

COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, July 16, 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

??? Papania, Esq.,

1 COMMISSIONER BOSARGE: I would like to welcome
2 everybody to our regularly scheduled July Commission on
3 Marine Resources meeting.

4 Just looking around the audience, I see a couple
5 of folks that I would like to mention, recognize. One of
6 them is Councilwoman Dixie Newman. She is here.

7 I know you put together a meeting I think to go
8 to DC to talk about Bonnet Carre Spillway and try to see
9 what we could get done.

10 we thank you for that.

11 DIXIE NEWMAN: Thank you.

12 COMMISSIONER BOSARGE: Also, I think in the
13 audience, I saw him earlier.

14 JOE SPRAGGINS: Back in the very back.

15 COMMISSIONER BOSARGE: Mr. Rusty, yes, he is
16 here, and I thank you for coming and being a part of our
17 meeting.

18 Rusty was with enforcement for years and years,
19 retired from the DMR and it is good to see you, my friend.

20 RUSTY PITTMAN: Thank you.

21 COMMISSIONER BOSARGE: With that being said, we
22 will start the meeting off, and we will start with The
23 Pledge of Allegiance, and we will let Mr. Joe Spraggins
24 lead us.

25 (The Pledge of Allegiance was recited.)

1 COMMISSIONER BOSARGE: Next up, we have got a
2 little housecleaning to do. It is election of officers.

3 Every year in July we elect officers, and we
4 will start the election with the chairman, and, then, go
5 to vice chair.

6 Are there any nominations for chairman?

7 COMMISSIONER GOLLOTT: Mr. Chairman, I would
8 like to nominate Mark Havard for chairman.

9 COMMISSIONER BOSARGE: All right. So
10 Commissioner Gollott makes a motion to nominate
11 Commissioner Havard as chairman.

12 Do we have a second for that nomination?

13 COMMISSIONER DANIELS: I will second that.

14 COMMISSIONER BOSARGE: Commissioner Daniels
15 seconded it.

16 Do we have any other nominations for chairman?

17 (No response.)

18 COMMISSIONER BOSARGE: All those in favor aye.

19 (All in favor.)

20 COMMISSIONER BOSARGE: Opposed like sign.

21 (None opposed.)

22 COMMISSIONER BOSARGE: Motion carries.

23 We also need nominations for our vice chair.

24 Do we have any nominations for vice chair?

25 COMMISSIONER HAVARD: Mr. Chairman, I would like

1 to nomination Ronnie Daniels.

2 COMMISSIONER BOSARGE: Commissioner Havard made
3 a motion to nominate Commissioner Daniels as vice chair.

4 Do we have a second for that motion?

5 COMMISSIONER GUESS: I will second it.

6 COMMISSIONER BOSARGE: Seconded by Commissioner
7 Guess.

8 Any other nominations?

9 COMMISSIONER GOLLOTT: Mr. Chairman, I would
10 like to nominate Natalie Guess for vice chairman.

11 COMMISSIONER BOSARGE: All right. We have a
12 nomination for Commissioner Guess as vice chair.

13 Do we have a second for that motion?

14 I will second that motion.

15 So we have two nominations for vice chair,
16 Commissioner Daniels and Commissioner Guess. We will go
17 in the order in which they were nominated.

18 All those in favor of Commissioner Daniels as
19 vice chairman signify by aye.

20 (Commissioner Daniels, Commissioner Guess,
21 Commissioner Havard.)

22 COMMISSIONER BOSARGE: Three ayes. We have
23 Commissioner Havard, Commissioner Guess and Commissioner
24 Daniels. Motion carries and I think that pretty well
25 wraps it up.

1 All right. With that being said, I guess I will
2 turn over the chairmanship to our new chairman,
3 Commissioner Havard.

4 Give me just a minute. I've got to move all my
5 stuff.

6 COMMISSIONER HAVARD: Steve, let's just wait.
7 The new officers start August 1.

8 COMMISSIONER DANIELS: If I may, I would like to
9 tell Steve thank you for the time that he has spent as
10 chairman. It is a lot of extra work, and he has done a
11 great job at what he has done here.

12 COMMISSIONER BOSARGE: I appreciate that. It
13 has been a pleasure and an honor.

14 I look forward to having Mark as our chair here.
15 I think he will do an excellent job.

16 All right. We will move on with the agenda.

17 Approval of the minutes. We have actually two
18 sets of minutes to approve.

19 Do we have a motion to approve the minutes of
20 the May 21st, 2019, meeting?

21 COMMISSIONER GOLLOTT: Mr. Chairman, I will make
22 that motion.

23 COMMISSIONER BOSARGE: We have a motion by
24 Commissioner Gollott.

25 Do we have a second for that motion?

1 COMMISSIONER GUESS: I will second it.

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

4 All those in favor aye.

5 (All in favor.)

6 COMMISSIONER BOSARGE: Opposed like sign.

7 (None opposed.)

8 COMMISSIONER BOSARGE: Motion carries.

9 we also have approval of the minutes of the June
10 18th, 2019, meeting.

11 Do we have a motion to approve those minutes as
12 written?

13 COMMISSIONER HAVARD: I will make the motion we
14 approve the minutes of the June 18, 2019, meeting.

15 COMMISSIONER BOSARGE: We have a motion.

16 Do we have a second for that motion?

17 COMMISSIONER DANIELS: I will second that.

18 COMMISSIONER BOSARGE: Seconded by Commissioner
19 Daniels.

20 All those in favor aye.

21 (All in favor.)

22 COMMISSIONER BOSARGE: Opposed like sign.

23 (None opposed.)

24 COMMISSIONER BOSARGE: Motion carries.

25 we have approval of the agenda.

1 I think we have a couple of changes we want to
2 maybe look at making in the agenda.

3 JOE SPRAGGINS: Yes, sir, Mr. Chairman.

4 what I would like to is, under the Director's
5 Comments, add a third number and report, and put the
6 Governor's Task Force update for the Bonnet Carre.

7 COMMISSIONER BOSARGE: So we will amend the
8 agenda by adding D3?

9 JOE SPRAGGINS: Right, and making it as the
10 Governor's Task Force with the Bonnet Carre update.

11 COMMISSIONER BOSARGE: Do we have a motion for
12 that?

13 COMMISSIONER GUESS: I will make the motion.

14 COMMISSIONER BOSARGE: We have a motion.

15 Do we have a second for that motion?

16 COMMISSIONER HAVARD: I will second that motion.

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

19 All those in favor aye.

20 (All in favor.)

21 COMMISSIONER BOSARGE: Opposed like sign.

22 (None opposed.)

23 COMMISSIONER BOSARGE: Motion carries.

24 Up next will be the Executive Director's report,
25 Mr. Joe Spraggins.

1 JOE SPRAGGINS: All right, sir. Thank you very
2 much.

3 A couple of things. Right off the bat, one is
4 we are having a DMR day on the 18th of this month which is
5 Thursday and Commissioners, if any of you are able to
6 come, we would love to have you here. We are going to
7 have a great speaker who is coming, Dr. Jones out of north
8 Mississippi. He is a great motivational speaker and he is
9 going to come spend a few hours with us. Dr. Sam Jones.
10 If you have never heard him, he is fantastic.

11 We are going to have some other things going on
12 that day, but we would love to have you, if you could
13 possibly make it.

14 It starts at 8:00 o'clock in the morning and
15 probably ends about 2:00. We will be serving breakfast
16 and lunch. So we will be glad to have you for that.

17 I think you would enjoy it. We are going to
18 have a good time.

19 The other thing is employment contracts. We can
20 look at those real quick, and I think that you will see
21 USM. We are doing a work order with them. This is
22 Shellfish Sanitation Compliance, and that is a hundred
23 percent Tidelands, and, then, we have two other USM and
24 they are Blue Crab Life History, and, then, the Blue Crab
25 -- another. I can't see what it says, but anyway those

1 are basically -- what we are doing there is trying to do
2 some testing there for the Bonnet Carre and what happened,
3 and we are having to get USM to help us with a lot of
4 that. So I appreciate it and we are moving forward with
5 that.

6 Next slide.

7 I think that is all on the employments.

8 What about any contracts?

9 BRIAN SHERWOOD: No, sir.

10 JOE SPRAGGINS: No contracts update on that.

11 The next thing we have on the agenda is the IT-
12 GIS Report with Karen Clark, just to give you an idea of
13 what we are doing with the IT Department and an update on
14 that.

15 KAREN CLARK: Good morning.

16 It is a much different perspective than what I
17 usually get during the Commission meeting. Usually I am
18 sitting behind the computer.

19 My name is Karen Clark, and today I am going to
20 give you a brief report from the Office of Information and
21 Technology, specifically from our GIS Department.

22 This past week our team received an award for
23 our GIS efforts. The Special Achievement in GIS Award is
24 given to organizations that set new precedents throughout
25 the GIS community that change our world.

1 Our agency stood out from more than a hundred
2 thousand other organizations and represent the top point
3 zero one percent of Esri customers globally.

4 We are humbled to be among other distinguished
5 winners such as The Department of Mineral Resources in
6 Thailand for their search and rescue efforts when they
7 saved the boys in the cave that were missing in Thailand.

8 Also among the winners was The United Nations
9 for their efforts in sustainable development and Columbia
10 University for their open data practices in providing data
11 for both scientists and citizens for marine geoscience.

12 Today we would like to share briefly some of our
13 projects that led up to this award.

14 I will go further into detail on this list, but
15 I mostly want to focus that these projects were developed
16 in house by the IT-GIS team and they were developed at no
17 additional cost to the State.

18 Our team works with the bureaus and departments
19 throughout the agency to help provide products to make
20 their jobs more efficient.

21 Our first example here on the left is a data
22 collection tool that we developed with the Shrimp and Crab
23 Bureau to give to crab fishermen to have them document
24 Terrapin sightings in their crab pots. So that one is in
25 use by the public, by fishermen.

1 The middle example was developed for our Coastal
2 Preserves Program to help them also track Terrapin, but
3 specifically Terrapin nesting along Graveline Beach, and I
4 will bring that back up later.

5 Then, this last one on the right is an app that
6 we developed for ourselves to help us collect data at the
7 Grand Bay NERR where we are doing a vegetation survey.

8 We can take these products from these data
9 collection tools in realtime display these in Dashboard
10 for realtime decisions making.

11 This is an example that we have made for Marine
12 Patrol for seafood shop inspections. It provides realtime
13 data. As an inspection is completed, we are able to see
14 it. This is for both seafood shops and roadside vendors.

15 Another example of our realtime data with the
16 data collection tools was this past December when we did
17 the shellfish relay. We worked with the Shellfish
18 Department, or Bureau, to create a live feed. As the
19 oystermen brought in sacks, we were able to display what
20 our current count was in realtime as the sacks were
21 offloaded, and it helped us get as close to our goal as
22 possible without going over.

23 Our team has been able to leverage grant funding
24 to enhance our aerial mapping capabilities through UAS.
25 We use the UAS to monitor elevations and we can monitor

1 elevation change.

2 This is an example at New Round Island where we
3 were able to observe the island before and after a
4 hurricane and determine the difference in elevation before
5 and after Hurricane Nate.

6 Also using elevation, we were able to work with
7 Beneficial Use to use the UAS to measure elevation at
8 DIMR2, the beneficial use site on the north side of Deer
9 Island, and we were able to determine what capacity was
10 left for beneficial use.

11 we have also used our aerial platform working
12 with the Shellfish Bureau and the FDA to assist with
13 visualization of a dye study we did recently.

14 As I mentioned before, the data collector, this
15 demonstrates how we are able to work with the Coastal
16 Preserves Program to identify locations of nests for
17 Terrapin and we combined that we our aerial imagery to
18 determine habitat. So we are able to do habitat mapping
19 based on that.

20 The photo on the right shows where we are able
21 to assist the Grand Bay NERR with a vegetation survey to
22 identify invasive species.

23 A lot of those products that we just saw are
24 internal. They are to help our staff make better
25 decisions, but everything we do is internal.

1 we have some external products, and these are a
2 few examples of products that are available publicly on
3 our website and they have been up for months.

4 This is our Seafood Dealer map where you can go
5 and search for a specific type of seafood, or any seafood
6 in your area, and that is available on our website. We
7 worked with the Seafood Technology Bureau to develop this.

8 We worked with Coastal Preserves to make this
9 Coastal Preserves Trails Map where you can find the
10 trailheads and information about the trails for our
11 Coastal Preserves.

12 We have a public access inventory that we worked
13 with Tidelands to create where you can find boat ramps,
14 piers, marinas and things like that, that are in your area
15 and find out more information about those.

16 My last example for today is the Story map that
17 we made for the National Heritage Area. We worked with
18 them to create this map. It is was a Story map where you
19 can learn about the ??? and marine ??? on the Gulf Coast.

20 I would like to reiterate that all of these
21 products were developed in house and we definitely have
22 more to come in the future. Our focus is on making our
23 data accessible to the public so they can find it.

24 Really, I just want to say I am super proud of
25 my team. They have worked really hard these last couple

1 of years to put this stuff together.

2 COMMISSIONER GUESS: Congratulations.

3 KAREN CLARK: Thank you.

4 COMMISSIONER BOSARGE: Yes, definitely
5 congratulations. I tell you what, that is impressive.

6 I'm not much on IT. I am doing good to boot my
7 computer up and get it to do what I want it to do, but
8 looking at what you guys have done and knowing some of the
9 different apps that even I interact with that you guys
10 have created, that is amazing to me to do that in house,
11 not to have to go out. That is good folks in IT.

12 Congratulations on your award.

13 KAREN CLARK: Thank you so much.

14 COMMISSIONER BOSARGE: Thank you.

15 JOE SPRAGGINS: Thank you, Karen. They are
16 doing a great job and we do appreciate it, and I think we
17 are going to see more in the future, too, because they are
18 doing a lot of mapping stuff, and that is a great deal.

19 Sir, now, Agenda Item Number D3, we want to go
20 to it, if we can. I just want to give y'all a little
21 update.

22 I know you are probably asking a lot of
23 questions of what is this task force, or what is this
24 group that the governor has put together.

25 He put together about a month, or so, ago a

1 group of people. It was myself and Gary Rikard with the
2 DEQ, Jamie Miller with MDA, Greg Michel with MEMA, Monty
3 has headed up USM with Read Hendon also helping us a
4 tremendous amount, and, then, Moby with IMMS, and
5 Mississippi State.

6 Together, what we are doing is every week we sit
7 down and we collect data. Every section has data that
8 they are collecting and working on. We take the data, we
9 put it together and we put a report together, and I gave
10 you a copy of the report that you will have. It is below
11 there, and that is what we will send out today that was
12 approved by the governor yesterday.

13 We get those reports and hopefully now we will
14 be able to send them every Monday, or Tuesday, and those
15 reports will go out, and we will send those, and that
16 information will go to the local, the state, the county
17 and the federal and, also, obviously, to our Commission
18 weekly, and we will send that out weekly, a report for
19 them to be able for them to understand where we are, where
20 everything is happening with the Bonnet Carre.

21 Also, we are going to set up a phone call once a
22 week, so anyone can call in as far as the elected
23 officials that want to have any information, and we can
24 have a few minutes to talk about anything that they need
25 to and give them any other updates that we have.

1 Just to give you an idea of what we are doing,
2 we are monitoring the spillway every day and we are
3 monitoring what is happening, we are monitoring the number
4 of bays that are open, we are monitoring the flow rate and
5 decide what it is doing and where we are, and we are
6 working with the Corps of Engineers as to a possible
7 closure date.

8 I can tell you now we have talked with General
9 Kaiser this last weekend and he is saying his best guess
10 is five to seven more days added to the closure date that
11 we were hoping to be around the end of this week. Now, we
12 are talking about another week at least before they will
13 be able to close the Bonnet Carre, due to the amount of
14 rain that came in with Tropical Storm Barry.

15 He does not want us to hold him to that. He is
16 saying that this could be fluid one way, or the other,
17 depending on the flow of the river.

18 we will have to see what happens, and we will be
19 updated daily on this as to where are.

20 As soon as we get a date on that, we will let
21 you know, but just to give you an idea, if they said
22 tomorrow I'm going to start closing the gates, it would
23 take about a week to close all the gates, and, then, it
24 takes about seven to ten days for all the water to quit
25 coming.

1 We are not talking about this happening in the
2 next day, or two. We are talking middle of August
3 probably at the earliest before we see the freshwater
4 intrusion not continuing. That is probably our best
5 guess.

6 We are monitoring the salinity in the Sound.
7 USM is helping us with that and we are monitoring it every
8 day and we are looking at a lot of different places, and
9 just to give you an idea, I just got the report this
10 morning from the ones that were run yesterday, and the
11 salinity is coming up.

12 Now, obviously, we had some good push with the
13 storm which may have helped us some, but it also pushed
14 some freshwater back on top of us, too. So we need to
15 look at that and make sure where we are.

16 We are doing testing on it every day to see, but
17 the way we look at the algae -- which we will go into in
18 just a second -- it takes about -- once it gets around
19 ten, as far as the salinity, then, it basically stunts the
20 growth of the algae and up around ten, or fifteen, it
21 quits growing. Now, it doesn't kill it. It just quits
22 growing.

23 Then, we will start looking at the point of
24 where it gets higher. The higher it gets the better
25 chance we have of it dying.

1 One thing I want to warn everyone on that once
2 it dies, it sinks to the bottom and the oxygen level
3 starts to deplete.

4 There may be a time in the very near future that
5 if this algae dies off, that we see a big fish kill, and I
6 want people to understand that we are not talking about --
7 this is not toxins killing the fish. This is loss of
8 oxygen killing the fish, and it is something that does
9 happen.

10 we will put the word out as much as we possibly
11 can across the media to let people know that this is not a
12 water toxin doing it. It is lack of oxygen that does it
13 and that is just part of nature and it is what we will
14 have to deal with.

15 How long that will last, I don't know, but we
16 will keep you updated on where we are.

17 Most of the salinity levels are getting up to
18 the twelve, or fifteen, range which is good. That means
19 it is helping the algae to not grow and that is a very
20 good thing.

21 I forgot. I'm sorry. Michelle is here with the
22 congressman's office. Thank you, Michelle.

23 COMMISSIONER BOSARGE: Thank you.

24 JOE SPRAGGINS: Also, the oxygen levels, as I
25 said, we are keeping an update on it.

1 In the maps that we send out and in the articles
2 we send out, it gives indications of where the oxygen
3 level and the salinity level is, and this is on a weekly
4 deal where we are. That will help you to understand a
5 little bit and even maps about it that USM are putting
6 together for us.

7 The crab population, we are watching it very
8 closely, the catch population of it and where we are to
9 give an update to decide where we are as to a loss.

10 The shrimp population, we are looking very hard
11 on it and just to give you a quick update, Rick, I think
12 gave me yesterday. He said, normally in the month of June
13 we catch around two million pounds of shrimp. This year
14 is a little over five hundred thousand. That tells you
15 that we are down seventy-five percent, and that is a huge
16 amount, and we are going to continue monitoring it.

17 Obviously, you know that the oysters are a
18 hundred percent loss. I mean, there may be one, or two,
19 of them straggling out there, but we are almost a hundred
20 percent loss on the oysters. So we can look at that.

21 The good thing about the oysters, we do have a
22 plan that we had put together and we are buying sixty
23 million oysters that will be about thumb size that will go
24 in the water sometime late fall to be able to start a new
25 spat growth. We do have some that we had already bought

1 and we will be able to get that.

2 That will help us a little bit. Sixty million
3 is not a lot, not when they are that size, but it will
4 help us some. So we are moving forward.

5 The samples that we do every day, we are taking
6 them. There are about twenty-one stations that DEQ runs
7 every day and they are looking at these stations and we
8 may, depending on what we see, go back and forth and may
9 do ten one day and eleven the next day, depending on where
10 we are.

11 we are running several stations out of DMR, and,
12 then, also there are stations that are being run by USM.

13 what we are checking, is we are looking for the
14 blue-green algae and the concentration of any blue-green
15 algae and we have that concentration in areas, and we were
16 hoping that the storm turned a lot of it up and took it
17 away, but it did not. There are still signs of the algae
18 there, and we did the test yesterday and almost every area
19 that we tested had some sign of blue-green algae across
20 the Coast, but it is a different type of blue-green algae.

21 I will let Joe and them get into that, when they
22 get to their briefs, but it is a little bit different than
23 what we have had in the past, but it does have the
24 capability.

25 when we tell you that it is a blue-green algae,

1 Gary and DEQ, they have changed. It is not going to be a
2 beach closure anymore. It is going to be a water quality
3 warning. That is what we are looking at, if it is there.

4 what we are saying is if there is a capability
5 of a toxin in that blue-green algae. We do not know that
6 that toxin is there a hundred percent, but we know that
7 there is the capability. If that capability is there, we
8 have to let the public know that it could possibly cause
9 harm to you, and that is a situation of rashes, or
10 something, that it could cause, and if you ingest it, it
11 could even cause you to have nausea and vomiting and other
12 things.

13 We are not going to not be safe. We are going
14 to be a hundred percent on the safe side of it. We are
15 not trying to close the beaches. We are not trying to
16 hurt, as far as our environmental, or anything, as far as
17 the economics on the Coast. We are trying to help it
18 every way we can, but we definitely don't want to see
19 anything happen.

20 The toxin test, we are running. We did one last
21 week and it came in. We are running toxins to find out
22 where there are any toxins in it, and we are finding that
23 there are some toxins in most of the tests, but they are
24 very low level, very low level toxins.

25 we did do tests to find out as far as the toxin

1 in fish and if it was capable, as far as seafood, as far
2 as consumption, and everything we are finding says that
3 there are no toxin level high enough to even test, as far
4 as the consumption of seafood.

5 Now, we are going up one step farther. We are
6 tested it anyway and we are going to see. We are going to
7 make sure that there is nothing in the seafood, but, as
8 far as we know right now, it is safe to eat the seafood in
9 south Mississippi.

10 what we are asking you to do is just use a
11 little commonsense and maybe not fish right over the top
12 of an algal bloom, if you see it. Just use a little
13 commonsense there.

14 I don't think we have that much of an issue, and
15 it seems that the food is safe to eat.

16 As far as the test, once we get the test, I
17 think we will have -- we had a meeting yesterday with this
18 group and the governor, and Gary Rieker has set a goal to
19 basically say that once we get two, or three, tests in one
20 week that say that there is no blue-green algae present,
21 then, we do a toxin test which takes a couple of days --
22 we have to send it off -- and we get no toxins, then, we
23 will open up that water. Until we get those type tests,
24 that is what he is looking at.

25 How long this is going to last, I can tell you

1 right now I would say October, and I'm not trying to put
2 somebody under, but I am just saying that we are going to
3 have issues until October because once the algae dies, we
4 are going to have oxygen levels.

5 Then, there is also the freshwater that has the
6 capability of coming right back to us, and the freshwater
7 coming out of the Bonnet Carre that has continued to be
8 open is going to bring more and we are going to have more
9 issues probably in the very near future.

10 The water level, the temperature is not going to
11 change a whole lot. I don't see an ice storm coming
12 across here in the next few days. The water temperature
13 is going to be there and the oxygen level is low, and we
14 are going to lose more oxygen as it dies.

15 Just to get you aware of where we are, but,
16 also, we are looking at possible ways of correcting it in
17 the future.

18 We are meeting with people, talking to them,
19 finding out where we are, what we are doing and how we are
20 getting there.

21 The possible future thing is that the blue-green
22 algae is coming all the way down from Minnesota in the
23 Mississippi River structure.

24 Florida has a huge problem with it over in
25 Okeechobee and other areas. As a matter of fact, I think

1 Florida just did a declaration and the President of the
2 United States is going to give them funding to be able to
3 start working on that to clear it up.

4 We were talking to the governor yesterday about
5 the possibility of us joining in on that, if there is
6 anything that we can to be able to do it.

7 We need to kill it before it gets to the Gulf.

8 COMMISSIONER BOSARGE: We are all still in the
9 learning stages of this, but there have been a couple of
10 different companies that have approached me and I'm
11 talking about educating me about technology that exists to
12 kill this algae.

13 JOE SPRAGGINS: Right.

14 COMMISSIONER BOSARGE: So, yes, I think we need
15 to look at all of our options.

16 JOE SPRAGGINS: We definitely want to look at
17 it. We are open and I have talked with Greg Michel with
18 MEMA. MEMA is very much in this. DEQ is into it. We are
19 all looking at it.

20 We want to say, hey, what do we do to help
21 prevent this in the future because it could happen again,
22 and we would want to make sure that we do all we can to
23 prevent it.

24 As far as the Corps operations, we are talking
25 with General Kaiser on a regular basis. The governor is

1 in touch with him almost daily, and we are talking to him
2 and asking him what can we do, where are we.

3 The Corps is doing a study as we speak, and the
4 study is to look at the four river basins that are coming
5 down into the Mississippi and decide, are we managing the
6 flow of that water the correct way.

7 we are looking at it, they are, and they are
8 looking at it and trying to find a way to make sure that
9 in the future do we need to open up the Morganza more, do
10 we need to open up something else, or are we doing the
11 best that we can do right now.

12 we don't that answer. When I say "we", I am
13 talking about the United States Government.

14 They do not know what is happening, but they are
15 trying hard every day. They are looking at it, and I can
16 tell you that we have the Secretary of State, we have the
17 Attorney General, we have the Governor, we have the
18 Lieutenant Governor. They are all on top of it every day
19 working hard at this, and they are not turning their back
20 on it.

21 I want everyone to understand that they are
22 trying very hard to get us any answers that we can. It is
23 going to take a little bit. We are going to have to
24 learn. It is going to be a process. We are going to do
25 what we can, and they are going to do what they can to

1 help us.

2 we do have a national fisheries disaster. I
3 know a lot of you fishermen are probably thinking, well,
4 am I going to get a check.

5 I can't tell you that. I don't know what is
6 going to happen. Odds are probably not. I will just be
7 up front with you. The odds are probably not because I
8 have not ever seen the Federal Government just write a
9 check to everybody.

10 Here is what we will do. They will give us
11 funds, hopefully, to help rebuild the resource that we
12 lost and we will do everything in our power at DMR to hire
13 you to help us. I can tell you that. That is one of the
14 things we will look hard to do. We will try to hire the
15 fishermen and all to help us redo that resource, and that
16 is one thing that we can do, as we did with the oyster
17 relays in the past, and, then, picking up crab traps, or
18 doing anything that we can do to do it.

19 The last thing. We are getting that data and
20 Joe and them are working with NOAA on this and we will
21 have something. It could take a year before we get an
22 answer, but we are on the fast track if we can get it, and
23 the Governor is trying to get it on the fast track, the
24 congressmen are trying to get it on the fast track, the
25 Senators are trying to get it on the fast track.

1 we've got everybody headed in the right way, and
2 we are doing everything we possibly can to help you.

3 The other thing that we are doing now, we just
4 went out on quotes for anyone that wanted to do it. We
5 are looking at economic damages. We are going to try to
6 find out.

7 This may be where we can help the fishermen, or
8 where we can help someone else, and that is what we are
9 going to look at. We are going to look at businesses. We
10 are going to look at hotels/motels. We are going to look
11 at everybody else, the restaurants. We are going to look
12 at the vendors on the beach and everybody else. What did
13 this impact, and try to get a report back to the Governor
14 in about sixty days to say that this is where we are now,
15 and, then, we are going to keep that report going every
16 month for about another year to be able to update it to
17 see where we are.

18 I can promise you the task force is working very
19 hard, sir, and what I have for y'all is what we are
20 sending out today.

21 If you have any questions, we can discuss that,
22 but we will also send that out to the media and we will
23 also send it out to our elected officials and all. You
24 will get a copy of this today across the Coast.

25 Sir, unless you have questions, that is all on

1 the task force.

2 COMMISSIONER DANIELS: Director, if I may, one
3 thing I would like to address, I was invited to a meeting
4 with the Tourism Commission last week and a lot of our
5 beach vendors were there, and the common concern from all
6 of them, a lot of them were saying, I'm on the beach every
7 day, but I am not seeing this stuff.

8 One thing if we could clear it up, just because
9 they are not seeing it, does not mean that we are not
10 seeing traces of it in the sampling, and the main concern
11 is the fact that this stuff can multiply so quickly and
12 the possibility of a toxin. That is where all of this is
13 coming from.

14 Correct?

15 JOE SPRAGGINS: It is and, Rick, real quick.
16 The new type that we have now is basically not visible
17 that much, is it?

18 Can you talk to that real quick for us?

19 COMMISSIONER BOSARGE: Please, step up, Rick.

20 RICK BURRIS: Yes, sir. In the beginning, the
21 species that we were seeing was Dolichospermum, and I
22 showed y'all last month. It was real highly visible,
23 really lime green.

24 The Microcystis which we are currently seeing,
25 like you said, it is not as visible as it was previously.

1 It is a different species. They both do the same thing,
2 but it is just a different species.

3 JOE SPRAGGINS: But the actual walking down the
4 beach and seeing blue-green algae is not as prevalent as
5 it was?

6 RICK BURRIS: It is not as prevalent. You can't
7 see it like you did last month which was that different
8 species that had a lot more coloration with it. That's
9 correct.

10 JOE SPRAGGINS: Right, and, then, once the algae
11 -- once again we don't know. That is the other thing
12 where DEQ is being very cautious with it. Just because we
13 take a sample today and just because the sample comes back
14 two days from now saying that there is no toxin in it
15 doesn't mean that it didn't release toxin between that
16 point because it can release a toxin as it blooms and
17 dies.

18 Right?

19 Is that not correct?

20 RICK BURRIS: That's correct. Yes, sir.

21 JOE SPRAGGINS: Once it does die off, the toxin
22 will come out and there will be some.

23 Now, where it is right now we have been lucky.
24 It has not been that high.

25 Is that correct?

1 RICK BURRIS: Yes, sir.

2 JOE SPRAGGINS: I just want to make sure I am
3 telling the right things.

4 I have learned one thing. Watch what you say in
5 this world.

6 COMMISSIONER DANIELS: Thank you for clearing
7 that up. I know there were a lot of people that had
8 questions about that.

9 JOE SPRAGGINS: Real quick, too. Moby is
10 helping us a whole lot, IMMS, about the dolphins and the
11 turtles. We are at a hundred and thirty-three dolphins
12 that we have had strandings of and about a hundred and
13 seventy-nine turtles I think, at this point. It has
14 dropped tremendously compared to what it was the first few
15 weeks.

16 COMMISSIONER BOSARGE: That is still a lot, a
17 lot to be concerned with. That is a lot of information.

18 JOE SPRAGGINS: Yes, sir, and that is all of my
19 report I think, sir.

20 COMMISSIONER BOSARGE: Thank you, Mr. Joe.

21 Up next is the Commissioners Report.

22 Do we have any Commissioners that need to report
23 anything?

24 COMMISSIONER DANIELS: I've got one item I would
25 like to discuss, if we can.

1 Over the past month, or month and a half, I have
2 received a few different phone calls and it brought
3 something to my attention that honestly I was unaware even
4 existed in saltwater.

5 Title 22, Part 7, Chapter 13 deals with
6 troutline fishing in saltwater.

7 I would like to ask that we reconvene our Gear
8 Type Task Force and just have them take a look at this.
9 It seems that the regulation written on this is so vague.
10 I just want to try to ensure that we don't end up in a
11 situation like we did last year, due to the vagueness in
12 these regulations.

13 COMMISSIONER BOSARGE: If I understand it
14 correctly, you are concerned about troutline fishing in
15 saltwater?

16 COMMISSIONER DANIELS: I am concerned about how
17 vague the regulation is on this. It does not speak to
18 anything to deal with how long it can be out there, how
19 long a troutline can be, hooks, the depth that it has to
20 be set at.

21 It is very, very vague, and we have seen
22 problems with that in the past. I would just like to have
23 the task force take a look at it and make sure that we are
24 responsible in the way that we have this written.

25 COMMISSIONER BOSARGE: Yes. That sounds good to

1 me.

2 Commissioner, did you have something you wanted
3 to say?

4 COMMISSIONER HAVARD: I can follow up
5 Commissioner Daniels, if he is done.

6 COMMISSIONER DANIELS: That request for the task
7 force to meet, is that all we need here to make that
8 happen?

9 COMMISSIONER BOSARGE: I will have to defer to
10 Joe.

11 How do we need to go about that?

12 You need that in the form of a motion?

13 SANDY CHESNUT: Yes. We are putting the motion
14 up on the board.

15 JOE SPRAGGINS: Commissioner, was this brought
16 up in the last task force meeting, or not?

17 COMMISSIONER DANIELS: No, sir, it was not,
18 Title 22, Part 7, Chapter 13, Troutline Regulations.

19 COMMISSIONER HAVARD: Commissioner Daniels, I do
20 know that Parks and Fisheries do have a law in the
21 freshwater area that says you can only have a certain
22 number of hooks in the water that are unattended at any
23 point in time. That might be something that they can look
24 at.

25 COMMISSIONER DANIELS: Yes. I've got full faith

1 in the team that we put together, as far as this task
2 force. They will take a look at it. Again, it is
3 extremely vague in the way that it is written right now.

4 If I may, I would like to make a motion to
5 reconvene the Gear Type Task Force to look at Title 22,
6 Part 7, Chapter 13, Troutline Regulations.

7 COMMISSIONER BOSARGE: There are some other
8 issues that I would probably like to bring before that
9 task force, also.

10 Could we not just limit it to that Title 22,
11 Part 7, Chapter 13, Troutline Regulations?

12 COMMISSIONER DANIELS: Yes, absolutely and, if
13 you would like, we could ask that this be done after next
14 month's meeting, if you would like to add some concerns to
15 it. I don't have a problem with that, or if we could have
16 a meeting for everything, either way.

17 COMMISSIONER BOSARGE: I think she is going to
18 want you to modify your motion.

19 COMMISSIONER DANIELS: Okay. We want to take --

20 COMMISSIONER BOSARGE: (Interposing) Just, and
21 other issues. Just put that at the end of it.

22 COMMISSIONER DANIELS: I would like to modify my
23 motion to reconvene the Gear Type Task Force to look at
24 Title 22, Part 7, Chapter 13, Troutline Regulations and
25 other issues.

1 COMMISSIONER BOSARGE: We have a motion.

2 Do we have a second for this motion?

3 COMMISSIONER HAVARD: I will second the motion.

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

6 Any further discussion?

7 (No response.)

8 COMMISSIONER BOSARGE: All those in favor aye.

9 (All in favor.)

10 COMMISSIONER BOSARGE: Opposed like sign.

11 (None opposed.)

12 COMMISSIONER BOSARGE: Motion carries.

13 Any other Commissioners have anything to report?

14 COMMISSIONER HAVARD: Yes. I've got some
15 concerns following up on Director Spraggins' report on the
16 Bonnet Carre Spillway.

17 I have had a lot of conversations around the
18 table, as well as phone calls that I have fielded about
19 our shrimp.

20 Since our shrimp harvest is seventy-five percent
21 lower than it has been in previous years, where are our
22 shrimp coming from?

23 Are we eating table fare that is coming from
24 farm-raised shrimp?

25 We don't know that, so I couldn't answer those

1 questions.

2 I pulled out a box of shrimp that I actually
3 have in my freezer and it had different things on it,
4 like, "Wild American Caught Shrimp", "Gulf Caught Shrimp",
5 and, then, it has this thing called "Certified".

6 Then, that brings back, I recall the Attorney
7 General's office, Sandy about two months ago talking about
8 where are our limits and our guidelines for the
9 enforcement in the processors and different things.

10 who is certifying this?

11 when is the last time they have been certified?

12 I haven't heard anything else about it from
13 Sandy, or anyone else, about guidance for the enforcement,
14 where they are supposed to go, or where their limits are.

15 I would like to see what the other Gulf states
16 are doing.

17 what are the other surrounding states doing?

18 I know that we have regulations on crabs and
19 oysters, but we do not have regulations in place on
20 shrimping.

21 This generation, it is more important than ever.

22 where is our food coming from?

23 They have dubbed these things organic,
24 sustainable resources, and the general public is willing
25 to pay more money to know where the point of origin is for

1 the food that we are putting on our table, so I just have
2 some concerns.

3 who issues the permit on those?

4 who inspects this?

5 How often do they inspect the processing plants?

6 I know that there is something called "servSafe"
7 that the restaurant industry has to abide by that says you
8 must take a test, you must be certified every five years.
9 Someone must be in place to know how to handle different
10 types of food to make sure that they are not getting
11 anybody sick.

12 I know that we are just a pin drop on the map,
13 but we are shipping our seafood across the nation, so we
14 are affecting the whole nation with the seafood that we
15 are catching in our backyard.

16 I would like some clarification on who is
17 inspecting this and what these permit numbers mean, who is
18 issuing these permit numbers on that.

19 I would like to ask the staff to come back with
20 what are our surrounding states' requirements for shrimp
21 processing?

22 what are they doing?

23 I can't answer those questions. I haven't been
24 able to ask anybody that can answer those questions.

25 I know the FDA is part of the inspection process

1 on the Federal level, but do we have anything from the
2 state level?

3 JOE SPRAGGINS: Commissioner, I can tell you we
4 do have some and, Joe, I would ask you if you would step
5 in with me here.

6 We do have a Seafood Technology Division that
7 goes in and inspects the shrimp processors on a quarterly,
8 or whatever, basis.

9 What is it?

10 JOE JEWELL: Our Seafood Technology Bureau
11 interacts with the shrimp industry and does their
12 sanitation inspections.

13 They do not their HACCP inspections. Those
14 inspections are done by the FDA coordinated with the
15 Mississippi Department of Health.

16 COMMISSIONER BOSARGE: To the best of my
17 knowledge, Joe -- I can't say all plants, but I know a lot
18 of plants that I have been around and been in, they have
19 an actual USDA Inspector in the plant during operation,
20 inspecting lots as they go.

21 I know in a lot of the plants that I have been
22 in lately all have -- and you will see it. It says on
23 that package, a lot of times it will say "USDA Inspected".

24 In other words, they actually have inspectors on
25 hand in the plant while it is running.

1 JOE SPRAGGINS: We do, and I have met with
2 several of the processors over the last few months, last
3 month in particular, and one thing I learned that I did
4 not understand is that a situation that, say, you own a
5 shrimp processing plant. The people that are buying your
6 shrimp, the big companies, they are inspecting you, too.
7 They are sending people down here and they have inspectors
8 in the building inspecting on a regular basis, making sure
9 that they are getting what they are supposed to be
10 getting.

11 That is another issue that I have learned, that
12 there are more issues, more people doing inspections and
13 there are other people looking at where the seafood is
14 coming from and how it is done and how it is processed,
15 basically making sure that they have the safety that they
16 are wanting to have.

17 I did learn that, and Commissioner Gollott, you
18 know this is your expertise.

19 Is there anything you would have on that?

20 COMMISSIONER GOLLOTT: Yes, sir.

21 I was sitting here laughing to myself. I mean,
22 I'm a shrimp processor and everybody is going around me
23 with these questions.

24 Shrimp is a very low risk product, as far as
25 making people sick. The FDA takes it very serious, but it

1 is not like oysters, or crab meat, that you can get sick
2 over night.

3 The numbers that we have are issued by the State
4 and the Federal Government, and you have to have a number
5 and be inspected to ship over the state line.

6 Most of your shrimp processors are shipping a
7 lot of shrimp. They could in no way sell the amount of
8 shrimp that they are processing in the State of
9 Mississippi.

10 We are inspected by the FDA who walk in anytime
11 they want to and just go the office, give you a notice of
12 inspection, and, then, most of the time, they will take
13 whoever is running the plant through the plant and inspect
14 it. They go in the freezers and check to make sure that
15 you are putting country of origin labeling. If you are
16 reprocessing any product that is not from this country,
17 you have to put country of origin labeling on it.

18 The American Shrimp Processors Association had
19 this passed through congress and for the most part, for
20 all parts really the shrimp industry is a very safe
21 industry. It has been operating the same way for about
22 the last hundred years, and it hasn't had any major
23 problems, or anything, to modify anything.

24 Just to assure you that the shrimp industry is
25 inspected by the state anytime they want to, we have a

1 bureau -- Joe is part of it -- that goes in the plant,
2 notifies them you are there and you can inspect the plant
3 anytime. They check the labeling. They check the weights
4 and measures to make sure they are getting the right
5 amount of weight and counts and everything in the shrimp.
6 It is pretty extensive inspected and everything.

7 Is there anything else anybody else would like
8 to ask?

9 COMMISSIONER HAVARD: When is the last time that
10 you have been inspected, or any of the other processors in
11 the area have been inspected?

12 COMMISSIONER GOLLOTT: I think we were inspected
13 last week, if I'm not mistaken. It is pretty regular.
14 You can check with Joe there. He can pretty much tell you
15 when these processing plants are inspected.

16 COMMISSIONER DANIELS: Director, if I remember
17 correctly, wasn't staff supposed to be getting some
18 information together to put out to us along these lines?

19 Didn't we talk about something like that in the
20 past months, or am I thinking about something else?

21 JOE SPRAGGINS: We talked about it. We
22 addressed it, I think, in a Commission meeting not long
23 ago, some of the issues.

24 The thing is that I would -- the Commission set
25 the rule years ago on who would inspect what, and the

1 shrimp processors were not a part of that inspection.

2 Now, I'm not saying it is right, or wrong. I am
3 just saying that was not the case. That is what we have
4 had to look at and have to follow the rules by what we do.

5 I would advise, if the Commission wants to
6 address anything on that, let's at least give the public
7 and the processors and everyone due time to look it and
8 talk with us about it, before we make any kind of change
9 on it.

10 COMMISSIONER BOSARGE: I guess I have one
11 question.

12 I mean, are there some issues that I don't know
13 about?

14 In other words, is somebody getting sick?
15 Have you got reports, or something?

16 That is an industry that has been around for
17 many a year, and I don't recall any issues with any bad
18 packed shrimp.

19 In other words, where are we going with this?
20 What is driving this issue?

21 Do we have people getting sick from shrimp?

22 I am quite involved in the shrimp industry and
23 attend quite a few meetings. I was in one in New Orleans.

24 If we want to go to testing shrimp, we need to
25 test the shrimp that are coming into this country, not the

1 ones that are in this country.

2 COMMISSIONER HAVARD: I agree.

3 COMMISSIONER BOSARGE: That is where the problem
4 is. I mean, there is a serious problem. There are issues
5 there. We have some issues we need to think about.

6 COMMISSIONER HAVARD: That is where these
7 conversations are coming from to me is that they know the
8 word is out that tens of thousands of pounds of shrimp are
9 coming into our ports and they are pond raised shrimp.

10 where are these shrimp going?

11 They don't know. The general public does not
12 know, and they are scared that they are putting food on
13 their table to feed their family that is pond raised
14 shrimp.

15 We raise our own cows every year because we want
16 to know what kind of antibiotics are in there, or what are
17 they eating.

18 We care about what we put on our table and no,
19 to my knowledge, there has not been an outbreak of anybody
20 getting sick, or anything of that nature.

21 I do remember several months ago there was a
22 shakeup about the enforcement.

23 where are their guidelines?

24 Can they go in these plants, or can they not go
25 in these plants?

1 That is where sandy brought into play -- she
2 read a small dissertation about reading some guidelines,
3 and, then, I haven't heard anything else about it.

4 That is kind of where it all comes from. It is
5 just concerns that the general public has that is really
6 not that easy to identify, where these shrimp are coming
7 from, and it seems like every other industry has all the
8 regulations in the world, except this one industry.

9 I can't get a straight answer on what we are
10 doing at the State level to inspect.

11 COMMISSIONER BOSARGE: I guess me, I look at it
12 as an industry that has been here a long time and I have
13 been in those plants and I have seen the inspections that
14 take place, and they go through a lot of paperwork. There
15 is a lot of paperwork. There are a lot of people looking
16 over their shoulders making sure they are doing what they
17 are supposed to do.

18 Like I say, I appreciate the effort, but I think
19 if we are going to apply some effort towards shrimp, we
20 really need to be looking at what is coming in this
21 country and inspecting that product because that is the
22 product that can change us as humans.

23 COMMISSIONER HAVARD: I agree.

24 COMMISSIONER BOSARGE: There is a lot of work
25 being done to look at that now.

1 For instance, in Louisiana they just passed a
2 law that all the local restaurants have to have country of
3 origin labeling for shrimp and crawfish, and I think that
4 is a good thing. It lets people know what they are
5 eating.

6 But, anyhow, this is a long conversation. We've
7 got a lot of folks here. We need to move on.

8 COMMISSIONER GUESS: I was just add to that. I
9 know Mark had mentioned the package he took out of his
10 freezer, what it said.

11 what should people look for to know that it is
12 Mississippi Gulf Shrimp?

13 One said "Gulf".

14 Right?

15 COMMISSIONER HAVARD: Yes, it said "Gulf".

16 COMMISSIONER BOSARGE: I don't know that you are
17 going -- because those plants aren't just processing
18 shrimp from Mississippi. They are processing shrimp from
19 Louisiana and Florida. So it basically is a product of
20 the USA.

21 You see what I'm saying?

22 In other words, it is kind of like if you had a
23 cattle, or a beef, processing plant. They are getting
24 cows from all over. They can't just say it is from George
25 County.

1 JOE SPRAGGINS: Sir, one second real quick. I
2 think what you are asking there, most everybody --
3 Commissioner Gollott tell me if I'm wrong, but when you
4 package this, if you are taking something that is not from
5 Gulf shrimp, they package it and they put on there "Gulf
6 Shrimp" from some part. It may say "Gulf", but, if it is
7 from a foreign country, or anything else, they have to put
8 that on the package.

9 Is that not correct, sir?

10 COMMISSIONER GOLLOTT: That is correct. We did
11 lobby congress and get the laws passed that it has to have
12 "Country of Origin" labeling. That means any country it
13 comes through, processed in, or whatever, has to be
14 labeled.

15 Now, if you reprocess it in the United States,
16 you have to put "Country of India", or wherever that
17 product starts from.

18 It is very little of that stuff going on
19 nowadays. Most of the time they are marketing their own
20 product for their own country because they are trying to
21 get their label established in the United States as a good
22 product, but very little of that goes on.

23 Twenty, or thirty, years ago, yes, there was a
24 lot of that kind of stuff going on, but today it is pretty
25 straight forward.

1 The way I understand it, we only have two people
2 that would be qualified to inspect a processing plant. It
3 is pretty intense and their paperwork, you have to know
4 what you are looking at to understand it.

5 That is the reason that there is just a small
6 part of our agency that inspects shrimp plants.

7 Back years ago, the inspection for shrimp plants
8 and oysters and shrimp were from the State Health
9 Department, and we had it changed over to the bureau so we
10 could be closer to them and understand them and they could
11 understand us a lot better because people coming from
12 Jackson really didn't know anything about seafood.

13 Now that is the reason, but we do have two
14 qualified people that can go in the plant anytime they
15 want to and inspect anything they want to is the way I
16 understand it.

17 Is that correct, Joe?

18 JOE SPRAGGINS: Sir, the two that we have, they
19 do not inspect the FDA part of it.

20 Right?

21 JOE JEWELL: That's correct. I mean, it can be
22 argued that the shrimp industry is actually more regulated
23 and more inspected than our other components because there
24 is FDA in the facility, there is the Health Department in
25 the facility, there are USDA inspectors periodically in

1 the facility and there is the Department of Marine
2 Resources in the facility.

3 whereas, if you are looking at oyster
4 processors, typically you only see the Department of
5 Marine Resources and annually our certification inspection
6 by the FDA which happens once, and for crabs also, the
7 same thing.

8 So arguably, the shrimp industry bears the
9 burden of the regulatory process, the regulatory
10 inspections.

11 JOE SPRAGGINS: As far as the other thing,
12 Commission Havard, I can tell you that Chief Davis and
13 them have worked on a lot of different things with this.

14 I don't want to get into law enforcement stuff
15 and say something that would get me in trouble in an open
16 meeting here, but I know that one of the rules of the JEA
17 which is a joint enforcement agreement has changed over
18 the last few years which they gave us some more
19 situations.

20 Chief, if you would like to address that real
21 quick, or not, that is up to you. You can tell me.

22 Basically what they are doing there is getting
23 it to where the Feds say that we want you to help us out,
24 and that is what we do.

25 We are not trying to supercede the Feds, we are

1 not trying to take over, or change the rules that the
2 Commission made here, but we have to follow the rules that
3 we are given, too, by the Federal Government and we do
4 follow that.

5 Chief, is there anything real quick you can add
6 to that?

7 KEITH DAVIS: Yes, sir. I have heard one
8 Commissioner say that there is very little misbranded
9 shrimp going on today. I have heard Joe Jewell say that
10 there are more regulations in the shrimp industry, but
11 what hasn't been said is NOAA, the agency responsible for
12 checking seafood as it hits the ports and comes into the
13 ports, there is one agent, and the JEA has changed. With
14 Amendment 51, our priorities have changed from red snapper
15 enforcement to more looking at shrimp.

16 As it stands, Sandy told you a couple of months
17 ago that our responsibility as it relates to JEA has
18 changed.

19 There is a lot of work that needs to be done
20 here.

21 JOE SPRAGGINS: We've got a motion

22 SANDY CHESNUT: while Mark was talking, we were
23 making notes, and he wanted staff to report back regarding
24 shrimp processing in other states.

25 That is certainly something we can take a look

1 at. We can bring it back to the Commission, see what
2 other states are doing in their shrimp processing
3 regulations, and, then, we can use that to determine if
4 the state of Mississippi needs shrimp processing
5 regulations, as well.

6 There is a lot of interplay between Federal law
7 and regulations in this area, so we can take a look and
8 see how the other states are dealing with that interplay
9 and just see where they are and see where we want to be.

10 JOE JEWELL: I would ask for clarification on
11 staff.

12 Is that legal staff?

13 Because these are legal rules, legal
14 regulations, state statutes, it would probably be more
15 suitable for our attorneys to review the regulations than
16 staff because staff can only look at the regulatory
17 process and we can only report on what the rules are, not
18 the interpretations of those rules and regulations.

19 I would just ask for some clarification on
20 staff.

21 which staff from the DMR?

22 KEITH DAVIS: I agree with Joe Jewell on that.
23 It should be legal.

24 SANDY CHESNUT: Yes. We don't have a problem at
25 all getting regulations from the other states and taking a

1 Look at it and bringing it back.

2 JOE SPRAGGINS: Do you want to modify it to
3 legal?

4 SANDY CHESNUT: If that is okay with
5 Commissioner Havard?

6 COMMISSIONER HAVARD: That is fine.

7 SANDY CHESNUT: If there is anything else you
8 would like to add to the motion?

9 COMMISSIONER BOSARGE: That is a very broad
10 motion.

11 SANDY CHESNUT: You want to add shrimp
12 processing regulations?

13 COMMISSIONER BOSARGE: well, that is what -- in
14 other words, I still don't quite know where we are going
15 with this, but, anyhow, that is a very broad motion.

16 If where you are trying to go with this is to
17 look at what other Gulf states allow enforcement to do in
18 their plants, if that is where you are going with this,
19 then, that is the motion that we probably need to make.

20 SANDY CHESNUT: well, I think what Commissioner
21 Havard was pointing out is we have regulations for crab
22 processing and oyster processing. We don't have
23 regulations for shrimp processing.

24 If you wanted us to look at the other Gulf
25 states to see what they are doing with shrimp processing

1 regulations, if they even have regulations, or if it is
2 pretty common not to, I may have misinterpreted what
3 Commissioner Havard was saying, but I think that is the
4 starting point that he was trying to get established.

5 COMMISSIONER HAVARD: You are exactly right,
6 Sandy. We can move forward with that motion. I know it
7 is very broad, but I would like to see what our
8 surrounding states are doing just to make sure that we are
9 doing exactly what we are supposed to be doing.

10 COMMISSIONER GOLLOTT: Can I can something, Mr.
11 Chairman?

12 COMMISSIONER BOSARGE: Yes, sir.

13 COMMISSIONER GOLLOTT: I'm sorry to interrupt
14 like this.

15 I think Joe Jewell's group needs to be involved.
16 Law enforcement is one thing, but following
17 health rules is their expertise, and you are going to need
18 both of those to come up with the reason.

19 I mean, law enforcement isn't going to be able
20 to tell you what Alabama is doing by just looking at it,
21 but by Joe Jewell and them looking at it, they can look at
22 the reasoning for some of these rules and regulations that
23 Alabama, or Louisiana, are doing.

24 JOE JEWELL: Well, my understanding is that the
25 concerns are law enforcement and legal issues that deal

1 with rules and regulations that oversee the shrimp
2 industry. So from that perspective, I do feel it would be
3 more important, or most appropriate, for legal and law
4 enforcement to address those concerns.

5 I think, as Commissioner Gollott has pointed
6 out, all we can address is sanitation and there are rules
7 for the shrimp industry. There are a lot of rules for the
8 shrimp industry, both Federal and state rules.

9 The state rules primarily oversee the sanitation
10 inspections of the facilities.

11 The Federal rules are with the FDA and they
12 administer that through the Mississippi Department of
13 Health, as I stated before.

14 I think, Commissioner Havard, if you could
15 clarify that a little bit. I think the concerns that you
16 expressed are primarily with imports and how they are
17 regulated and the packaging and labeling of them.

18 Those are Federal rules and regulations that I
19 think, as I stated before, are most appropriately by legal
20 and law enforcement.

21 COMMISSIONER GOLLOTT: And, too, what is the
22 reasoning for this?

23 I mean, we haven't had any outbreaks, or any
24 problems, with the shrimp industry as far as I know.

25 Now, if you want to tighten up some rules and

1 regulations on imported shrimp, I'm all for it.

2 why mess with a domestic industry that is alive
3 and well right now?

4 Mississippi does compete with Louisiana and
5 Alabama. So any regulations we put on our own processors
6 we are hurting them. We are shooting ourselves in the
7 foot.

8 JOE JEWELL: Well, I did hear Commissioner
9 Havard say there is some concern about country of origin
10 and certain things like that.

11 Now, I do know the State of Louisiana passed a
12 state law that requires, the way I understand it -- like I
13 said, I'm not an attorney. Attorneys would have to
14 address it. I would suspect that that would be part of
15 their overview. They passed a State law that requires the
16 restaurants to identify the source of the shrimp.

17 I have heard a lot of comments. I also have
18 heard a lot of comments that Mississippi should do
19 something very similar, but I think that is done through
20 the State legislature. Our attorneys would have to
21 address that.

22 I do want to say I did hear Commissioner Havard
23 say that, also.

24 COMMISSIONER GOLLOTT: But every restaurant can
25 identify where their shrimp comes from. It has to be on

1 the package.

2 JOE JEWELL: That's correct.

3 COMMISSIONER BOSARGE: But, now, it has to be on
4 the menu, if I remember correctly.

5 All right.

6 SANDY CHESNUT: I may be oversimplifying this a
7 little bit, but at this point what I am envisioning is we
8 are going to compile the regulations that other states
9 have on shrimp processing and we are going to bring it
10 back and report back to you, and, then, we can look at, at
11 that point, whether we need other regulations in
12 Mississippi, unless I'm mistaken.

13 I mean, we are not going down any road right
14 now, other than coming back and telling you what other
15 states do for shrimp processing.

16 COMMISSIONER HAVARD: That is right, Sandy.

17 All this other talk -- I am not trying to lead
18 us down another road, or insinuate anything. I just want
19 to see what the other states have in place for their
20 regulations. That is it. It is that simple because the
21 public needs to know. They deserve to know all the facts,
22 and the facts just are not out there from a regulatory
23 standpoint.

24 who is enforcing this?

25 How often are they getting in the different

1 plants?

2 Are we doing it at the state level, or Federal
3 level?

4 I think this is a great starting point for legal
5 to report back to us regarding processing regulations in
6 other Gulf states.

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

9 Do we have a second for that motion?

10 COMMISSIONER DANIELS: I will second that
11 motion.

12 COMMISSIONER BOSARGE: We have a second to the
13 motion.

14 Any other discussion?

15 (No response.)

16 COMMISSIONER BOSARGE: All those in favor aye.

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

19 COMMISSIONER BOSARGE: Opposed like sign.

20 (Commissioner Bosarge, Commissioner Gollott
21 opposed.)

22 COMMISSIONER BOSARGE: Motion carries.

23 Any other Commissioners have anything else they
24 want to report?

25 (No response.)

1 COMMISSIONER BOSARGE: Hearing none, we will
2 move on to Office of Marine Patrol, Chief Davis.

3 KEITH DAVIS: It has been a long meeting. You
4 have the report in front of you.

5 Are there any specific questions regarding any
6 particular case?

7 we did have a busy month last month.

8 Any questions you may have on any of the
9 charges?

10 COMMISSIONER HAVARD: It seems like the Tails n'
11 Scales app is doing what it is designed to do, and I have
12 seen you guys out there personally several times. I
13 actually got stopped one time, and they are checking for
14 that trip ticket number. I think it is a good job on you
15 guys' part, and I hope that it is providing good accurate
16 data.

17 KEITH DAVIS: Yes, sir, Mr. Chairman.

18 I have a report for you specifically on the
19 first half of the season of Red Snapper coming up in just
20 a second.

21 COMMISSIONER BOSARGE: It looks like we had
22 quite a few boating accidents.

23 KEITH DAVIS: Yes, sir, we did.

24 I can report to you that the 4th of July weekend
25 was very calm without any incident. However, we have

1 responded to a lot of boating accidents, and I really
2 can't tell you what is contributing to that.

3 We have made a couple of DUI arrests.

4 I am in awe at all of the boating accidents we
5 have.

6 COMMISSIONER BOSARGE: And I have seen an
7 increased presence of DMR on the water.

8 Talking to some of the NOAA law enforcement
9 guys, yes, they kind of changed the way that they want you
10 guys to do your enforcement. So that is good. I am glad
11 to see you on the water.

12 COMMISSIONER GOLLOTT: Yes, sir. We are in the
13 middle of writing our new contract with JEA, and
14 Mississippi continues to be titled for their efforts, in
15 terms of assisting NOAA with their enforcement efforts.

16 So kudos to the men and women of the Marine
17 Patrol Division. They are really working hard and
18 conserving and enhancing our resource out there.

19 COMMISSIONER HAVARD: Chief, I also noticed that
20 you guys had an encounter with a gill net, possession of
21 two gill nets. That is rather surprising, when we have
22 already been down this road with gill nets multiple times,
23 but it is good to know that you guys are responding and
24 catching the people that are abusing gill nets still.

25 KEITH DAVIS: Yes. That was an in-depth case.

1 Obviously, I can't get into it. It has not been
2 adjudicated in court, but our Criminal Investigations
3 Division did a lot of work in regards to that case, as you
4 know, and the Commission knows that those individuals
5 operate in a very clandestine environment. So we had to
6 get down and dirty to actually make that case.

7 COMMISSIONER DANIELS: Now, it says "two" there.
8 I had been made aware of one case.

9 Are there two separate cases, or do both of
10 those pertain to the same one?

11 KEITH DAVIS: It is one incident; two charges.

12 COMMISSIONER DANIELS: Okay.

13 KEITH DAVIS: I do want to notify you that
14 Director Spraggins and the Secretary of State have been in
15 discussion about Cat Island and identified that Marine
16 Patrol typically does patrols of the Coastal Preserves by
17 water, and we have identified an issue with ATV's
18 operating on Cat Island.

19 The Secretary of State gave us some funding to
20 secure an ATV so we can actually get off of our boats and
21 get onto the land and patrol the lands of Cat Island,
22 Mississippi Coastal Preserves.

23 what we will be enforcing is Title 22, Part 19,
24 Chapter 3, which basically says that you can't operate a
25 motorized vehicle on Coastal Preserves.

1 A letter went out from our Coastal Preserves
2 office, during the month of June, informing all of the
3 owners that this stepped-up enforcement will be taking
4 place.

5 That is a copy of the letter that basically
6 identifies what the Title says and what you can and you
7 can't do, and a copy of that went out to all of the land
8 owners out there.

9 This is the area that the Coastal Preserves
10 covers. This is not a Marine Patrol photograph. This is
11 Coastal Preserves photographs. So I just wanted to
12 identify that.

13 That is the area that we will be currently
14 patrolling and looking for violators of the Title 22.

15 That is the vehicle that the Secretary of State
16 purchased for us, and that is what we are going to be
17 using (indicating photograph).

18 The next thing is I want to talk about the first
19 half of the Red Snapper season.

20 Tails n' Scales documented three thousand eight
21 hundred and six trips. We checked four hundred and twenty
22 vessels. We had to issue twenty-three citations for
23 failure to register with Tails n' Scales. We seized a
24 hundred and twelve Red Snapper and, as you can see, there
25 was an eleven percent verification completed, with ninety-

1 four point five of the vessels four hundred and twenty
2 vessels checked being in compliance, leaving only a five
3 point five percent non-compliance rate.

4 Mississippi is doing very well, when it comes to
5 following the rules for Red Snapper.

6 COMMISSIONER BOSARGE: Chief, when it says
7 "Unregistered trips requiring enforcement action", I'm
8 just curious.

9 That would be folks that were fishing and had
10 fish aboard and didn't have a trip number?

11 KEITH DAVIS: That's correct, Commissioner.

12 COMMISSIONER BOSARGE: And, then, if you came
13 aboard a boat that was fishing, but didn't have fish
14 aboard and didn't have a trip number, what takes place
15 then?

16 You give them time to get a trip number?

17 KEITH DAVIS: Yes, sir. If they did not have a
18 trip number and did not have fish onboard, they were
19 issued a warning, a written warning and strongly
20 encouraged to go back in and file a trip number.

21 COMMISSIONER BOSARGE: Were there very many of
22 those?

23 Do you recall?

24 KEITH DAVIS: No, sir. There were some, but I
25 would say there were very few.

1 COMMISSIONER BOSARGE: All right. Thank you.

2 COMMISSIONER GOLLOTT: Chief, what happens if
3 they tell you they are not fishing, they are just out
4 there riding around?

5 KEITH DAVIS: We don't take any action on that.

6 COMMISSIONER GOLLOTT: I was just wondering.

7 KEITH DAVIS: Director Spraggins always likes
8 for us to show you the new vessels that we got in.

9 The two NauticStars, those are twenty-six five
10 NauticStars, purchased with our JEA funding.

11 Those three vessels will be -- you have seen the
12 Blackjack before, but these are the vessels that we will
13 be utilizing for our snapper enforcement (indicating
14 photograph).

15 COMMISSIONER HAVARD: That is a good looking
16 fleet. We need to make sure we take care of those.

17 KEITH DAVIS: Yes, sir. We are looking at
18 several companies right now. We would like to get a
19 ceramic coat put on those vessels so we can keep the paint
20 jobs looking good for a long time.

21 Thank you very much.

22 COMMISSIONER BOSARGE: Thank you, Chief Davis.

23 Up next is the Office of Coastal Resources
24 Management, Mr. Jan Boyd.

25 JAN BOYD: Good morning Mr. Chairman,

1 Commissioners, Director.

2 We have three items on the agenda this morning,
3 two of which are action items for your consideration.

4 Jennifer Wittmann will be our first presenter.

5 JENNIFER WITTMANN: Good morning everyone.

6 I am Jennifer Wittmann, the Coastal Preserves
7 Bureau Director, and I will be talking to you about
8 updates to Title 22, Part 19.

9 Just for general information, I am sure most of
10 you remember that Coastal Preserves is comprised of
11 approximately forty-one thousand acres within Jackson,
12 Harrison and Hancock Counties and, as such, we are charged
13 with the mission of preserving, conserving, restoring and
14 managing Mississippi's Coastal ecosystem and perpetuating
15 them for future benefit.

16 Currently, as Chief Davis talked about, the only
17 rule for Coastal Preserves in Title 22, Part 19 is the
18 prohibition against motorized vehicles.

19 Coastal Preserves staff worked really closely
20 with Marine Patrol, the Secretary of State's office and
21 other offices within DMR and we took the Department of
22 wildlife, Fisheries and Parks rules and regulations and
23 augmented them to specifically fit Coastal Preserves
24 properties.

25 Right now we are trying to reduce the liability

1 to the State of Mississippi and to the Commission on
2 Marine Resources and have some commonsense rules and
3 regulations to ensure the safety of both the public and
4 DMR staff, while still preserving our natural resources.

5 In your supporting documents that you received
6 with the updates to Title 22, Part 19, you have the
7 strike-through version of Title 22, Part 19 that you are
8 used to seeing. It goes down and everything that has been
9 struck through is being removed, and everything that is
10 underlined is updates.

11 I am just going to hit the highlights of Title
12 22, Part 19, but I am happy to answer any questions.

13 Chapter 1 and Chapter 2 go over introductions
14 and justification and authority.

15 Chapter 3 states that people who are using
16 Coastal Preserves will be responsible for any damages to
17 State property and the facilities, and that DMR will not
18 be responsible for any impacts, or damages, to private
19 property, or accidents.

20 We are also saying that our Coastal Preserves
21 are open from one hour before sunrise until one hour after
22 sunset, with the exception of Deer Island and Cat Island
23 which are open for twenty-four hours a day, and that is
24 just the State owned portion of both of those islands.
25 They both still have private holdings.

1 Coastal Preserves can be closed at any time for
2 management activities, or safety reasons.

3 Chapter 4 addresses camping. Camping on Deer
4 Island and Cat Island is limited to seven days. You can
5 camp longer with prior approval. We just like to know
6 that you are out there for your safety and so that we can
7 let law enforcement know and anyone who may be doing
8 maintenance on the properties.

9 Camping on the other Coastal Preserves such as
10 Twelve Oaks in Ocean Springs, or the DuPont property in
11 Delisle, requires prior approval. Not to say that there
12 is a problem with that, but, again, we would just like to
13 know that people are out there.

14 Chapter 5 addresses boating. Houseboats are not
15 a problem. We just are limiting your mooring to seven
16 days; again, longer with prior approval, and we are saying
17 that all boaters must abide by existing boating
18 regulations.

19 Chapter 6 addresses hunting, trapping, fishing
20 and wildlife. All people should abide by existing hunting
21 and fishing rules and regulations for the State of
22 Mississippi. Hunting is not allowed within any City
23 limits, or within six hundred feet of a nature trail.

24 Permanent blinds and stands cannot be
25 constructed and feeders and harassment of wildlife are not

1 allowed.

2 Trapping on Coastal Preserves property does
3 require prior approval, and releasing any animals onto
4 Coastal Preserves property will require approval from
5 Coastal Preserves and the Mississippi Department of
6 wildlife, Fisheries and Parks.

7 Chapter 7 refers to Coastal Preserves property
8 in general. Plants and soils can't be removed without
9 prior approval.

10 we have had some projects where people have
11 wanted to go in for the renourishment at Cat Island. They
12 wanted to do some plantings, but wanted to use local seed
13 bank. So, in that case, we gave approval for the
14 contractor that was hired by the Corps of Engineers to
15 collect seeds, and, then, propagate those seeds to replant
16 on the island.

17 Dumping, homesteading, metal detectors, posting
18 of signs and advertising is not allowed on Coastal
19 Preserves, and your dog has to be on a leash and we would
20 ask that you clean up after your pet.

21 Then, historic sites shall not be disturbed in
22 accordance with the Mississippi Department of Archives and
23 History Rules and Regulations.

24 Chapter 8 addresses vehicle use. That is the
25 same thing that we have right now in Chapter 3 of Title

1 22, Part 19. No motorized vehicles are allowed on Coastal
2 Preserves, with the exception of law enforcement,
3 emergency personnel and MDMR staff that is on official
4 business.

5 we are allowing bikes and mountain biking on
6 designated nature trails.

7 Chapter 9 addresses firearms, fireworks and
8 explosives. People with proper credentials may carry
9 handguns. Firearm use is restricted to hunting outside of
10 the City limits, and explosives are prohibited.

11 Chapter 10 addresses letters of permission for
12 special events, extended camping, research and other
13 activities that people may be interested in.

14 we have had several requests for weddings at our
15 Twelve Oaks property in Ocean Springs and, at this point
16 in time, we don't have any way to give people the
17 authority to have a wedding, but also to say if you have a
18 wedding, you can't have vehicles out there, you need to
19 clean up after yourself, the area is closed, and so this
20 will give us the opportunity to look at each individual
21 request on a case-by-case basis and review that and work
22 with our legal counsel and Marine Patrol and make sure
23 that nothing that is being proposed will be a problem for
24 the State.

25 Chapter 11 addresses our penalties, in

1 accordance with Mississippi Code 49-15-63.

2 Then, Chapters 12 and 13, the chapters and
3 subchapters are declared separable in the Administrative
4 Procedures Act.

5 At this point, what is required is a motion to
6 proceed with the Notice of Intent to adopt changes to
7 Title 22, Part 19, and I will be happy to answer any
8 questions specific to the update of rules and regulations.

9 COMMISSIONER BOSARGE: Do we have any questions?

10 COMMISSIONER GOLLOTT: Jennifer, how does this
11 affect the fireworks on Deer Island for the 4th of July?

12 Don't you have some riparian rights around Deer
13 Island?

14 would this exclude the firing of the fireworks?

15 JENNIFER WITTMANN: Currently, the City of
16 Biloxi does do their firework show off of a barge to the
17 north side of Deer Island. It is not a problem that they
18 do that. We would obviously work with the City to make
19 sure that they had that letter of permission to have their
20 fireworks show, or their fireworks show with Christmas on
21 the water, the boat parade that they put the first weekend
22 of December, and any other special events that the City
23 sponsors.

24 with respect to private individuals, we do have
25 private properties on Deer Island. So if private

1 individuals have fireworks and, if it was a dry season and
2 one of those fireworks misfired, or had some sort of an
3 affect on private property, at that point the State could
4 be in a position of liability for damages to private
5 property.

6 COMMISSIONER GOLLOTT: Jennifer, I think you
7 need to put that in there that you would work with the
8 City of Biloxi because who knows what is going to happen
9 five years from now. They might change the whole meaning
10 of this thing, and we want to protect the City of Biloxi's
11 fireworks displays.

12 JENNIFER WITTMANN: Absolutely, and I will be in
13 touch with Mr. Creel and Mayor Gilich, if need be, to make
14 sure that we have a really good open line of communication
15 with them to discuss their fireworks displays that they
16 have at their City-sponsored events.

17 JOE SPRAGGINS: Jennifer, we don't have any
18 control.

19 At Deer Island, they are not firing those
20 fireworks off of Deer Island, are they?

21 JENNIFER WITTMANN: The City of Biloxi is not
22 firing them off of Deer Island. They are firing them off
23 of a barge.

24 If they were within the riparian zone of the
25 island, we would work with them to make sure that they had

1 that letter of permission, but, if they are outside the
2 riparian zone, then, we would have no problems with it.

3 COMMISSIONER BOSARGE: I guess to address
4 Commissioner Gollott's statement, you are okay with going
5 back and adding something in there that basically says
6 that we don't have a problem with Biloxi doing their
7 fireworks north of Deer Island?

8 In other words, I'm like him. You never know
9 which way the Commission may go and I would hate to see --
10 if it is something that they have done traditionally for
11 years and years and years, I sure would like to know that
12 they could continue that tradition.

13 JENNIFER WITTMANN: At this point, we are just
14 trying to get everything out on public notice so there is
15 the opportunity to still make changes, and I am sure that
16 I can work with legal counsel to properly word the changes
17 under the fireworks and explosives section for municipal-
18 sponsored firework events, that they would have to have a
19 letter of permission, but that that was a special
20 circumstance.

21 Legal counsel?

22 COMMISSIONER GOLLOTT: Yes. Just so we can
23 protect the City of Biloxi.

24 SANDY CHESNUT: We can look at wording during
25 the Notice of Intent period and add something and bring it

1 back to the Commission. They haven't approved the final
2 wording yet. They are just approving it to go out on
3 Notice of Intent at this point.

4 JENNIFER WITTMANN: Yes, and we are having to
5 make those changes to accommodate the City to make sure
6 that there is a level of comfort with the leadership.

7 COMMISSIONER BOSARGE: Any more questions?

8 COMMISSIONER GOLLOTT: One more question.
9 who is going to clean up these areas?

10 I am noticing since we put the pier out there
11 and we put some nature trails, the nature trails are grown
12 up and people don't use them and there are trash cans
13 still full of trash out there.

14 Is the DMR going to take care of cleaning the
15 island up?

16 JENNIFER WITTMANN: One of the things that we
17 address within using Coastal Preserves is that it is a
18 nature area that is considered a pack-in-pack-out area.
19 So we ask that people who go in to camp, or go in to use
20 the nature trails, that whatever they bring in, they take
21 out.

22 This will kind of give Marine Patrol the ability
23 -- if people are littering on the State property, they
24 could potentially write a ticket, or most likely what
25 would happen is they would talk to the individuals and

1 say, just so you know, there is not a regular trash
2 service that comes out here and picks up.

3 Coastal Preserves staff is out on Deer Island
4 specifically. I was there on a biweekly basis and when we
5 are out there, we do pick up trash. We do not have trash
6 cans that we have placed on the island because we do not
7 have regular trash pick up out there.

8 COMMISSIONER GUESS: So I will just jump in real
9 quick, Commissioner Gollott. I met with General Spraggins
10 and Chief Davis to propose maybe some options that we
11 could work with the community, or nonprofits, on going out
12 there and picking up the trash that is being left behind
13 because I saw some of the same things. People are going
14 out there and may be picking up trash and leaving the
15 bags, or bringing their own trash and leaving the bags.

16 COMMISSIONER GOLLOTT: They go out there and
17 there is a lot of trash piled up.

18 who is going to clean it up?

19 There is nobody there.

20 COMMISSIONER GUESS: Right. Technically, it
21 doesn't fall under our responsibility, but I also feel
22 like it is our responsibility.

23 So I think we are going to work on maybe a
24 solution to that.

25 JENNIFER WITTMANN: Commissioner Guess, I have

1 had some conversations with some officials from the
2 Secretary of State's office and they have expressed an
3 interest in trying to organize some more regular cleanups.

4 Right now, we currently do have the Earth Day
5 cleanup that we have every year with our casino partners
6 and Mississippi Power's Renew our Rivers Program and that
7 is held in late April, and, then, the Mississippi Coastal
8 Cleanup is held in mid October, and both of those events
9 are cleanup events that include Deer Island.

10 we would obviously like to have more events like
11 that, if we can, and those are those events that we would
12 ask for a letter of permission. If you want to have your
13 Boy Scout troop, or your Girl Scout troop, go out and
14 clean up, we would be happy to have the help. We would
15 just like to know that you are out there so that we can
16 ensure that you are safe.

17 JOE SPRAGGINS: We would also want to know that
18 this is not just Deer Island. This is any of our Coastal
19 that we are looking at because the Cat Island area and
20 others that we want to be able to do this, and working
21 with Commissioner Guess on this, one of the things we want
22 to look at is keeping the whole Coast clean, the islands,
23 or anything that we have.

24 JENNIFER WITTMANN: Right. As I said, we have
25 about forty-one thousand seven hundred and fifty plotted

1 acres of state property, and we are acquiring more
2 properties and looking at more strategic parcels on a
3 regular basis. So those numbers are only expected to
4 climb over the next several months and years.

5 COMMISSIONER BOSARGE: Thank you.

6 Do we have a motion?

7 COMMISSIONER GUESS: I'll make a motion that we
8 proceed with Notice of Intent to adopt Title 22, Part 19.

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

11 Do we have a second for that motion?

12 COMMISSIONER HAVARD: I will second the motion.

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

15 Any further discussion?

16 (No response.)

17 COMMISSIONER BOSARGE: All those in favor aye.

18 (All in favor.)

19 COMMISSIONER BOSARGE: Opposed like sign.

20 (None opposed.)

21 COMMISSIONER BOSARGE: Motion carries.

22 JENNIFER WITTMANN: Thank you.

23 COMMISSIONER BOSARGE: Thank you, Jennifer.

24 Next will be Chris wells.

25 JAN BOYD: Yes, sir.

1 CHRIS WELLS: Good morning.

2 I am Chris wells. I am with the Mississippi
3 Department of Environmental Quality and I really
4 appreciate the opportunity to address y'all this morning.

5 There is a permitting request and an associated
6 request for an entry of entering into an interagency
7 agreement, and my purpose in being here today is to kind
8 of give some background to those items and explain to you
9 why we are asking for it.

10 I wanted to spend a couple of minutes, first,
11 sort of reorienting everyone and refreshing your
12 recollection about the funding streams that came out of
13 the Deep Water Horizon litigation against BP because the
14 funding stream sort of formed the foundation of everything
15 that we are doing from a restoration standpoint at DEQ.

16 There were four funding streams, if you will
17 recall, that came out of that litigation. One is the
18 economic damages that is being managed by MDA and the
19 legislature, and the other three are being managed by DEQ
20 and those are the RESTORE ACT, civil penalties, natural
21 resource damages, and the criminal fines were placed into
22 a trust fund managed by the National Fish and wildlife
23 Foundation.

24 NRDA is what is applicable to the matters at
25 issue today that will be presented to you.

1 I like to use the analogy of a car wreck --
2 Forgive me. I'm a lawyer -- when describing what NRDA is.

3 If you are in a car wreck and somebody runs a
4 red light and runs into you, you can sue them and you have
5 several elements of damages that are available to you.

6 Those costs for repairing your vehicle, your
7 medical bills, those out-of-pocket expenses, those are
8 your compensatory damages. They are intended to put you
9 back in the position you were in before the accident,
10 compensate you for the injuries that you have suffered.

11 well, that is what NRDA does in these
12 situations. The intent of the Natural Resource Damages is
13 to compensate the state for the injury to the natural
14 resources that are a result of the incident, in this case
15 the oil spill.

16 It is important to note that the expenditure of
17 those funds and the implementation of projects with those
18 funds is governed by, in this case, the Oil Pollution Act
19 and the Consent Decree that was entered into with BP.

20 when we implement projects, you will hear me
21 reference the Mississippi TIG, the Trustee Implementation
22 Group. That is the entity that is made up of DEQ and four
23 Federal agencies that we work through in getting projects
24 approved.

25 So why does all of this matter?

1 well, what is at issue today is a Phase IV of
2 Early Restoration Project. Early restoration is a sort of
3 term of art. It is governed by the processes and
4 procedures dictated by the Oil Pollution Act and the
5 Consent Decree.

6 This is a thirty million dollar project. It was
7 negotiated with BP, prior to the entry of a Consent
8 Decree, and it is important for you to understand that
9 because the Early Restoration term of art refers to
10 situations where the responsible party puts up funding to
11 begin restoration before all of the liability issues are
12 litigated.

13 This is a thirty million dollar project that was
14 negotiated with BP prior to the entry of the Consent
15 Decree. It was later incorporated into the Consent
16 Decree. It includes several components that span all
17 three Coastal counties, and it includes the construction
18 of living shorelines, subtidal reefs and intertidal reefs.

19 The particular component of the project that is
20 at issue today is the Deer Island Subtidal Reef component.

21 This project, or this component of the Phase IV
22 project, it is important for you to understand that it was
23 not negotiated with BP as a per se oyster restoration
24 project, and that makes it different from some other
25 projects that you will be seeing, that will be presented

1 to you for permitting and other reasons down the road.

2 This particular project was designed and
3 negotiated for the restoration of secondary benthic
4 productivity which includes oysters, but is not limited to
5 oysters, and that is a key distinction to make because one
6 of the requirements of the project is monitoring for a
7 period of time to monitor the success of that
8 productivity, or to document that that secondary
9 productivity is actually occurring.

10 This is sort of a typical cross section of the
11 reef as it will be constructed. The idea is to create a
12 reef with varying vertical relief to take advantage of
13 what we believe will be increased productivity, and we
14 believe this profile of a reef is less prone to
15 sedimentation during storms and that sort of thing.

16 The peaks and valleys that you see there, the
17 peaks will range from point two feet to three feet above
18 the existing elevation.

19 This is a little bit closer view of the project
20 area and the idea, or the goal of this project is to
21 create ninety acres, or construct ninety acres of reef
22 within this one-hundred-and-seven acre area.

23 The original Deer Island reef was twenty acres.
24 We have been working closely with DMR staff and the
25 Trustee Implementation Group to expand the footprint.

1 No cultch will be placed in the red areas that
2 you see here due to shallow water depths would not
3 accommodate the relief that we want to have.

4 All of the cultch will be placed west of the no-
5 harvest line that is on this map. That indicates the
6 boundary between the conditionally-approved harvest area
7 and the prohibited area to the west.

8 Just so you will know, it includes the ten-acre
9 Joe Thornton Hull Artificial Reef, and we have confirmed
10 with Marine Fisheries that this project would have a
11 positive impact on that existing reef.

12 I wanted you to understand what the purposes of
13 the project were and what the goals of the project were
14 because a key component of it, again, is monitoring and
15 documenting that that secondary benthic productivity that
16 was intended by the project is actually occurring.

17 One of the things that we are asking of you-all
18 is to enter into an interagency agreement with the
19 Department of Environmental Quality that would place what
20 we are calling a harvest moratorium on this reef for a
21 period of time commensurate with the monitoring period of
22 the project.

23 This is not in any way a perpetual prohibition
24 against harvest, but what we want to do is take that
25 oyster harvest variable out of the equation, if you will,

1 so that we can collect data that is complete during that
2 five-year period.

3 I say it is a five-year period. It is a minimum
4 of five years. As dictated by the Consent Decree, it is a
5 minimum of five years, with a potential two-year
6 extension, if the productivity goals specified in the
7 project are not realized during that five-year period, and
8 those are specified in the project and would be specified
9 in the agreement.

10 That is our ultimate asking of y'all today, in
11 regard to this project, will be an agreement to place this
12 harvest moratorium on the reef, once constructed, for a
13 period of time for us to be able to do the monitoring that
14 we need to do for our project purposes.

15 With that, I will be glad to entertain any
16 questions that you may have.

17 COMMISSIONER GOLLOTT: Mr. Chairman.

18 COMMISSIONER BOSARGE: Yes, sir.

19 COMMISSIONER GOLLOTT: I oppose this, and I am
20 thinking about the reef that we had this agreement with
21 DEQ off of Pass Christian, and we had harvestable oysters
22 that we could have went in there and harvested thousands
23 and thousands of dollars worth of oysters, but we had to
24 hold off for two more years to let them monitor this, and
25 we lost them all. I think it was freshwater from the

1 Bonnet Carre Spillway that wiped it out.

2 why would we want to take an area that could be
3 very productive by planting this area and relaying oysters
4 out to the areas that could be harvested?

5 we are shooting ourselves in the foot here. I
6 am not for any kind of a moratorium on relaying, or
7 harvesting, of oysters.

8 If they can be relayed and our fishermen can
9 benefit from it, I am all for it, and that is what this
10 money is for so we can work with the fishermen.

11 why do want five years when oysters can become
12 three inches and harvestable in eighteen months?

13 CHRIS WELLS: And I understand the concern that
14 you are expressing and we certainly -- we have an interest
15 in helping restore the fishery through our restoration
16 program, but this particular project, again, was not per
17 se an oyster restoration project.

18 It will certainly -- the construction of a reef
19 certainly lends itself to the production of oysters and
20 that is certainly one of the goals, but it was not in and
21 of itself the primary goal of this project.

22 Under the early restoration process as dictated
23 by the Oil Pollution Act, what we were trying to do at the
24 time this project was negotiated was get credits from BP
25 toward the restoration of -- there again, this was natural

1 resource damages, so restoration of the natural resources
2 that were impacted, and it was more than just oysters that
3 were impacted, more than just oysters that use these
4 reefs.

5 So the idea behind this project was not just the
6 oyster production.

7 Recognizing the issue that you raise about you
8 never know when another Bonnet Carre is going to occur and
9 we want to have the flexibility to be able to go out and
10 harvest oysters before they are lost, we are trying to
11 accommodate that and trying to account for that, but we
12 need the presumptive five-year term in order to collect
13 the data required by the project. Again, the project was
14 negotiated before the Consent Decree and incorporated in
15 the Consent Decree and approved by the Court, after public
16 comment and input, and we have obligations to the Federal
17 trustees and the public to fulfill the project as --

18 COMMISSIONER GOLLOTT: (Interposing) This is an
19 oyster reef already, isn't it, now?

20 CHRIS WELLS: Yes, sir, that is my
21 understanding.

22 COMMISSIONER GOLLOTT: You know, you are taking
23 a resource away from the oyster industry for five years.
24 That is ridiculous.

25 what is wrong with two-and-a-half years, or

1 three years, to get your data?

2 CHRIS WELLS: The only way I can answer that
3 question is that that is the way the project was designed,
4 the way it was negotiated and the way it was commented on
5 in the public --

6 COMMISSIONER GOLLOTT: (Interposing) Somebody
7 didn't know what they were doing, when they negotiated
8 this, not taking that into consideration any type of
9 seafood. It is just what DEQ wants.

10 CHRIS WELLS: I understand what you are saying.
11 I think the considerations were not just fish because we
12 don't manage the fishery. The fishery as a fishery is not
13 within our regulatory authority. That is DMR. So that
14 wasn't our goal, the fishery, but I understand what you
15 are saying and I understand the concern.

16 COMMISSIONER GOLLOTT: Isn't the money for
17 fisheries?

18 CHRIS WELLS: No, sir, not just for fisheries.
19 In fact, natural resource damages is not per se to restore
20 the fishery, but I understand the concern that you are
21 expressing.

22 COMMISSIONER GOLLOTT: I am for your project.
23 Don't get me wrong, but I think we need to look at a
24 different area where we don't have an established oyster
25 reef.

1 There are areas in the Bay that would be good
2 for this and it would not tie the oyster industry's hands.

3 CHRIS WELLS: That is a very good point, and one
4 of the things that we are trying to do and, in this
5 particular case, I mentioned it. The intent is to place
6 the cultch in that area that is currently prohibited, but
7 because we are beholdng to Federal agencies and the
8 public on fulfilling the monitoring requirements of the
9 project, while we are placing the cultch in areas that
10 could not currently be harvested because of water quality
11 conditions, if those water quality conditions were to
12 improve and this body were to elevate that classification
13 to allow harvest, through this interagency agreement we
14 are simply asking that you forgo that harvest for a period
15 of time to allow us to complete our monitoring.

16 COMMISSIONER BOSARGE: If I understand you
17 correctly, you are going to do water sampling all along
18 during the five-year period and, if your water sampling
19 shows that this area could be -- our classification could
20 be changed, then, that is a possibility?

21 CHRIS WELLS: well, that was our concern, the
22 possibility that it could be elevated from a prohibited
23 area to a conditionally-approved area, or maybe it could
24 be relayed during that five-year window.

25 what we discovered was that there is no

1 provision under State law to protect the reef, during that
2 time, and this was the best option that we could come up
3 with.

4 When I say "we", DEQ and DMR staff working hand-
5 in-hand to try to solve this problem that we have
6 committed ourselves to do something that the law did not
7 provide another mechanism to do it.

8 In terms of -- food safety, as I appreciate it,
9 is the reason. Water quality in certain areas prohibits
10 oysters from being harvested currently because of the food
11 safety issues that that water quality presents.

12 If those water quality conditions improve and
13 you-all --

14 COMMISSIONER BOSARGE: (Interposing) You are
15 saying maybe at the end of your five years, in other
16 words, that that could possibly be a benefit to the
17 commercial industry?

18 CHRIS WELLS: Yes, sir.

19 COMMISSIONER GOLLOTT: He is talking about
20 extending it another two years. So we are talking about
21 seven years.

22 COMMISSIONER DANIELS: In the short term of this
23 in my understanding if we are introducing oysters into
24 this no-harvest area, would that not be beneficial by spat
25 production for other reefs in the area?

1 CHRIS WELLS: That is certainly part of our
2 thinking, yes, sir.

3 JOE SPRAGGINS: We are looking at it. One of
4 the things this is a big reef that has been taken back
5 from us about fifty years ago, Joe, or something like
6 that, on the eastern side of Deer Island in that area,
7 that we gave the Corps back because of dredging and there
8 were some issues there.

9 That is something we are looking at in the
10 future of trying to get that reef back from the Corps and
11 reestablish the reef which this would just feed to that
12 reef because of the flow of the water and these other
13 areas that it will feed to, also.

14 The other thing is we are not looking at -- I'm
15 not trying to say we would never be able to harvest out of
16 here, as far as harvest. We could relay maybe at a point,
17 but there is also a situation where a port, or harbor, or
18 anything, that we cannot harvest anything within X amount
19 of yards of it.

20 Joe, you may want to tell me what that is.

21 JOE JEWELL: Chris, could I see your clicker for
22 a minute?

23 CHRIS WELLS: Sure.

24 JOE JEWELL: I want to clear up something.

25 COMMISSIONER GOLLOTT: Let me say one thing

1 while he is doing that. You may not be able to harvest
2 out of there, but you can relay out of there.

3 JOE SPRAGGINS: I understand that, sir.

4 JOE JEWELL: Let me clear up some of the
5 comments that are being made.

6 This line right here that is being referred to
7 as the harvest line. That is a way to describe that line.

8 This line separates conditionally-approved areas
9 from prohibited areas. The vast majority of this project
10 is going to occur in prohibited areas, not in the
11 conditionally-approved areas.

12 In prohibited areas which this line separates,
13 there is no activity that can take place, not even relays.
14 That was part of the reason why this area was specifically
15 chosen and put in that area was for the preservation of
16 those resources when they are restored and the fact that
17 they will act as a spat setting area to recruit on these
18 larger reefs that we are talking about that were opened
19 and that had been closed for fifty years in the Bay, the
20 reef areas that we are refurbishing, we are doing cultch
21 plantings on right now. This could act as a nursery, or
22 recruitment area, for spat onto those areas.

23 The only area right now that we can technically
24 harvest from is this little small triangle right here and
25 to my knowledge there is very little, or no resource in

1 there (indicating map).

2 So this project as designed is actually going to
3 have some benefit for us. It is going to benefit as a
4 nursery area, or spat recruitment area, for our larger
5 reefs into Biloxi Bay and, as Director Spraggins pointed
6 out, you have got the Point Cadet Harbor here. There is
7 an exclusionary zone that extends down into the northern
8 portion of this area. So there are all kinds of
9 prohibited regulations in place right now.

10 The project as designed is going to be a good
11 beneficial project overall. It won't have extended
12 chances for relay off of. That is part of the reason why
13 it is put there.

14 The design of it was for restoration, and, then,
15 two, the part of it that DMR is most happy about is that
16 it will provide recruitment and spat to the areas that we
17 are developing.

18 I hope that explains it a little bit.

19 JOE SPRAGGINS: Also, we are adding cultch to
20 build more reef there

21 Is that correct?

22 JOE JEWELL: Absolutely.

23 JOE SPRAGGINS: It is not just a reef that
24 exists. We are adding more to build more reef.

25 Is that correct?

1 CHRIS WELLS: And I want to say that this is
2 not, by any means, the last time you are going to hear
3 from us on projects where we are doing just that.

4 We are trying, through our restoration program,
5 to help contribute to solving this oyster issue overall.
6 We are investing a tremendous amount of money into oyster
7 restoration specifically for the purpose of restoring
8 oysters.

9 That will include some harvestability
10 restrictions that the Federal agencies are going to insist
11 on, but this one is a little unique in the sense that it
12 was not negotiated specifically as an oyster project, but
13 we will certainly be doing a tremendous amount of more
14 oyster work in general, including oyster cultch placement.

15 COMMISSIONER GOLLOTT: A question, Joe.

16 Hasn't the water quality been improving there
17 over the years that you have been sampling?

18 JOE JEWELL: I'm sorry.

19 Say that again, the water quality data?

20 COMMISSIONER GOLLOTT: The water quality has
21 been improving so you could relay out of there.

22 Is that correct?

23 It is getting better?

24 JOE JEWELL: Well, the water quality has been
25 improving, particularly on the southern part of Biloxi

1 Bay.

2 If you recall, when we originally opened up Area
3 V which is Biloxi Bay, it included all those areas on the
4 north shoreline, including Shearwater Reef, but that
5 subsequently has been closed because of poor water
6 quality, but overall in general the area has seen
7 improvement in water quality and improvements in water
8 quality can affect area classifications, but over the
9 five-year period of this project that they are requesting,
10 I don't see a major change in water quality, or the
11 ability of us to upward reclassify that area.

12 It takes a little bit of time to accumulate a
13 water-sampling database that would allow for
14 reclassification.

15 COMMISSIONER GOLLOTT: Can we at least limit it
16 to five years instead of seven?

17 I mean, that is a long time.

18 CHRIS WELLS: Under the Consent Decree, we need
19 that extra two-year extension option.

20 COMMISSIONER GOLLOTT: Tell me what you just
21 said.

22 CHRIS WELLS: This project was incorporated into
23 the Consent Decree that was entered into with BP and this
24 monitoring period was specified in that project as it was
25 incorporated into the Consent Decree.

1 The project, as described and designed, was
2 subjected to public comment, was incorporated in the
3 Consent Decree and we are bound by that monitoring period
4 as it is currently described. It is a minimum of five
5 years; maximum of seven.

6 We would not anticipate that we would need that
7 extra two years, but we have to account for it.

8 SANDY CHESNUT: The extra two years would only
9 come in if the performance criteria are not met within the
10 first five years.

11 CHRIS WELLS: That's correct.

12 SANDY CHESNUT: And that performance criteria is
13 spelled out on page three in the actual agreement.

14 COMMISSIONER GOLLOTT: Well, my problem is the
15 actual agreement was made between DEQ and the Federal
16 Government. The Commission was not involved in this, the
17 agreement that you worked out, and that is just not right.

18 COMMISSIONER GUESS: Well, it sounds like to me
19 the agreement can't be changed. Either we accept it, or
20 we don't, and I think that it is a good project and it is
21 going to provide spat to other areas that we can harvest.

22 I think it is a great idea and I would like to
23 make a motion that we move forward with the proposed
24 interagency agreement between MDEQ and MDMR.

25 COMMISSIONER BOSARGE: Can I make one suggestion

1 just to maybe address Commissioner Gollott's concerns?

2 Your two-year extension, would it be possible
3 for that to be made by this Commission?

4 In other words, for you to come back and say,
5 okay, this is where we are, we are asking for our two-year
6 extension?

7 CHRIS WELLS: Sandy, correct me if I'm wrong,
8 but I think we accounted for that. We worked very
9 diligently with DMR staff in pounding out the language in
10 this, and I was just hitting the highlights, but I think
11 that may have been accounted for.

12 SANDY CHESNUT: Yes. The actual agreement is on
13 the portal at G2(a), and that is the entire agreement, and
14 part of that is that, of course, DEQ is to come back after
15 five years and notify the Commission and the Department of
16 the necessity of an additional two-year monitoring period,
17 and during that time they would tell you what criteria has
18 not been met and why the two-year additional monitoring
19 period is required.

20 They are also going to provide periodic
21 monitoring reports as conducted, but no less than three in
22 five years post construction.

23 So, if they do a report every year, they are
24 going to provide that to us, but, if they don't, they are
25 going to at least do a three-year report and a five-year

1 report.

2 COMMISSIONER BOSARGE: And I agree. I think it
3 is a good project. I am glad to see it happen, but five
4 years is a long time. There is a lot that can change in
5 five years, and I just kind of echo Commissioner Gollott's
6 concerns in that it would be nice to know that at the end
7 of that five-year period we actually still have a little
8 bit of say-so in what happens with your two-year
9 extension.

10 COMMISSIONER DANIELS: I have got to say and
11 this is just my fishing brain getting involved in this, I
12 can see a lot of benefits for a lot of different user
13 groups because, obviously, the higher relief is going to
14 create some more than likely bigger productive fishing
15 grounds in that area as well.

16 So that is multiple user groups that are going
17 to benefit off of this, as well as our oyster restoration
18 of which I am sure we are going to have a lot more
19 projects after the Bonnet Carre fiasco that we just went
20 through.

21 I would be willing to second her motion just on
22 that alone.

23 COMMISSIONER HAVARD: I think you guys are being
24 very generous by offering us this opportunity to bring our
25 resource back.

1 As we were told earlier, our oysters in the
2 western part of the State are nonexistent. This is a
3 great place to start. Five years is really a short period
4 of time, compared to how long it has taken us to
5 completely deplete our resource, and it is going to
6 continue to reseed the beds that are adjoining this area
7 and, like Commissioner Daniels said, it is going to hit, I
8 guess, every aspect of the Coast from the recreational guy
9 to the commercial guy to tourism. This is going to
10 benefit everybody. So I think that is a great opportunity
11 for the State to welcome the DEQ and their project.

12 CHRIS WELLS: Thank you.

13 COMMISSIONER BOSARGE: And I am with you. I am
14 a hundred percent behind you. I think it is a great
15 project.

16 I guess me and my concerns, the only concern I
17 have is where it is.

18 I guess it was probably four years ago maybe
19 that that end of Deer Island did not exist. So there are
20 a lot of changes that could happen from a hurricane, or
21 storm, or whatever. There are a lot of things that could
22 change. Five years is a long time around here.

23 CHRIS WELLS: I understand.

24 COMMISSIONER BOSARGE: We have a motion and we
25 have a second for that motion.

1 Any further discussion?

2 (No response.)

3 SANDY CHESNUT: If we could type the motion and,
4 if there are no changes, we can take the vote.

5 COMMISSIONER BOSARGE: Dr. Mickle, would you
6 like to say something while they are constructing their
7 motion?

8 PAUL MICKLE: Yes. I actually had some stuff to
9 say about the biology and the science part, but I am going
10 to skip that and approach Chris' concern. He wants to be
11 following protocol as close as possible, and we thought
12 that maybe Willa, or Sandy, would present the agreement.

13 Is that correct?

14 SANDY CHESNUT: They have the agreement.

15 PAUL MICKLE: They have the agreement?

16 SANDY CHESNUT: It is in G2(a).

17 PAUL MICKLE: This was an offering. You might
18 want to see the permit that the agreement goes with.

19 Is that correct?

20 CHRIS WELLS: Procedurally, I just wanted to
21 make sure that we did things in the order that they needed
22 to be done.

23 PAUL MICKLE: There are two things that need to
24 occur. There needs to be a permit presentation for
25 approval, or denial, and approval, or denial, of the

1 agreement itself, the five- to seven-year moratorium on
2 harvest.

3 COMMISSIONER BOSARGE: Right now, maybe we've
4 got the horse before the cart.

5 The actual permit, is that coming up next?

6 PAUL MICKLE: Yes, sir.

7 CHRIS WELLS: I didn't mean to upset the apple
8 cart. I will defer to y'all on the procedure.

9 SANDY CHESNUT: If the permit is not approved,
10 then, the agreement is null and void. So it doesn't
11 really matter, the order you do it in.

12 If you want to go ahead and vote on the
13 agreement and approve the agreement, that is fine, and,
14 then, we will go into the permit.

15 COMMISSIONER BOSARGE: Is that the motion that
16 you made?

17 COMMISSIONER GUESS: Yes, it is.

18 COMMISSIONER BOSARGE: We have a motion on the
19 board and we have a second from Commissioner Daniels.

20 Any further discussion?

21 (No response.)

22 COMMISSIONER BOSARGE: All those in favor aye.

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

25 COMMISSIONER BOSARGE: Opposed same sign.

1 (None opposed.)

2 COMMISSIONER BOSARGE: Motion carries.

3 COMMISSIONER GOLLOTT: I am going to abstain.

4 COMMISSIONER BOSARGE: I'm sorry. We've got one
5 abstain, Commissioner Gollott.

6 CHRIS WELLS: Thank y'all for your time.

7 COMMISSIONER BOSARGE: Thank you.

8 I guess up next will be Ms. Willa Brantley.

9 WILLA BRANTLEY: Yes. Good morning.

10 I am actually going to be presenting the permit
11 application for this subtidal reef.

12 This is a request for a permit by the Department
13 of Environmental Quality.

14 The location is just north of Deer Island in the
15 Mississippi Sound.

16 This is mostly in a Preservation District.
17 There is a little bit within the General Use District and
18 the S1, Special Use District for natural and artificial
19 oyster reefs. Those are those existing reefs that you saw
20 in the diagram earlier. A lot of this about the project
21 will be a repeat of what you just saw.

22 The project purpose and need again this is the
23 NRDA Early Restoration Project. It is to support
24 secondary productivity which can be oysters, or can be
25 other invertebrates.

1 The agent is Alane Young for Covington Civil and
2 Environmental, LLC.

3 Again, the project would create approximately
4 ninety acres of subtidal reef within the Mississippi
5 Sound.

6 This is the same diagram you saw earlier.
7 Again, the red areas are where the water is shallow enough
8 that they would not be able to meet their clearance that
9 they have committed to which is two feet of clearance,
10 and, then, this is the existing Joe Thornton Hull Reef and
11 this is a smaller reef that was permitted under an earlier
12 permit by our Fisheries office

13 Again, you saw this earlier. This is the relief
14 of how the subtidal reef will be created with different
15 thicknesses of the cultch material that is chosen. They
16 have stated that there will be a minimum clearance of two
17 feet at mean lower low water.

18 Those red areas were where, when they did their
19 initial survey, the water was two feet, or less, in depth.
20 So they don't plan on putting any cultch material there,
21 unless that has changed in the future.

22 The applicant has requested a variance to one of
23 the guidelines in the Coastal Program which states that
24 permanent filling of Coastal wetlands because of potential
25 adverse and cumulative environmental impacts is

1 discouraged.

2 They have justified it by stating that the
3 effects on Coastal wetlands would be no worse than if the
4 guidelines were followed.

5 This is a positive project. It will end up
6 being beneficial. You have heard some of the positive
7 aspects of it. So we believe that that is clearly
8 justifiable.

9 Notification appeared in The Sun Herald as
10 required in December of last year and January of this
11 year.

12 We did receive one public comment based on the
13 public notice and it was concerning the proposed location
14 of the project. The commenter was concerned that the
15 north side of Deer Island was not a good place for DMR to
16 focus on oyster restoration, that the south side of Deer
17 Island would be better, and myself and the applicant
18 explained that that was not the purpose of this project.
19 The purpose is the secondary productivity to restore
20 habitat that was lost based on the oil spill, and he
21 seemed satisfied with that answer and did not make any
22 further comments.

23 From the Department of Marine Resources, Coastal
24 Preserves approved the request to work within the riparian
25 zone of Deer Island, contingent on certain conditions.

1 Those conditions include obtaining a permit from both
2 DMR and the Corps of Engineers and staying in compliance
3 with the conditions of those permits and also providing an
4 as-built final diagram and cross sections of the project.

5 Marine Fisheries stated that the project will
6 positively impact the existing Joe Thornton Hull Reef.

7 DEQ has already issued 401 Water Quality
8 Certification. That was issued on March 18th, 2019.

9 The Department of Archives and History has
10 requested some additional information about where the
11 forty-five thousand cubic yards of cultch material will
12 come from and what it will consist of.

13 One of the options is fossilized oyster shell.
14 So I think they were concerned about that, and Alane Young
15 from Covington is working with them to make sure that they
16 are satisfied where the cultch material comes from.

17 Secretary of State made no comment on the
18 project.

19 The Department of Wildlife, Fisheries and Parks
20 stated if DMPs are implemented, the project will likely
21 pose no threat to listed species, or their habitats.

22 Based on our review and evaluation, we
23 determined that the project will have a significant public
24 benefit. We recommend that the Commission approve the
25 variance request and issue the requested permit, and we do

1 have several conditions here.

2 The top three concerns. Submerged aquatic
3 vegetation, it has been awhile since you saw the project,
4 but these are the same conditions that we put on the Wolf
5 River NRDA project, that the project area should be
6 rechecked for the presence of SAV during the growing
7 season, prior to commencement of construction, and the
8 survey report should be submitted to Wetlands Permitting
9 at least thirty days prior to commencement of construction
10 and, if SAV is found in the planned project area, a final
11 review and approval by DMR staff would be required prior
12 to starting the work.

13 Also, as I mentioned, that final as-built
14 diagram should be provided to the Bureau of Coastal
15 Preserves within ninety days of construction completion
16 and we do want to condition the permit that clearance from
17 MDAH should be provided to Bureau of Wetlands Permitting
18 prior to the commencement of construction.

19 If you have any questions, I can answer those,
20 or the agent is also here.

21 COMMISSIONER BOSARGE: Is any of this going to
22 be marked because two foot of water at mean low tide, that
23 is getting pretty close?

24 WILLA BRANTLEY: That will depend on the Coast
25 Guard. It will be marked, if the Coast Guard requires it.

1 COMMISSIONER BOSARGE: I guess I should have
2 looked at the existing map, but there are areas that are
3 already less than two foot?

4 WILLA BRANTLEY: There are a few.

5 COMMISSIONER BOSARGE: That's fine.

6 Do we have a motion?

7 COMMISSIONER GUESS: I will make a motion to
8 approve the variance requests with issues requested -- do
9 I need to read all of this?

10 COMMISSIONER BOSARGE: You want to make a motion
11 to accept the staff's recommendation?

12 COMMISSIONER GUESS: Yes.

13 COMMISSIONER BOSARGE: All right. Sounds good.

14 Yes, sir, Chief Davis.

15 KEITH DAVIS: I would ask the Commission to your
16 point about it being marked. The Coast Guard, I don't
17 believe, will get involved in it. I don't see why DMR
18 should not have some type of marking around this area, and
19 I think that should be made a part of the motion.

20 WILLA BRANTLEY: The Commission can add any
21 other conditions you want to add. So if you want to add
22 some specifics about marking, or that we would come to an
23 agreement with Marine Patrol for marking for safety, prior
24 to commencement of construction, that would be fine.

25 COMMISSIONER BOSARGE: I mean, to me because

1 that is a heavily trafficked area and we have had a
2 history of some accidents happening more on the east end,
3 but still and all that would be my only concern is
4 somebody not knowing it is there.

5 COMMISSIONER GUESS: So we are going to add the
6 additional variance that we will work with Marine Patrol
7 in working the area, before commencement?

8 WILLA BRANTLEY: I think that would work.
9 Sandy, is that good enough?

10 SANDY CHESNUT: We are going to type something
11 up here in just a minute.

12 WILLA BRANTLEY: Okay.

13 COMMISSIONER BOSARGE: I tell you what, Ms.
14 Chesnut, while you are working on that, I am about to put
15 the cart before the horse here, too.

16 we had one request for public comment on this
17 issue.

18 So if we could before we go to voting?

19 WILLA BRANTLEY: Okay.

20 COMMISSIONER BOSARGE: Mr. Chris Rhodes.

21 CHRISTOPHER RHODES: Christopher Rhodes, Chief
22 Information Officer for Mississippi Commercial Fisheries
23 United.

24 Commissioners, Mississippi Commercial Fisheries
25 United supports the construction of the proposed ninety-

1 acre subtidal oyster reef on the north side of Deer
2 Island.

3 we believe that the reef, as proposed, with
4 significant vertical relief and three-dimensional design
5 will be beneficial to the oyster resources of the eastern
6 Mississippi Sound.

7 The proposed oyster reef functions are a pathway
8 for spat transport in a much-needed area of Biloxi which I
9 myself have tonged in the past years.

10 we support a limited to no harvest, or relay,
11 from this reef for several years to give the oyster
12 resources the best opportunity to succeed and thrive.

13 As we all know, with the Bonnet Carre Spillway,
14 we have experienced extreme mortality in the western
15 Mississippi Sound.

16 It is going to take both approaches to restore
17 our wild oyster reefs. Eventually, we would like to see
18 similar projects in the western Mississippi Sound, perhaps
19 in Bay St. Louis.

20 we would like to thank MDEQ and Mississippi
21 Department of Marine Resources for advancing this proposed
22 project.

23 One last recommendation that we have is that we
24 would like to see the Oyster Task Force convened in the
25 near future, as they deserve an opportunity to vet this

1 project as well.

2 Thank you for your consideration and your time.

3 COMMISSIONER BOSARGE: Thank you, Mr. Rhodes.

4 WILLA BRANTLEY: Can I request one thing for
5 this new motion, that we require whatever plan we come up
6 with to be submitted to Permitting thirty days prior, just
7 so that we know that all of those issues have been taken
8 care of?

9 SANDY CHESNUT: Thirty days prior to...?

10 WILLA BRANTLEY: Commencement of construction.

11 SANDY CHESNUT: Okay.

12 COMMISSIONER BOSARGE: Did you want to amend
13 your motion?

14 COMMISSIONER GUESS: Okay. So I make a motion
15 to accept the staff's recommendation, with the additional
16 requirement of working with Marine Patrol to establish the
17 necessary public safety markings. MDEQ shall submit the
18 established plan to MDMR thirty days prior to commencement
19 of construction.

20 COMMISSIONER BOSARGE: Do we have a second for
21 that motion?

22 COMMISSIONER HAVARD: I will second that motion.

23 COMMISSIONER BOSARGE: We have a second by
24 Commissioner Havard.

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 WILLA BRANTLEY: Thank you.

8 COMMISSIONER BOSARGE: Thank you, willa.
9 I have been requested to take a five-minute
10 break. Let's just take a quick five-minute break. We
11 will get back here about twenty after.

12 MEETING STANDS IN RECESS

13 COMMISSIONER BOSARGE: I would like to call the
14 meeting back to order, and we will take up where we left
15 off.

16 Office of Finance and Administration, Ms. Leslie
17 Brewer.

18 LESLIE BREWER: Good morning.

19 My name is Leslie Brewer, CFO. I will be
20 presenting the Agency Financial Statements for the month
21 ending June 30th, 2019.

22 At the end of June, our State Revenue was
23 thirty-one point eight million dollars. Total Agency
24 Revenue was fifty point three.

25 Our State Net Income was nineteen point nine,

1 and our Total Agency Net Income was twenty point seven.

2 After twelve months of fiscal year 2019, we have
3 fifty-three point three of the Operating Budget remaining,
4 while the Tideland Budget has thirty-eight point four.

5 DFA still owes us a million dollars in State
6 Appropriation Funds. So we are still waiting on that.

7 Any questions?

8 COMMISSIONER HAVARD: Ms. Brewer, I would like
9 to welcome you to the Department.

10 LESLIE BREWER: Thank you.

11 COMMISSIONER HAVARD: I know there are a lot of
12 numbers you have got to get straight and figure it all
13 out, but you will and welcome.

14 LESLIE BREWER: Thank you.

15 COMMISSIONER BOSARGE: We are twelve months into
16 our fiscal year and we have half our budget remaining?

17 LESLIE BREWER: Yes, we do.

18 COMMISSIONER BOSARGE: I wish I could do that.

19 JOE SPRAGGINS: It might be remaining, but it is
20 obligated. I can tell you that.

21 COMMISSIONER BOSARGE: Thank you.

22 LESLIE BREWER: Thank you.

23 JOE SPRAGGINS: It is not just free money.

24 COMMISSIONER BOSARGE: Next up is Public
25 Affairs, Ms. Charmaine.

1 CHARMAINE SCHMERMUND: Good morning
2 Commissioners, Director Spraggins, Counsel Chesnut.

3 The Mississippi Department of Marine Resources
4 was mentioned one hundred and thirteen times in local,
5 state and national media since the June CMR meeting.

6 Popular news items included the effects of the
7 Bonnet Carre Spillway in Mississippi, the algal blooms and
8 boat-and-water safety.

9 Marine Patrol taught three boat-and-water safety
10 classes and certified sixty-three students. So far in
11 fiscal year 19 officers have taught twenty-four classes
12 and certified five hundred and twenty-one students.

13 Since the June meeting, Marine Patrol
14 participated in several summer camp presentations, Day Out
15 with Police, Explorers and USM Career Day.

16 Public Affairs, Marine Patrol and various agency
17 volunteers took part in the Mississippi Deep Sea Fishing
18 Rodeo July 4th through the 7th, by handing out agency
19 materials to fishermen and rodeo attendees.

20 Office of Coastal Restoration and Resiliency
21 Director George Ramseur gave two presentations with the
22 Restoration and Coordination Team for the Regional
23 Sediment Management and Development of Projects.

24 National Heritage Area gave a presentation on
25 Carroll Ishee at the Mississippi American Institute of

1 Architects Conference.

2 National Heritage Area Director Rhonda Price
3 gave an Environmental and Energy Study Institute
4 Resiliency briefing to congress in Washington, D.C.

5 Finfish Bureau staff Carly Somerset and Trevor
6 Moncrief participated in the Federal-For-Hire Data
7 Collection and Validation Methods workshop in St.
8 Petersburg, Florida, July 10th through the 11th.

9 The Gulf States Marine Fisheries Commission's
10 Menhaden Reference Points meeting was held July 15th
11 through the 19th in New Orleans. Finfish Bureau's Trevor
12 Moncrief represented MDMR contributing to the data review
13 and overall assessment of this valuable fishery.

14 Jeremy Timbs of the Shrimp and Crab Bureau
15 recently published two papers in the Scientific Journal of
16 Marine Ecology.

17 ER220 Traceback Investigation trainings were
18 accomplished June 9th through the 12th in Kenner, Louisiana,
19 by Seafood Technology Bureau's Jeff Davis and Jessica
20 Rankin.

21 This important training will allow MDMR to be
22 able to conduct training related to foodborne illness
23 outbreaks for other regulatory personnel and partners in
24 our jurisdiction.

25 Artificial Reef Bureau's Emily Satterfield

1 presented to the USM GCRL Marine Ecology class on June
2 25th. She shared an overview of the program, including
3 strategies to promote the use of artificial reefs as
4 fishery management tools and to enhance fishing
5 opportunities and success.

6 On July 2nd, Rick Burris spoke to the Biloxi
7 Rotary Club on current fishery issues, including
8 freshwater intrusion, shrimp season and oyster health.

9 MDMR was recognized as a 2019 Healthy Employer
10 by the Mississippi State Department of Health, State
11 Employee wellness Mississippi, the Mississippi Business
12 Group on Health and the Mississippi Business Journal.

13 COMMISSIONER BOSARGE: That is quite a bunch.
14 Very impressive.

15 I want to thank you for what you send out on our
16 personal email -- not our personal, but our Mississippi
17 DMR email. I read it all. You keep me up on the latest.

18 Thank you.

19 CHARMAINE SCHMERMUND: You are welcome.

20 COMMISSIONER BOSARGE: Up next is Office of
21 Marine Fisheries, Mr. Joe Jewell.

22 JOE JEWELL: Good morning Commissioners.

23 We have got three items for your consideration
24 today, but I also would like to thank the staff of Marine
25 Fisheries for all the contributions and the dedicated work

1 they do for our agency and the State of Mississippi. They
2 do a very good job and they often are not appreciated, or
3 acknowledged, on the levels they should be, and I want to
4 call that to y'all's attention this morning.

5 First up on our agenda is the Bonnet Carre
6 spillway update. Director Spraggins has covered most of
7 this information. So I will go through it quickly.

8 If you have any questions, please stop me.

9 This is a graph that we have given to y'all
10 several times in the past. It shows the current
11 conditions of the Bonnet Carre Spillway. We have a
12 hundred and sixty-eight gates open this morning and the
13 CFS is about a hundred and eleven thousand.

14 The two particular lines you need to pay
15 attention to are the green line which was the first
16 opening of the Bonnet Carre Spillway and the purple line
17 which is where we are right now.

18 If you notice, biometrically we have about ten
19 trillion gallons of water that has passed out of Bonnet
20 Carre Spillway into the Mississippi Sound in one way, or
21 another.

22 These are the typical graphs that we show y'all.
23 If you will look early, February 27th is when the Bonnet
24 Carre opened. We were seeing normal levels of salinity.
25 As the Bonnet Carre opened, those levels dropped

1 throughout the Mississippi Sound.

2 We had a spike here with our recent storm over
3 the weekend that happened, but with the Bonnet Carre still
4 open, we are anticipating those to be reduced.

5 Temperature. You can see a pretty average
6 temperature climb for this time of the year.

7 I will give you a little update on the algal.
8 The algal, we first had it reported to the Mississippi
9 Department of Marine Resources around June the 12th.

10 As was mentioned earlier, Dolichospermum is the
11 species that was most prevalent early on. It is the one
12 that gave that bright green color in the Western Sound and
13 in some of our harbors.

14 These are pictures of that particular species.
15 They form these chains of algal.

16 Then, on June 14th, we sent samples to the NOAA
17 laboratory in Charleston, South Carolina, for testing of
18 specifically Microcystin.

19 These particular bacteria produce four types of
20 toxins. The two that we are most concerned with, the DEQ
21 and the Department of Marine Resources, is Microcystin and
22 Saxitoxins.

23 Microcystin is one that we are more concerned
24 with contact and Saxitoxins are those that tend to
25 bioaccumulate.

1 These samples were sent out and the results
2 indicated that they were well below levels of concern for
3 the public.

4 Samples were collected from the Western Sound on
5 June the 19th. They contained, again, Dolichospermum and
6 Microcystis. Both were produced as a Microcystin on June
7 the 22nd.

8 MDEQ issued its first set of beach closures, or
9 beach advisories, for Hancock County. Additional areas of
10 concern for beach closures were east of Gulfport and the
11 central beach that were closed at that time and, as you
12 know, the DEQ monitors twenty-one stations throughout the
13 Mississippi Sound along the shoreline and all those areas
14 are of concern right now.

15 From June the 24th to the 26th, the DMR, our HAB
16 Response Team received and analyzed a total of eighty-one
17 samples during that period from the Mississippi Sound and
18 along the beaches.

19 An additional seven samples were shipped to NOAA
20 for analysis of Saxitoxins. We first did an analysis of
21 Microcystin and now we sent samples for Saxitoxins.

22 The results received on June the 28th indicate
23 that all samples analyzed were below the limit of
24 quantification which means they were just very minute.

25 From July the 1st to July the 15th, the DMR and

1 the DEQ worked closely to monitor for the presence of
2 cyanobacteria both near shore and off shore. Microcystis
3 continued to be persistent within most samples collected.

4 This is an update of our sampling data. As you
5 will see, I included a map so it will give you some idea
6 of where these reefs are located and the mortality rates.

7 You can see that we are approaching a hundred
8 percent on most of all of our reefs. They range from St.
9 Joe Reef is a hundred percent all the way over to Pass
10 Marianne which is about eighty, or ninety, percent right
11 now.

12 Most of our inshore reefs like Waveland and St.
13 Stanislaus and the tonging reef and the dredging reef Pass
14 Christian are seeing close to a hundred percent
15 mortalities on these reefs.

16 Our crab impacts, Director Spraggins spoke to
17 those earlier. The blue bars are the five-year average,
18 and the red bars are current averages. They range
19 anywhere from forty-five to twenty-five percent by month
20 below average.

21 Again, our shrimp landings, we discussed that a
22 little bit earlier. I am going to go right through those
23 real quick. You can see in June our landings are
24 typically a little over two million, and we are just
25 around nine hundred thousand currently.

1 Finally, I want to give you an image of our
2 satellite, our most recent one that we have that is clear
3 enough you can see the sediment in the water from the
4 actual Bonnet Carre Spillway. You can see that sediment
5 is still very prevalent, persistent in the western
6 Mississippi Sound and it does follow along the shoreline
7 all the way up to the Biloxi peninsular.

8 Do y'all have any questions?

9 COMMISSIONER BOSARGE: Yes, Joe. I had one,
10 just an observation, or question, for you.

11 This Bonnet Carre opening and the fact that it
12 has opened twice this year and now that it is open so long
13 on this second opening, in talking with some of the
14 fishermen down in south Louisiana, they made a good point
15 to me, and I was wondering if anybody had really asked, or
16 looked at it, or inquired.

17 They pointed out to me which I already knew but
18 really never thought about it, all the different passes of
19 the Mississippi River.

20 Right now, Tiger Pass is filled in. There might
21 be five, or six, foot of draft in there now. The main
22 pass of course is open. South Pass, there is very little
23 water, five foot.

24 All the way around these passes are filled in
25 and the Corps, when they are doing their dredging up there

1 in the river, they are pulling out of the main river and
2 out of Southwest Pass, and, then, they go dump in the
3 South Pass.

4 I guess my point is and their point was that
5 they are slowly but surely filling in all the other
6 outlets for that water which it has been -- I don't know
7 that I can remember in my lifetime where South Pass was
8 down to five foot.

9 Back when the oil industry was really flowing
10 and going, they kept South Pass dredged and they kept
11 Tiger Pass dredged, but they are not doing much of that
12 anymore.

13 My point is if you plug up the head of the
14 passes where the water is going out, wouldn't that make it
15 more likely that we would have to have some relief
16 somewhere else being the Bonnet Carre?

17 Has anybody looked at maybe the answer to this
18 being going down there and opening some of those passes
19 back up to let some of that, to give it more flow?

20 JOE JEWELL: well, that certainly is a
21 consideration. when those areas are plugged up, or there
22 is restricted flow in them, what you tend to see is an
23 increase in velocity in the main channel.

24 COMMISSIONER BOSARGE: And I think that was the
25 Corps' intentions over the last few years was to actually

1 -- because they did. They robbed a bunch of places. In
2 other words, I understand there was logic into putting
3 most of the water down Southwest Pass to keep it naturally
4 cut and naturally deep, but --

5 JOE JEWELL: (Interposing) What I generally
6 have said to the Commission when this question has come up
7 in the past when I have given those presentations, I have
8 pointed out specifically the main structures on the
9 Mississippi River. Those structures above New Orleans are
10 the ones that tend to have the most impact on us and
11 certainly the Bonnet Carre is the number one in that.

12 The only way that Morganza comes into play is to
13 relieve the pressure that is coming through the Bonnet
14 Carre and the lower Mississippi River system.

15 Now, those structures that are below New Orleans
16 like the Bohemian Spillway, Mardi Grass Pass, several of
17 these other passes that you are talking about, they have
18 little to no impact on the flow through the Bonnet Carre
19 spillway. They have already gone below that point.

20 The only potential impact they have particularly
21 on high water events is they will tend retain that water
22 longer in the system and it will increase the stage of the
23 river at that point.

24 So it does have some impact. All that does have
25 impact, but, like I said before, the number one structure

1 that has the most impact and will always have that is the
2 Bonnet Carre Spillway.

3 All these other areas south of us, if they were
4 all opened up, I don't think it would have major, or
5 significant, impacts on the Bonnet Carre. It could. I'm
6 not a hydrologist, or an engineer.

7 COMMISSIONER BOSARGE: I would like for somebody
8 to look at that from a commonsense standpoint.

9 JOE JEWELL: But it is a good idea because we
10 would like to entertain any idea that would resolve us in
11 any way that will lessen the impacts from the Bonnet
12 Carre, absolutely.

13 COMMISSIONER BOSARGE: Thank you.

14 JOE JEWELL: Next up for the Commission's
15 consideration, Mr. Trevor Moncrief will give the Red
16 Snapper season update.

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

19 As Joe said, I am going to be giving the mid-
20 season update for Red Snapper.

21 Just to go side-by-side just kind of like some
22 summaries --

23 COMMISSIONER BOSARGE: (Interposing) Trevor, I
24 have been waiting on this to come up on our -- we still
25 don't have it on our computers here. This is the first

1 time we have laid eyes on this information so take your
2 time.

3 TREVOR MONCRIEF: All right. I will take my
4 time.

5 we will just go line-by-line here. We will
6 compare 2018 to 2019 directly.

7 Harvest in 2018 up to this point was around
8 eighty thousand pounds. This year we are up to about
9 ninety-six thousand pounds.

10 Number of fish harvested in 2018 was thirteen
11 thousand. The number of fish harvested this year was
12 about seventeen thousand six hundred.

13 Our average weight in 2018 was six point zero
14 nine pounds. Our average weight this year so far is five
15 point four four pounds.

16 we had three thousand three hundred and sixty
17 trips in 2018. Three thousand four hundred and eighty
18 this year.

19 Our anglers per vessel was three point zero two
20 in 2018, and in 2019 it has been a little bit higher,
21 three point eight seven.

22 Then, our CPUE was one point three zero six per
23 angler, and this year is it one point three one. So those
24 numbers are pretty close to identical.

25 Here on this next slide it just gives you a

1 visual representation across the entire season of our
2 harvest. The red line is 2018, the black line is 2019 and
3 you can see our harvest there. You can see that generally
4 the trend is similar across both of them, but you can see
5 the effect the opening weekend had. For this season,
6 2019, we had good weather lineup with the opening of Red
7 Snapper, and so we harvested about twenty-six thousand
8 pounds on opening weekend which really kind of set the
9 trend up a little bit higher.

10 Then, the last thing I want to note. Marine
11 Patrol gave their estimate of compliance of ninety-four
12 and a half. We do similar things. Our surveys are
13 statistically valid made through probability sampling so
14 we kind of have to follow that protocol, but our numbers
15 are matching theirs at around ninety-five percent. That
16 is good news for the program.

17 COMMISSIONER BOSARGE: I guess the warnings that
18 you gave, in other words, is that added in there anywhere
19 to our compliance?

20 TREVOR MONCRIEF: The...?

21 COMMISSIONER BOSARGE: In other words, the folks
22 that go fishing that were there doing fishing, but didn't
23 have their number but didn't have any fish in their
24 possession, to me that is a noncompliance.

25 TREVOR MONCRIEF: Right. We gather all the

1 information they have and we take our information, so the
2 two are pretty much compiled together for the overall end
3 estimate, so all of that will be accounted at the end.

4 COMMISSIONER BOSARGE: All right.

5 TREVOR MONCRIEF: With that, I will take any
6 more questions.

7 COMMISSIONER BOSARGE: Are we ever going to get
8 to see this information besides just your presentation?

9 TREVOR MONCRIEF: In what way?

10 COMMISSIONER BOSARGE: Most all the
11 presentations that you guys give, we are given them ten
12 days ahead of time and I still -- right now, I can't even
13 pull up what you put on there on my screen. It would have
14 been nice to have information.

15 JOE SPRAGGINS: Commissioners, if I could real
16 quick on this, this is something that we were working on
17 getting -- the shut the season down. It was on the 8th of
18 this month. They have not had ten days to get you this
19 information. They have only had a few days to put it
20 together and, in turn, they were able to get it to you for
21 this briefing on it.

22 That is the first time I have seen it. I mean,
23 they are working hard every day, and I promise you we are
24 not trying to hold back anything from you, but they are
25 working hard every day on it.

1 JOE JEWELL: I will say this, Steve. We met the
2 deadline to put this in the CMR portal. We did do that.
3 The only change that occurred in this presentation was the
4 presenter. I had put on there Ms. Carly Somerset and she
5 had a previous engagement. So Trevor had to do the
6 presentation in that slide, the question slide.

7 When I reup it in the portal, that could have
8 caused some issues.

9 JOE SPRAGGINS: Well, we didn't give them ten
10 days, Joe, because we didn't have ten days. We only
11 stopped on the eighth.

12 COMMISSIONER HAVARD: I think this is the same
13 information that you guys send out to us weekly.

14 JOE JEWELL: That is what I was going to say.
15 We do send that out.

16 COMMISSIONER HAVARD: The numbers have not
17 changed the best that I can recollect.

18 JOE JEWELL: Yes. We do send that out weekly.
19 It is just the presentation was a little delayed, and I
20 will take responsibility for that.

21 SANDY CHESNUT: Commissioner Bosarge, you can't
22 pull it up on your screen because the internet is down,
23 but, once the internet is back and restored, you will have
24 access to it.

25 COMMISSIONER BOSARGE: Okay. I guess you will

1 have to change it from black to blue?

2 SANDY CHESNUT: Yes, there will be a hyperlink
3 when the internet is restored.

4 JOE JEWELL: I will make the extra effort with
5 Director Spraggins' approval. I will just send you a copy
6 of this presentation so you will have it.

7 COMMISSIONER BOSARGE: I appreciate it, Joe,
8 because it is a lot of good information and it is things
9 that interest me.

10 COMMISSIONER DANIELS: Joe, I think what he is
11 talking about, I just pulled it up on my phone and it is
12 not a clickable link on what was sent to us in the agenda.

13 JOE JEWELL: well, I will have to defer to IT on
14 that.

15 SANDY CHESNUT: Right. They will fix the
16 hyperlink as soon as our internet connection is fixed.
17 They can do a hyperlink at that point.

18 BRIAN SHERWOOD: Right. We will fix it.

19 COMMISSIONER BOSARGE: All right.

20 JOE JEWELL: I will send that to all the
21 Commissioners. I will send that to all of y'all, the
22 actual presentation itself.

23 COMMISSIONER BOSARGE: I had a couple of
24 questions for you and I will move it over to Joe.

25 One of them is, Joe, it has been several

1 meetings ago where we came to some compromise on the
2 sharks with the State charter boats, and, then, we talked
3 about putting together a commercial season for sharks, and
4 I just wondered where we are with that.

5 JOE JEWELL: Okay. That is a good question.

6 As you know, the Department of Marine Resources
7 does not collect a lot of data on sharks, not detailed
8 data on sharks. We have to defer to Gulf Coast Research
9 Lab, USM, Mississippi State Extension Service, and so a
10 lot of the delay has been coordinating with our partners
11 trying to get that data and get it in a uniform format
12 that we can present to the Stock Assessment Committee.

13 Last week, or week before last, we got the last
14 of those data sets to us in that format and we plan in the
15 near future, the next week or so, to convene a Stock
16 Assessment Panel to start that process.

17 Once they make their preliminary assessments, or
18 standings, or findings, of the data, we will come back to
19 the Commission and give y'all an update on that.

20 COMMISSIONER BOSARGE: Do you have a guesstimate
21 when that may be?

22 JOE JEWELL: Well, that analysis can take some
23 time. It is a very specialized species, a very
24 specialized set of data, but it shouldn't take more than a
25 month, or two, the preliminary assessment of it.

1 COMMISSIONER BOSARGE: The other thing.
2 where are we on commercial Spotted Seatrout
3 landings?

4 where are we within the quota?

5 JOE JEWELL: Matt tells me about twenty-six
6 thousand.

7 COMMISSIONER BOSARGE: All right. That is all I
8 had. Thank you, Joe.

9 JOE JEWELL: Next up for y'all's consideration
10 is a State fish record to be presented by Mr. Matt Hill.

11 MATT HILL: Good morning Commissioners, Director
12 Spraggins, legal.

13 we will be happy to put together a more
14 comprehensive Red Snapper report. That was something the
15 last minute. We did just close the season. So we just
16 wanted to get that up. We didn't know when y'all get it.
17 We do the best we can to get it into the portal.

18 COMMISSIONER BOSARGE: Tighten up, Matt.

19 MATT HILL: I'm trying.

20 Anything y'all want to know about that, we can
21 definitely put together something and get it to y'all. It
22 is no problem.

23 I know I have one Commissioner who has been
24 waiting for this. This is a State Saltwater Finfish
25 Record. This is a Youth Division Record for conventional

1 tackle and I will say since this program started, my staff
2 does get very excited when the kids come in. They fight
3 to get down there to see who can do these records. It is
4 very rewarding when they do come in, and I do want to say
5 it took a little while for me to come onboard, but, since
6 we have started this program, we really enjoy doing this
7 and I am glad the Commission allows us to do this.

8 The new Youth Saltwater fishing record is Gray
9 Snapper. It is a new record at eleven pounds fifteen
10 point two ounces, and the angler is Mr. Hudson Havard.

11 Here is a picture of Hudson's gray Snapper, and
12 here is a picture of young Hudson holding the Gray
13 Snapper. It was a very nice fish.

14 COMMISSIONER BOSARGE: Yes.

15 COMMISSIONER HAVARD: I am proud to make this
16 motion. That is my boy obviously. He worked very hard
17 trying to catch a big fish and he was after that big
18 Mangrove Snapper.

19 At this time, I would like to make a motion to
20 adopt the new State Record for Mangrove Snapper.

21 COMMISSIONER GOLLOTT: I would like to second
22 that, Mr. Chairman.

23 COMMISSIONER BOSARGE: All right. We have a
24 motion and a 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 MATT HILL: I would like to add just for the --
8 I know the Commission did this and I know we have a lot
9 going on, but a reminder that the All Tackle Record will
10 begin. August the 1st, we will begin accepting the
11 records, so hopefully we will have a few more to come with
12 you, but I didn't know. I just wanted to throw that back
13 out there that beginning August 1st we will be accepting
14 the All Tackle records.

15 COMMISSIONER BOSARGE: All right. Thank you.

16 MATT HILL: Thank you.

17 COMMISSIONER BOSARGE: Do we have any other
18 business?

19 COMMISSIONER DANIELS: There is one thing that I
20 meant to bring up in the Commissioners report and I
21 honestly just forgot to, so if you don't mind.

22 A few months back whenever we were talking about
23 license revocation and all of that, we had discussed
24 putting together a penalty matrix.

25 I believe Mr. Bradley's organization was

1 supposed to be working with Sandy on getting a suitable
2 penalty matrix together. It is my understanding that they
3 never turned anything in on that.

4 I would like to ask that Sandy move forward with
5 that, without any, I guess we would say outside influence,
6 since we have waited this long and nothing has happened.

7 COMMISSIONER BOSARGE: That goes back a long way
8 and I am trying to refresh my memory as to what the
9 penalty matrix was about.

10 COMMISSIONER DANIELS: We approved license
11 revocation due to certain violations and I for one was in
12 agreement that that was very broad.

13 COMMISSIONER BOSARGE: I didn't think we
14 actually did.

15 COMMISSIONER DANIELS: Then, we revoked it.

16 COMMISSIONER BOSARGE: Yes, we revoked it. That
17 is what I thought.

18 COMMISSIONER DANIELS: My understanding was to
19 reword and come up with a penalty matrix to make it a
20 little more defined, that it wasn't so broad.

21 I was completely in agreement that being that
22 open ended was kind of scary and maybe a little bit
23 dangerous, but we have not ever moved forward with
24 narrowing that down.

25 COMMISSIONER BOSARGE: All right. Yes, I

1 remember now. It is coming back to me. We spelled out
2 what the first offense was, the second offense, third
3 offense, until we got to the point to where it was
4 revocation of license.

5 Correct?

6 COMMISSIONER DANIELS: Yes.

7 COMMISSIONER BOSARGE: Is this something legal
8 wants to pursue?

9 COMMISSIONER DANIELS: That would be my request.

10 COMMISSIONER BOSARGE: Would this penalty matrix
11 just apply to commercial fishermen, or both commercial and
12 recreational fishermen?

13 COMMISSIONER HAVARD: I think it should apply to
14 both.

15 SANDY CHESNUT: Yes.

16 COMMISSIONER BOSARGE: That is kind of what I
17 was thinking.

18 SANDY CHESNUT: It will be under the
19 Administrative Penalties which will be for recreational
20 and commercial as well. It will be a civil fine under the
21 Administrative Penalties.

22 COMMISSIONER BOSARGE: It would be a civil fine
23 under Administrative Penalties so that would be bringing
24 it back to the Commission level.

25 Is that correct?

1 SANDY CHESNUT: That's correct. It would be for
2 any actions that we bring to the Commission for
3 Administrative Penalties.

4 It would not be for those cases that go criminal
5 in court.

6 COMMISSIONER BOSARGE: All right. So, doing
7 this, this will set out a penalty matrix where the only
8 time they would come before us is if it got to what point?

9 SANDY CHESNUT: Anytime we have these
10 violations, as you will recall, Chief Davis comes in, he
11 kind of gives you an overview of what happened and asks if
12 you want us to bring this before the Commission for
13 Administrative Penalty, and, then, the Commission votes on
14 it. If this is something they want to deal with, then, we
15 deal with it that way.

16 If it is not, it will go through the court.

17 COMMISSIONER BOSARGE: Okay, but if we set up a
18 penalty matrix, if Chief Davis decided to bring it to us,
19 then, we would look at what the violation was, and, then,
20 we would look at the penalty matrix and that would be
21 their fine, or whatever the penalty matrix said is what
22 needed to be done.

23 COMMISSIONER DANIELS: It would allow us some
24 guidance in that situation, due to the severity and the
25 number of violations.

1 COMMISSIONER BOSARGE: If I remember correctly,
2 that was my reasoning for wanting a penalty matrix in that
3 I'm not an attorney and I'm not a judge, and I felt like
4 that it needed to be spelled out in black and white what
5 this person would be looking at for whatever penalty, or
6 whatever infraction.

7 COMMISSIONER DANIELS: Yes, sir. I'm in
8 agreement with you.

9 COMMISSIONER BOSARGE: In other words, take it
10 out of our hands. I don't like making judgment calls
11 about people where I don't feel that I am qualified to
12 make the call. By having a penalty matrix, it takes it
13 out of our hands and it is spelled out, what will happen
14 to this person when they break whatever law they have
15 broken.

16 COMMISSIONER DANIELS: At the very minimum, it
17 would give us guidance, or direction.

18 SANDY CHESNUT: It would be very similar to what
19 they use in the criminal court, like, for this first
20 offense you have a range of a penalty that you can choose
21 from and a second offense you have another range, a third
22 offense, if you wanted one, and that is the way it is done
23 in a criminal system.

24 COMMISSIONER DANIELS: One of the concerns I
25 think you had during all of that is if a guy gets a

1 relatively minor infraction, the possibility of revoking
2 his license was there for that. I didn't agree with that
3 either.

4 COMMISSIONER BOSARGE: Right.

5 COMMISSIONER DANIELS: If we are going to see
6 these types of cases in the future which we may, or may
7 not, I would like to have some guidance in a penalty
8 matrix to go forward.

9 COMMISSIONER HAVARD: It is just designed to get
10 the bad apples out of the basket because nobody likes a
11 bad apple in the basket. It tarnishes everybody's
12 relationship and reputation. So I say go with a matrix.

13 COMMISSIONER BOSARGE: I am still trying to wrap
14 my head around some of it.

15 Right now if Joe Smith gets a citation for no
16 Tails n' Scales, or whatever, Chief Davis, is it your call
17 as to whether this is a criminal penalty, or a civil
18 penalty?

19 Do you see my point?

20 In other words, why would we be bringing
21 something here that would normally go through the court?

22 I'm just trying to wrap my head around it.

23 KEITH DAVIS: I think because the State
24 Legislature set it up that way, but to answer your
25 question in terms of how decision is made whether or not

1 it is brought before you is the circumstances as they
2 present themselves.

3 Last year we had that speckled trout case where
4 there were multiple people involved in the case and
5 because of the egregiousness of that particular case, if
6 that case went criminal, there were a lot of things
7 considered, jail time and fines and so forth and so on,
8 and you, the Commission had to take into consideration the
9 affects on the stock assessment and other things.

10 It is a lot to do with just the circumstances as
11 they present themselves.

12 COMMISSIONER BOSARGE: You would be the one with
13 that call as to whether it went through this Commission,
14 or whether it went through the court system?

15 KEITH DAVIS: No, sir. It would be the
16 Executive Director, myself and legal.

17 COMMISSIONER BOSARGE: It just seems like a
18 double set of rules here anyhow.

19 COMMISSIONER GUESS: well, if we have a penalty
20 matrix, it is something we can follow and be consistent
21 with, versus case-by-case.

22 COMMISSIONER DANIELS: Also, we are not
23 finalizing this today. I am just asking for legal to put
24 something together for us to look at because we never
25 quite made it there before. we talked about it. we had

1 offered...

2 COMMISSIONER BOSARGE: Yes. I'm with you and,
3 if we could also, legal, could you look at the other
4 states and see if they have this Administrative Penalties
5 within their set of statutes?

6 COMMISSIONER DANIELS: Didn't you already do
7 that, sandy?

8 SANDY CHESNUT: I'm sorry.

9 COMMISSIONER DANIELS: Didn't you do that
10 before?

11 SANDY CHESNUT: I don't recall. I can take a
12 look at the other states. That is not a problem.

13 what I wanted to point out was what Commissioner
14 Bosarge is bringing up was a different issue basically
15 because the Commission has the authority to go ahead and
16 establish what cases they want to be brought before them,
17 if they want to treat it that way.

18 It is just that in the past it has been on a
19 case-by-case basis, or it is like for recreational cases
20 we have brought before, those were violations in the EEZ
21 and NOAA did not want those violations for whatever
22 reason. The weren't big enough, or whatever. So we
23 brought them before the Commission.

24 If the Commission so desires that they establish
25 we are only going to review these types of violations,

1 then, that is well within your purview. You can do that,
2 or you can leave it on a case-by-case basis.

3 COMMISSIONER BOSARGE: And I remember when we
4 did those cases that were in the EEZ, and I don't know.
5 Just in my mind I am trying to decide how. You know, I'm
6 looking, trying to figure out even on the civil side of
7 law enforcement.

8 Is there a dual set?

9 KEITH DAVIS: Yes, sir. You really need to be
10 reminded of Amendment 51. A lot of those cases that are
11 going to be generated in terms of Red Snapper are going to
12 be EEZ.

13 COMMISSIONER BOSARGE: But, now, because of
14 Amendment 51 --

15 KEITH DAVIS: (Interposing) It does extend the
16 waters out for the State, yes, sir.

17 COMMISSIONER BOSARGE: We have complete control
18 of that.

19 KEITH DAVIS: Yes, sir, but you could, the
20 Commission could say they wanted to hear those cases, as
21 opposed to them going through the criminal court.

22 COMMISSIONER BOSARGE: And where else -- could
23 you give an example of where else within the government of
24 the United States that that same type of system is used?

25 COMMISSIONER HAVARD: I believe wildlife and

1 Fisheries uses something very similar to that.

2 COMMISSIONER BOSARGE: I would like to see an
3 example of it because I just can't imagine if you get
4 caught for DUI, you are going to take a set course --
5 you know what I'm saying? -- and there is nowhere in there
6 for deciding, well, you are not going down the path of the
7 court. You are going down the path of the Commission.

8 KEITH DAVIS: Yes, sir, but you are not under
9 the impression that this -- this is nothing new.

10 COMMISSIONER BOSARGE: I know. I know.

11 KEITH DAVIS: Okay.

12 COMMISSIONER BOSARGE: I go back, and I don't
13 have a problem bringing these cases. I just don't -- at
14 times, I don't feel like I am qualified to make those
15 decisions.

16 KEITH DAVIS: Well, I have to agree with your
17 colleagues. When I first got here, the first year I got
18 here you had two cases, if I remember correctly. One of
19 the defendants received a penalty and the other defendant
20 received a higher penalty, and it was brought to your
21 attention, and the Commission did make that right because
22 the penalties were basically the same.

23 A penalty matrix, it gives you a guideline to
24 say, if you did this, this is the penalty that you get for
25 it.

1 COMMISSIONER BOSARGE: And I will give you one
2 quick example because I know these people are ready to go,
3 but when Director Spraggins was being sworn in, we had a
4 judge that came to swear him in and, at that time, I was
5 down there where Commissioner Havard is and I was busy
6 looking down. Anyhow, I looked up and I see this judge.
7 well, I said hello to him and I said, well, I guess you
8 are here to issue us our robes.

9 He thought I was being a smart aleck and he
10 walked off and he sat down and he did his thing with
11 Director Spraggins, and, then, we had one of those cases
12 come up.

13 I think it was enforcement. It might have been
14 Fisheries that got up. Anyhow, I asked a question of
15 where it took place, and they said they really couldn't
16 give me the answer, and I asked another question.

17 Anyhow, the long and short, after the meeting,
18 he comes straight back up to me and he says, Commissioner
19 Bosarge. He said, I apologize. I thought you were kind
20 of out of line with your statement, he said, but I see
21 what you are talking about now. He said, let me give you
22 a piece of advice. He says, when you ask a question and
23 they can't answer that question, that is when you shut it
24 down. He said, that's it. When you can answer my
25 question, then, you come back and we will continue this.

1 That is the part I'm talking about that I don't
2 have that expertise. This is out of my realm. So I am
3 very hesitant to bring these cases to here, without sure
4 enough something set in stone that I can say, okay, you
5 did this so this is your penalty. That is my point.

6 We will move forward.

7 Do we have a motion?

8 COMMISSIONER DANIELS: I will make a motion for
9 legal staff to bring forth proposed language for a penalty
10 matrix for Administrative Penalties.

11 COMMISSIONER GUESS: I will second that.

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

14 Any further discussion?

15 (No response.)

16 COMMISSIONER BOSARGE: All those in favor aye.

17 (Commissioner Daniels, Commissioner Gollott,
18 Commissioner Guess, Commissioner Havard in favor.)

19 COMMISSIONER BOSARGE: Opposed like sign.

20 (Commissioner Bosarge opposed.)

21 COMMISSIONER BOSARGE: Motion carries.

22 Any other business?

23 (No response.)

24 COMMISSIONER BOSARGE: Hearing none, we have a
25 couple of public comments we need to address.

1 First one will be Mr. Kieran Kelly, ocean
2 plastics and microplastics.

3 KIERAN KELLY: Good morning. Thanks for the
4 opportunity to speak to you guys today.

5 Our company is called Restore Integrity To The
6 Oceans. It is a company that was formed because of the
7 problems in our oceans regarding plastics and
8 microplastics.

9 We started working on some technology about
10 eight years ago. The company is made up from former Coast
11 Guard personnel, some engineers and some individuals from
12 the commercial fishing industry.

13 We put a lot of work into our science and our
14 methods to try and collect plastics from the ocean.

15 At the moment, we have a plastic collection
16 going on in India. We hope to start soon in the Congo and
17 also off the northeastern corner of Brazil.

18 With our technology, we also looked about algae
19 which is something that we were really concerned about and
20 seeing where there is something we could do about this
21 problem.

22 We have some technology that can kill algae.
23 The problem with that if algae is let go too far and you
24 kill the algae at a later stage of growth, it causes a
25 toxic problem and it will kill vast amounts of sea life.

1 The technology itself is something that could be
2 put in place and it could stop these algae blooms on a
3 yearly basis. The technology exists. It is not something
4 that is new. It is something that is there, and it is a
5 little surprising that it is not being used and it has not
6 been used for some years now.

7 We are working with a company in Europe
8 regarding this, and our engineers -- the engineer that was
9 meant to be here today, he has left. He is actually
10 involved in a cleanup in India and he is delayed. He
11 won't be back in the U.S. for about another week.

12 We would like to come for your next meeting and
13 our engineer might be able to speak with you guys
14 regarding this and maybe work with the State and the DMR
15 to put some proposal forward to try and hence stop this
16 problem for future years to come, I guess.

17 Also, the biggest reason I am here myself, the
18 engineer, like I said, to speak about the algae, he is
19 overseas.

20 Myself, I am having a meeting here later today,
21 I was hoping, but it is running a little later, I guess,
22 at the moment, about we are putting one of our prototypes
23 in the Mississippi River to stop trash, plastics and
24 microplastics from entering the Gulf of Mexico.

25 The individual we are speaking with, the

1 National Marine Fisheries Service, we are speaking with
2 some politicians and we are speaking with a couple of
3 individuals in NOAA to their interest in looking at this
4 to put these similar devices in several other major rivers
5 around the U.S. to try and stop the trash before it gets
6 into our oceans.

7 I am open for questions.

8 COMMISSIONER BOSARGE: This is a company that
9 you started recently?

10 KIERAN KELLY: We have been working on the
11 company about eight years. Like I said, we have a lot of
12 work put into it.

13 Myself, my history, I have lived in the United
14 States twenty-five years. It is well and truly my home at
15 this stage.

16 The rest of the individuals in the company, they
17 come from law enforcement, we have several former Coast
18 Guard officers and it is about eight years ago we started
19 with it.

20 The company itself, we founded a company just
21 over about a year ago, once we got our technology put in
22 place and we put our patents in place. We are not an NGO.
23 We are a for-profit company.

24 COMMISSIONER BOSARGE: I hear you, and you think
25 that by placing these devices in some of the rivers, we

1 can slow some of these plastics down that are going into
2 the oceans?

3 KIERAN KELLY: We firmly believe that the
4 plastics that are coming down our rivers, all our major
5 rivers, if we deploy our devices in the right areas, that
6 we can stop sixty to seventy percent of the plastics that
7 is coming down those rivers.

8 COMMISSIONER BOSARGE: That would be major.

9 KIERAN KELLY: Yes.

10 COMMISSIONER BOSARGE: And I understand some of
11 that same technology that you have can also be used to
12 fight algae and the formation of algae?

13 KIERAN KELLY: That is correct. We put several
14 of our devices together, some that can be used by the
15 local fishing vessel to deploy these devices and to bring
16 these devices and deploy them and remove algae, yes, from
17 the water.

18 I head to Israel myself. I am there next month
19 to speak with a company about converting algae into fuel
20 so, when we take it out of the water, that we can do
21 something with it instead of dumping more toxins into a
22 landfill, or something like that.

23 COMMISSIONER BOSARGE: I mentioned earlier there
24 have been a couple of companies that came to me, and I
25 never realized the technology existed to do some of these

1 things, not so much with plastics, but with the algae and
2 using frequency and sound waves basically to break up and
3 kill this algae.

4 Here in this country, maybe we are little behind
5 the times on some of that.

6 KIERAN KELLY: Yes. The technology to kill
7 algae has around for quite some time. That is really not
8 a problem. The algae forming in the Gulf should never
9 happen. It should be stopped. There is no need
10 whatsoever for this. Like I said, the technology has been
11 there for quite some time.

12 To harvest the dead algae, that is a different
13 story. We put technology ourselves together, once you
14 kill that algae, to actually start retrieving the algae
15 after that before it starts doing more damage.

16 COMMISSIONER BOSARGE: Any other questions?

17 (No response.)

18 COMMISSIONER BOSARGE: Thank you, Mr. Kelly.

19 KIERAN KELLY: All right. Thank you.

20 COMMISSIONER BOSARGE: Next up will be Mr. Larry
21 Ryan.

22 LARRY RYAN: My name is Larry Ryan. I am here
23 to ask for another extension on the trout fine that I got
24 last year.

25 Y'all give me one, and I based all of that on

1 pogy fishing which the freshwater from the Bonnet Carre
2 spillway killed, and the crab business that is generally
3 booming right now, I can't give them away.

4 I just need some more time on the fine. I was
5 supposed to have had it paid by now, but it is a
6 significant amount.

7 It is at a point right now where should I pay
8 the light bill, or pay the State their money, and, of
9 course, I am going to pay the light bill.

10 COMMISSIONER BOSARGE: I hear you, Larry.
11 Where are you on your fine?

12 LARRY RYAN: I'm still at ten thousand dollars.
13 I am actually having to sell a home in Moss
14 Point just to survive this freshwater Bonnet Carre
15 spillway, this algae bloom. It has hit my business all
16 the way across the board.

17 I lost about eighty percent of my local
18 customers, due to the crap last year with the speckled
19 trout, and probably fifty percent of my big customers this
20 year from the lack of being able to produce pogeys. I
21 can't catch them in the State waters, and I can't go to
22 Louisiana and go in the Gulf to catch them. I don't have
23 that gear, or any of that kind of stuff.

24 COMMISSIONER BOSARGE: I got you.
25 I guess I will have to ask legal.

1 In other words, I don't know that we, the
2 Commission, have a say-so in it, or do we?

3 KIM PAPANIA: Mr. Ryan was the highest fine
4 amount out of those Spotted Seatrout Administrative
5 penalties that were brought before you.

6 He did come previously, like he said, and you
7 did give him an extension of, I think, a year. He has not
8 made one payment.

9 The Commission does have the authority to give
10 him an extension. However, I would recommend that instead
11 of just giving him an extension of another year, I would
12 maybe come up with a certain amount that he has to pay
13 every month so that if that is not done, I can then turn
14 around and file an enforcement action.

15 COMMISSIONER DANIELS: Can we table this and
16 make a decision on this at next month's meeting so we've
17 got time to think about it?

18 KIM PAPANIA: Yes, you can do that.

19 COMMISSIONER HAVARD: Mr. Ryan, how much time do
20 you have to have?

21 LARRY RYAN: Honestly, I don't know. This is
22 the first time in years that I have no idea whatsoever. I
23 don't have any idea how much more the Bonnet Carre
24 spillway is going to kill my business.

25 I am selling a home in Moss Point to try to pay

1 this fine. When it sells, I will pay it, but also to
2 survive my business through this.

3 KIM PAPANIA: Mr. Ryan, why don't you get with
4 us and we will try to set up a payment plan, and, then, if
5 we can't come to an agreement on that, how about then we
6 bring it back in front of the Commission?

7 would that satisfy you?

8 LARRY RYAN: Yes. Just anything. I mean, I'm
9 not disregarding it, but, I mean, it is tough right now.

10 KIM PAPANIA: Would the Commission be okay with
11 that?

12 COMMISSIONER BOSARGE: Yes, ma'am, that would be
13 fine.

14 So you are going to work with legal to try to
15 come up with a plan?

16 LARRY RYAN: Anything. Anything. I'm not
17 dipping and dodging it at all. I am taking my lumps and I
18 am trying to move on, but you can't make pogy come in
19 here in a lot of freshwater. You can't give a crab away
20 when they are hollering algae bloom, and that is the
21 honest to God truth.

22 COMMISSIONER BOSARGE: All right, Larry.

23 LARRY RYAN: Thank you.

24 SANDY CHESNUT: Can we get a motion on that?

25 JOE SPRAGGINS: Mr. Ryan, real quick.

1 Are you catching crabs?

2 Are you catching any to amount to anything?

3 I realize you can't give them away.

4 LARRY RYAN: A few spots, yes. In a lot of
5 spots, no. The further west you go, the worse it gets,
6 and, then, they die there. They die. It's unreal. So we
7 can't ship them to the East Coast like we normally do this
8 time of the year. There are certain places they are
9 picking up, but you can't give them away. People won't
10 eat them.

11 JOE SPRAGGINS: I was just curious about the
12 pure fact of are they even there, and that was the other
13 thing.

14 I realize that you are having a hard time
15 selling them because of the situation.

16 LARRY RYAN: They are trying to come in. They
17 keep trying, but the freshwater keeps pushing them back.
18 We will get a break and they try to come in different
19 places. Right now we are more concentrated to Jackson
20 County and to the east, and they are trying.

21 To the west, no. The west had gotten worse and
22 worse. I've got other friends down there that are
23 crabbing, and they are worse off than we are.

24 To the east, they are trying, but the freshwater
25 just keeps knocking them back. Every time they try to

1 come in, they are pushed back. The females do not like
2 the freshwater at all.

3 Thank you.

4 COMMISSIONER BOSARGE: Thank you.

5 Legal wants us to make a motion.

6 COMMISSIONER GOLLOTT: I will make this motion,
7 Mr. Chairman.

8 COMMISSIONER BOSARGE: All right. Commissioner
9 Gollott has made the motion.

10 COMMISSIONER GUESS: I will second it.

11 COMMISSIONER BOSARGE: Seconded by Commissioner
12 Guess.

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 Any other business?

21 (No response.)

22 COMMISSIONER BOSARGE: Seeing none, do we have a
23 motion to adjourn the meeting?

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

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COMMISSIONER DANIELS: I will second that.

COMMISSIONER BOSARGE: We have a motion and a
second.

All those in favor aye.

(All in favor.)

COMMISSIONER BOSARGE: The meeting is adjourned.
(Whereupon, at 12:17 o'clock, p.m., the July 16
2019, meeting of the Commission on Marine Resources was
concluded.)

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CERTIFICATE

I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above and foregoing 148 pages, including this page, is a true and correct transcript of the July 16, 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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