DANIELS: (Interposing) It would
9 never take the conventional tackle. That would still be
10 there. This is just kind of off to the side by itself so
11 they could get the recognition, if they speared a fish.

12 MATT HILL: I'm not advocating for one way, or
13 the other. I'm just saying how it would wrap around it,
14 but you could hold the place in two separate categories.

15 The hook-and-line record, if you go down there
16 and there is a forty pound snapper and they spear it, now
17 that is obviously be the all tackle record, but it won't
18 be the conventional tackle record. That is the thirty-
19 eight pound snapper, whatever it is on the books will
20 remain as the conventional tackle.

21 Any other method other than hook-and-line, or
22 fly fishing would be in that all tackle record, but it
23 would still have to beat those two to get there.

24 COMMISSIONER DANIELS: But it would not remove
25 that conventional tackle.

1 COMMISSIONER BOSARGE: It just seems a little
2 confusing.

3 MATT HILL: It is confusing, but, when we
4 started thinking about it, that is what we -- being
5 overwhelmed, and I guess the example was the fifty percent
6 rule put on the youth records. That did curtail that.
7 The youth have to bring -- it has to be fifty percent of
8 the current record to get the youth record. So that did
9 slow that process down for us a little bit. That
10 definitely helped.

11 We were trying to figure out a way to put a
12 qualifier on it almost to bring it in here, and it is a
13 manpower issue. There is no doubt.

14 It is a time issue. It is a very time consuming
15 process, believe it, or not. We have to bring it in front
16 of the Commission and it is a process.

17 These are the options, and status quo is
18 definitely on the table, but these are the options that we
19 came up with as a committee.

20 COMMISSIONER DANIELS: Well, I can tell you. I
21 know it seems like they've got kind of an advantage and
22 I'm sure they probably do in some ways, but I think some
23 of these guys deserve a little recognition because I'm not
24 getting in the water with them sharks to get a fish.

25 COMMISSIONER BOSARGE: I have heard some

1 stories.

2 COMMISSIONER DANIELS: I have, too.

3 COMMISSIONER BOSARGE: Anyhow. All right.

4 Any questions?

5 (No response.)

6 JON BARR: I could close my presentation.

7 COMMISSIONER BOSARGE: Thank you, Jon.

8 JON BARR: All right. Thank you.

9 JOE JEWELL: Next up for the Commission's
10 consideration, Mr. Jason Saucier is going to give a shrimp
11 season update with an action request to give the Executive
12 Director the authority to open the 2019 shrimp season.

13 COMMISSIONER DANIELS: All right. We've got a
14 request here from a Commissioner.

15 COMMISSIONER DANIELS: Can we make a motion?

16 I guess we would have to go out on public notice
17 on this third option here?

18 SANDY CHESNUT: You could make a motion that the
19 staff bring back a Notice of Intent to go out on public
20 notice, but you would have to get the Notice of Intent
21 approved at the next meeting, before it can go out.

22 COMMISSIONER DANIELS: Okay. I would like to
23 make that motion.

24 JOE JEWELL: For option three?

25 COMMISSIONER DANIELS: Option three, yes, with

1 an all tackle option in there.

2 SANDY CHESNUT: So the motion is for the staff
3 to come back with a Notice of Intent at the June meeting
4 outlining the option three?

5 JOE JEWELL: All tackle category.

6 COMMISSIONER DANIELS: Yes.

7 SANDY CHESNUT: For the fishing records.

8 COMMISSIONER BOSARGE: That's what I wanted, to
9 clarify the motion.

10 we have a 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 Okay. Jason.

21 JASON SAUCIER: Good morning Commissioners,
22 Director, Sandy.

23 I am going to provide a brief update on shrimp
24 season.

25 Just as a reminder to the Commission, this is

1 not a very good map with this projector, but there are
2 seasonal area closures we have had in place for a while.

3 We did have an extension of shrimp season for
4 this particular area, the dark blue which typically closes
5 on April 30th. The season was extended until the 10th of
6 May.

7 Just an update on license sales. This is for
8 the 2018-2019 season. You will see shrimp license sales
9 were slightly down for all residents. You will also
10 notice the jump there on commercial sales in 2010-2011.
11 This was due to the BP Horizon event.

12 This is just a graph showing the shrimp landings
13 and value, all species combined. The green line there
14 shows us an average. That is the average for 2005 to
15 2018. You will see that the value and landings were
16 slightly down in 2018, but still above that thirteen-year
17 average.

18 Just to go over briefly our shrimp season
19 opening sampling, what we do every year. Post larval
20 sampling does begin in February. That is done with a
21 standardized beam plankton trawl at historical stations.

22 We also begin doing trawl sampling in April.
23 That runs through June, or until we get our shrimp season
24 opening date determined, where we look at both juvenile
25 and adults in standardized trawls used at ten historical

1 stations.

2 We chart brown shrimp growth during that period,
3 and, then, we always open based on when we get to that
4 legal size of the sixty-eight count.

5 You are not going to be able to see these
6 stations at all, but there are ten stations there that we
7 sample every time we go out and do our trawl sampling.

8 COMMISSIONER BOSARGE: Jason, is that an average
9 of all those stations, when you say the sixty-eight, when
10 they reach sixty-eight?

11 JASON SAUCIER: We do. We average across all
12 the stations.

13 This is historical opening dates. For our
14 season here, you will see over the last few years it has
15 been right there at the same date.

16 Just a note historically, if you were to go back
17 to 1975, that average date is the 10th of June.

18 Then this is the count, historical counts for
19 opening day. Last year, again, we were right on target
20 with the previous two years.

21 You will see a sharp decline there in 2004 which
22 actually occurred before Katrina is when that decline
23 started.

24 Just a note there. Average since 2004 has been
25 three hundred and sixty-eight boats, and, then, prior to

1 2004, it was nine hundred and thirty-four.

2 This graph just shows us in relation to water
3 temperature, post-larval brown shrimp abundance. This is
4 what that beam plankton trawl, that data shows. It shows
5 us kind of a trend. Typically that trend coincides with
6 changes in temperature.

7 The next three slides I am going to show you, we
8 do monitor environmental conditions. Specifically we are
9 looking at Biloxi Bay waters. We look at salinity, water
10 temperature and rainfall, and those three conditions do
11 act as an indicator for us to look at movement and growth
12 of brown shrimp.

13 For this particular slide, water temperature,
14 this is in Biloxi Bay at Point Cadet. That sixty-eight
15 degree fahrenheit mark, it is a significant mark because
16 that is the point at which optimal growth of brown shrimp
17 occurs at that temperature and higher.

18 You will see that the last couple of years we
19 got to that in April and that is typical. It is usually
20 March, or April.

21 Biloxi Bay salinity, the same way. This is at
22 Point Cadet. Ten parts per thousand is that salinity at
23 which, again, brown shrimp growth is optimal; at any
24 salinity higher than that as well. You will see a five-
25 year average there in the green line, and you will notice

1 that we are under that for the last couple of months.

2 Localized rainfall. This is actually up in
3 Biloxi Bay a little bit further. It gives us a good
4 indicator. Obviously, it is tied with salinity, but it
5 gives us a good indicator of when the shrimp would
6 potentially be moving out of the bays and bayous.

7 You will see that they were way up from last
8 year. We are well above that five-year average as well
9 for rainfall.

10 Latest shrimp samples were done yesterday. I've
11 got a few pictures here on this slide and the next slide
12 to show you from four of our stations just to kind of show
13 you that the shrimp aren't there yet. I know you can't
14 read the numbers there, and they are in centimeters
15 anyway, but they are still under size.

16 I apologize again for the clarity of the photos.
17 We come to the Commission every spring in May to
18 ask that the Commission give authority to the Executive
19 Director to make a decision of when to open the season,
20 based on when we get to that legal size of the sixty-eight
21 count per pound.

22 COMMISSIONER BOSARGE: All right. The
23 conditions don't look like they were all that good so far.

24 JASON SAUCIER: A lot of rainfall so far, yes,
25 and a lot of fresh water.

1 COMMISSIONER GOLLOTT: May I say something?

2 COMMISSIONER BOSARGE: Yes, sir.

3 COMMISSIONER GOLLOTT: I would like to make a
4 motion just exactly like last season and we give the
5 Director the authority to open the season when the shrimp
6 are the right size and everything and he thinks it is
7 good.

8 COMMISSIONER BOSARGE: All right.

9 Commissioner Gollott has made a motion.
10 Do we have a second for that motion?

11 COMMISSIONER BOSARGE: I'll second his motion.
12 Any further questions?

13 (No response.)

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

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

18 COMMISSIONER BOSARGE: Motion carries.
19 Thank you, Jason.

20 JASON SAUCIER: Thank you.

21 COMMISSIONER DANIELS: I've just got one quick
22 question.

23 Is there any sampling -- I'm seeing the pictures
24 from Round Island, Deer Island and all that.

25 Anything on the west side?

1 JASON SAUCIER: Sampling for brown shrimp?

2 COMMISSIONER DANIELS: Yes.

3 JASON SAUCIER: We didn't make the photos in
4 just because we had to have this presentation done at,
5 like, 8:30 yesterday. So they were out sampling and we
6 happen to have done the east side prior to then, but we
7 typically see the same thing across and we did yesterday.

8 COMMISSIONER DANIELS: So you are seeing the
9 same size shrimp over there?

10 JASON SAUCIER: Yes.

11 COMMISSIONER DANIELS: Okay.

12 JOE SPRAGGINS: I guess one quick question they
13 may be asking is how are we doing after the Bonnet Carre
14 on the shrimp on the west side?

15 Is that what you are asking?

16 COMMISSIONER DANIELS: That's what I'm getting
17 at.

18 JASON SAUCIER: It's a little early to tell. I
19 will defer to Joe on it, and that is a good segway into
20 his presentation.

21 JOE JEWELL: I'm going to sort of address some
22 of those issues in my presentation, but just to answer
23 your question directly, before I get started, we are
24 anticipating impacts to the shrimp season from the
25 opening, particularly the second opening of the Bonnet

1 Carre spillway, but, as Jason indicated, those are two
2 separate sampling regimes that are going on.

3 The opening of the shrimp season is an
4 independent field process that goes on and analysis within
5 the lab that has a very specific statutory goal, and the
6 sampling that is going on in the Western Sound, in lieu of
7 opening the Bonnet Carre, is a separate program, although
8 all of that data is available and does play a role.

9 We are doing some of the initial analysis now,
10 and just a preliminary overview of the data does indicate
11 we are going to have impacts in the Western Mississippi
12 Sound.

13 I will get started. I will give y'all an update
14 on the Bonnet Carre Spillway.

15 I realize I'm the only thing standing between us
16 and lunch. I am going to try and be real quick.

17 COMMISSIONER BOSARGE: You are going to have to
18 bend down to that mike just a little bit more.

19 JOE JEWELL: All right. Thank you.

20 This is very similar to last month's update. I
21 want to do something a little bit different because we are
22 getting a lot of questions about particular structures,
23 control structures on the Mississippi River and on the
24 Lower Mississippi River Valley, and there is a lot of
25 confusion about the purpose and goal of these structures,

1 so I wanted to go over these real quick.

2 It was a little hard for me to get them all in
3 the map, but about fifty, or sixty, miles north of the
4 Morganza is a structure called the Old River Structure,
5 and what it does is it diverts flow on a seventy-thirty
6 split just below where the Red River meets the Atchafalaya
7 River. It diverts Mississippi River waters, a seventy-
8 thirty split down the atchafalaya.

9 Then, the next large structure they encounter is
10 the Morganza Spillway. It is a spillway that its maximum
11 capacity is about six hundred thousand cubic feet per
12 second. The triggering mechanism for opening is one point
13 five million cubic feet per second.

14 The main purpose of the Morganza Spillway is to
15 protect the Baton Rouge area and its suburbs. That is the
16 purpose of the Morganza Spillway.

17 Unlike the Bonnet Carre, the Morganza Spillway
18 diverts flow to the west, not the east. This whole entire
19 green area is the Morganza Spillway flood area.

20 If you will note down here when you get toward
21 Morgantown and these areas -- I'm sure a couple of you
22 Commissioners have been down in there -- the yellow bayou
23 diversion created a new channel for the Atchafalaya. It
24 is actually an increasing delta now.

25 As you move down river, your next main structure

1 you encounter is the Bonnet Carre Spillway which is the
2 main feature that is impacting the Mississippi Sound.

3 The main purpose of that structure is to protect
4 the citizens and the area and the suburbs of New Orleans.
5 It's maximum capacity is a little over three hundred
6 thousand CFS, but its triggering factor is one point two
7 five million cubic feet per second.

8 Then, as you move down, this is the purpose of
9 this whole slide is to sort of talk about these other
10 structures because there is a lot of conversation about
11 those.

12 The Caernarvon Diversion Spillway, it is not
13 called a spillway. It is more properly called a
14 diversion. It is located about ten, or twelve, miles
15 south of New Orleans. It has very little, if any, impacts
16 whatsoever on the Mississippi Sound. The purpose of it is
17 to control all this, Bayou Lafourche and the mouth of the
18 Mississippi River. This whole marsh wetland area here,
19 its main purpose is to control salinity incursions into
20 the marsh and it is an accreting structure. It causes
21 some accretion and building up of marshes right near the
22 structure itself.

23 The next major structure that you encounter, as
24 you move down river, is the Bohemia Spillway. There has
25 been a lot of conversation about that. This structure is

1 kind of unique. It was built a little bit before the
2 Bonnet Carre Spillway right before the 1920 floods.

3 On the west bank of the Mississippi River, it
4 does have all the artificial levee systems intact. That
5 system starts from Cairo, Illinois, and comes all the way
6 down the Mississippi River and includes this, but on the
7 east side of the Bohemia Spillway there is just the
8 natural levee, and it is allowed to over bank.

9 If it is in flood conditions, as you see in
10 this. You see all the flow coming out of here. It is
11 allowed to over bank and flow directly into American Bay
12 and California Bay.

13 Also, part of this, you have heard a lot of
14 conversation about Mardi Gras Pass. That is another
15 artificial canal that has been dug through the marsh.
16 That is part of the Bohemia Spillway and it is located
17 right about in this area right here, at the very beginning
18 of it.

19 I just wanted to point that out to everybody.
20 The two influential structures on the Mississippi Sound,
21 when they are opened, is primarily the Bonnet Carre
22 Spillway because it flows right into Lake Pontchartrain
23 through the Rigolets and into the Mississippi Sound, and,
24 then, the Morganza Spillway has an indirect impact to that
25 when open -- and it is not currently open -- it diverts

1 Mississippi River water to the west side.

2 with that being said, I will go right into the
3 update.

4 You have seen this graph before. The only big
5 take away from this is I wanted to mention some of the
6 historic context where we are right now.

7 This is the first time in history that the
8 Bonnet Carre has been opened in two consecutive years. It
9 is also the first time in history that it has been opened
10 twice in one year.

11 The updated information, you will see on the
12 right, this is what was presented last month. This is the
13 current conditions right now. We've got about a hundred
14 and forty-eight gates open and there is about a hundred
15 and forty-eight thousand CFS rolling through there.

16 This graph you have also seen last month. It
17 has been updated. It includes -- this right here is the
18 first opening of the Bonnet Carre right here. It has
19 exceeded, not in CFS, but in duration, the 2011 opening
20 which is this graph, and, then, you will see right here
21 this purple bar is the second opening of the Bonnet Carre.

22 Next we will talk a little bit about the
23 environmental conditions. As you can see, this is a
24 little bit different than last month in that this is the
25 salinity, but this graph only goes from zero to two.

1 There is a tremendous amount of freshwater in
2 the western Mississippi Sound right now. Temperature is
3 starting to warm up. We typically see this time of the
4 year all of our waters in the Mississippi Sound are
5 starting to warm.

6 This is the Pearl River map. The big takeaway
7 from this is this yellow line represents a line twelve
8 point five feet that all areas are closed under the
9 management criteria. Flood stage is the red line. You
10 can see we are well above that, and the blue line is the
11 state of the Pearl River and, as you can see, it has
12 remained above the management criteria so far the entire
13 month of May.

14 These are our sample locations -- this is a map
15 we presented last month -- in the western Mississippi
16 Sound. This is a little bit of the data. This graph has
17 just bled out. There is no tremendous change between this
18 graph and the last month's graph, other than there is a
19 little more mortality that we are picking up.

20 We are still out sampling a lot. That has taken
21 a lot of the staff's time. That is where most of their
22 activity is, not on the traditional analysis of the data
23 which will come once the second opening has closed.

24 Then, I wanted to provide a little bit of the
25 MODIS satellite imagery. This is from the first opening.

1 The first opening started on February the 27th and ended on
2 April the 11th.

3 If you notice, this was somewhere very early
4 towards the opening. You can see the very turbid
5 freshwater is occupying all of Lake Pontchartrain into
6 Lake Borgne and all into the western Mississippi Sound.

7 A couple of weeks later, you can see the same
8 engagement of the Bonnet Carre Spillway with all that
9 freshwater, but there is a lot more turbid freshwater in
10 the Mississippi Sound much further to the east than we
11 typically see.

12 Then, finally, this is an image towards the end
13 of the first opening. Again, you can see the very turbid
14 freshwater occupying most of Lake Pontchartrain and Lake
15 Borgne and into the western Mississippi Sound as far over
16 as the Gulfport ship channel which is a little unusual for
17 the Bonnet Carre Spillway opening, but we didn't have
18 those positive environmental conditions, a driving north
19 wind that we had last year when it opened.

20 This is sort of the satellite imagery from the
21 second opening. Again, it opened on May 9th, this past
22 Thursday. You can see it is still very turbid, a lot of
23 that turbid freshwater in the system and into the western
24 Mississippi Sound.

25 This is on May 13th. Very little change.

1 Conditions have changed very little over the past week
2 since it has been open.

3 Are there any questions?

4 COMMISSIONER BOSARGE: Yes.

5 When you talk about the Morganza and the Bonnet
6 Carre, what is the comparison in the size of the two?

7 In other words, you said six hundred thousand
8 cubic feet.

9 What is the Bonnet Carre?

10 JOE JEWELL: The Bonnet Carre, it can handle
11 just over three hundred thousand CFS. It is about twice
12 the carrying capacity of the Morganza, but its triggering
13 factor is one point five million cubic feet per second,
14 whereas the Bonnet Carre is one point two.

15 COMMISSIONER DANIELS: Why?

16 JOE JEWELL: Well, that is established by the
17 Corps of Engineers in partnership with the Federal and
18 State governments. There is an operating procedure that
19 they operate these structures on. It is a manual that the
20 Corps has developed over the years.

21 COMMISSIONER DANIELS: Yes, but that is the
22 problem. Everybody just says that's how it is, but why?

23 JOE JEWELL: I absolutely agree with that. If
24 y'all have noted, Mr. Erik Broussard and myself attended
25 both of the stakeholders meetings for these openings and,

1 certainly, I questioned them pretty thoroughly at the
2 second opening of why we are handling the structures
3 developed in the nineteen twenties and thirties with
4 current conditions.

5 It doesn't make a lot of sense, particularly if
6 you have a business here on the Coast, or for the marine
7 resources here on the Coast, that we operate these
8 structures from the perspective of the nineteen twenties
9 and thirties, and we obviously know the conditions have
10 changed.

11 We have opened the structure three of the last
12 four years, it has opened twice consecutively, and it has
13 opened twice in one year. So we know the environmental
14 conditions have changed dramatically from the twenties and
15 thirties.

16 COMMISSIONER DANIELS: The Morganza empties into
17 the Atchafalaya River Basin which is over two thousand
18 square miles of freshwater environment.

19 I still can't wrap my head around why are we
20 going to dump this atomic bomb of freshwater -- and, look,
21 I know I'm preaching to the choir here, but I want to get
22 this stuff on record.

23 JOE JEWELL: Absolutely. I need to give you the
24 response by the Corps of Engineers, and they have to
25 consider all impacts, including all the communities and

1 economic impacts that will happen in the Morganza Spillway
2 should they open the Morganza Spillway.

3 COMMISSIONER DANIELS: The people who built in
4 that area, were they not warned prior?

5 Do they not get a letter every single year
6 saying that we could open this thing?

7 JOE JEWELL: I have no firsthand knowledge of
8 that, but I have been aware of that and I have heard that,
9 that they are provided that information.

10 JOE SPRAGGINS: If I may, you know I had a
11 meeting with the Corps of Engineers and David Pittman who
12 is one of the chief engineers with them last week, and all
13 of this is all done because years ago the legislature with
14 the State of Mississippi and our legislators in
15 Washington, D.C., and also in Louisiana, all met and they
16 decided to make the statements, and it wasn't the Corps of
17 Engineers that made it. It was our actual elected
18 officials years ago agreed to this, and they wanted thirty
19 percent to go down the river, the Old River Basin, and the
20 only way to open up the Morganza is one point five.

21 Even though the Morganza is first before you get
22 to the Bonnet Carre basically in the flow, they still said
23 that is the way the law is written and they can't do
24 anything until we change the law.

25 Now, getting somebody to change the law is not

1 going to be easy, especially Louisiana. They are not
2 going to be onboard with us.

3 I think the biggest thing that we could do in
4 Mississippi is to put together some type of information
5 which Joe and them are helping us and others, and I think
6 we ought to put together information to say what the
7 impact is costing us, what is it doing to us, what is
8 happening in Mississippi, economic impact and impact on
9 our fisheries, impact on anything that we have as far as
10 aquaculture, and, then, let's go back and try to get our
11 legislators in Washington to fight for us to do something
12 where the Corps has to modify the Bonnet Carre because it
13 needs to be modified and brought up to two 2020 standards,
14 rather than 1936 standards.

15 COMMISSIONER DANIELS: I agree with you a
16 hundred percent. I mean, this is an issue that for once
17 we can all, commercial, recreational, charter boats,
18 environmental all sit on the same side of the table on it,
19 and there has to be more responsible ways to deal with
20 this.

21 JOE JEWELL: Director Spraggins and I and some
22 of the other staff have been having these detailed
23 conversations about how do we address that.

24 One of the interesting things that I was asked
25 by WLOX at the interviews before the meetings, picked up

1 after the break was about the impacts to Louisiana.

2 Are they as concerned over there in Louisiana
3 with the increasing detriment to the environmental
4 resources as we are over here in Mississippi.

5 My response was, yes. They absolutely are
6 concerned with all the negative impacts to the
7 environment, but there is just one big difference for me
8 as a marine manager is that those impacts, those negative
9 impacts to their marine resources are offset by the
10 protection of their communities, New Orleans and Baton
11 Rouge and all those down river sites.

12 There is no benefit for Mississippi from that.
13 We receive the total impact of whatever it may be, by the
14 opening of the Bonnet Carre Spillway and we incur that.

15 I don't know of any benefit for long-term
16 openings that are occurring, like, over the last two
17 years, those cumulative impacts and what happened this
18 year for Mississippi.

19 As far as I can see from a marine resource
20 perspective, we are only getting the negative impacts, and
21 the Corps of Engineers and the State of Louisiana's
22 expectation, if those rise to a level of Federal disaster,
23 then, we are offset by applying for those funds, but, as
24 Director Spraggins has pointed out, in 2011 we got the
25 disaster funds and we did all the cultch planting in the

1 world in the Western Sound. All those benefits were wiped
2 away by the subsequent openings of the Bonnet Carre.

3 So, in fact, there really was no benefit to our
4 communities, and it is an economic detriment to our
5 communities, not just an environmental impact. So there
6 is really no benefit for us, and any short-term benefit of
7 Federal funding is wiped clean when they open it
8 subsequently.

9 Our perspective is we are going to try to start
10 looking and making response from a cumulative impact
11 perspective from now on.

12 COMMISSIONER DANIELS: One other question I've
13 got, there was a point that was brought up to me yesterday
14 by one of the mayors of our cities, and he was in a
15 meeting. He told me that he was told there is a committee
16 that meets pertaining to that spillway, and I don't know
17 if this is in Washington, or where this is.

18 JOE JEWELL: It's the Levee Board.

19 COMMISSIONER DANIELS: But Mississippi does not
20 have a seat on that committee.

21 Is that true?

22 JOE JEWELL: That is correct. The only voice
23 that we have in this process is after the decision has
24 been made and they have the stakeholder meetings. That is
25 absolutely correct, but that is one of the things that

1 Director Spraggins has identified that we need to reach
2 out as the State of Mississippi and try and expand the
3 potential, or the possibility, that we be involved in
4 these openings and these processes that occur for these
5 structures to be opened.

6 we have never done that before, and we need to
7 start doing that.

8 COMMISSIONER DANIELS: I think it is most
9 certainly time that we stand up for ourselves over here
10 because this is --

11 JOE JEWELL: (Interposing) I absolutely agree.

12 COMMISSIONER BOSARGE: All right. Thank you,
13 Joe. That was very informative.

14 JOE JEWELL: Thank you. That concludes Marine
15 Fisheries.

16 COMMISSIONER BOSARGE: All right. Next on the
17 agenda is other business.

18 (No response.)

19 COMMISSIONER BOSARGE: Seeing none, we move on
20 to public comments. I think we actually have two requests
21 for public comment. One is Mr. Gilbert Ramsey.

22 Please state your name, sir. You have got three
23 minutes.

24 GILBERT RAMSEY: My name is Gilbert Ramsey.
25 Is this on (indicating microphone)?

1 COMMISSIONER BOSARGE: I think so.

2 JOE JEWELL: No. No. I'm sorry.

3 GILBERT RAMSEY: My name is Gilbert Ramsey.
4 Originally I put in to speak at the public comment section
5 -- I mean, not the public comment, but the public affairs.
6 I put in a request on that.

7 COMMISSIONER BOSARGE: I'm sorry. I can't hear
8 you.

9 GILBERT RAMSEY: Well, I need to introduce it
10 appropriately.

11 COMMISSIONER BOSARGE: Yes, sir.

12 GILBERT RAMSEY: I'm coming forward to introduce
13 adaptive sports paraplegic fishing tournament for all our
14 loved ones and caretakers.

15 We are coming forward for the Heritage Trails
16 Program across the whole state.

17 For the passport, we are coming forth with this
18 introduction for our community and for our brothers and
19 sisters.

20 I am honored and humbled to be before you now to
21 recognize what we have before us. It is something I'm
22 very compelled to come to introduce with y'all to
23 implement it appropriately for y'all's outreach
24 assistance.

25 I have been working on it eight years, since the

1 BP cleanup started, and I have been invited to the United
2 States Chamber of Commerce Innovation and Stem Program.

3 I'm not the average person. I haven't been
4 getting much rest because I have been -- my business mind
5 and my passion is overwhelming.

6 It's just we will come back together more
7 appropriately. I want to help y'all understand. I have
8 worked it out. Y'all helped me stay focused, and I
9 appreciate your concern and your inspiration and your
10 passion.

11 Thank you very much for your attention.

12 COMMISSIONER BOSARGE: Thank you, Gilbert. You
13 are definitely passionate about your cause.

14 Up next will be Mr. Ryan Bradley.

15 RYAN BRADLEY: Commissioners, it is always good
16 to see y'all, Director Spraggins, counselor Chestnut and
17 Ms. Papania.

18 COMMISSIONER BOSARGE: State your name.

19 RYAN BRADLEY: My name is Ryan Bradley. I'm the
20 Director of Mississippi Commercial Fisheries United.

21 Commissioners, I would just like to enlighten
22 the Commission and the general public on a couple of
23 projects that we are involved with that are helping to
24 conserve and protect our treasured marine resources and
25 habitat here in Mississippi.

1 First, we are collaborating with Mississippi
2 State University Coastal Research and Extension Center on
3 a way marine debris removal project that is soliciting the
4 help of the local shrimp fishermen.

5 Specifically, the project is targeting the
6 collection of derelict crab traps, not to get confused
7 with the derelict crab trap that the DMR hosted a couple
8 of months back.

9 This will engage shrimpers. They commonly
10 interact with derelict traps in their nets. They catch
11 them while they are shrimping.

12 What we don't want is those shrimpers to throw
13 those traps back in the water. We want them to bring them
14 in and properly dispose of those traps.

15 So we have worked with MSU and other partners to
16 establish several locations where they can turn in these
17 traps at different harbors, Bayou Caddy Harbor, Pass
18 Christian Harbor, St. Michael Fuel and Ice, and Ocean
19 Springs Harbor.

20 Only legally licensed Mississippi shrimpers are
21 eligible to participate and they must be preregistered
22 before turning in any traps.

23 There is currently a five dollar reward for each
24 trap that the fishermen turn in. So they do get a little
25 bit of compensation for participating.

1 The project officially started January 1st, 2019,
2 and it will run for two years as of right now.

3 If anybody would like to learn more about that
4 project, they can google MSU Derelict Trap, and one of the
5 first things that pops up will take you to learn more
6 about it and folks can register.

7 It is a really great project working with the
8 fishing community to help get those traps out of the
9 water. We all know they have the potential to ghost fish
10 and whatnot. Oftentimes the lines are cut, and those are
11 difficult traps to recover.

12 Also, another component of this project is trash
13 removal where we gave the shrimpers these bags here. It
14 says "Stash Your Trash".

15 I know the Commission has been looking at ways
16 to get the public involved in trash removal of marine
17 debris, but the shrimpers actually catch a lot of trash in
18 their trawls as they are dragging.

19 So we will ask them to collect everything they
20 catch, put it in the bag, and we will collect this bag
21 back from them, give them new bags, and that way we can
22 start to document how much liter and marine debris is out
23 there, and we want to be able to show the public to help
24 raise awareness about this problem.

25 we will be doing that, and we are also logging

1 their interactions with marine debris and trying to
2 document different things.

3 They catch trees, tires. You would be surprised
4 what these fishermen encounter. So we are doing some good
5 work to help clean up the sound.

6 It looks like I'm out of time. So I will leave
7 it there, but I just want to say y'all are doing a great
8 job. Good to see y'all this month.

9 Thank you for all your time.

10 COMMISSIONER BOSARGE: Good deal. I was not
11 aware about that "Stash Your Trash", but that is a good
12 deal.

13 JOE SPRAGGINS: I wasn't either. Thank you for
14 doing that.

15 RYAN BRADLEY: Thank y'all.

16 COMMISSIONER BOSARGE: I think that concludes
17 our public comments.

18 Do we have a motion to adjourn?

19 COMMISSIONER HAVARD: I'll make a motion that we
20 adjourn.

21 COMMISSIONER GOLLOTT: I'll second it.

22 COMMISSIONER BOSARGE: We have a motion and a
23 second.

24 All those in favor aye.

25 (All in favor.)

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COMMISSIONER BOSARGE: Opposed like sign.

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

Meeting adjourned.

(Whereupon, at 12:26 o'clock, p.m., the May 21, 2019, meeting of the Commission on Marine Resources was concluded.)

C E R T I F I C A T E

Lucille Morgan, CSR 1251
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I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above and foregoing is a true and correct transcript of the May 21, 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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