

Commission on Marine Resources

COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, April 17, 2018
10:00 a.m.
Hancock County Board of Supervisors Boardroom
854 Highway 90, Suite A
Bay St. Louis, Mississippi 39520

Commission Members:

- Steve Bosarge, Chairman
Richard Gollott
Mark Havard
Jolynne Trapani

Also Present:

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

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1 COMMISSIONER BOSARGE: Good morning everyone. I
2 would like to welcome everybody to the April meeting of
3 the Commission on Marine Resources.
4 To start it all out, we will do the Pledge of
5 Allegiance, and I would like to ask Commissioner Havard to
6 lead us in the pledge.
7 (Whereupon, the Pledge of Allegiance was
8 recited.)
9 COMMISSIONER BOSARGE: Now, we will have a
10 moment of silence just to kind of reflect on where we are
11 this day and time. You may know somebody that is going
12 through a tough time medically, or having to protect us
13 and make us all well here in this country, and be thankful
14 for what we have. We will have a moment of silence.
15 (Moment of silence observed.)
16 COMMISSIONER BOSARGE: Thank you.
17 Next on the agenda will be approval of the
18 minutes from the March 20th, 2018, meeting.
19 Do we have any changes to the minutes?
20 (No response.)
21 COMMISSIONER BOSARGE: Seeing none, do we have a
22 motion to approve the minutes?
23 COMMISSIONER GOLLOTT: Mr. Chairman, I make that
24 motion that we approve the minutes.
25 COMMISSIONER BOSARGE: We have a motion.

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1 Do we have a second?
2 COMMISSIONER HAVARD: I'll second the motion.
3 COMMISSIONER BOSARGE: we have a motion and a
4 second.
5 All those in favor say aye.
6 (All in favor.)
7 COMMISSIONER BOSARGE: Opposed?
8 (None opposed.)
9 COMMISSIONER BOSARGE: Motion carries.
10 Next on the agenda is the approval of the
11 agenda.
12 Do we have any modifications, or changes, to the
13 agenda?
14 (No response.)
15 COMMISSIONER BOSARGE: Seeing none, do I have a
16 motion to approve the agenda as written?
17 COMMISSIONER GOLLOTT: I'll make that motion,
18 Mr. Chairman.
19 COMMISSIONER BOSARGE: We have a motion.
20 Do we have a second?
21 COMMISSIONER TRAPANI: I'll second that motion.
22 COMMISSIONER BOSARGE: We have a motion and a
23 second.
24 All those in favor say aye.
25 (All in favor.)

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1 COMMISSIONER BOSARGE: Opposed?
2 (None opposed.)
3 COMMISSIONER BOSARGE: Motion carries.
4 Next is the Executive Director's report, Mr. Joe
5 Spraggins.
6 JOE SPRAGGINS: Yes, sir. Well, I just have a
7 couple of things today.
8 I think we have one of the County Commissioners
9 here this morning. Mr. Greg Shaw, I think you are here.
10 Is that right?
11 COMMISSIONER BOSARGE: Yes, sir.
12 JOE SPRAGGINS: I appreciate that.
13 Are there any other county officials that I did
14 not see?
15 (No response.)
16 JOE SPRAGGINS: We appreciate you coming, sir,
17 and thank you a lot. We are proud to have the meeting
18 here in Hancock County.
19 One of the things I would like to do is to give
20 a little report about our off-bottom oyster aquaculture
21 during this time, and I would like to call up Jason Rider
22 to do that.
23 JASON RIDER: Thank you, Director.
24 Good morning Commissioners, Director Spraggins,
25 Ms. Chestnut.

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1 As Director Spraggins said, my name is Jason
2 Rider. I'm going to give an update on the Off-Bottom
3 Oyster Aquaculture Program this morning.

4 Before we get started, I want to show y'all a
5 map of the area that we are going to discuss today. This
6 is a sixty-acre site that is permitted through the DMR and
7 the Corps of Engineers.

8 If you look at the yellow area at the top of the
9 map, that is the training area that is going to be
10 referenced, and below that is the commercial area. That
11 is the purple-pink area.

12 The training area has ten acres, and the
13 commercial area has a total of fifty acres. That is just
14 a good visual to have.

15 Katrina Key is on the bottom of the map and, of
16 course, Deer Island is to the north.

17 A brief program overview of what we are doing
18 with the Off-Bottom Oyster Aquaculture Program.

19 This is a RESTORE Act project that will teach
20 potential and current commercial oyster farmers the basics
21 of off-bottom oyster aquaculture.

22 This is a free fifteen-hour course that will
23 provide oyster farmers in Mississippi a foundation of
24 knowledge to start their own oyster farming operation.

25 This program has been approved for two years,

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1 everyone qualifies fully.

2 Back to the phases of the program.

3 The first phase is the classroom training. This
4 runs from June of 2018 to August of 2018, and this is the
5 classroom training aspects of it (indicating slide).

6 We have five classes that start on June 9th.
7 They give basic overviews of off-bottom oyster
8 aquaculture.

9 In class one, we are going to talk about what
10 you need to know before you start. This is oyster biology
11 and the fundamentals of the life cycle.

12 The second class will be basics of starting an
13 oyster farm. We will go over site selection, gear type,
14 permitting and business planning.

15 The third class is operating an oyster farm. We
16 will talk about grading/splitting, inventory control, bio-
17 fouling, and, then, understanding diploids and triploids.

18 The fourth class will be on farm operations and
19 product safety. Storm prep will be a major concern with
20 this program.

21 The fifth class, the last class will move beyond
22 the basics of oyster farming. We will talk about
23 environmental stewardship, marketing opportunities, and,
24 then, distribution basics.

25 These classes start June 9th and will run every

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1 and we plan to train twenty participants per year.

2 The program consists of two main phases.

3 The first phase is classroom training, and this
4 teaches all aspects of the oyster farming operation
5 specific to the Mississippi Gulf Coast.

6 The second main phase is the field training.
7 This focuses on profitability and sustainability of the
8 new industry in Mississippi.

9 Because this is a RESTORE Act funded project, we
10 do have some registration requirements. We have twenty
11 slots available per year. We are going to hold ten of
12 those slots for commercial fishermen that have held
13 licenses for at least three of the last five years.

14 You also have to have a valid boat registration,
15 Mississippi driver's license, be eighteen years of age,
16 and be a full-time resident in Hancock, Harrison, or
17 Jackson counties.

18 We did require that they be present at the
19 required informational session on April 11th, which was
20 last Wednesday.

21 At that meeting, we had twenty-eight people
22 attend and we believe, at this point, twenty-four are
23 eligible for the class.

24 We have exceeded our capacity, at this point.
25 We do have to check commercial licenses and make sure

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1 other Saturday until the middle of August. We intend to
2 start around 8:00 a.m. at the Bolton Building, have the
3 classroom aspect in the Commission room, and, then, go
4 into the field and do learning and actual physical work
5 with the sites.

6 After the classroom training, we have the field
7 training aspect of the course. That is the second phase.
8 This will run from August 2018 until March of 2019.

9 With this phase, participants will select an
10 oyster-growing technique from information gained in the
11 Oysters Farming Fundamentals Class. They will also
12 receive ten thousand oyster seed and a "run" of training
13 gear to manage until April of 2019.

14 In this phase, participants will be required to
15 maintain their assigned gear and seed. This includes
16 installation of gear, weekly gear management, grading,
17 splitting, tumbling and site maintenance.

18 We will check the survival and growth of the
19 oysters, and they will be required to submit a business
20 plan, upon completion of it.

21 What we are trying to do with this phase is get
22 them in the field and figure out what actually off-bottom
23 oyster farming is, hands-on education.

24 They will have gear that the DMR loans to them
25 for this time period, from August to March. With oysters

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1 in there, they will see the effects of site bio-fouling
2 and growth patterns of the oysters.

3 At the end of March, they will be required to
4 meet some certain requirements that we have to proceed to
5 the next phase.

6 After successful completion of all applicants
7 with the Oyster Farming Fundamentals Class and the field
8 training, participants will be eligible to sublease
9 acreage with the Deer Island Oyster Park.

10 At this point, lease terms are being negotiated
11 with the Secretary of State's office. We don't have
12 concrete terms yet, but, hopefully, at some point this
13 summer, we will. When those terms are agreed upon, we
14 will bring it to everyone's attention.

15 That is a basic summary of the class. It is
16 pretty straight forward. We are trying to get people in
17 the field to learn about the opportunities and concerns of
18 the industry.

19 If anyone has any questions, I will be happy to
20 address them.

21 COMMISSIONER GOLLOTT: Jason, what is keeping
22 you from going to twenty-four?

23 You said you've got it set up for twenty.

24 What would it take to accommodate these other
25 four people that might be interested?

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1 JASON RIDER: It is strictly funding, since it's
2 a RESTORE Act grant. If we can go back to them and
3 possibly look at the scope of work to increase it just
4 four people, that is an opportunity. We do have to run
5 everything through the RESTORE Act and DEQ.

6 COMMISSIONER GOLLOTT: Why don't you do that?
7 That would be a good idea.

8 JASON RIDER: Sure.

9 COMMISSIONER GOLLOTT: Just in case we do have
10 an extra four, or extra two, we could accommodate them.

11 JASON RIDER: We will definitely look into that.

12 COMMISSIONER BOSARGE: We are going to start in
13 June, basically, with the training phase, and, then, when
14 will they go actually out in the field?

15 JASON RIDER: June 9th is the start of the
16 classroom phase, and we will run every other weekend from
17 June to August. During those weekends, we will go out
18 into the field. In the middle of August, we will
19 transition from the classroom phase to the fieldwork
20 phase, and that's when we turn everything over to these
21 farmers.

22 COMMISSIONER BOSARGE: How long will this
23 training phase last?

24 Will they actually grow oysters up to a certain
25 point?

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1 JASON RIDER: The training phase will last until
2 next April. After that point, if they meet all the
3 requirements of the training program, they will be
4 eligible to sublease their own acreage in the commercial
5 zone.

6 At that point, the farmers would purchase their
7 own gear, purchase their own seed and install their own
8 equipment.

9 COMMISSIONER BOSARGE: Good. All right. Thank
10 you.

11 JASON RIDER: Thank you.

12 COMMISSIONER TRAPANI: I have one question.

13 During the time that y'all are in the field,
14 what do y'all do with the oysters?

15 Will we keep them and replant them?

16 JASON RIDER: There are a couple of different
17 options that the farmers have. If they decide to move
18 forward, they will be distributed out to reefs, or
19 possibly different projects that the DMR is working on.

20 COMMISSIONER BOSARGE: Thank you, Jason.

21 Mr. Joe has a couple more comments.

22 JOE SPRAGGINS: Thank you, Jason.

23 We will continue to work on that.

24 I just wanted to let you know that the
25 legislature session is over, at least until we have a new

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1 one, and we may have a special session. Don't know that
2 answer yet, but I just wanted to give the Commission an
3 update and everyone that we came out of it pretty
4 unscathed this year. We did get some increased funding
5 which is the first time in quite a while that we got
6 increased funding in our general appropriation, but that
7 was mainly because last year we had authorized the law
8 enforcement to go up to the same pay scale as Wildlife and
9 Fisheries, and they gave us some money to fund it this
10 time, most of it.

11 Hopefully, we will be able to take care of our
12 law enforcement and be able to do that, and, then, we are
13 going to work through other ways for doing the same thing.

14 We got an estimated ten million dollars in
15 Tidelands. We don't know that answer yet, but we will let
16 you know as soon as possible.

17 That completes my report, sir.

18 COMMISSIONER BOSARGE: Good news. Thank you.

19 Next on the agenda is Office of Marine Patrol,
20 Chief Davis.

21 KEITH DAVIS: Good morning Commissioners.

22 There are a couple of items on the report this
23 month that I would like to talk about a little bit more.

24 In terms of stops, on the bottom of page three,
25 you will see our total stops. If you remember, shortly

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1 after I got here, I started keeping up with comparisons
2 from the year before.

3 If you look at that, in 2017, we had twenty-
4 three thousand stops, and, then, at this same time last
5 year, we were only at twenty-one thousand which
6 constitutes to about a six percent reduction in stops over
7 the year.

8 Move up to total citations written on that same
9 page, and you will see that this year we have written more
10 citations than we did the same time last year which
11 constitutes about a ten percent increase in the number of
12 citations that were issued.

13 Then, go to page two, if you will, and look at
14 the Fishing Violation Citations category. That is the
15 recreational fishing category. You will notice that in
16 2017, we wrote a hundred and ninety-four citations, and
17 this year we have written three hundred and nineteen
18 citations. Based on my math, that's a thirty-nine percent
19 increase in recreational fishing citations that have been
20 issued.

21 The category just above that is Miscellaneous
22 Commercial Seafood Violation Citations. This year we have
23 written forty-two. Last year we wrote forty-seven, which
24 is a ten percent decrease in commercial citations.

25 The reason I brought that up to you this morning

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1 is you can look at this in several different ways. I like
2 to look at it as people are being compliant in some
3 categories and in some they are not.

4 Specifically in the recreational side, after the
5 size limit was changed on speckled trout, we have really
6 committed a lot of time to enforcing that fishery. I just
7 wanted to point that out to the Commission this morning.

8 On page one, crab violations are down thirty-
9 five percent and oyster violations are down five percent,
10 as far as citations.

11 We did write one citation last month for no
12 freeze date and possession of oysters past the sell date,
13 and that was a pretty bad violation from a seafood market
14 in Biloxi.

15 Any questions?

16 COMMISSIONER BOSARGE: I see where we had no
17 non-resident charter fishing license, two.

18 Is that folks coming from another state, and,
19 then, operating a charter boat?

20 KEITH DAVIS: Yes, sir.

21 On my way over here this morning, I saw that and
22 I figured that that would probably be a question. I did
23 not pull the report on that. However, I can get that
24 before the end of the meeting.

25 COMMISSIONER BOSARGE: That's fine. That was

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1 just one that kind of stuck out in my head. That is kind
2 of unusual. Usually, if you are going to go into a
3 business, you are going to follow the rules.

4 KEITH DAVIS: Certainly.

5 COMMISSIONER BOSARGE: Thank you, Chief.

6 KEITH DAVIS: We will keep an eye on all of that
7 stuff. Thank you.

8 Next, I guess, is Patrick Levine.

9 PATRICK LEVINE: Good morning Commissioners,
10 Director Spraggins, Ms. Chestnut.

11 Today the Office of Marine Patrol is going to be
12 presenting a no wake zone proposal for the East Pascagoula
13 River.

14 Each of you should have received a packet that
15 contained a resolution from the Jackson County Board of
16 Supervisors, including an amendment that was made later
17 after the original resolution.

18 You should have also received a copy of the
19 proposed map, along with a narrative by the Office of
20 Marine Patrol.

21 On November 13, 2017, I received a letter
22 outlining the Jackson County Board of Supervisors passage
23 of a no wake zone on the East Pascagoula River.

24 In the letter, the Jackson County Board of
25 Supervisors approved a stretch of marine waters located

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1 between the Highway 90 and CSX train bridge.

2 On December 29th, 2017, Master Sergeant Patrick
3 Carron and Senior Master Sergeant Jeff Payne surveyed the
4 area to establish probable cause for the establishment of
5 a no wake zone.

6 After that, we started a series of subsequent
7 visits to the property. We did not record every visit, in
8 this narrative, but it was just comprehensive time spent
9 discussing with patrol, with officers working in the area
10 to identify potential hazards in the area.

11 Let's look at it, kind of step back because the
12 area discussed contained similar components just around
13 it.

14 Investigation on December 29th, 2017, and the
15 subsequent reviews revealed the following indicators that
16 led to an amendment by the Jackson County Board of
17 Supervisors.

18 In the original resolution, it included Highway
19 90 and the CSX train bridge which inside of it there is
20 one public boat launch. Just to the north of it, there is
21 another boat launch, the Scranton Pier, the Scranton Boat
22 Launch. There is Lighthouse Boat Launch. There were
23 numerous access points for public fishing, the use of
24 green space for civic functions. There are a lot of
25 functions that go on down there, the private docks and

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1 shipyard with constant manufacturing, the Highway 90 and
2 the bridges themselves that compose a hazard.

3 On March 20th, 2018, I spoke with Jackson County
4 Board of Supervisors President Randy Bosarge about the
5 identified hazard in the proposed area. As a result, the
6 Jackson County Board of Supervisors presented an extension
7 to the original proposal, and that is the attached photo
8 that each of you received.

9 Each of you received a copy of this map. The
10 original proposal would have been between the two train
11 bridges in the pink etched-out line there, the train
12 bridge (indicating map).

13 After having discussions with the Jackson County
14 Board of Supervisors, the same conditions that they were
15 concerned about inside of the bridges exists just to the
16 south and just to the north of that property. You have
17 another boat launch there on the north, and, then, to the
18 south you have the NOAA dock, the research facility where
19 NOAA is located.

20 In those discussions, Jackson County Board of
21 Supervisors made the decision to include all of the
22 properties because there was a similar component
23 throughout that stretch of water.

24 The length of the proposed no wake zone in
25 conjunction with the existing no wake zone, if you notice,

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1 in the pink rectangle there by Clark Seafood to the north,
2 the length of that total no wake zone is five thousand one
3 hundred and sixty feet. The length of the proposed no
4 wake zone for today's purposes is four thousand feet.

5 On April 4, 2018, Investigator Michael
6 Strickland went out to the property and made several trips
7 back and forth inside of there. Considering the tide,
8 considering the flow of the river, the average time, the
9 best time we had was nine minutes thirty-seven seconds.
10 The longest time that we had was somewhere in that little
11 over eleven minute mark. We had an average time, doing it
12 over and over again, somewhere around ten minutes thirty-
13 seven seconds to go through the no wake zone.

14 Today, considering the complexity of this no
15 wake zone, we want to do something a little bit different
16 because we are talking about a large body of water. What
17 we are wanting to do, from the Office of Marine Patrol, is
18 try to bring us to where we can all be there as if we were
19 in the boat.

20 We are going to show a video that is going to
21 start from the south portion of the NOAA property. If you
22 go through this video with me, give me a few minutes and
23 we are going to go through this no wake zone together.

24 Well, we are not going to go through this video
25 together, but what I want you to do is think through --

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1 even in that photo that you have right there, that's from
2 the south going north. In front, you can see the CSX
3 bridge. Off to the right side of the photo, you can see
4 one of the NOAA research facilities located on the east
5 bank. If you look on the left side of the picture, you
6 see the white and you can see some of the rigging. That's
7 SIGNET. They manufacture vessels there. Going back to
8 the right side of the picture, you can also see a shrimp
9 boat. There is a blue shrimp boat there.

10 Off in the distance above the CSX bridge, you
11 can see the Highway 90 bridge.

12 On the right side, you can't see it, but you
13 have Lighthouse Park. On the left side, you have Scranton
14 Boat Launch.

15 It is a complex situation. Whenever we started
16 having these discussions, the reason it has taken a while,
17 there has been a lot of voice from the public, from
18 stakeholders in this area. NOAA also expressed concerns
19 in the no wake zone that if we would have just done that
20 Highway 90-CSX, a lot of vessels would have been stopping
21 right there in front of their property creating more wake
22 for their facility. There were several discussions that
23 happened.

24 We are bringing this to you today as a
25 Commission and often the Office of Marine Patrol comes in

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1 and they give a cut-and-dry here is what we recommend to
2 you as a Commission.

3 Considering the complexity of this particular
4 body of water, what we have done today is we have
5 presented the facts to you, the no wake zone that has been
6 received by the Office of Marine Patrol, and we are asking
7 for a motion for final adoption of regulatory changes in
8 accordance with Title 22 Part 16 Chapter 8.

9 Do you have any questions, before we proceed?

10 COMMISSIONER GOLLOTT: Yes, sir. First of all,
11 I'm against no wake zones because if we grant these people
12 a no wake zone, we are going to have them lined up because
13 everybody on every river wants to have a no wake zone in
14 front of their pier, in front of their house.

15 This is a big area to make a no wake zone and it
16 is awful wide.

17 Have they had any accidents, or any near
18 accidents, or anything like that?

19 PATRICK LEVINE: We do have one reported
20 accident in the area. We don't have many reported issues
21 in this particular area, but we do have one major
22 accident.

23 COMMISSIONER GOLLOTT: Is there any other
24 alternative that the Commission wouldn't have to get
25 involved with these no wake zones?

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1 Like I said, once we approve this one, it is
2 going to be ten next week. We have turned a lot of them
3 down, especially around Biloxi, Tchoutacabouffa area and
4 all.

5 Do you see any other alternatives that might
6 could happen here, instead of the Commission meetings?

7 PATRICK LEVINE: Commissioner Gollott, I think
8 one of the best solutions to the problem is to work with
9 Jackson County Sheriff's office to work with the
10 Pascagoula Boat Patrol that they have for there to be
11 increased enforcement effort in that area, if we were not
12 to consider the no wake zone, and what we would look at is
13 increased enforcement efforts to try to relieve some of
14 the issues that stakeholders are dealing with in the area.

15 COMMISSIONER GOLLOTT: Jackson County could do
16 this themselves, without involving the Commission?

17 PATRICK LEVINE: Jackson County does have a
18 marine unit, yes, sir.

19 COMMISSIONER BOSARGE: This no wake zone has
20 been bounced back and forth a long time.

21 You talked about any accidents. When you were
22 looking at that picture just a minute ago where you showed
23 that CSX railroad bridge, I had a nephew that was involved
24 in an accident where he was -- the bridge, I think it's
25 got about eleven foot of clearance. He was coming down

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1 the river going out south -- that picture was from the
2 south looking north -- where a boat coming in running full
3 steam, a smaller boat knew he could get under the bridge.
4 That's a bottleneck and the tide is falling. He is
5 tackling the tide waiting on the bridge to open. The
6 small boat runs under the bridge, doesn't see him sitting
7 on the other side, runs all the way up on his boat,
8 basically sinks it. Luckily nobody got hurt. They all
9 saw him coming and were able to get off the boat, but that
10 is one accident I know of for sure.

11 The other point is there are two boat launches
12 right there. Where you show in the picture and you saw
13 the Highway 90 bridge in the background, there is a boat
14 launch right there and there is one right on around the
15 corner.

16 In other words, if there was ever a need for a
17 no wake zone, I think it's here. We have actually
18 involved the supervisors in it. They all agree.

19 Personally, I know we all like to go where we
20 want to go at the speed we want to go, but, when it
21 concerns public safety, then, there have to be rules and
22 regulations. In my opinion, this is a prime example of a
23 place that we need to slow down. Too many people are
24 affected by the wake that they throw and they don't think
25 anything about it.

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1 Imagine you trying to put your boat on the
2 trailer and somebody throws a three-foot swell up. Your
3 boat goes up over the trailer.

4 There are too many people and too many things
5 along there for people to be running at speeds they don't
6 need to be running and pulling wakes they don't need to be
7 pulling.

8 COMMISSIONER GOLLOTT: Jackson County has the
9 ability to do a no wake zone and enforce their own no wake
10 zone.

11 Is that correct?

12 PATRICK LEVINE: If they wanted to create an
13 Ordinance and enforce that Ordinance on the river, they
14 could do that. That's an option that Pascagoula and
15 Jackson County could proceed with.

16 COMMISSIONER BOSARGE: Who would be responsible
17 for enforcing that?

18 PATRICK LEVINE: They would be. I don't know
19 that they have the manpower to be over there all the time,
20 but that's an option that Jackson County and Pascagoula
21 could pursue.

22 COMMISSIONER GOLLOTT: That would keep us out of
23 the fray and all the people in Harrison County and Hancock
24 County wanting a no wake zone in front of their house. It
25 wouldn't open a Pandora's Box for us is the way I look at

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1 it.

2 PATRICK LEVINE: The Office of Marine Patrol, we
3 agree. You go out there. It is evident that there are
4 numerous hazards in the body of water that we are
5 discussing this morning. However, that same situation
6 exists in many, many places along the Mississippi Gulf
7 Coast.

8 The Office of Marine Patrol wants to present to
9 the Commission this morning that if we do move forward
10 with this as a Commission, that there probably will be the
11 same scenario presented to us in many different locations.

12 COMMISSIONER GOLLOTT: I agree.

13 PATRICK LEVINE: The same hazards exist with the
14 boat launch, the bridge, with the green space. It is
15 definitely something that we realize it's an issue. I
16 know that Chief Davis and the Office of Marine Patrol do
17 everything they can to make sure that our citizens are
18 safe and that we are providing the best public safety
19 possible.

20 Any other questions?

21 COMMISSIONER HAVARD: Lieutenant, I couldn't
22 agree more with Commissioner Bosarge. I travel this
23 waterway on a regular basis. There is a lot of different
24 industrial activity that goes on in that whole canal.

25 Every time you go through there, there are boats

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1 and barges parked in different areas. There are different
2 work boats going back and forth across the canal. You
3 really don't know that waterway every day because it is
4 constantly changing.

5 I have launched my boat under the Highway 90
6 bridge. It's a train wreck. It's hard to get it on the
7 trailer. There are big boats throwing off big wakes.
8 There are small boats running wide open. There are a lot
9 of different entryways coming in from the north going
10 south.

11 The existing no wake zone is not acknowledged in
12 any way. There is no enforcement there from a Sheriff's
13 standpoint, or whoever enforces that area. There is no
14 signage there at all.

15 If we decide to go this route, I think we should
16 due to just the pure danger of this area. There are
17 plenty of places to run your boat wide open throttle, and
18 it shouldn't be through here just because of all the
19 different industrial activity that is going on through
20 here daily. There are dredge pipes from time to time.
21 There are all types of boats.

22 If we do that, we need to put up signage telling
23 everybody this area has changed, or has not changed, or
24 whatever, to a no wake zone.

25 PATRICK LEVINE: Yes, sir, and that's the

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1 responsibility of Jackson County to provide that signage
2 and they are aware of that.

3 COMMISSIONER HAVARD: I'm willing to make this
4 motion, with the agreement that Jackson County provides
5 proper signage in a timely fashion.

6 COMMISSIONER TRAPANI: I have a question.
7 When these cases arise in other counties, what
8 is the usual protocol?

9 Are we putting it on the DMR to enforce, or are
10 we putting it on the counties to enforce?

11 PATRICK LEVINE: That's why we are here today
12 because the county is asking us to acknowledge it.

13 COMMISSIONER TRAPANI: Prior to this, how has
14 that been handled?

15 Is it the county's problem, or is it DMR?

16 PATRICK LEVINE: This is the way it has been
17 handled. If it comes to us, then, we also enforce it.

18 COMMISSIONER TRAPANI: I mean, we do have to
19 look at the other side of it. Safety is important, but we
20 also don't want next month, or three months from now,
21 everybody that has a problem and wants a no wake zone,
22 they are going to come in front of the DMR, and, then,
23 that is going to be a lot on y'all, and the county gets
24 released of its duties of watching these areas, also.

25 PATRICK LEVINE: The county is not released of

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1 its duties.

2 COMMISSIONER TRAPANI: Is it a no wake zone,
3 right now?

4 It sounds like that's what y'all are saying.

5 PATRICK LEVINE: It is not a no wake zone, right
6 now.

7 COMMISSIONER TRAPANI: They would be the one to
8 enforce it, if they do it within the county and not have
9 the DMR involved?

10 COMMISSIONER BOSARGE: I don't mean to
11 interrupt, but, if I'm not mistaken, the Coast Guard can
12 enforce it, DMR can enforce it, city police can enforce
13 it, Sheriff's department can enforce it.

14 Correct?

15 PATRICK LEVINE: Yes, sir.

16 COMMISSIONER GOLLOTT: The county does it, or
17 the DMR does it?

18 COMMISSIONER TRAPANI: Why aren't we just
19 leaving it in the county, and, then, that is enforced?
20 That's why I'm confused.

21 PATRICK LEVINE: We would not be enforcing the
22 city Ordinance from the state level.

23 We are in Bay St. Louis today. I'm not
24 enforcing City Ordinance in the city of Bay St. Louis.

25 If we leave it at the city level, that is the

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1 city's issue.

2 KEITH DAVIS: Let me try to clear this up.

3 PATRICK LEVINE: Help me out, Chief.

4 KEITH DAVIS: State statute requires that in
5 State waters DMR is responsible for it.

6 If a no wake zone is proposed, the no wake zone
7 has to come through the minutes of the county seat, the
8 board of supervisors.

9 Once we receive that request for DMR to issue
10 the area proposed as a no wake zone, this is the process
11 that we are going through today, and that's where we are.

12 Now, what he was talking about and I think
13 Commissioner Gollott was mentioning, inside county
14 ordinance they do have the authority to write an ordinance
15 to propose a no wake zone that they would have to patrol.

16 We, as a state agency, cannot enforce county and
17 city ordinances.

18 Does that clear it up just a little bit?

19 COMMISSIONER TRAPANI: Yes.

20 KEITH DAVIS: Right now, I don't know if Jackson
21 County has a no wake zone in this area.

22 Commissioner Havard is more familiar with it
23 than I am, but I have traveled those waterways. I have
24 never seen any signage in that particular area. I'm not
25 aware of any county, or city, current no wake zone in this

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1 particular area.

2 COMMISSIONER BOSARGE: I'm from Jackson County

3 and Commissioner Havard is from Jackson County, and we

4 both see the problem.

5 In other words, if you live there and you are on

6 that waterway, it would be clear to you that, yes, there

7 needs to be a no wake zone in this area. There are too

8 many chances of too many people getting hurt.

9 KEITH DAVIS: Yes, sir. We do agree with that

10 assessment, but I have to agree with Commissioner Gollott.

11 These same conditions exist all over the Coast, and there

12 will be a precedent set, by establishing this no wake

13 zone.

14 I can give you a for instance. I use the

15 D'Iberville boat launch, and similar conditions exist

16 there.

17 COMMISSIONER BOSARGE: If I'm not mistaken,

18 there is already a law that says that no wake within a

19 hundred feet of a boat launch.

20 Is that correct?

21 KEITH DAVIS: That is correct, and that does not

22 require establishment of a no wake zone.

23 This particular area that we are discussing

24 today does not fall within that law. That's why the board

25 of supervisors have petitioned you to issue a no wake

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1 zone.

2 COMMISSIONER HAVARD: But due to the complexity

3 of all the industry that is going on in this area, I don't

4 think it is applicable to a lot of the other cases that we

5 are afraid might come before us. There is just too much

6 going on in this area, a lot of industry, like I said. I

7 think it's a matter of time before we have additional

8 accidents.

9 I would like to make a motion for the final

10 adoption of regulatory changes in accordance with Title 22

11 Part 16 Chapter 8.

12 COMMISSIONER GOLLOTT: Let me say one more thing

13 before we vote, please.

14 I think you have a problem, but I think Jackson

15 County can straighten their problem out and it wouldn't

16 become a problem all the way across the whole Gulf Coast,

17 and that's where I stand. Thank you.

18 COMMISSIONER BOSARGE: We have a motion.

19 Do we have a second?

20 (No response.)

21 COMMISSIONER BOSARGE: I will second this

22 motion.

23 Any further discussion?

24 (No response.)

25 COMMISSIONER BOSARGE: All those in favor say

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1 aye.

2 (Commissioner Bosarge, Commissioner Havard in

3 favor.)

4 COMMISSIONER BOSARGE: Opposed?

5 (Commissioner Gollott, Commissioner Trapani

6 opposed.)

7 COMMISSIONER BOSARGE: We have a tie vote.

8 With a tie vote, if I'm not mistaken, I believe

9 the motion dies.

10 Correct?

11 SANDY CHESTNUT: That's correct.

12 COMMISSIONER BOSARGE: Thank you.

13 PATRICK LEVINE: Thank you, Commissioners.

14 COMMISSIONER BOSARGE: We move on to Office of

15 Coastal Resources Management, Mr. Jan Boyd.

16 JAN BOYD: Good morning Mr. Chairman,

17 Commissioners, Director Spraggins, Ms. Chestnut.

18 We have one action item for your consideration

19 this morning.

20 Before we get to that, Willa Brantley is going

21 to give you a report on some permitting actions and talk

22 about the new General Permit guidelines that the Corps is

23 putting out.

24 COMMISSIONER BOSARGE: Thank you.

25 WILLA BRANTLEY: Good morning Commissioners,

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1 Director Spraggins, Ms. Chestnut.

2 Our numbers really quick for March. We balanced

3 out. We had sixty-seven actions come into the office. We

4 issued, or closed, sixty-seven actions.

5 I just wanted to add in another number. Last

6 week when I ran these numbers, we had approximately a

7 hundred and fifty applications, or violations, or actions

8 of some type, in process that the permitters were working

9 on. That is, right now, five permitters working on that

10 many. We are hoping to do interviews for a sixth soon,

11 but that just kind of gives you an idea of what we are

12 looking at, as far as numbers.

13 Our General Permits, you hear us talking about

14 them a lot. It is a set of guidelines that the Corps

15 issues. They cover minor impacts that are common, piers,

16 bulkheads, minor dredging and things like that.

17 Written into those permits is that DMR staff

18 verifies the impacts under those General Permits on behalf

19 of the Corps so that people doing these minor activities

20 don't have to get a permit from DMR and from the Corps.

21 It makes things run a lot smoother, a lot quicker.

22 Unfortunately, for the past five years and going

23 forward, they do not apply within the Mississippi Sound,

24 but they apply in all the rivers, bayous, inlets,

25 everywhere else.

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1 we don't know when the Corps is going to issue
2 those. That's why I have all those question marks on the
3 effective date. They had hoped to get them out by the
4 time the others expired last Thursday, but they weren't
5 able to do that. Right now, we are in kind of a limbo
6 state. All those things that qualify for General Permits
7 coming in, we can't really do anything with those, right
8 now.

9 I just wanted to give you a real quick overview
10 of the changes.

11 Shoreline stabilization covers bulkheads,
12 riprap, things like that. Used to be a thousand linear
13 feet for residential projects and fifteen hundred for
14 commercial, and replacement bulkheads were limited to the
15 exact same footprint along public trust tidelands, meaning
16 state-owned waterbottoms.

17 The new version is limiting the bulkhead to five
18 hundred feet for all properties. The reason for that is
19 that the Corps has issued what is called a nationwide
20 permit.

21 The General Permits are regional. They cover
22 the Mobile District only. The nationwide permits, as in
23 their name, covers a whole nation. Those permits, they
24 dropped down to five hundred feet on the limit for those
25 last year when they issued those, and the regional permits

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1 cannot allow for more than the nationwide permits, so the
2 general permit had to drop down to five hundred feet as
3 well.

4 In the new cycle, we will be able to issue
5 replacement bulkheads to be replaced no more than twenty-
6 four inches waterward of structures, even if that is
7 state-owned property.

8 COMMISSIONER BOSARGE: Just for clarification
9 for me and maybe everybody else, now, if you did a general
10 permit and to fall within the guidelines, if it was a
11 commercial permit and they asked for more than five
12 hundred foot of bulkhead, then, that would be a permit you
13 would have to bring to us?

14 WILLA BRANTLEY: We wouldn't necessarily have to
15 bring it to the Commission. We have the option of issuing
16 it under a Certificate of waiver, if we feel like it is
17 something that there is enough of a precedent set that
18 it's not a new type of impact which we have issued
19 bulkheads larger than that for commercial before, so it
20 wouldn't be precedent setting, depending on the length.

21 If we determine that it's minor in nature and not
22 likely to have major environmental impacts, we can issue a
23 Certificate of Waiver, without coming to the Commission.

24 COMMISSIONER BOSARGE: All right.

25 WILLA BRANTLEY: If it was longer than one we

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1 had ever issued -- if they came in with three thousand
2 feet, we have never issued one. I don't know what is our
3 limit, but, if it was going to be the longest bulkhead we
4 had ever authorized, we would bring it to the Commission
5 to get your opinion.

6 COMMISSIONER BOSARGE: Thank you.

7 WILLA BRANTLEY: The second one is for docks,
8 piers, bulkheads and boat shelters. The ones we use most
9 often are the bulkheads and the piers.

10 The last five years we have had a thousand
11 square foot limit. It is going up to two thousand square
12 feet which is within what the Commission has approved on a
13 regular basis and is within the precedent that is set.

14 We have also had no enclosed areas allowed, and,
15 now, we are going to allow enclosed storage areas up to
16 one hundred square feet. That is measured by the floor
17 surface. They decided to do square feet instead of cubic
18 feet.

19 We have had a limit of three residential boat
20 berths. That is going up to a limit of five boat berths.
21 It removed "residential". So it allows for some
22 authorization of commercial boat berths.

23 It had a limit of three hundred feet from mean
24 high tide. That limit is going up to a thousand. Access
25 piers over SAV, submerged aquatic vegetation, and marsh

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1 were limited to five feet in width. That limit is
2 increasing to six feet in width.

3 We have had a ten-foot setback from adjacent
4 property lines required, unless approved by the adjacent
5 property owner, and that requirement is being removed.

6 I think both DMR and the Corps are looking at
7 our legal authorities, and we are not seeing very much in
8 there that allows us to have a say in that ten-foot
9 setback. We are kind of backing off of it and letting
10 that become a property owner issue.

11 Those two have the most significant changes.

12 COMMISSIONER BOSARGE: I'm just trying to get it
13 straight in my head.

14 WILLA BRANTLEY: That's fine.

15 COMMISSIONER BOSARGE: If I understand
16 correctly, before you could only go out three hundred feet
17 with a pier, when you say limit of three hundred foot
18 length from mean high tide?

19 WILLA BRANTLEY: All structures had to be within
20 three hundred feet from mean high tide, but we have a
21 significant portion of property where marshes are more
22 than three hundred feet, so those people had to build
23 structures that were more than three hundred feet. The
24 Corps has recognized that.

25 Honestly, the people who are here working for

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1 DMR, now, and the Corps, these are some that have been in
2 place since we started our careers here, and we don't
3 really know where they came from. The Corps started
4 looking at what is our legal justification for having
5 these limits, and they are not really finding any. That's
6 why some of these things are going away.

7 COMMISSIONER BOSARGE: I got you.

8 WILLA BRANTLEY: We did have a general permit
9 for living shorelines. That is being dropped. It is not
10 going to be authorized. The reason for that is because
11 the Corps now has a nationwide permit for living
12 shorelines. They really want all the districts to go with
13 that nationwide permit rather than regional permits that
14 had variances to them. They want everybody to go with the
15 same living shoreline living permit.

16 Dredging to create new boat slips, the only
17 change is we went from three residential boat berths to
18 five boat berths.

19 There has been no change on boat ramps. That
20 will be the same as we have been handling.

21 COMMISSIONER BOSARGE: I have a question.

22 When you talk about they took residential boat
23 berths three to five, now, you could have up to five
24 berths at a residence and they could be commercial.

25 Is that what I'm seeing in this?

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1 WILLA BRANTLEY: Yes, but, again, we would fall
2 back on our use districts, so it would have to be within a
3 commercial, or industrial, use district for that to be
4 able to take place.

5 If they are in a General Use District, they
6 still couldn't just bring in a bunch of commercial boats.

7 WILLA BRANTLEY: Maintenance dredging. It has
8 always allowed for removal of species that were invasive,
9 or exotic, but that meant they had to be on the Federal
10 Noxious Plant List and there aren't very many. There are
11 lots of invasive species around here that aren't on that
12 federal list, so we would have to kick those up to the
13 Corps to get those removed.

14 The new version takes that into account and
15 allows for removal of noxious invasive, or exotic,
16 vegetation as determined, or verified, by staff, and we
17 have our invasive species staff in the same office. They
18 can easily look at that vegetation and determine if it
19 fits one of those categories, and we can allow people to
20 dredge those areas, but it only applies in manmade water
21 bodies; Shoreline Park, Jordan River Shores, places like
22 that that have a lot of manmade canals.

23 New channel dredging. The same change for the
24 noxious species.

25 The last two for fill and previously dredged

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1 areas and debris removal have not changed. The fill and
2 previously dredged areas are, like, old boat slips, old
3 boat ramps that people want to fill in, and debris removal
4 is just removing old piers, or potentially trash that has
5 gotten added to areas.

6 Do you have any other questions?

7 COMMISSIONER GOLLOTT: What do you need for this
8 willa?

9 Do we have to approve this?

10 WILLA BRANTLEY: You don't have to approve this.
11 This is just for your information.

12 COMMISSIONER GOLLOTT: Okay.

13 WILLA BRANTLEY: The next one that Greg has is
14 the one that needs action.

15 COMMISSIONER TRAPANI: I actually have just
16 maybe a comment. It sounds like y'all have cleaned up a
17 lot of stuff and it might flow better.

18 For people, just the general public, how are
19 y'all getting this information out?

20 I think that could be a problem. They won't
21 know, and, then, they are going to come to us and say, we
22 didn't know. We did it like this and we did it like that.

23 WILLA BRANTLEY: Well, one thing that is good
24 about it is they are more lenient, most of them are more
25 lenient. I think the only one that got more restrictive

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1 is the bulkhead.

2 We talked about doing a press release possibly.
3 We are waiting to find out when these new ones get issued.
4 We don't want to do a press release before they go into
5 effect because they could change.

6 Five years ago when we had significant changes,
7 we had a workshop for marine contractors and consultants,
8 and we talked about doing that again, once we get them
9 finalized.

10 We haven't moved forward with any plans because
11 we don't know when they are going to get approved.

12 COMMISSIONER TRAPANI: I would like to see y'all
13 do that because I think that is going to really solve
14 problems in the future with people that didn't realize.
15 That takes it off the DMR. If y'all could do that, I
16 think that's a good idea.

17 WILLA BRANTLEY: Right.

18 Another thing I wanted to point out, we have
19 some money to get a new -- it's not really a database.
20 It's more of a workflow management system so that all of
21 our permitters will be going electronic. All of our
22 applications could come in electronically and they would
23 do all of their work electronically on tablets in the
24 field.

25 That request for proposals is set to go out in

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1 three weeks. It's a tentative date. We are hoping to be
2 able to sit down with a vendor and start working on that
3 system in August, and, then, hopefully have that new
4 system in place by the end of the year. That should help
5 speed up our turnaround times significantly.

6 COMMISSIONER BOSARGE: Save a few trees.

7 WILLA BRANTLEY: Thank you.

8 GREG CHRISTODOULOU: Good morning everyone. I'm
9 Greg Christodoulou.

10 I'm going to be presenting a request for a
11 permit by the agency for the Katrina Key expansion. This
12 is by the Artificial Reef Bureau. It is located just
13 south of Deer Island in the General Use District.

14 The Artificial Reef Bureau is proposing to
15 extend the Katrina Key Artificial Reef from its current
16 length of about a half mile to four-and-a-half miles in
17 length, and that will provide additional near-shore
18 habitat for marine fish and invertebrates.

19 The project would result in the filling of
20 approximately eleven point six acres of unvegetated state-
21 owned waterbottoms with clean concrete rubble.

22 Here is a map, and you can see that Katrina Key
23 is identified on the aerial image, and I went ahead and
24 marked in the corners so you could kind of see where it
25 will go to. It pretty much extends all the way to the

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1 east tip of the island, and almost the full length of Deer
2 Island, except for about the very last couple of hundred
3 yards, or so, of the west end.

4 COMMISSIONER GOLLOTT: Greg, can I ask you a
5 question?

6 GREG CHRISTODOULOU: Sure.

7 COMMISSIONER GOLLOTT: It's my understanding
8 that the reason they stopped going west is because the
9 bottom got so soft that the concrete was just sinking out
10 of sight.

11 Have you checked the bottom to see if it will
12 hold this concrete?

13 GREG CHRISTODOULOU: I believe that the
14 Artificial Reef Bureau did all of that work ahead of time.

15 Here is another image with the navigation chart
16 on there, again, showing the current location of some of
17 the rubble piles and, also, the corner coordinates, and a
18 cross section.

19 COMMISSIONER HAVARD: Greg, that cross section
20 represents there is going to be a portion of it that is
21 out of the water?

22 GREG CHRISTODOULOU: Yes, and I will get to that
23 in a minute. It will extend a maximum of about three to
24 four feet.

25 COMMISSIONER HAVARD: About the same that it is,

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1 now?

2 GREG CHRISTODOULOU: Correct.

3 COMMISSIONER GOLLOTT: One of the things, when
4 we were putting Katrina Key there, is we were wanting to
5 put a hook on the east end of it to turn in towards the
6 island to block that southeast wind and water from washing
7 the island and to make it a lot better fishing on that
8 north side, when the wind was blowing out of the
9 southeast.

10 Have y'all even looked at putting a hook in that
11 thing?

12 GREG CHRISTODOULOU: That's them. We are just
13 doing the permitting.

14 COMMISSIONER GOLLOTT: Okay.

15 GREG CHRISTODOULOU: The decision factors. The
16 addition of the concrete material will create valuable
17 near-shore habitat and support and sustain healthy
18 populations of marine fish and invertebrates.

19 The activity is allowable in the General Use
20 District.

21 There is a variance request required for this,
22 and that's from Chapter 8, Section 2, Part III.0.1 that
23 states:

24 "Permanent filling of coastal wetlands because
25 of potential adverse and cumulative environmental impacts

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1 is discouraged."

2 The justification for the variance also comes
3 from Chapter 8, Section 2, Part I.E.2.b.i:

4 "The impacts would be no worse than if the
5 guidelines were followed."

6 Right now you have a pretty barren unvegetated
7 bottom, nothing out there, and this will be replaced with
8 clean concrete rubble that will add some habitat
9 complexity and provide habit for marine organisms.

10 We already have many artificial reefs within the
11 Mississippi Sound that have been permitted, and no
12 precedent setting effects are anticipated with this
13 project.

14 Installation of concrete rubble would create a
15 minimal amount of turbidity and minimal loss of benthic
16 marine organisms. However, this concrete rubble would
17 support and provide habitat for these fish and
18 invertebrates, and, then, you also have secondary impacts
19 associated with artificial reefs which, in this case, you
20 will have attachment sites for algae and invertebrates and
21 you will also get some shoreline protection on that south
22 side of Deer Island which is, for the most part, a Coastal
23 Preserve.

24 You could see increased fuel discharges and
25 litter because of the amount of traffic that will be added

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1 to the area from increased fishing activity.

2 The project will be pretty much the same
3 alignment as it currently is. There will be offsets and
4 they will be staggered. water flow will be able to
5 continue to flow and you will be able to probably get some
6 small vessels through there in spots, but it will have to
7 be marked appropriately as per Coast Guard Regulations.

8 They didn't consider any additional sites
9 because this is just an expansion of the current
10 artificial reef site.

11 Artificial reefs do require a waterfront
12 location.

13 The project is located about a mile south of
14 Deer Island and the maximum height of the structure, like
15 we said, will be about three to four feet above the mean
16 high water mark.

17 The project could affect the scenic qualities.
18 However, visitors to the area will be fishermen,
19 commercial and recreational, or folks who are just passing
20 through the area.

21 The project was placed on public notice in the
22 Sun Herald and on the MDMR website. We received no public
23 comments.

24 DEQ is reviewing the project.

25 Archives and History has no objections.

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1 There were no comments from the Secretary of
2 State's office.

3 We had no comments from wildlife, Fisheries and
4 Parks.

5 The staff's recommendation is that the project
6 would create additional near-shore habitat for
7 invertebrates and fish that are of recreational and
8 commercial importance, as well as the secondary impacts
9 that we discussed.

10 Staff recommends approval of the variance
11 request and permit, contingent on DEQ water quality
12 certification.

13 COMMISSIONER GOLLOTT: Greg, do you have a
14 picture of exactly what we are permitting here, the areas
15 that don't have anything in them that we are fixing to
16 permit?

17 GREG CHRISTODOULOU: I'm going to try to go back
18 to that area that has the navigation chart. It should be
19 that one right there.

20 COMMISSIONER GOLLOTT: Is there concrete rubble
21 on both ends of those things already?

22 Is that what that depicts?

23 GREG CHRISTODOULOU: Right now, I think, the
24 only rubble is right where will's arrow is, the existing
25 Katrina Key area. There is nothing else shown in that

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1 alignment (indicating aerial view).

2 JOE SPRAGGINS: Commissioner, I think what it
3 is, if you will look to the east, there are a few hundred
4 feet that go back to the east a little bit toward the tip
5 of the island, and, then, the other goes to the west.

6 One of things, too, about the hook that you were
7 talking about, I think one of the programs that we are
8 looking at right now -- and tell me if I'm wrong. George,
9 are you in here? -- we are trying to use beneficial use to
10 put in the end of that island to rebuild some of it.

11 Is that correct?

12 GEORGE RAMSEUR: Material of some sort.

13 JOE SPRAGGINS: To be able to help rebuild some
14 of that end of that island on the east end, that's another
15 thing that we're looking at, and I think that's what you
16 are talking about.

17 JOE JEWELL: Director Spraggins is correct,
18 Commissioner Gollott. This is just the permitted area.
19 The plans for the future are to try and extend Katrina Key
20 Reef both east and west.

21 The reason we're not putting a hook in it is
22 because, like Director Spraggins said, there are plans in
23 the future to restore east Deer Island. When that
24 happens, then, our plans will extend the permit area and
25 extend the reef around east Deer Island.

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1 COMMISSIONER GOLLOTT: Mr. Chairman, I would
2 like to make a motion that we approve this permit.

3 COMMISSIONER BOSARGE: We have a motion.

4 Do we have any further discussion?

5 (No response.)

6 COMMISSIONER BOSARGE: Do we have a second?

7 COMMISSIONER TRAPANI: I'll second that.

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

10 All those in favor say aye.

11 (All in favor.)

12 COMMISSIONER BOSARGE: Opposed?

13 (None opposed.)

14 COMMISSIONER BOSARGE: Motion carries.

15 Thank you, Greg.

16 GREG CHRISTODOULOU: Thank you.

17 COMMISSIONER BOSARGE: At this point, I have to
18 back up just a minute. I used the agenda that was mailed
19 to me, and I didn't realize there was a difference between
20 that one and this one.

21 Executive Director Spraggins asked that we put a
22 Commissioner's report in, and it was E right after D. It
23 wasn't on my first agenda, but I've got it, now.

24 I would like to back up just a minute and,
25 basically, if any of the Commissioners have anything they

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1 want to say, want to talk about, it's an opportunity for
2 us to maybe voice an opinion.

3 If it's okay, I will start it out. I'm old
4 fashioned. I read the paper, or, at least, I try to most
5 mornings before work, and I saw in the paper where we
6 sponsored the Science Fair. That made me feel good to be
7 just a small part of this organization. My koodoos go out
8 to whoever was in charge of that and made that decision.
9 That's a good thing, stimulate these young minds. Thank
10 you.

11 JOE SPRAGGINS: That was agency wide.

12 COMMISSIONER BOSARGE: Agency wide, good.

13 COMMISSIONER HAVARD: I would like to commend
14 the department on all of the work that they have done on
15 the Tails n' Scales app. From my understanding,
16 Mississippi is setting the bar for the other states to
17 work towards our app. It's a good app. NOAA says it's
18 good. They say it's the best thing that any of the gulf
19 states have out there. I would like to commend the staff
20 that has been working on that over the past several years.

21 The second thing is the recreational world is
22 extremely excited about the EFP that our state has
23 submitted and has had approved for Red Snapper. It is the
24 most days that we have ever had that I'm aware of. I'm
25 sure there might have been some longer times, but it is

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1 the longest one I have ever experienced, and the
2 recreational world is extremely happy about that. I
3 appreciate all the hard work on the EFP.

4 COMMISSIONER BOSARGE: Anybody else?

5 COMMISSIONER GOLLOTT: I have a question.

6 I was reading in the paper like you that maybe
7 it's Louisiana, or Alabama, that is doing seventy-seven
8 days on the Red Snapper this year?

9 COMMISSIONER BOSARGE: I think Alabama is doing
10 forty-seven days.

11 COMMISSIONER GOLLOTT: What are we going to do?

12 COMMISSIONER BOSARGE: We have a hundred and
13 two, and we kind of touched on that a little bit at the
14 last meeting.

15 Their forty-seven is Friday, Saturday and
16 Sunday; basically weekends only. Our hundred and two will
17 be every day. In a way it kind of works out about the
18 same, as far as the time frames go.

19 JOE JEWELL: That's correct, and also you have
20 to keep in mind not only do they have much larger reefs
21 available, but they have a lot more fishermen that are in
22 their program versus Mississippi.

23 COMMISSIONER GOLLOTT: That's fine. Thank you.

24 COMMISSIONER BOSARGE: I appreciate y'all
25 bearing with me. Maybe next time I will get the right

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1 agenda and we will continue on in the right order.

2 Up next will be Office of Finance and
3 Administration, Ms. Kacey Williams.

4 KACEY WILLIAMS: Good morning Commissioners,
5 Director Spraggins, Ms. Chestnut.

6 These are the financial results as of March 31st,
7 2018.

8 At the end of March, our State Revenue was five
9 point two million. Our Total Agency Revenue was seventeen
10 point eight million.

11 Our State Net Income was negative six hundred
12 and six thousand. Our Total Agency Net Income was three
13 point two million.

14 After nine months of fiscal year 2018, we have
15 sixty-nine point three percent of our Operating Budget
16 remaining, and seventy-six point nine percent of our
17 Tidelands Budget remaining.

18 Any questions?

19 COMMISSIONER BOSARGE: I guess our loss would be
20 from waiting on money to come in?

21 KACEY WILLIAMS: Yes, sir. We have spent eight
22 hundred and ninety-six thousand for non reimbursed
23 appropriations money. Our current net loss is six hundred
24 thousand. We have spent even more than that in the
25 appropriations. They don't ever give us our

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1 appropriations until after the year ends.

2 This year our appropriations is nine hundred and
3 two thousand dollars. We will spend all of that, before
4 they reimburse it.

5 That has been the main contributing factor to
6 the net loss in that category, and there are a couple of
7 other things. We are waiting on some receivables from
8 MRIP and trip ticket program and JEA, and, then, our
9 licensing sales which contributes to the revenue on this
10 section doesn't start picking up until April through June.
11 That's our big license sales season.

12 COMMISSIONER BOSARGE: Any other questions?

13 (No response.)

14 COMMISSIONER BOSARGE: We're good.

15 Thank you, Kacey.

16 KACEY WILLIAMS: Thank you.

17 COMMISSIONER BOSARGE: I know we are going to be
18 a little while. Let's take a break. We will come back in
19 about ten minutes and finish.

20 MEETING STANDS IN RECESS

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

23 Now, we will start with Ms. Melissa, Public
24 Affairs.

25 MELISSA SCALLAN: Good morning Commissioners,

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1 Director Spraggins, Ms. Chestnut.
2 The Department of Marine Resources was mentioned
3 ten times in local, state and national media, since the
4 February CMR meeting.

5 Some of the items that were included were
6 Director Spraggins being confirmed and an article that
7 told what days people could fish legally without a
8 license. That got a lot of attention.

9 Since the last CMR meeting, Marine Patrol has
10 taught four boat-and-water safety classes and certified a
11 hundred and thirty-one students. So far in fiscal year
12 18, officers have taught sixteen classes and certified two
13 hundred and sixteen students. A couple of those were at
14 schools. That's why they have so many students.

15 Officers also participated in several community
16 outreach events, including Touch A Truck in Long Beach,
17 the Boy Scout Centennial in Gulfport, Safety Day at Lizana
18 Elementary and Career Day at Biloxi High School.

19 Last Saturday we had the twenty-eighth annual
20 Celebrate the Gulf Marine Education Festival. We had
21 employees from Seafood Technology, Shellfish Bureau,
22 Marine Patrol and Public Affairs that participated.

23 Jessica Rankin is the chairman and she did a
24 great job, and Avery Sward at the NERR and Dennis McGrury.
25 We sweated that one out because we thought the weather was

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1 going to be bad, but it went really well. We had a lot of
2 people there. Marine Patrol helped us out with that a
3 lot, too, and answered quite a few questions for us.

4 Me and my team attended the Public Affairs state
5 conference last week in Starkville, and we received four
6 awards; one for the Seafood Cookoff, one for the Annual
7 Report, one for the Program for the Shellfish Conference
8 and the Mississippi Seafood Cookbook.

9 COMMISSIONER BOSARGE: That's good.

10 MELISSA SCALLAN: We were glad about that.

11 COMMISSIONER BOSARGE: Yes, I would say that.

12 MELISSA SCALLAN: Any questions?

13 COMMISSIONER BOSARGE: where was this held?

14 MELISSA SCALLAN: It was in Starkville. It's
15 the Public Relations Association of Mississippi.

16 COMMISSIONER BOSARGE: That's great. That's an
17 honor. Good deal.

18 MELISSA SCALLAN: We were excited.

19 COMMISSIONER BOSARGE: Any other questions?

20 (No response.)

21 COMMISSIONER BOSARGE: Thank you, Melissa.

22 MELISSA SCALLAN: Thank you.

23 COMMISSIONER BOSARGE: We move on to Office of
24 Marine Fisheries, Mr. Joe Jewell.

25 JOE JEWELL: Good morning Commissioners.

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1 I'm going to give a quick update on the dredge
2 exchange program.

3 I want to talk about the public notice that was
4 given describing the program. The first public notice
5 went out on February the 14th, and, then, the second
6 program update went out on April the 5th. Corresponding
7 updates were posted on our web page.

8 The first update was notification of the
9 program, and the second update was the notice of the end
10 date for the registration of applicants.

11 These are the dredge exchange program
12 eligibility requirements. There has been some discussion
13 about that, but they have to be a Mississippi resident.
14 Applicants must possess a Mississippi valid resident
15 commercial license during the 2012 license season and one
16 of the three historical license dates preceding 2011 which
17 was the opening of the Bonnet Carre Disaster Grant.

18 This project is funded with the funds from that
19 disaster grant, and they must have been eligible during
20 that time to be eligible for an exchange of a dredge
21 during this program.

22 Applicants must have a resident Mississippi
23 Oyster Dredge License in the qualifying years. Only one
24 bag dredge will be exchanged per oyster dredging license
25 that qualifies for the Bonnet Carre Grant Funds, and a

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1 current Mississippi Commercial Oyster Dredge License is
2 required for the program.

3 These are the program guidelines that were
4 established by the DMR Office of Marine Fisheries.

5 Eligible applicants shall bring their dredge and
6 license, along with valid form of current identification,
7 to our offices.

8 Inspections and evaluations will be conducted
9 Monday through Friday 8:00 to 5:00, our working hours,
10 excluding holidays.

11 Once the validation process is complete, an MDMR
12 staff member will inspect the dredge to be exchanged.

13 All eligible participants that bring a dredge
14 for inspection will be documented with a basket dredge.

15 The participants shall surrender the basket
16 dredge to the DMR staff, at which time they are presented
17 with an eligibility participant with a code with a
18 certificate for a new bag dredge to be redeemed at Balius
19 welding.

20 By the way, Balius welding is the one that won
21 the contract.

22 This is the exchange program outline. The time
23 for eligibility period is January the 1st through June the
24 1st. There are really two time lines we are dealing with.

25 The time for the contractor is January the 18th

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1 through January of 2019, and that is to ensure that he has
2 enough time to build all the dredges that we anticipate
3 for the program.

4 The contract was up to a hundred and thirty
5 thousand dollars. It is for approximately a hundred
6 dredges. That equates to about thirteen hundred dollars
7 per dredge, and the dredge has to meet all the
8 specifications in Title 22 Part 1.

9 I think y'all are pretty familiar with those. I
10 won't read them all, but the additional specifications
11 that we added to the contract:

12 It has to be a completed dredge. By that, we
13 mean it has to be galvanized, and it has to include both
14 the rope bag and the chain bag.

15 To date, thirty-eight fishermen have been found
16 to be eligible. Twenty-eight of these have actually
17 received their dredge and ten are pending.

18 Any questions?

19 COMMISSIONER BOSARGE: I have one.

20 When you say ten are pending, you've got ten
21 people that have applied, or you just know that there are
22 ten more out there?

23 JOE JEWELL: Well, there are thirty-eight total
24 fishermen that have been presented a certificate. They
25 have surrendered the certificate to Balius Welding. Of

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1 those thirty-eight, thirty of them actually have their
2 dredge and ten of them are waiting on the dredge to be
3 completed.

4 COMMISSIONER BOSARGE: Okay. I see.

5 JOE JEWELL: We have had no new participants in
6 the last week, or so, to the program.

7 COMMISSIONER TRAPANI: How long is it taking
8 them to get their dredge back to them, once they bring
9 them the certificate?

10 Do you know?

11 JOE JEWELL: It is taking on average about a
12 couple of weeks. Some of them got them a little bit
13 earlier. Some of them got them a little bit later. It
14 depends on when they bring the card and other things that
15 are going on at Balius Welding.

16 COMMISSIONER TRAPANI: Can we go back a screen
17 just to clarify, if we have a question on these deadlines?

18 JOE JEWELL: Sure.

19 COMMISSIONER TRAPANI: For a participant, their
20 deadline to come to y'all would be June 1st.

21 Is that correct?

22 JOE JEWELL: June 1st.

23 COMMISSIONER TRAPANI: Okay.

24 JOE JEWELL: There are two deadlines that have
25 caused some confusion. I know Ms. Vu had asked that

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1 question at the previous Commission meeting.

2 There is the timeline for the applicants, for
3 them to bring in their dredge and it to be reviewed and
4 approved and they will get that certificate, and that ends
5 June 1st.

6 Then, the timeline for the contractor is a
7 little bit longer because he actually has to build them.
8 He's got his regular business and, when we started this,
9 we didn't know how long it would take him to build the
10 dredge. We gave him a little bit more time, but he has
11 assured us that anyone that submits a certificate to him
12 will have a dredge before the start of the new oyster
13 season this fall.

14 Any other questions?

15 JOE SPRAGGINS: That is June 1st, and the reason
16 for that was so we could get the dredges to the people in
17 time. There was really not a deadline, but that worked
18 out better by doing this. That's why they asked for that.

19 COMMISSIONER BOSARGE: All right.

20 JOE JEWELL: Next I will give the Commission
21 hopefully the final update for the Bonnet Carre Spillway
22 opening.

23 JOE SPRAGGINS: Hopefully, if they don't open
24 them again.

25 JOE JEWELL: I'm going to go through this pretty

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1 quickly because the first few slides the Commission has
2 seen before.

3 This just gives the comparison between the 2016
4 and 2018 openings. All the data is finalized. The only
5 really new update you see is the total opening days both
6 for 2016 and 2018 was twenty-three days.

7 The maximum gates opened for 2016 was two
8 hundred and ten. For 2018, a hundred and eighty-three
9 gates were opened.

10 The maximum discharge cubic feet per second was
11 two hundred and three in 2016, and the maximum for 2018
12 was a hundred and ninety-six.

13 This is the graph that shows both of those
14 parameters on one chart. It shows you the gates open, the
15 amount of water increased. It started on March the 8th,
16 and the gates were finally closed on March the 30th,
17 twenty-three days.

18 This is a comparison of the last four years.
19 Again, this is a slide that has just been updated. The
20 key thing to note is the very last opening, 2018, of
21 twenty-three days, a hundred and eighty-three bays and a
22 hundred and ninety-six thousand cubic feet per second
23 which put it as the second smallest opening.

24 Here are some USGS gauges that are in that area
25 of St. Joe. If you will notice, right around early March

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1 when the spillway opened, you will see both temperature
2 and salinity starting to drop. Towards the end of the
3 opening, they rebounded and went back to what we consider
4 normal levels.

5 This is something that the Commission considered
6 prior to the opening of the spillway. As you can see, the
7 Pearl River was above the management criteria for both
8 areas, inshore and offshore areas, and it was also above
9 the flood stage.

10 You can notice, with the most recent rainfall
11 over this weekend, the Pearl River is again above flood
12 stage.

13 These are the sample stations that were
14 established in the western Sound prior to the opening of
15 the spillway. You will see they have our Data Sondes
16 which are the triangles. The ones that I'm going to go
17 over in the slide are the ones at Bayou Heron, St. Joe and
18 Pass Marianne.

19 We also had finfish stations, hydrology stations
20 and our oyster monitoring stations that we measured during
21 this event.

22 This is some of the data that came off of our
23 Data Sondes. I selected those three sites.

24 This is the one at Heron Bay. As you can see,
25 the water temperature remained relatively normal. It is

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1 starting to warm this time of the year. It had very low
2 impact for all three of these areas. There was a lot of
3 mixing going on, at that time. You can see our DO
4 remained relatively stable. It didn't drop below levels
5 that would cause mortality for the organisms in that area,
6 and, then, you can see for most of the duration during
7 this time salinity went way down because of that fresh
8 water pulse into the Mississippi Sound, but, then, it
9 recovered quickly.

10 Again, you can see something very similar at the
11 St. Joe Light, except for the pulses for salinity. I
12 believe that is simply the tidal ranges coming in daily
13 providing increased salinity.

14 Then, again, at the final site, Pass Marianne,
15 we had very similar conditions, with the exception of the
16 salinity. Because it is further east, you saw a lot more
17 fluctuation with the tidal ranges during that time.

18 With this one, you also see DO. There was some
19 spiking during that, but overall most of the physical
20 parameters for the area remained at levels that were
21 sustainable for the marine life over there.

22 This gives you some indication, from our sample
23 sets that occurred during that time period, of mortality.
24 If you look very carefully, we measured these at six
25 different sites, and there was very low mortality that was

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1 recorded for any of the sites in that area.

2 I know the Commission was very concerned about
3 that, but all our data so far indicates that the Bonnet
4 Carre opening had very little impact on marine life,
5 particularly the oyster resources in the western Sound.

6 This is our satellite imagery. This is towards
7 the very end of the event. If you look in Lake
8 Pontchartrain, there is still a lot of turbidity, after
9 flow from when the spillway was opened, and, then, it
10 begins to clear in the Breton Sound and Chandelier Sound
11 towards the end of the closure.

12 Are there any questions?

13 COMMISSIONER TRAPANI: I just have a comment.
14 I'm glad it is closed and it looks like hopefully -- we
15 are crossing our fingers -- that we are going to be okay.

16 JOE JEWELL: Today all of our data indicates
17 that we dodged the bullet and that things are going to be
18 stable over in that area.

19 If there are no more questions, we are going to
20 move on to our next --

21 JOE SPRAGGINS: (Interposing) Joe, I would like
22 to make a real quick comment.

23 JOE JEWELL: Sure.

24 JOE SPRAGGINS: Commissioners, that staff put a
25 lot of work into this and they did a whole lot of hard

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1 work every day trying to make sure and trying to make an
2 adjustment and say, do we or do we not, do we or do we
3 not, do we or do we not move those oysters.

4 Thank y'all. Than you, Joe and your staff.

5 JOE JEWELL: I appreciate that comment. It was
6 a tough choice. I know the Commission stayed very engaged
7 in that process. We gave as many updates as we could so
8 that y'all could stay informed. If there was a potential
9 for a relay program, or something that could occur, y'all
10 were ready to act.

11 I particularly put that slide for the Pearl
12 River because I know the Commission did want to take some
13 sort of action, but y'all's hands were really tied because
14 it was above flood stage.

15 COMMISSIONER BOSARGE: Joe, before you go any
16 further, we have had a request for public comment from Mr.
17 George Storrs.

18 George, you didn't actually put an agenda item
19 that you wanted to speak on.

20 GEORGE STORRS: Well, it was a topic that I
21 think Mr. Gollott is going to bring up. I didn't know if
22 he was going to bring it up, or not.

23 COMMISSIONER BOSARGE: George?

24 GEORGE STORRS: Yes, sir.

25 COMMISSIONER BOSARGE: If you are going to make

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1 your public comment, you need to come to the mike.
 2 JOE JEWELL: Let me ask you this, George.
 3 Is it an agenda item that you wanted to comment
 4 on?
 5 GEORGE STORRS: It is, but I didn't know it was
 6 because I didn't have the second page and I didn't flip
 7 the other one over. It is going to be covered, I'm sure.
 8 Thank you for asking.
 9 COMMISSIONER BOSARGE: Thank you.
 10 Ms. Thao Vu.
 11 JOE JEWELL: She said she wants to comment on K2
 12 and K3, and will wait until those presentations.
 13 COMMISSIONER BOSARGE: All right.
 14 JOE JEWELL: Are there any additional questions?
 15 (No response.)
 16 JOE JEWELL: With no other questions, we are
 17 going to move on to K2 which is the Mississippi Bonnet
 18 Carre Fisheries Disaster Recovery Program, the oyster
 19 relay. Mr. Erik Broussard will give that presentation.
 20 COMMISSIONER BOSARGE: Thank you.
 21 ERIK BROUSSARD: Good morning Commissioners,
 22 Director Spraggins, Ms. Chestnut.
 23 I have a follow-up presentation this morning
 24 from the February Commission meeting on a possible work
 25 program. I will pick up where we left off.

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1 Job Title I.5 from the Bonnet Carre Disaster
 2 Grant Commercial Oyster Reef Cultivation and Relay
 3 Program.
 4 That job had two point one million dollars to
 5 start with. We spent about one point one million dollars,
 6 in 2016, on the St. Joe relay which leaves about forty-
 7 eight percent, or a million dollars. That is going to be
 8 one of our limiting factors. When we talk about this work
 9 program, the limiting factors are going to be our budget
 10 and the resource.
 11 We will talk about the resource. This is the
 12 2017 Pascagoula Causeway Reef Assessment. That particular
 13 reef has two hundred and thirty-three acres. You can see
 14 in the top left corner the previous three reef
 15 assessments. With the trend line, you can see a downward
 16 trend (indicating graph).
 17 That reef is down sixty percent from its
 18 previous reef assessment. It is currently at seven point
 19 eight oysters per square meter which would still be
 20 considered in the healthy category.
 21 The reason for this is 2017 was the wettest year
 22 on record and, with that inundation of fresh water for
 23 prolonged periods, we had some significant mortality.
 24 Being that this reef is still considered
 25 healthy, we believe that it will have some resilience and

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1 bounce back fairly fast because of the volume of material
 2 that is available for spat.
 3 Here is the 2017 West Pascagoula Reef
 4 Assessment. That reef is a hundred and eight acres.
 5 Again, the top left corner is going to be your previous
 6 two reef assessments. This reef is down fifty-seven
 7 percent, with six point three market size oysters per
 8 square meter (indicating graph).
 9 When we do our reef assessment, it looks at size
 10 frequency of the different year classes; seed, spat and
 11 market size. What it does not account for is the volume
 12 of raw material that is on the reef.
 13 Usually, when we come forward, we will present a
 14 number in sacks and that number of sacks is based on just
 15 market size oysters.
 16 In 2017, we relayed some oysters from
 17 Pascagoula, and the Commission asked us to look into what
 18 does a sack of relay material consist of coming off of
 19 this reef.
 20 What came out of that was, as we sacked it up
 21 just how it came over the rail, forty-six percent of that
 22 was just shell, with fifty-four percent of that being live
 23 oysters, anything from spat to market size.
 24 That becomes important, when we get into the
 25 contracting aspect of this presentation. The State of

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1 Mississippi has more flexibility with the contracting
 2 requirements, if we are buying live animals, which this
 3 would be considered live animals.
 4 That fifty-four percent of live oysters equates
 5 into seventy-three thousand four hundred and fifty-eight
 6 total sacks.
 7 If we had a thirty percent take in this relay,
 8 that would make available about twenty-two thousand sacks
 9 of just material that we could possibly relay.
 10 That number will become important again later,
 11 when we start talking about scenarios and the other
 12 limiting factors of budget and resource.
 13 Here we have the reef footprints. On the left
 14 you have the hundred and eight acre West Pascagoula Reef,
 15 and, then, on the right you have the two hundred and
 16 thirty-three acre Causeway Reef (indicating map).
 17 The most important thing to take away from this
 18 slide is the yellow line. That is the current line
 19 between restrictive left of the yellow line, or westward,
 20 and prohibited.
 21 Prohibited waters, we cannot relay from.
 22 However, we have done the sampling necessary and FDA is
 23 reviewing our results, and we hope to come forward in the
 24 near future and be able to move that line eastward to the
 25 causeway to Singing River Island which would allow access

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1 to the total Causeway Reef.
 2 COMMISSIONER BOSARGE: Erik, just to clarify,
 3 back up one slide.
 4 ERIK BROUSSARD: Yes, sir.
 5 COMMISSIONER BOSARGE: Which side of the line is
 6 prohibited, and which side is restricted?
 7 ERIK BROUSSARD: Restricted is going to be west,
 8 or left, of the yellow line, and prohibited is going to be
 9 to the east, or right, of the yellow line.
 10 COMMISSIONER HAVARD: Erik, what I'm reading out
 11 of this -- correct me if I'm wrong -- for the past four
 12 years the reef has been depleted well over sixty percent.
 13 Regardless of the reason, whether it is
 14 relaying, or natural DO causes, that reef has had a
 15 reduction of sixty percent, and we have still got more
 16 relays planned to come out of there.
 17 It is our last healthy reef in the Mississippi
 18 State waters, and we are actively pursuing to get that
 19 line changed to allow us to go in and get more of this
 20 reef that is not available.
 21 Is that correct?
 22 ERIK BROUSSARD: It will allow access to the
 23 reef for future whatever that is, yes.
 24 COMMISSIONER HAVARD: Depletions.
 25 ERIK BROUSSARD: Whatever the Commission chooses

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1 to do with it, it will make it available.
 2 COMMISSIONER HAVARD: Okay.
 3 ERIK BROUSSARD: Some harvest history for the
 4 reef.
 5 In 2014, a total of about ninety-five hundred
 6 sacks were removed and relayed over to the western sound.
 7 Sixty-five hundred of those sacks were moved by
 8 an independent contractor, and about three thousand sacks
 9 were moved by MDMR staff.
 10 In 2017, this past fall staff moved about three
 11 thousand sacks of material off of the reef.
 12 Also, just as kind of a side note, we have seen
 13 some interest in Scientific Collection Permits for brood
 14 stock and scientific research purposes.
 15 Since this is one of the healthier reefs, it is
 16 easier for people to go and get the brood stock that they
 17 need faster off of this reef. It is just something to be
 18 aware of.
 19 COMMISSIONER GOLLOTT: One of the things I would
 20 like to say is I don't think we need to issue a permit for
 21 scientific research even, and these people going and
 22 taking off the reef. We don't know what they are taking
 23 off these reefs. They are taking whatever they want to,
 24 and I think they need to come before the Commission, since
 25 this reef is shrinking, and we need to control what is

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1 coming off of that reef.
 2 If we have any blanket permits out there for
 3 anybody, we need to cancel them and let them come before
 4 us and justify what they want.
 5 ERIK BROUSSARD: When they turn in their permit,
 6 we do request to give us an idea, or an approximate number
 7 of animals that they want to take from the reef. We do
 8 have an idea, and we are working on getting a better idea
 9 of what is going on with these scientific permits.
 10 COMMISSIONER GOLLOTT: How many scientific
 11 permits have you got out there that people are getting
 12 oysters off of this reef?
 13 ERIK BROUSSARD: Currently we have five.
 14 COMMISSIONER GOLLOTT: Who are they for?
 15 ERIK BROUSSARD: Various groups. Some
 16 researchers with USM. That is most of it. GCRL and some
 17 groups that way.
 18 COMMISSIONER GOLLOTT: Like I say, I would like
 19 to make a motion that we cancel all scientific permits and
 20 they come before the Commission and justify why they want
 21 a scientific permit and give us some exact details of what
 22 they are going to do with the product and everything.
 23 SANDY CHESTNUT: At this time, Commissioner,
 24 that would take a regulation change.
 25 what we can do, though, is we can definitely

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1 give you guys an overview of the scientific permits, what
 2 kind of impact, what kind of volume they are talking
 3 about, and start there, and, then, we can look at trying
 4 to change the process.
 5 COMMISSIONER GOLLOTT: What do we need to do,
 6 Sandy?
 7 SANDY CHESTNUT: Direct the staff to bring in a
 8 report on the volume, the impact that these five
 9 scientific collection permits have, and, then, at that
 10 time, you can see if a change in process is necessary.
 11 COMMISSIONER GOLLOTT: Okay. I will withdraw my
 12 motion.
 13 JOE JEWELL: We can do that. We can bring that
 14 before the Commission at the May meeting.
 15 COMMISSIONER BOSARGE: Maybe at the next
 16 meeting, you can give us a report on each permit, who its
 17 from and what they are collecting.
 18 JOE JEWELL: The issue is that most of the
 19 permits originally started with sampling in the western
 20 sound. There is not enough resource to collect that for
 21 the brood stock permits. They have now all moved to the
 22 Pascagoula Reef.
 23 COMMISSIONER BOSARGE: Do we need that in the
 24 form of a motion?
 25 JOE JEWELL: Please.

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1 COMMISSIONER GOLLOTT: I will make that motion.
 2 COMMISSIONER BOSARGE: We have a motion.
 3 Any further discussion?
 4 (No response.)
 5 COMMISSIONER BOSARGE: Do we have a second for
 6 the motion?
 7 COMMISSIONER TRAPANI: I'll second that.
 8 COMMISSIONER BOSARGE: We have a motion and a
 9 second.
 10 All those in favor say aye.
 11 (Commissioner Bosarge, Commissioner Gollott,
 12 Commissioner Trapani in favor.)
 13 COMMISSIONER BOSARGE: Opposed?
 14 (Commissioner Havard opposed.)
 15 COMMISSIONER BOSARGE: Motion carries.
 16 Continue on, Erik.
 17 ERIK BROUSSARD: We are going to present some
 18 options. These are just options that staff has come up
 19 with. If the Commission wants to explore other options,
 20 we can look at those as well. I have several slides with
 21 different options and, at the end, if the commission
 22 decides to go forward, we can select some of those
 23 options.
 24 Relay options.
 25 Option one, hire Bonnet Carre qualified dealers

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1 and fishermen to harvest and deploy material.
 2 Option two, hire Bonnet Carre qualified dealers
 3 and fishermen to harvest the material and a contractor to
 4 deploy the material. This is kind of similar to 2016
 5 where the fishermen went out and harvested the material,
 6 put it on a barge, and, then, a contractor barged the
 7 material and deployed it for us.
 8 Option three, hire a contractor to harvest and
 9 deploy the material. That would be something similar to
 10 2014 where the agency hired a contractor to harvest and
 11 deploy the material.
 12 COMMISSIONER GOLLOTT: You are talking about
 13 moving it from Pascagoula to Biloxi, or from the west end
 14 of the Sound?
 15 ERIK BROUSSARD: Whatever the Commission
 16 decides. We don't have to decide that exactly today. It
 17 is just more of the type of process we are going to go
 18 with, and we can select locations later.
 19 COMMISSIONER GOLLOTT: Dredging is the most
 20 economically feasible way to get them, but it's not the
 21 best for protecting the reef and the oysters that are
 22 there.
 23 ERIK BROUSSARD: I do have some other slides
 24 with some options.
 25 COMMISSIONER GOLLOTT: Okay. Go ahead.

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1 ERIK BROUSSARD: Method of take. I will get to
 2 your point, Commissioner.
 3 Option one, tonging only.
 4 Option two, tonging and hand dredge.
 5 Option three, dredging only.
 6 Option four, dredge and tong.
 7 COMMISSIONER BOSARGE: Erik, I don't mean to
 8 interrupt you. Just for everybody's verification, define
 9 the hand dredge.
 10 ERIK BROUSSARD: That's a good question. Dredge
 11 specifications are in Title 22 Part 1, and that is just
 12 for a legal size dredge. That would not be a hand dredge.
 13 Everybody would have their own definition on a
 14 hand dredge.
 15 If it is something as long as you can pull it in
 16 with your hand and without mechanical assistance, is that
 17 a hand dredge, or is it weight, tooth bar.
 18 What I did do was call Dan Balius and ask him,
 19 since he is in the business of building dredges. If
 20 somebody called and asked you to build a dredge, a hand
 21 dredge, what would those specs be, and, for him, it was a
 22 ten tooth dredge, it weighed twenty-eight pounds, it was
 23 made out of three-eighth round bar, and it had five-and-a-
 24 quarter inch teeth.
 25 In Louisiana, the only specs they have on a hand

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1 dredge is it is just a thirty-six inch tooth bar.
 2 There is a wide range of variability there that,
 3 if the Commission chose that route, we would want to put
 4 some parameters around.
 5 COMMISSIONER BOSARGE: Basically it is a dredge
 6 that has to be retrieved without mechanical means by hand.
 7 ERIK BROUSSARD: That would be a starting point.
 8 Here we have price and resource which are our
 9 two limiting factors. This is just kind of an
 10 example/scenario.
 11 The fair market value for 2018 at dockside was
 12 forty-five dollars a sack. Contracting allows us to pay
 13 up to that.
 14 If we went with the fifty-sack limit and we had
 15 a hundred boats participate -- the hundred boats is coming
 16 from the 2016 relay. That's about how much participation
 17 we had, right under a hundred -- the relay would last four
 18 days, taking twenty thousand sacks of material, costing
 19 about nine hundred thousand dollars which would leave a
 20 hundred thousand for deployment contract which would put
 21 us right at the million dollar budget that we have.
 22 Obviously, some of these numbers can change. If
 23 we had less participation, the sack limit can raise.
 24 Depending on the direction we go, some of this is going to
 25 change.

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1 COMMISSIONER GOLLOTT: That forty-five dollars
 2 is for a culled sack of oysters. That was the market
 3 value the processors, we understand, were buying them at
 4 Pass Christian harbor.
 5 Are you talking about making the fishermen cull
 6 these oysters, or are you talking about just a rough
 7 oyster being dredged off the bottom?
 8 If that's what you are talking about, it should
 9 be cheaper.
 10 ERIK BROUSSARD: That is something that the
 11 Commission can discuss and decide. That is a good point.
 12 There was no limitation. As long as there are live
 13 oysters attached to the material, then, it allows us to go
 14 up to this mark.
 15 Based on these three slides, to move forward
 16 with this, we would need the Commission to select some
 17 options so we can explore into the contracting and see.
 18 This would be a lengthy process. Probably four
 19 to six months. If we started now, then, something could
 20 possibly be in place for next fall, winter, something in
 21 that time frame.
 22 COMMISSIONER GOLLOTT: I think we would probably
 23 need a workshop to cover these kinds of issues and come up
 24 with the best solutions.
 25 COMMISSIONER HAVARD: Mr. Broussard, how

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1 successful have our relays been in the past, as far as
 2 pulling a live oyster out of the east side of the state
 3 and moving it anywhere else, planting it and it's
 4 survivability?
 5 ERIK BROUSSARD: There are a lot of factors
 6 considering what success is, or isn't.
 7 It is definitely not a one-for-one. If you move
 8 twenty thousand sacks, you are not going to have twenty
 9 thousand sacks to go harvest the next year. They are not
 10 all market size. There is mortality from handling the
 11 oysters and them being on barges.
 12 When I break it down and you think about the
 13 overall objective of the grant that is paying for this was
 14 to help Bonnet Carre fishermen that were affected in 2011,
 15 this would accomplish that.
 16 The Commission has expressed interest in moving
 17 oysters from Pascagoula possibly to other areas, so it
 18 might reach that goal as well.
 19 COMMISSIONER HAVARD: In past history by
 20 relocates, what kind of survivability rate have we
 21 experienced?
 22 ERIK BROUSSARD: Again, from harvest standpoint,
 23 we brought fifteen thousand sacks over from St. Joe relay
 24 in 2016 just for hard numbers, put that on the Shearwater
 25 Reef, and the following year we harvested about a thousand

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1 sacks off that Shearwater Reef.
 2 From a survivability standpoint, if we go square
 3 meter dive, then, it would probably look a little better.
 4 When you get into harvest, density is a big
 5 factor. It has to be dense enough to be profitable.
 6 To put an exact number on the survivability is
 7 tough. You don't know if too much fresh water killed it,
 8 or a low DO event, but it's not, just from a resource
 9 standpoint, the most efficient, or effective, way.
 10 If you want to rebuild, usually cultch planting
 11 is going to get you your best bang for your buck.
 12 COMMISSIONER GOLLOTT: You have two factors that
 13 you haven't mentioned. One of the factors is State Law
 14 says we will relay oysters from where they are too thick
 15 and put them where we need them.
 16 In Louisiana, it is done year after year. They
 17 relay oysters off of the public reefs and put them on
 18 their private reefs and make plenty of money out of it.
 19 I don't think we have ever really done a study
 20 on successful relaying and we know the numbers and
 21 everything. Something we should really do the next time
 22 we relay is keep accurate numbers.
 23 ERIK BROUSSARD: Another important point, once
 24 you relay from a reef, ideally you would want to go back
 25 and cultch plant on that reef, but every dollar you spend

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1 cultch planting on a reef you took from is one less dollar
 2 you can cultch plant in an area that is already approved
 3 for harvest.
 4 COMMISSIONER GOLLOTT: We have agreed that we
 5 should go back and replant Pascagoula because just because
 6 you planted on Pass Marianne, or something, doesn't mean
 7 it is going to catch, but Pascagoula is pretty much a sure
 8 thing that, when you put shell there, you are going to get
 9 oysters. It is a great area for planting and getting spat
 10 set.
 11 JOE JEWELL: I think the statute you are quoting
 12 is one of them. It's point zero fifteen thirty-six and
 13 point zero fifteen fifteen. There are a couple of them,
 14 but one of them also gives the Commission the provision to
 15 rotate seasons and to close areas, when they have been
 16 depleted of a resource. There is a continuation of that
 17 statute. It's not simply relaying.
 18 The Commission has to determine, first, do they
 19 want to engage in a relay program. If the Commission
 20 wants to move forward with that which is provided in the
 21 Bonnet Carre Grant, the 2011 Bonnet Carre Disaster Grant,
 22 what conditions do you, the Commission, want to achieve
 23 that.
 24 What Mr. Broussard is doing right here is laying
 25 a pathway out for the Commission to choose that. Of

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1 course, there could be a motion on the floor not to move
2 forward with the relay program. If the Commission chooses
3 to go forward, there are several options that the
4 Commission will have to vote and choose to implement the
5 program.

6 we can get off on all these sidetracks, and we
7 all agree that there is significant mortality.

8 I think I recall at the Grand Bay NERR
9 presentation a year back, I gave some significant input on
10 what I thought about mortality.

11 It's the time of the year, what the temperature
12 is; not only the water temperature, but the air
13 temperature because it has to be transported in air.
14 There is mechanical harvesting of the oyster that occurs.
15 There is the deployment mortality that occurs. Once it is
16 deployed and goes through the water column, does it flip
17 upside down into mud. There are all kinds of mortalities
18 that essentially we just have to guess at, but we do know
19 there is significant mortality. We certainly saw that at
20 Shearwater when we transported from St. Joe.

21 The issue is yes, there is mortality that occurs
22 during these relays, but the issue that we are here for
23 and the issue that we are discussing is does the
24 Commission want to engage in a relay.

25 Like Mr. Broussard said, there are different

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1 ways to measure the success of a relay. We did employ
2 fishermen. We did keep them in the fishery. They did
3 receive funds that augmented the season. From a fisherman
4 perspective, they thought it was a very good thing. From
5 a resource perspective, it wasn't probably the wisest
6 thing to do.

7 COMMISSIONER GOLLOTT: Weren't there some
8 mitigating facts on the Shearwater?

9 It wasn't the right time, or something?

10 You put them in the mud, or something, is what I
11 heard is the reason they didn't survive.

12 JOE JEWELL: Just from a cursory looking at the
13 oysters, I think those that we transported from St. Joe to
14 the areas that were in there, like, the tonging reef and
15 the dredging reef, did a lot better than those that we
16 transferred all the way over to Biloxi Bay, and probably
17 the transport distance had a lot to do with that, too.

18 Then, you don't know, and Mr. Broussard pointed
19 that out. It is right at the mouth of Davis Bayou and we
20 had significant rainfall that was occurring during that
21 time. Was it low DO. I mean, there could have been a lot
22 of factors that were impacting those oysters that we don't
23 know. What we do know is that there were significant
24 mortalities.

25 COMMISSIONER GOLLOTT: The one thing I can say

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1 is September is the month that the people in Louisiana
2 choose to relay off of the public reefs to their private
3 reefs, and it is very successful. They have made millions
4 and millions of dollars over there relaying oysters in
5 September.

6 Maybe that's what we ought to do is look at
7 September, since it seems to be an ideal month for doing
8 it.

9 COMMISSIONER BOSARGE: Mr. Broussard, I guess we
10 will kind of go down your list here, but, before we do, we
11 have three folks that want to chime in on this before we
12 actually sit down and make some decisions.

13 The first is George STORRS.

14 Is this where you wanted to make your comment,
15 Mr. STORRS?

16 ERIK BROUSSARD: I think he wanted to speak on
17 depuration.

18 COMMISSIONER BOSARGE: I'm sorry, George. You
19 are right at the end. I will get you straight in a
20 minute. It's okay.

21 Ms. Thao Vu.

22 THAO VU: Good morning gentlemen.

23 I'm Thao Vu. I'm with the Mississippi Coalition
24 for Vietnamese-American Fisher Folks and Families. I
25 would respectfully request maybe four minutes, instead of

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1 three minutes. I would also like to speak to Item K3, if
2 possible, or I can come back. I wanted to speak on two
3 agenda items.

4 COMMISSIONER BOSARGE: Pull that mike down a
5 little bit further. I know I'm hard of hearing, but it is
6 muffled.

7 THAO VU: Is this better?

8 COMMISSIONER BOSARGE: Yes, ma'am.

9 THAO VU: First of all, my comments regarding
10 this proposed oyster relay is, yes, we critically need an
11 oyster relay, and please hold an open public meeting
12 workshop particularly for the fishermen.

13 I know many could not make it today. There are
14 several here, but the majority are not here. Please have
15 this workshop to get their input. They possess a great
16 deal of traditional ecological knowledge. They are
17 definitely well informed as to where this relay program
18 would be beneficial, which reef it should be relayed to,
19 the method.

20 Another thing critically important to make this
21 fair and equitable is to make sure you include the
22 dredging boats and not only tonging boats.

23 The other thing I would like to comment on is
24 that, in terms of the relay from the St. Joe Reef, there
25 wasn't a lot of time preparing that one.

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1 If this one is to move forward, you really need
2 more time preparing, identifying the right reef and there
3 are some things you need to consider; the water quality,
4 the sediment. All those things you need to consider.

5 Not only that, but in Louisiana I know that many
6 of the oyster harvesters that Commissioner Gollott
7 referenced, they do a lot of bagless dredging.

8 That is something that should be incorporated,
9 before you do relay, depending on which reef you are going
10 to bring the relayed oysters to. Those certain reefs,
11 particularly in the western Sound, Henderson Point,
12 Telegraph Reef, Pass Marianne, all those reefs, the
13 fishermen have been stating for years now that they need
14 some bagless dredging, and, then, maybe bring some
15 subsequent relay to those reefs.

16 Those reefs used to have very robust harvest
17 landings. It is all documented by this agency, before the
18 BP oil disaster, and since then the harvest landings have
19 dramatically decreased.

20 We need those kinds of projects that really
21 involve a lot of the fishermen's knowledge to help to make
22 them successful.

23 The other thing I would like to comment on is
24 the oyster season. Before you set the official opening
25 date, please have another workshop where the fishermen can

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1 give them input on how to best start the 2018 season.
2 Thank you.

3 COMMISSIONER BOSARGE: Thank you, Ms. Vu.
4 Mr. Ryan Bradley.

5 RYAN BRADLEY: Ryan Bradley, Mississippi
6 Commercial Fisheries United.

7 Commissioners, General, Ms. Chestnut, thank you
8 for letting me speak.

9 I just want to throw out a few ideas on this
10 relay. I have talked to a few fishermen.

11 Please put option one back on the screen which
12 was to hire fishermen to not only harvest the resource,
13 but to also deploy it, and there are a couple of ways we
14 could do that.

15 Previously y'all talked about doing tonging
16 only, and I think the industry supports that. That is the
17 minimal impact to the reef, but we had this idea that
18 maybe we could use these bigger dredge boats to transport
19 the oysters. Whether you decide to go to Biloxi, or to
20 the western Sound, let these guys deploy it, obviously,
21 with oversight from DMR personnel.

22 Mr. Havard, to address some of your concerns
23 about survivability, there is some mortality when you
24 blast these oysters off a barge with high pressure hoses.

25 That would help mitigate some of the

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1 survivability. These boats would be a lot more nimble.
2 They could spread out and, as soon as the tongs deliver
3 the load to them, they can take off to wherever they need
4 to go and get it done quickly and efficiently.

5 To address about the survivability, the
6 fishermen feel like it was a really great thing after
7 Hurricane Katrina. There was a really successful relay
8 where oysters were relayed to the western Sound. They
9 credit that to having a lot to do with the good harvest we
10 had in 08-09 and 09-10, right before BP.

11 I would say that the relays have been successful
12 and the more that we can get these fishermen involved will
13 benefit everybody.

14 This Bonnet Carre money was received simply
15 because we had the landings history from commercial
16 fishermen to document that to get the money, and they have
17 really been left out of most of this eleven million
18 dollars of this Bonnet Carre money, so I think this is a
19 good time to get everybody involved and put these
20 fishermen to work.

21 with that being said, I will be glad to answer
22 any questions.

23 COMMISSIONER BOSARGE: I think you and I are
24 kind of on some of the same pages with maybe how to craft
25 this relay, if we do a relay.

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1 COMMISSIONER GOLLOTT: Let me ask you one thing,
2 Mr. Chairman.

3 COMMISSIONER BOSARGE: Yes, sir.

4 COMMISSIONER GOLLOTT: Can we put this off until
5 we can have a workshop on this thing?

6 I mean, there is no hurry.

7 COMMISSIONER BOSARGE: I guess, if we're working
8 towards September, I don't see too big a hurry, but, yes,
9 I agree. We do definitely need to have a workshop and
10 probably an Oyster Task Force meeting ahead of that.

11 RYAN BRADLEY: Thank you, Commissioners.

12 COMMISSIONER BOSARGE: Do you want to do just a
13 straw vote just to kind of go down it?

14 COMMISSIONER GOLLOTT: I think the workshop is
15 going to probably answer a lot of questions, but, if you
16 want to, whatever you want to do. When you vote on it, it
17 kind of puts it in concrete.

18 COMMISSIONER BOSARGE: Yes.

19 COMMISSIONER GOLLOTT: Having a workshop with
20 the fishermen and ourselves and coming up with a way to do
21 this, without hurting a reef, I think that is very
22 important.

23 COMMISSIONER BOSARGE: I agree. Right now, I
24 think we've got some concerns as to whether we actually
25 need to have a relay.

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1 COMMISSIONER GOLLOTT: well, the only argument
 2 for it is we are not going to have a good tonging season,
 3 or a tonging season, in the Biloxi Bay, if we don't do a
 4 relay. That's the argument for it. It would help the
 5 fishermen both ways, catching oysters in the season, plus
 6 give them something to do in September.
 7 COMMISSIONER BOSARGE: I agree. I think we need
 8 to kind of look at how to structure this, if we do.
 9 I echo Commissioner Havard's concerns. I think
 10 if we were to do a relay and we stayed within the
 11 guidelines of that relay, but whether we culled, or we
 12 just took material, whether we dredge, or tong, I think
 13 there are a bunch of different ways we could structure
 14 this, if we want to go through all of this in a workshop.
 15 COMMISSIONER GOLLOTT: I think that's the best
 16 way. It would help everybody.
 17 I would like to make a motion that we go ahead
 18 and set up a workshop in the future to iron out all these
 19 facts.
 20 COMMISSIONER BOSARGE: we have a motion.
 21 COMMISSIONER TRAPANI: I'll second that.
 22 COMMISSIONER BOSARGE: We have a motion and a
 23 second.
 24 Any further discussion?
 25 COMMISSIONER HAVARD: Erik, I would like to ask

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1 one more question.
 2 Are we going through the motions with this
 3 money?
 4 we have depleted the reef in Pascagoula by sixty
 5 percent. We are giving some money back to the fishermen.
 6 I think that's great.
 7 The argument with me, or the lack of
 8 understanding with me is not how we relay. I think that
 9 part can be figured out with a fair amount of ease, but,
 10 if you don't measure the successfulness of different
 11 relays, or different things that we are doing for the
 12 resource -- the money is going to the fishermen. We
 13 understand that. I think that's great.
 14 If we are not accomplishing the goal for the
 15 resource which this money is provided for, what are we
 16 doing?
 17 We have got to measure, somehow have a way to
 18 measure our successfulness for the resource.
 19 ERIK BROUSSARD: There is one thing I did fail
 20 to mention in the contract, the one after Katrina and in
 21 2016, the live oyster part of it from spat to market size.
 22 You can have some secondary effect down the line on some
 23 of those smaller oysters that grow in that you are not
 24 going to be able to immediately measure.
 25 When you look at the sack volume measurement,

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1 like I said, twenty-seven percent of that was market size,
 2 and, then, the other twenty-seven percent was sublegal.
 3 To measure, you would have to also be able to
 4 look at if that spat and seed survived, and, then, made it
 5 actually into the marketplace.
 6 COMMISSIONER HAVARD: What I'm getting blinded
 7 by, I think, is we have measured that in four years we
 8 depleted that reef sixty percent. Maybe we haven't, but
 9 the reef has been depleted by sixty percent. I think that
 10 is what is blinding me.
 11 COMMISSIONER TRAPANI: I would like to add every
 12 time that we have relayed from that reef, are we
 13 replanting?
 14 I know this year we asked for that, but I wasn't
 15 here before that.
 16 That is a big part of bringing that reef back.
 17 You take from it. You replant it.
 18 Are we doing that every time?
 19 ERIK BROUSSARD: It has not been customary for
 20 the agency to replant after a relay.
 21 COMMISSIONER TRAPANI: If we decide to relay --
 22 and I agree with you -- if we are looking at shear
 23 numbers, then, we need to do some kind of work on
 24 replanting it. Some of it is environment. Some things
 25 you can't control.

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1 That part you can control, try to put back some
 2 of what you took out, by replanting it and letting it grow
 3 because it looks like that is a good reef and it grows
 4 there.
 5 Then, I think no one has really mentioned and
 6 you did hit on it is that to measure the success rate of
 7 this, one thing is we are not looking at the class under
 8 that is coming up. We are not looking at you are actually
 9 putting substrate back on a reef that needs it, and shells
 10 are the best way to grow an oyster.
 11 we are taking it from an area that you can't use
 12 anyway. we are always looking for shells, and you are
 13 putting it on one that we actually can use.
 14 There are positives and negatives to all of
 15 this, but maybe we need a different way of measuring what
 16 the success rate is, not just measuring the number that
 17 it's at sixty percent -- we understand that -- but
 18 measuring what are we really getting out of it.
 19 I don't know if you can really go into that
 20 detail, but there is more to it than just relaying it,
 21 harvest it and it's one oyster per oyster. It's not. You
 22 are putting back substrate. You have classes under that.
 23 There is more to it than that.
 24 I think the key is if we are going to relay, we
 25 have to implement replanting in those areas.

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1 COMMISSIONER BOSARGE: I agree, and it's just a
2 couple of things. Here we go to back to old fashion
3 reading the paper.

4 I remember in there where there was a million
5 dollars to do cultch plants on that reef. I remember
6 reading that.

7 ERIK BROUSSARD: Not on that particular reef,
8 no.

9 COMMISSIONER BOSARGE: Maybe my mind is gone,
10 but I remember seeing something with money available for
11 work on that reef.

12 JOE JEWELL: You are probably talking about the
13 RESTORE Act money.

14 COMMISSIONER BOSARGE: But it was designated for
15 that Pascagoula Reef.

16 JOE JEWELL: That's a little ways down the road.

17 COMMISSIONER BOSARGE: We can't use any of that
18 money to do any cultch planting?

19 JOE JEWELL: I'm not aware of that. I don't
20 know what has been submitted and what has not been
21 submitted, but I can find out and get back with you.

22 COMMISSIONER BOSARGE: The other thing, as far
23 as success of a relay, if we structure it correctly and
24 use these fishermen just like Mr. Bradley said maybe where
25 we tong only, use the bigger boats that are normally

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1 dredgers that don't do tonging to move the oysters and
2 handle things a little different, maybe our success would
3 be a whole lot better than it would be if we just went in
4 there and tried to do a volume where we are just trying to
5 move material.

6 ERIK BROUSSARD: There are lots of options we
7 can discuss at a workshop.

8 COMMISSIONER TRAPANI: Maybe my memory fails me,
9 Maybe Mr. Jewell can help us, but I thought that we did
10 implement replanting that reef when we are pulling from
11 it, or did we just discuss it?

12 JOE JEWELL: we did discuss doing that, and we
13 do have plans to do that soon this year. we did discuss
14 it. There was no motion on that, but we did discuss that
15 and we did agree with that and we do have plans to do
16 that.

17 JOE SPRAGGINS: One of the other things, too, we
18 have other avenues. It isn't just this Bonnet Carre, or
19 this one fund here, that we can use for cultch planting.
20 We have other avenues that we can get money for that, too,
21 and I think that is what they are looking at.

22 It could be a situation that we could use some
23 other additional money to be able to replenish the cultch
24 there the same way that you are talking about, and, then,
25 still be able to pay the fishermen to do what they are

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1 doing here.

2 COMMISSIONER BOSARGE: There are benefits that
3 we don't see. In other words, that reef needs some work.
4 It needs to be worked on. It needs to be moved around a
5 little bit. I don't personally think it needs to be done
6 with dredges.

7 There are benefits there that we are not
8 weighing, other than strictly oysters moved and oysters
9 harvested.

10 JOE JEWELL: I have listened to all of your
11 comments.

12 Can I read that officially for the record so we
13 get something a little more structured?

14 COMMISSIONER BOSARGE: Please do.

15 JOE SPRAGGINS: Do it up there so it goes in the
16 mike.

17 JOE JEWELL: As I understand it, the motion
18 would be to conduct a workshop between MDMR, CMR and the
19 fishermen on establishing rules and requirements for an
20 oyster relay program.

21 The only thing I didn't hear was a timeline.

22 COMMISSIONER BOSARGE: Options for relay.

23 JOE JEWELL: That will all be in the --

24 COMMISSIONER GOLLOTT: (Interposing) No later
25 than August.

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1 JOE JEWELL: No later than August.

2 COMMISSIONER TRAPANI: I would say July.

3 COMMISSIONER GOLLOTT: Would that give us enough
4 time?

5 SANDY CHESTNUT: No, that would not give enough
6 time.

7 COMMISSIONER TRAPANI: I think we need it sooner
8 than that.

9 SANDY CHESTNUT: The workshop needs to take
10 place relatively quickly.

11 JOE JEWELL: Quickly because we have the
12 contracting process.

13 SANDY CHESTNUT: Because the contracting process
14 will take about four to six months.

15 COMMISSIONER TRAPANI: What about if we add in
16 there before the next Commission meeting have the
17 workshop?

18 COMMISSIONER GOLLOTT: Okay.

19 COMMISSIONER BOSARGE: We need to kind of talk
20 to staff here and see how much of this they can make
21 happen.

22 COMMISSIONER TRAPANI: well, we just don't need
23 to get in a bind where we are doing it, and, then, now we
24 are saying the contracting process will take four to six
25 months, and be behind the eight ball on it.

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1 JOE JEWELL: It doesn't necessarily have to
2 occur in September. We could do it in January, or
3 February.

4 COMMISSIONER GOLLOTT: No. Let's do it in
5 September. Let's follow Louisiana. They have been doing
6 it for years and having success.

7 JOE JEWELL: Then, you need to have it as
8 quickly as possible.

9 JOE SPRAGGINS: Can I make a suggestion that
10 maybe we would say before the June meeting that we have a
11 workshop?

12 That way it gives us time to get things and to
13 work out with the schedule with everyone, and y'all can
14 look at it, Joe, and tell us what you think.

15 JOE JEWELL: Sure. I will read that for the
16 court reporter.

17 JOE SPRAGGINS: Is that okay?

18 COMMISSIONER BOSARGE: Yes, sir.

19 JOE JEWELL: Before June of this year to conduct
20 a workshop between MDMR, CMR and the oyster fishermen on
21 establishing rules and regulations for an oyster relay
22 program.

23 Like I say, Mr. Broussard and his bureau has big
24 plans to start cultch planting soon.

25 COMMISSIONER BOSARGE: We have a motion and a

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1 second.

2 All those in favor say aye.

3 (All in favor.)

4 COMMISSIONER BOSARGE: Opposed?

5 (None opposed.)

6 COMMISSIONER BOSARGE: Motion carries.

7 ERIK BROUSSARD: I have K3, Oyster Season
8 Update.

9 We have the 2017-2018 Mississippi Oyster Stock
10 Assessment with Harvest. The reef is going to be in the
11 left column and the harvest is second to last on the right
12 (indicating slide).

13 The majority of the areas have reached the quota
14 that was set by the Commission. There were two areas,
15 Pass Dredge and Pass Marianne, that did not reach the
16 quota. These are very large reefs and the density that
17 the oysters are available are not profitable. We were
18 open for fourteen days over a two-month period with zero
19 effort. Zero boats went out. Like I said, it wasn't
20 profitable.

21 An additional note, in Biloxi, Area V "A", the
22 Commission voted for an additional thousand sacks. Out of
23 that thousand, seven hundred and forty-five sacks have
24 been harvested, and it brings the season total to ten
25 thousand one hundred and fifty-five sacks which is right

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1 at the thirty percent harvest quota set forth by the
2 Commission.

3 COMMISSIONER GOLLOTT: Mr. Chairman, I would
4 like to make a motion that we close the oyster season
5 immediately.

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

8 COMMISSIONER TRAPANI: I'll second that.

9 COMMISSIONER BOSARGE: Any further discussion?
10 (No response.)

11 COMMISSIONER BOSARGE: All those in favor say
12 aye.

13 (All in favor.)

14 COMMISSIONER BOSARGE: Opposed?

15 (None opposed.)

16 COMMISSIONER BOSARGE: Motion carries.

17 ERIK BROUSSARD: Thank you, Commissioners.

18 COMMISSIONER GOLLOTT: Sorry about that, Erik.
19 I didn't want to spend time getting it over with.

20 ERIK BROUSSARD: That's fine.

21 COMMISSIONER BOSARGE: We will move on to K4.

22 JOE JEWELL: Commissioners, our next
23 presentation will be done by Mr. Travis Williams. It's
24 for the final adoption of the Sheepshead regulation.

25 TRAVIS WILLIAMS: Good morning Chairman,

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1 Commissioners, Director Spraggins, Ms. Chestnut.

2 As Joe mentioned, this is the final adoption
3 presentation on Title 22 Part 7 Chapter 8, Recreational
4 Bag, Possession and Size Limit for Sheepshead.

5 Last month the CMR passed a Notice of Intent on
6 March the 20th, 2018. The following day the Notice of
7 Intent was filed with the Secretary of State's office. It
8 was published on our MDMR web page on March the 21st, as
9 well. The legal notice appeared in the Sun Herald on
10 March the 24th.

11 The public comment period ran from March 21st
12 through April 16th, twenty-seven days. Two public comments
13 were received.

14 The first public comment was received Sunday,
15 March 25th. It was by Mr. Bryan Busby. I will read his
16 comment for the record.

17 "I am for putting regulations on Sheepshead,
18 however I do not see anything mentioned regarding the
19 commercial sector. If we are going to regulate the
20 recreational anglers, we need to set quotas for the
21 commercial sector, as well."

22 The second public comment was by Captain Bryan
23 Cuevas. It was received Friday, March the 30th. I will
24 read in the record the portion of the comment that is
25 applicable to this regulatory change.

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"I just wanted to comment on the Sheepshead ruling. I truly believe fifteen is extremely too many. The Commission voted, at some point, to allow fifteen Speckled Trout, fifteen flounder, and, now, where are the specks and flounder. I think we are headed for disaster, with fifteen as a bag limit. With that said, I would like to see the limit at least dropped to eight per person. I think that is a good number. I'm a charter boat captain, and I see these fish every day."

For the record, Chapter 8 Section 100 Subsection 100.11 and Section 102 Subsection 102.25, will read:

"Recreational Bag, Possession and Size Limits."

"100.11. Fifteen (15) Sheepshead (*Archosargus probatocephalus*)."

"102.25. Sheepshead (*Archosargus probatocephalus*) Fourteen (14) inches total length."

What would be required by the Commission is a motion for final adoption of regulatory changes to Title 22 Part 7 Chapter 8 Section 100 Subsection 100.11 and Section 102 Subsection 102.25, Recreational Bag, Possession and Size Limit change for Sheepshead.

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

COMMISSIONER BOSARGE: Do we have a motion?

COMMISSIONER GOLLOTT: Mr. Chairman, I make the

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motion for final adoption of this rule on Sheepshead.

COMMISSIONER BOSARGE: We have a motion.

Do we have a second?

COMMISSIONER TRAPANI: I'll second that.

COMMISSIONER BOSARGE: We have a motion and a second.

Any further discussion?

(No response.)

COMMISSIONER BOSARGE: All those in favor say aye.

(All in favor.)

COMMISSIONER BOSARGE: Opposed?

(None opposed.)

COMMISSIONER BOSARGE: Motion carries.

TRAVIS WILLIAMS: Thank you.

COMMISSIONER BOSARGE: Thank you.

MATT HILL: Hopefully mine will go that smooth.

Good morning Commissioners, Director Spraggins, Sandy.

Right off the bat, I was hoping these would be flip-flopped, but we will get into the first one, the Tails n' Scales Program consistency update, but what I would like to point out, as Commissioner Gollott did ask a question earlier -- and I do want to go ahead and get this on record so we all understand where we are about the

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number of days -- I find it difficult that the other states have actually put out hard number of days.

These are projections. Our projection is a hundred and two days. However, if we do have a closure, it will be an eighty-eight day season, possibly. We all have to understand that we were given a quota in the EFP of one hundred and thirty-seven thousand nine hundred and forty-nine pounds.

If you are familiar with the commercial fisheries and how we manage these fisheries, we will manage that in a very similar way.

Once we hit the buffer of one hundred and twenty-four thousand one hundred and fifty-four pounds, however many days that takes, whether it's two days, three days, twelve days, eighty days, I will recommend the closure and the closure will happen within a three-day period.

We are not putting out the number of days. The number of days is a projection. However, the season will start May 25th and run until we hit our quota of one hundred and thirty-seven thousand nine hundred and forty-nine pounds.

I did just want to make that clear that it is not a hard date season. The start date is the only thing that is hard about the season that we can consistently

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say,

JOE SPRAGGINS: Matt, could you also tell them that if somebody else in the Gulf does more than they are supposed to, it could affect us?

MATT HILL: It can affect us in year two. The gulf wide quota, if it is met -- I just don't think they are going to have the time to really add up the numbers -- it can have a large impact on us in year two.

The way the seasons are being set up currently, I believe it is safe to say that we will be given our hundred and thirty-seven thousand, close to a hundred and thirty-eight thousand pounds to harvest this year without any affect from any other states. However, the penalties may come in, in year two. As we all remember, this is a two-year pilot program.

Whenever we do hear these other states coming out with these hard seasons, I find it a little ingenuous and I asked Melissa, in our release, to put "proposed" and "projected".

These are based on projections from last year, and we feel like we can reach these numbers in this time period. However, like I said, I will recommend the closure, once the buffer, or the target has been hit, which is the limit minus ten percent, and it will close within a three-day period.

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I just wanted to make sure we all got that clear, before these press releases started coming out, but that is how the process is going to work.

We will go ahead and get into the meat of the presentation.

The Tails n' Scales Program, of course, in 2014, the CMR adopted a regulatory modification of Title 22 Part 9, the statistical reporting and confidentiality of statistical data for marine fisheries, requiring mandatory reporting of Red Snapper landed in Mississippi.

I do want to make it clear that in 2014 this was a voluntary program. It became mandatory and began to be enforced in 2015.

We worked very closely with Marine Patrol and decided that courtesy citations would be the best way to go for the first year. However, we are beyond that point, now, and we are fully enforcing the program as it is written in the regulation.

Here is the first look at the new app for 2018. It has the same information. It is a new look. We just don't want anybody to be surprised. Y'all are getting the first look at what this is going to look like. It does have some new features that I'm going to get to shortly.

Like I said, it has been updated. We do ask, if you use the app to report your trips, that you go in and

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reload it. Your password and login will be the same. It's just like any other app, now, on smart phones. When updates come, you have to reload it, or some of your phones may automatically do it.

It's a little misleading, but all fishermen, or one on each vessel is required to create a trip when targeting Red Snapper, prior to leaving the dock.

If this does not happen, progressive penalties are in place for noncompliance.

One thing I will say about these progressive penalties is, right now, they are just ticketed fines. The money goes up, as you have more violations. However, one of the new features that we have added on Tails n' Scales -- we do not have the authority yet from the Commission to use this particular tool -- is we can now lock people out of the system.

If we have what we call a habitual offender and they receive multiple tickets, or they are just disregarding the system and feel that they don't have to do it, well, then, they decide to do it. We can lock them out. We can lock their vessel out. We can lock every other fishermen that was on that vessel out.

We currently have that ability to lock people completely out of the system, so they will not be able to obtain an authorization number and they will not be able

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to legally participate in the recreational Red Snapper season, if we so choose.

We presented this several times before, the 2017 Federal and State seasons. There was some overlap. It was very complicated, but the Federal season began June the 1st through June the 3rd which is a three-day season.

Then, we made some negotiations with the Secretary of Commerce, and we had a thirty-nine day Federal extension, weekends only, Friday, Saturday and Sunday, which began June the 16th and ran through September 4th. We had a few exceptions there on the holiday weekends. We added July 3rd and 4th and September 4th which were, of course, the July 4th weekdays and Labor Day.

They also had a June 1st through July 19th Federal for-hire season which was a total of forty-nine days.

There was also a State season which began May 26th and ran through June 16th which is twenty-two days. You can see there is some overlap, but, basically, when you add all of this up with the overlap, anglers were given a total of sixty fishing days in the State of Mississippi territorial waters and forty-two fishing days in Federal waters and State of Mississippi territorial waters.

I'm going to get into validation, and that is important to understand before we get into the compliance

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which is the heart of this presentation.

To validate trips what we did, the Marine Fisheries staff, is we had access points of intercept. They were randomly drawn. They were post trip which means they were off the water.

Some of the information collected was the number of fish harvested, number of fish released, number of anglers present, hours spent fishing for Red Snapper, their authorization number if they had one, and their vessel number.

We used a probability proportional to sample size which allowed for coverage of the entire state, ensuring the data collected was statistically sound.

The main objective of this was not to see if they had an authorization number. However, we did record that and use that for compliance purposes.

The main objective of the Marine Fisheries validations was to collect the lengths, weights and otoliths, or what we like to call the biological matrix.

Here are some of the finalized results that we saw from 2017. Of course, I just said it was a sixty-day season with a forty-nine day Federal for-hire season.

The total harvest came out to be one hundred forty-four thousand one hundred pounds. Private recreational accounted for a hundred and thirty-five

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1 thousand pounds of that.

2 Our State for-hire guys -- these are the charter
3 for-hire guys that do not have the Federal permit --
4 accounted for twenty-eight hundred pounds.

5 Our Federally permitted for-hire vessels
6 accounted for sixteen thousand one hundred pounds plus.

7 When we ran it through the estimator, our number
8 of fish harvested came out to be twenty-seven thousand one
9 eighty-nine, with an average weight of six point zero
10 eight and an average length of close to twenty-two inches.
11 It came out an estimated number of completed trips of four
12 thousand one hundred and eighty-five. The effort was four
13 point three six anglers per vessel per trip, with a
14 harvest rate of one point four eight fish per angler per
15 trip.

16 This is our nice equation on the side. I really
17 won't get into it, unless we really want to stay here for
18 a long time.

19 We had to use this equation and it occurred to
20 me -- we had a long discussion with Director Spraggins
21 yesterday, but what was required of us was to break this
22 down into time periods. This was not for the whole year.
23 We had to do this in what's called waves, or two-month
24 periods, to satisfy some of NOAA's demands in the
25 certification process.

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1 The totals for the validations. This began in
2 February and our season did not begin in February.
3 However, Louisiana's season did, so we did have anglers
4 that traversed to Louisiana and were allowed to land their
5 fish in Mississippi, in the 2017 season. It will be
6 different for 2018.

7 We began validating our trips in February, and
8 it ran through September of last year. We were able to
9 have one hundred and sixty-three vessel interactions at
10 access points. Forty-six of these were either State, or
11 Federal, charter for-hire vessels. One hundred and
12 seventeen recreational vessels, their information was
13 validated.

14 All forty-six State and Federal for-hire
15 intercepts had valid authorization numbers.

16 One hundred and four recreational intercepts had
17 valid authorization numbers, and thirteen did not.

18 This was the main point of the validation
19 process at the intercepts, and that's what I was talking
20 about earlier was to get the biological metrix. Whenever
21 you are trying to manage to a quota system, or have the
22 goal of managing to a quota system, you have to get a very
23 accurate, or precise, mean weight.

24 We were able to measure one thousand three
25 hundred and sixty-seven total fish, during these

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1 intercepts. That is a little shade over five percent of
2 all Red Snapper that we estimated were landed in the State
3 of Mississippi for 2017. That is a lot more than we have
4 ever done in any other survey.

5 I do want to spend a little bit of time on this
6 because I believe this is where some of the compliance
7 issues come in, and I think the lightbulb went on for a
8 few people yesterday.

9 For 2017, we are estimating a compliance rate of
10 eighty-six percent. Now, compliance rate takes into
11 account everything, not just the trips with authorization
12 numbers. We are not saying that only fourteen percent of
13 people that harvested Red Snapper in the State of
14 Mississippi did not obtain an authorization number. I
15 will get to that number in just a minute.

16 Compliance rate also has to take into account
17 are they providing us accurate information. This is an
18 average, or a grand mean, of all the questions that were
19 asked whether they were right, or wrong, unreported, over
20 reported, and I will give a quick example.

21 If someone did obtain an authorization code, but
22 they gave us an inaccurate number of fish harvested, an
23 inaccurate number of anglers on the vessel, there is a
24 compliance rate that we have to figure out for all of that
25 to get into there.

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1 A very good example is a ninety-nine point six
2 percent of the for-hire industry. We did not encounter
3 any for-hire trips without the authorization number.

4 However, the reason that does not say one hundred
5 percent is one of the captains answered a question wrong
6 whenever he turned in his trip number on the Tails n'
7 Scales app. We have to account for that, so that's why
8 it's not one hundred percent.

9 The compliance rate, when we are talking about
10 just authorization codes, is approximately seventy-five
11 percent now. We believe, basically, three out of four
12 vessels leaving out of the State of Mississippi properly
13 obtain an authorization code.

14 The reason it says eighty-six percent and not
15 seventy-five is because for the most part, when people
16 report to us, they are giving us accurate information,
17 once they obtain that authorization code, and we are able
18 to use that.

19 I just want to make it clear that we have to
20 adjust for everything, under reporting, over reporting,
21 whether the authorization code is obtained, or not.

22 An authorization code with incorrect information
23 is just as detrimental to the numbers as somebody that
24 does not obtain the authorization code.

25 I think we have had a little bit of confusion

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1 there. I don't want to try to inflate what our compliance
2 rates are. I do not believe that we have an eighty-six
3 percent compliance rate on authorization codes by any
4 stretch of the imagination. However, we have to take
5 everything into account, when we are talking about the
6 compliance rates.

7 The information has to be good that we are
8 receiving from the people that do obtain the authorization
9 code, and that's where these numbers come from.

10 I'm pretty sure we are going to have some
11 questions.

12 COMMISSIONER BOSARGE: I guess I'll start it
13 off. This is the first time I've seen this information.
14 It would have been nice to have had this to look at just a
15 little bit before right now.

16 Anyhow, that being said, can you back up a few
17 slides, Matt?

18 MATT HILL: Yes, sir.

19 COMMISSIONER BOSARGE: I was trying to kind of
20 take notes, while we were going. Keep going back, please.

21 All we are doing here is trying to make sure
22 that the program we put in place works and that when I say
23 you are sixty percent, Mark may say you're seventy. All
24 of us are just guessing. Until we can stop guessing and
25 know that the information we are getting is accurate,

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1 then, we are all in a better boat.

2 when you look at the resource, twenty-five years
3 we have been building this resource, and there are quite a
4 few fish out there. It is better than it has been in a
5 long time, but, at the same time, technology has caught up
6 with the fishery, and a lot of people, that never enters
7 their mind. Commercial or recreational, it doesn't
8 matter.

9 Take GPS out of the equation -- I don't care if
10 our are commercial, or recreational -- and leave here and
11 say, I'm going fishing, or go back to Lorraine C, you are
12 going to have a bunch of people come here and say, I
13 didn't see any fish. The fish aren't there, but because
14 technology has caught up, we are able to go to where the
15 fish are within just a few feet.

16 I'm trying to make this point where everybody
17 understands. Yes, we have a resource, but it is a very
18 fragile resource in that these fish live a long time and
19 it doesn't take much to fish them down, and it takes a
20 long time to recover.

21 When we look at your access points and the
22 information you are using, you say post trip.

23 MATT HILL: That's correct.

24 COMMISSIONER BOSARGE: That tells me that all
25 the information you gathered you had to go to the Tails n'

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1 Scales, pick out a participant, phone that participant, or
2 see that participant,

3 MATT HILL: No. When we are talking about post
4 trip, Marine Fisheries is not capable of doing on-the-
5 water validations. These are happening at the docks.

6 COMMISSIONER BOSARGE: My point is, that person
7 that you interacted with most likely had a validation, he
8 had a trip number.

9 Do you see where I'm going?

10 MATT HILL: Yes, and they most likely did.
11 However, we did encounter some that did not, and that's
12 where we got the compliance just for the authorization
13 codes.

14 What I want to stress is it's extremely
15 important that they get the authorization code, but it is
16 equally as important that we know that the information
17 that they are providing to the system is accurate.

18 COMMISSIONER BOSARGE: I agree.

19 MATT HILL: When we are doing this post trips,
20 we write the authorization number down, we write the
21 vessel number down, and, then, I know how many fish that
22 they caught because my surveyor saw that. I know how many
23 anglers they had on the vessel because they saw that, and
24 I can then compare what they put into the system, and I
25 have to account for that, also.

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1 COMMISSIONER BOSARGE: I'm with you on all of
2 that. My point I'm trying to make is to use this
3 information to valid the whole system, it is skewed quite
4 a bit towards one side.

5 MATT HILL: Yes.

6 COMMISSIONER BOSARGE: We are trying to get to
7 having good information and accurate information. This
8 information is good information, but it is skewed to one
9 side.

10 You've got to understand, now, this is the first
11 time I've seen this information, so I'm trying to make my
12 way through it.

13 MATT HILL: I apologize for that.

14 COMMISSIONER BOSARGE: Continue on. Let's go
15 forward. This all looks good (indicating slides).

16 MATT HILL: I do want to say something about
17 this. We are getting caught up a lot on the pounds.

18 COMMISSIONER BOSARGE: I'm okay with the pounds.

19 MATT HILL: Marine Fisheries is becoming more
20 uncomfortable with managing a fishery based on pounds.
21 There are some other pretty important matrixes right there
22 that we can begin using.

23 COMMISSIONER BOSARGE: I agree.

24 MATT HILL: Especially when we start talking
25 about catch rate, we can plot out the decrease in the

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1 average weight over time and become a more resource, but
2 we just don't have that information yet, and we need to
3 know what the threshold is for our fishery.

4 It is much more important to me that the
5 information entered in the system is accurate versus the
6 authorization number. I can account, I believe, for the
7 authorization number noncompliance.

8 We are having difficulty accounting for the
9 misreporting in the system. That is what we see as our
10 big issue, right now, and I think that is across all
11 fisheries that are being managed.

12 COMMISSIONER BOSARGE: I agree.

13 I'm trying to remember back. Had I seen this, I
14 would have tried to do a little research.

15 Chief Davis, it might not have been you. I
16 think it was Rusty that gave a presentation last year of
17 three days. Memorial Day weekend they did sixty-something
18 boardings. Twenty something were out of compliance, and
19 I'm seeing thirteen.

20 I know, on that one three-day period, we had
21 twenty.

22 JOE SPRAGGINS: I think what might help you is
23 when Chief Davis gives his information, as far as Marine
24 Patrol. That might give you some numbers.

25 MATT HILL: I think part of the confusion, too,

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1 is when we are talking about boardings and you start
2 talking about citations. When we are looking at it on the
3 fisheries standpoint and when I'm trying to valid and show
4 compliance, there is only one authorization number
5 required per vessel, just one, but there may be five --
6 and this is a conversation that we had. There was some
7 miscommunication, but this is a conversation and I feel
8 very certain that we have straightened this out.

9 When Marine Patrol was going up to a vessel,
10 there may be five people on there. Well, that was five
11 interactions. We only consider that one interaction. I
12 don't care how many people. I will check that at the
13 dock. I just needed to know if that vessel had an
14 authorization number.

15 COMMISSIONER BOSARGE: I'm with you.

16 MATT HILL: I think the citations were inflated
17 because we actually looked at some of the things and when
18 they were talking about noncompliance, some of those were
19 undersized fish, some of those were over the limit.

20 When we reviewed and Chief Davis did a very
21 thorough job yesterday, I said, I don't need to know that.
22 That is not part of my compliance, if the fish didn't
23 reach the minimum size.

24 Once we weeded all those out, our numbers became
25 very close after that, and, now, I believe that we both

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1 understand that our numbers have to be on a vessel basis
2 just for this program, if that's where we are going to go,
3 instead of an angler basis on each vessel.

4 COMMISSIONER BOSARGE: I agree, and what I
5 remember of it, though, there were twenty-three, or
6 twenty-seven, that did not have their trip ticket. I say
7 trip ticket. They didn't have their number, out of sixty-
8 something.

9 Do you remember that, Chief?

10 KEITH DAVIS: Yes, sir.

11 COMMISSIONER BOSARGE: We are going to make it
12 that way.

13 MATT HILL: When we looked into it, I said four,
14 It was being considered that everyone on that vessel
15 needed that trip number. We had a misunderstanding. We
16 just miscommunicated.

17 COMMISSIONER BOSARGE: But do you see?

18 MATT HILL: I understand.

19 COMMISSIONER BOSARGE: This is my point as to
20 why we are all wondering where we are with the system.

21 We've got the best system that there is out
22 there, but there are things that have to be done to
23 validate the system.

24 I keep hearing citations. To me, that's a dirty
25 word. I just want checks. I don't want citations. I

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1 just want to know who is out there and if they are doing
2 what they are supposed to do. We don't need citations.
3 We just need checks.

4 MATT HILL: We understand that, and I stressed
5 this to Director Spraggins yesterday. We have sold
6 recreational licenses in the State of Mississippi for a
7 long time, and there are some people that just aren't
8 going to buy them, but, as long as we have a pretty good
9 idea on how many that is, then, we can factor that in.

10 That is where we are in this process. There
11 will always be noncompliant users. There will always be
12 people that will go snapper fishing and just not get the
13 authorization number. That bothers me, but I just need to
14 be able to account for them. That's what I need to be
15 able to do.

16 Once we begin to be able to use the enforcement
17 reports, combined with our dockside intercepts, that is
18 the perfect world. We are not there yet. We are not. I
19 think we are getting very close.

20 COMMISSIONER BOSARGE: And there has always been
21 that argument between what the state says we catch and
22 what the MRIP data says we catch.

23 MATT HILL: Yes.

24 COMMISSIONER BOSARGE: All we want to know is
25 what we catch, period, but if you go back and you look, we

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1 had a hundred and sixty-three total intercepts and, if you
2 look at MRIP -- this was presented to us -- in 2016,
3 January to November, two thousand one hundred and seventy-
4 nine interviews. In 2017, January to November, two
5 thousand sixty-seven interviews. Got to wonder which data
6 is best.

7 Do you see what I'm saying?

8 MATT HILL: I understand.

9 COMMISSIONER BOSARGE: You guys are doing your
10 job. In other words, you are out there. You are looking.
11 You are asking questions. You are getting information.

12 MATT HILL: I started thinking about it last
13 night because, after we had a meeting, the way I was
14 explaining it to Director Spraggins I was trying, but last
15 night I thought about it, and I had a quick glance at the
16 numbers this morning. I didn't have time to look exactly
17 how I wanted, but what the estimator did, just for
18 noncompliance of the authorization number, it added
19 approximately five hundred extra trips. I said four
20 thousand one hundred and eighty-five. About five hundred
21 of those came from us compensating for the people that we
22 knew did not have the authorization number. I added that
23 to the raw numbers, after it went through the estimator.

24 COMMISSIONER BOSARGE: I see you estimating
25 trips. You ought to have that information. You shouldn't

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1 have to estimate it.

2 MATT HILL: I shouldn't have to estimate it, but
3 we know that there are people that are not getting the
4 authorization number.

5 COMMISSIONER BOSARGE: But I'm saying the valid
6 people that go out and do the authorization, you've got
7 that number.

8 MATT HILL: I do. It's three thousand seven
9 hundred and eighteen.

10 Chief Davis, they had people that came up and
11 didn't have the authorization number. There are people
12 that we encountered at the docks that didn't have the
13 authorization number. I have to put that in the
14 estimator.

15 If I catch one out of ten and I had eighty
16 people that went out, how many more didn't have it?

17 COMMISSIONER BOSARGE: I know, and that's where
18 we are going, and I apologize to you folks. Matt and I
19 haven't had this conversation, but, because of the open
20 meetings laws, we can't have this conversation anywhere
21 but here. If it gets a little bit crazy, just bear with
22 us just a minute.

23 Chief Davis, you are right in the middle of
24 this, too.

25 Basically, what I asked for and I think what we

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1 asked for was some type of a plan, program, quota,
2 whatever of how many intercepts, not citations. How many
3 at-sea intercepts are we going to have, whether it be a
4 percentage, to where I can come back to Matt and say, that
5 eighty-six number, you've got it. You are dead on it. I
6 don't have to say, well, Matt, from what I hear and what I
7 see, I think you are way off base.

8 Let's top wondering. Let's get the number.

9 MATT HILL: What is a sufficient number of
10 intercepts from Marine Fisheries on the dock to validate
11 the biological matrix, and what is a sufficient number
12 from Marine Patrol on the water intercepts to validate the
13 enforcement of the authorization number.

14 We are currently having those discussions. I
15 have my own thoughts. We are comfortable where we are in
16 Marine Fisheries, with that number, now, and we are
17 running it by some consultants. We actually talked about
18 it in the certification process.

19 We are currently talking with Chief Davis on
20 it's not something that you can only be comfortable with.
21 It's something that has to be attainable, also, because,
22 like we said, we do have other species we have to worry
23 about.

24 I threw a lot of our resources at collecting
25 this. This is more than any other state has done, and we

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1 had to throw a lot of resources to obtain this.

2 COMMISSIONER BOSARGE: Oh, yes.

3 COMMISSIONER GOLLOTT: Mr. Chairman, can I say
4 something?

5 It is getting pretty late.

6 COMMISSIONER BOSARGE: Yes.

7 COMMISSIONER GOLLOTT: I just talked to our
8 attorney and she said that you and Matt can have this
9 conversation. You can't make any decisions on changing
10 stuff, but you can have this conversation. just in the
11 interest of moving on.

12 COMMISSIONER BOSARGE: Yes, sir.

13 SANDY CHESTNUT: Just to clarify, the staff can
14 give information to the Commission. There can't be any
15 real deliberation, or decision making, or planning, on
16 what can happen.

17 COMMISSIONER GOLLOTT: That has to happen in
18 front of the whole Commission because one Commissioner
19 can't make a decision and change policy, or anything.

20 COMMISSIONER BOSARGE: And I don't think one
21 Commissioner can talk to the other one, as far as I
22 remember.

23 SANDY CHESTNUT: Right.

24 COMMISSIONER BOSARGE: There are certain parts
25 of this we have to have in a public forum where everybody

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1 can hear the discussion.

2 I appreciate your concern. I hate to say it,
3 but we have got to have this discussion.

4 COMMISSIONER GOLLOTT: what I'm saying is you
5 can have this with Matt.

6 COMMISSIONER BOSARGE: But I think that there
7 are folks here that need to be in the room where the
8 discussion is happening, and I can't do that. I can't put
9 two Commissioners in the room with Matt at the same time,
10 or three.

11 MATT HILL: There is something that we did talk
12 with Director Spraggins about yesterday evening. I would
13 be prepared to come, if it took a special meeting, or
14 something definitely before snapper season, to discuss
15 what is an adequate number from an enforcement side and
16 from a Marine Fisheries side and also what is an
17 attainable number, and see if we can work from there so
18 everyone will be comfortable with how the program is being
19 enforced, validated and the compliance rate is being
20 calculated.

21 We can also present the information that was
22 given us through the certification process because we have
23 put this out with people that are a lot smarter than me.
24 They have given us a lot of recommendations, and we have
25 tried to follow them, but I have also told them some of

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1 them are unrealistic. I will put it to you that way. We
2 just don't have the staff. We don't have the ability,
3 especially now with these longer seasons that we hope to
4 continue to have.

5 I would be prepared to come back and show what
6 is an adequate number, in our opinion, to validate this
7 program.

8 COMMISSIONER BOSARGE: Understand, Matt, that
9 this was one of the concerns at the council level.

10 MATT HILL: I understand.

11 COMMISSIONER BOSARGE: That concern is do the
12 states have the resources to manage this fishery, and you
13 are seeing a little bit of it, now.

14 Like I say, this is a fishery I have been
15 involved in many years to get it to the point where it is
16 now.

17 Commissioner Gollott, I'm trying to go as quick
18 as I can here.

19 My concerns are we had a three-day season that
20 turned into forty-something. We should not have a season,
21 now, but we've got a hundred and two days.

22 I'm okay, but this is a fishery that can be
23 easily overfished. We have seen it. We know where it's
24 at. If we are going to jump off into this where we are
25 going to manage it out to two hundred miles, let's be sure

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1 we are doing it correctly, and part of it is going to have
2 to fall on your shoulders, in that you have got to get us
3 the data that we need to make sure that we are staying
4 within what we are supposed to be.

5 MATT HILL: Yes, and, as I said, we keep
6 throwing these numbers of days out, and I don't want to
7 harp on it, but we are going to manage this fishery to the
8 quota that was provided to us in the EFP whether it's ten
9 days, twelve days, eighty days. Those are our intentions.

10 These are just the projections that we have had
11 from last year. We are going to manage it just like we
12 manage our three commercial species for the State of
13 Mississippi. Red Snapper has now entered that arena.

14 COMMISSIONER BOSARGE: I'm with you and, as with
15 any fishery, we need accurate data.

16 MATT HILL: That's correct.

17 COMMISSIONER BOSARGE: Everybody worries about
18 the numbers. We just need the number, the correct number.

19 MATT HILL: Yes.

20 COMMISSIONER BOSARGE: I'm done.

21 MATT HILL: Go on to the next one?

22 JOE JEWELL: There are two parts to this. The
23 next part is Marine Patrol.

24 COMMISSIONER BOSARGE: Okay.

25 COMMISSIONER TRAPANI: Matt, I just wanted to

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1 make a comment that you had said what the app is going to
2 have, but we would have to vote on it, if someone had
3 several offences we could lock them out.

4 Do we need to do anything on that today?

5 MATT HILL: That is up to y'all.

6 COMMISSIONER TRAPANI: I think that is a very
7 important part of this.

8 MATT HILL: I think what we would prefer is
9 there are some other things that we have added to the app.
10 We are currently testing it, now, and we would like to go
11 through the process and make sure.

12 This was just an idea that we came up with to
13 help us enforce some things that we don't have to continue
14 because we do have repeat offenders. We do. That's just
15 the way it is, but we think that we have a way to curb
16 some of that, and this is one of them. We may not can
17 revoke their license, but we can revoke their privileges
18 to get into the system.

19 We would like a couple more weeks. The
20 developer just got it to us late last week. We just want
21 to make sure we've got all our I's dotted and T's crossed.

22 COMMISSIONER TRAPANI: With that being said, if
23 this is starting May 25th, we will have to do something by
24 next Commission meeting to enforce that.

25 MATT HILL: Correct.

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1 COMMISSIONER GOLLOTT: Do we need a motion to
2 table this Snapper deal until next meeting?

3 JOE JEWELL: Well, there is no motion on the
4 floor, right now.

5 COMMISSIONER GOLLOTT: I'm saying, do we need a
6 motion to table it so y'all can come back at the next
7 meeting and present it?

8 JOE JEWELL: I don't think we are recommending
9 any regulatory changes right now, absolutely not.

10 COMMISSIONER GOLLOTT: Okay.

11 JOE JEWELL: We are going to go through the
12 system. We are going to go through the season, and, then,
13 if we detect any issues at that point, we will come back
14 before the Commission, but we are absolutely not proposing
15 any regulatory changes.

16 COMMISSIONER GOLLOTT: Okay.

17 SANDY CHESTNUT: It's not an action item on the
18 agenda.

19 JOE SPRAGGINS: Right now, we are just trying to
20 give you information. The Commission has asked for
21 information. I think that is exactly what they are trying
22 to do is give you the best information they have at this
23 time of what we did last year, and, then, looking at what
24 we will do in the future.

25 COMMISSIONER TRAPANI: Matt, I also have one

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1 more question.

2 It sounds like some of the problems, or the
3 confusion on these numbers came from -- and maybe I'm
4 looking at it wrong. Let's just give a scenario. If
5 someone goes out, you register, put your vessel and how
6 many fishermen are on there.

7 Were you saying that when they were doing that,
8 more than one fisherman was actually registering from that
9 same vessel?

10 MATT HILL: No. what was happening was during
11 those intercepts we would encounter that vessel at the
12 dock and, in the course of getting the biological matrix
13 on the fish, what we would do is we would write the vessel
14 number down, we would obtain their authorization number,
15 and we would do a sample count; there are six anglers on
16 the vessel.

17 I have all that information that he, or she, is
18 going to go home and enter on that. I have it. We wait
19 for them to enter it, and they may go home and they may
20 under report, or over report, by two fish, or four fish,
21 or maybe they were over the limit, and they didn't want to
22 report that.

23 COMMISSIONER TRAPANI: So they are not entering
24 what y'all actually saw.

25 MATT HILL: They are not entering, so that is

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1 part of the validation process.

2 COMMISSIONER TRAPANI: Maybe something could be
3 changed in that. How long does it really take to pull up
4 your phone and get an app and put it in. Maybe y'all need
5 to enforce them doing it right then so we can get accurate
6 numbers.

7 MATT HILL: That is part of some of the things
8 with the new updates on the app that we were having a
9 little problem with the time stamp for a little while. We
10 have that corrected. Until we had that corrected, it's
11 hard to enforce something like that, but, now, we can.

12 Those are some of the things that I foresee us
13 bringing back to the Commission. You have a certain
14 period of time, on the lockout method. If you
15 continuously misreport. Things like that because, like I
16 said, compliance doesn't strictly deal with the
17 authorization number. We have to account for people not
18 giving us the correct information, and that is in any
19 system.

20 COMMISSIONER BOSARGE: Thank you, Matt.

21 MATT HILL: Thank you.

22 COMMISSIONER BOSARGE: Next is Chief Davis.

23 KEITH DAVIS: For the Commission's sake, I do
24 agree with Matt in the fact that there was some
25 miscommunication last year, when it comes to what our

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1 portion of Tails n' Scales is. We have identified all of
2 those miscommunications, and I think we are on the right
3 path to correct them.

4 I do want to say that you are right. The
5 numbers are skewed. I believe that they are skewed all
6 over the place.

7 I can tell you that on June 2nd of last year, I
8 was on a JEA patrol offshore, and I specifically remember
9 being at the rigs where Snapper fishing is pretty
10 prevalent, and there were some twenty boats out there that
11 day, and we checked all twenty of those boats. We didn't
12 document that we checked them, but we checked them, and
13 they were in possession of their Tails n' Scales numbers.
14 If they weren't, we issued them a citation.

15 We in Marine Patrol agree with this Commission
16 that it is vital that we get this right.

17 I learned just today that there is some
18 information that was out there that my office wasn't aware
19 of about some fishermen going out and just completely
20 refused to file the number.

21 Now that I have that information, we will deal
22 with that. It takes some covert operations to ensure that
23 people are being responsible with this program.

24 Law enforcement, we have this thing called the
25 level of power that we use, and the first step is officer

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1 presence. Director Spraggins is working with me in moving
2 some monies around within my budget in Marine Patrol to be
3 as efficient as we possibly can with the amount of funding
4 that we have, and I think we have a good plan to put more
5 officers out there to provide that officer presence that
6 I'm talking about.

7 Force continuum is what I'm talking about. That
8 force continuum, the first level is officer presence, and
9 I believe with Fisheries and our PR folks, we can get the
10 message out that, if you fail to cooperate with this
11 system, you are going to be held accountable, and there is
12 going to come a time where I'm going to say, at this point
13 it's egregious that this person is not going to cooperate
14 with the program and it may be an arrestable offense
15 because this is that vital, and we agree with this
16 Commission that it is vital that we get this right, and we
17 will get it right.

18 There is one slide, where we talked about the
19 number of stops. That hundred and seventy-four stops,
20 that number does not include all of those stops that we
21 made in Federal waters where Mississippi fishermen were
22 out there. We didn't document that because they had their
23 numbers, but we stopped them.

24 The reason why the officers were not reporting
25 it back to dispatcher is that we were out of radio range,

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1 but going forward what we will do is say even if you stop
2 them and you can't radio it in, document it so when you
3 get back, we have a record of that stop and where you were
4 and how many fishermen were onboard the boat.

5 There are a lot of different things that we are
6 going to do going forward that I think will help this
7 Commission and everybody involved with that assurance that
8 the program is working.

9 Four hundred and sixty-five fishermen were
10 checked during that hundred and seventy-four stops, but,
11 again, I refer back to what I just said.

12 Go to the next slide, please. That's how many
13 citations that were issued, during that time period.

14 Next slide. Here is what we are going to do.
15 We talked about increased officers. We are doing some
16 things that, in consultation with the attorneys, I don't
17 really want to get into in a meeting, but there are law
18 enforcement strategies that we are currently working on
19 that, in this year's season, I think will be effective, in
20 terms of ensuring compliance with Tails n' Scales and the
21 Red Snapper fishery.

22 We are changing the way that we do JEA patrols.
23 We have identified some really important and effective
24 methods that NOAA has really taken heed to and they are
25 going to use Mississippi as the pilot program to implement

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1 this. We are proud of that and those are things, I think,
2 that will be very effective.

3 Improved record keeping, we talked about that.

4 This was a recommendation from one of you that
5 if we do encounter you and you haven't filed a report, we
6 are going to confiscate your fish and, if we confiscate
7 your fish more than once, you are going to go to jail. It
8 is as simple as that.

9 I think if we get that message out, you and the
10 public will become more confident in the program that
11 Fisheries has put forth.

12 Any questions?

13 COMMISSIONER BOSARGE: Sounds Good. Just one
14 comment. I like what you are doing. When you do record
15 your stops, I don't know what information, but it would be
16 nice to have a vessel number, a location, number of people
17 aboard. We don't need any names, nothing that gets into
18 people's personal business, but just enough information
19 that we know they were a hundred and two miles offshore,
20 or they were six miles, and we know that this was the
21 boat. In other words, just enough information to
22 validate, to be able to validate.

23 KEITH DAVIS: Yes, sir. I will make this
24 announcement, probably against law enforcement protocol,
25 but we are working with the National Guard. They reached

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1 out to our office and they wanted to come down and do some
2 training with us, and the first thing that came to mind
3 was if y'all are going to have surveillance capabilities,
4 we want to use that for Red Snapper.

5 This group out of Jackson was very enthused
6 about that, so we are going to have fixed-wing units for a
7 large portion of the Red Snapper season that report to us,
8 you have a group of boats here.

9 Instead of us having to go a hundred miles out
10 and search, we will have a good GPS location of where they
11 are located.

12 There are so many different facets of
13 enforcement that I don't care to talk about in an open
14 meeting that I assure you are being implemented.

15 COMMISSIONER BOSARGE: Thank you, Chief.

16 KEITH DAVIS: Thank you.

17 MATT HILL: I'm going to give a quick update on
18 the Southern Flounder management strategy that we have.
19 You requested this at the last meeting.

20 A little bit of background. We did talk about
21 this last time. Stakeholders have voiced concerns over
22 the decline of Southern Flounder in Mississippi waters.

23 DMR made a motion, in the December 2017 meeting,
24 to address these concerns and for the Finfish Bureau to
25 present information on the Southern Flounder fishery in

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1 the March 2018 CMR meeting.

2 In the March meeting, the CMR requested
3 information of the effectiveness of the current bag limit
4 for Southern Flounder in Mississippi, and we were also
5 requested to present this information at the April CMR
6 meeting.

7 I just want to get into some of the things that
8 we are talking about doing, discussing doing. Some of
9 these have been implemented.

10 MDMR and GCRL have begun discussing efforts to
11 monitor flounder using fishery-independent sampling.

12 The preliminary plans are to initiate gig and
13 fyke net sampling to monitor flounder relative abundance
14 over time.

15 The two sampling efforts will allow for flounder
16 to be assessed within the next five to seven years.

17 This is the first effort to specifically target
18 flounder to monitor relative abundance in the Gulf of
19 Mexico.

20 This is showing a little bit of the decline of
21 the fishery, and we did reach out to the state of Alabama
22 and the state of Louisiana, my staff did -- Travis headed
23 this up for us -- and had some extensive conversations
24 just to see where they were, what they were seeing, what
25 their plans are, so I'm going to give a brief overview of

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1 some of those discussions.

2 Multiple gulf states have noticed declines in
3 the Flounder abundance.

4 Alabama has observed declines in catch of
5 flounder, in the fishery-independent sampling efforts.

6 Louisiana has seen a decline in flounder, in
7 their fishery-independent trawl surveys.

8 In Mississippi, commercial and recreational
9 catches observed for 2017 were the lowest since 2013.

10 As you can see with the charts over here, there
11 is a sharp decline, especially in the catch-per-unit
12 effort in the commercial gig fishery (indicating slide).

13 There are a few things I would like to point
14 out.

15 Louisiana conveyed to us that they have seen
16 increases in all other species except for Southern
17 Flounder, and they do have a stock assessment scheduled
18 for 2020. That is the same year that we should have our
19 Southern Flounder Stock Assessment put out, also.

20 Alabama should receive their stock assessment
21 this month. They have reached out to us and would like
22 for us to review it, and we are very anxious to see that.
23 Hopefully this month, or early next month, we will be able
24 to see it.

25 I will point out that after reviewing this data,

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1 the dependent and independent data, one thing that all
2 three states have agreed on is that this is environmental.
3 This is not a fishery-driven issue, or there is no fishery
4 driver to this.

5 A factor that has come out in a recent study --
6 this came out of Texas, and it is currently being
7 discussed among all gulf states and we are initiating a
8 review of some of our data -- is the warmer water
9 temperature in estuaries has produced a higher proportion
10 of males coming out these estuaries and, as we all know,
11 in the reproductive process of fisheries, males are very
12 insignificant.

13 what the reasons are for this we don't know.
14 This is just an analysis of the data. This was a peer-
15 reviewed study that came out. It has been looked at by a
16 lot of eyes. It is something that we are going to begin
17 to analyze our data fairly critically and see what we are
18 seeing, and the year that this may have happened.

19 I did want to assure the Commission that we did
20 reach out to these other states and they are in the same
21 boat that we are in, and we are going to begin to work
22 very closely with them to figure out some things that we
23 can do.

24 Getting back to our flounder fishery,
25 synchronous declines between gulf states may point -- I'm

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1 reluctant to say may. They are pointing to a non-fishing
2 driver.

3 Cycles have been observed in past recreational
4 harvest of Southern Flounder in Mississippi.

5 When you really dig into this data, there is an
6 argument for either a six-year, or eight-year, cycle.
7 This has gone on since basically the early seventies. It
8 doesn't quite show that here, but, when you start looking
9 at some other factors, that's what we usually see
10 (indicating graph).

11 Additional fishery independent information is
12 needed to gather evidence of annual shifts in abundance.
13 Those are some of the studies that I was talking about and
14 some of cooperation that we are going to have with the
15 other gulf states.

16 We have identified that gulf wide cooperation
17 will be needed to gather all information for a larger
18 analysis.

19 As you can see, in the year 2012, that's our
20 highest recreational harvest since 2006 and that harvest
21 reached three hundred and twenty-five thousand pounds, and
22 we are far below that currently.

23 Just a little bit about where each state stands
24 in the gulf right now.

25 Mississippi enacted a twelve-inch size limit

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1 with a fifteen per person bag limit and there is no
 2 season.
 3 Florida enacted a twelve-inch size limit with a
 4 ten per person bag limit.
 5 Alabama has a twelve-inch size limit with a ten
 6 per person bag limit.
 7 Louisiana currently has no size limit. However,
 8 they do have a ten per person bag limit.
 9 Texas has a fourteen-inch bag limit and some
 10 slot limit things that we just really won't get into, but
 11 they also have some closures in Texas.
 12 Alabama is strongly considering to start
 13 imposing some more stringent regulations on flounder.
 14 However, I did say they are expecting their stock
 15 assessment any day now.
 16 What we were asked to do was analyze the
 17 effectiveness of the bag limit. As most Commissioners
 18 know, I typically don't give recommendations, but I will
 19 give options.
 20 Our first option is to remain status quo.
 21 Our second option would be to modify the current
 22 bag limit of fifteen. However, I would caution the
 23 Commission to have any significant impact, you would have
 24 to modify the current bag limit to three, or less, to have
 25 an impact on the current fishery.

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1 You could also modify the current size limit of
 2 twelve, preferably increase it, if that decision was made,
 3 or we could do both, modify the current bag limit and the
 4 minimum size limit together.
 5 I would like to point out that twelve inches,
 6 that is the fifty percent maturity of females. This is
 7 basically about a one year old, possibly a eighteen month
 8 old, female flounder.
 9 As I would say, the declines that we see in
 10 Louisiana and Alabama, both are in agreement this is a
 11 non-fishing driver which means that regulations will
 12 likely not change the position that we're in at this
 13 current time.
 14 There is really nothing we can do about mother
 15 nature. However, if a bag limit change is desired, the
 16 recommendation would be to change the bag limit to three,
 17 or less.
 18 COMMISSIONER TRAPANI: I just would like to add
 19 that we all understand how important this fishery is and
 20 its decline, and I understand that we have two years of
 21 research to get all of this information together to try to
 22 bring back the fishery and get our guidelines where they
 23 need to be, but I would like to at least make a motion to
 24 change the bag limit to at least ten per person.
 25 I understand that that is not going to make a

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1 big dent in it, but at least we are in line with the other
 2 states to at least be a little bit more proactive than
 3 what we are doing, right now. I would like to make that
 4 motion.
 5 COMMISSIONER BOSARGE: Can we actually do that,
 6 right now, because it's not an action item?
 7 SANDY CHESTNUT: The preferred method would be
 8 to bring the language back into the next meeting and vote
 9 on that, and bring that motion back up.
 10 COMMISSIONER BOSARGE: Do you see what Sandy is
 11 saying, that it is not an action item?
 12 COMMISSIONER TRAPANI: That's fine. We can put
 13 it on the next agenda.
 14 MATT HILL: As an action item?
 15 COMMISSIONER TRAPANI: Correct.
 16 MATT HILL: And the intent would be to lower the
 17 bag limit?
 18 COMMISSIONER TRAPANI: Right, to at least what
 19 our neighboring states are.
 20 MATT HILL: Would you like some options, or
 21 would you like to just keep it at ten?
 22 COMMISSIONER BOSARGE: Options.
 23 COMMISSIONER HAVARD: Options.
 24 COMMISSIONER TRAPANI: Yes.
 25 JOE JEWELL: Is the Commission requesting that

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1 we come back with a Notice of Intent, or come back with a
 2 presentation?
 3 SANDY CHESTNUT: I think they are requesting
 4 that you come back with a presentation with a proposed
 5 Notice of Intent.
 6 COMMISSIONER BOSARGE: That is it exactly.
 7 COMMISSIONER TRAPANI: Yes.
 8 COMMISSIONER HAVARD: Mr. Hill, at what size
 9 limit inch wise are they at full maturity?
 10 MATT HILL: Well, at full maturity, I would say
 11 fourteen inches. At fifty percent maturity, you are
 12 talking at twelve inches and usually for a species like
 13 this, that is what we look for. That is sufficient to
 14 sustain a population. At twelve inches, they are at fifty
 15 percent maturity and, like I said, that fish is a year to
 16 eighteen months old, that female.
 17 COMMISSIONER GOLLOTT: Can I say something here?
 18 COMMISSIONER BOSARGE: Yes.
 19 COMMISSIONER GOLLOTT: I was talking to some
 20 folks the other day and I was asking about these skiffs
 21 that they are fixing up, these big aluminum boats and they
 22 put lights on the front of them and they go gigging
 23 flounders in the Bay of Biloxi. I've seen that myself.
 24 what they say is the folks are hiding the fish
 25 and selling them which I don't know.

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1 What about putting the regulations on them like
2 we do Speckled Trout?

3 To be a commercial fisherman, you have to
4 qualify to be a commercial fisherman.

5 Can we do that on flounders, Matt?

6 MATT HILL: We can look at doing that on any
7 commercial species, or we can strengthen the endorsement,
8 Spotted Seatrout endorsement to include flounder. That's
9 an option.

10 That is something that we can also come back
11 with several options and possibly some strengthening of
12 the current endorsement.

13 COMMISSIONER BOSARGE: Commissioner Gollott hit
14 on my point, in that you have to wonder. We talk about
15 technology, but it is. In other words, I can remember
16 floundering was a Coleman lantern and a gig. Now, it's a
17 generator with LED lights that light up. If you can't see
18 a flounder with all of that, and I think the lights now
19 have gotten too bright where they are reflecting off the
20 water and it blinds them.

21 Anyhow, my point is maybe some gear
22 restrictions. In other words, I agree with you
23 Commissioner Gollott. We both live on the water, and they
24 light up the rooms in my house when they come by. You
25 don't hear the generators first. You see the glow.

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1 COMMISSIONER GOLLOTT: Yes.

2 COMMISSIONER BOSARGE: Anyhow, just a thought.
3 Once again, technology and, if you look, it didn't just
4 happen in Mississippi. It is gulf wide. Everybody did
5 the same thing at the same time and made it a lot more
6 efficient to gig flounders.

7 MATT HILL: Yes, sir.

8 JOE JEWELL: Commissioner Bosarge.

9 COMMISSIONER BOSARGE: Yes, sir.

10 JOE JEWELL: I think Commissioner Trapani would
11 like to make a motion for the staff to come back and do
12 that presentation, and I think the way I read it with your
13 modification would be to come back to the CMR with a
14 presentation in May on proposed changes to size, bag
15 limits and possibly gear restrictions, for a Notice of
16 Intent.

17 COMMISSIONER GOLLOTT: I will second that
18 motion, if you need a second.

19 COMMISSIONER BOSARGE: Sounds good.

20 Is that okay with you, Commissioner Trapani?

21 COMMISSIONER TRAPANI: Yes.

22 COMMISSIONER BOSARGE: We have a motion and we
23 have a second.

24 Any further discussion?

25 (No response.)

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1 COMMISSIONER BOSARGE: All those in favor say
2 aye

3 (All in favor.)

4 COMMISSIONER BOSARGE: Opposed?

5 (None opposed.)

6 COMMISSIONER BOSARGE: Motion carries.

7 Thank you, Matt.

8 MATT HILL: Thank you.

9 COMMISSIONER BOSARGE: New state records.

10 JONATHAN BARR: Good afternoon. I will make
11 this quick.

12 COMMISSIONER BOSARGE: State your name for the
13 record.

14 JONATHAN BARR: Jonathan Barr.

15 Like I said, good afternoon.

16 We have three new state records up for
17 consideration this morning. They are all three
18 conventional tackle.

19 The first is a Paralichthys albigutta. It is a
20 Gulf Flounder. This is a different species from the
21 Southern Flounder we were just discussing.

22 The angler is Mr. Christopher Barlow. It is a
23 new record. It's one pound two point four ounces.

24 Now, this looks a lot like the Southern
25 Flounder. It's hard to tell because of the lighting. It

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1 has been on ice, but there are three oscillated spots on
2 this flounder that sets it apart, along with other
3 markings (indicating photograph).

4 There is Mr. Barlow with his flounder
5 (indicating photograph).

6 The next two are the first two of the youth
7 category that we passed last December.

8 This one is going to go in the all tackle and
9 the youth. This is a Slippery wrasse, Halichoeres
10 bivittatus.

11 The angler is Ms. Myles Fallo. It is six point
12 eight eight ounces. This is actually a pretty big wrasse.
13 There it is (indicating photograph).

14 There is Ms. Fallo (indicating photograph).

15 The third is a Silver Perch, Bairdiella
16 chrysoura. I think they also call them Sand Trout.

17 Its weight is two point eight ounces, and the
18 angler was Ms. Margaret Schindler (indicating
19 photographs).

20 Required is a motion to adopt these new state
21 records.

22 COMMISSIONER GOLLOTT: Mr. Chairman, I would
23 like to make a motion that we adopt these new state
24 records.

25 COMMISSIONER BOSARGE: We have a motion.

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1 Do we have a second?
 2 COMMISSIONER TRAPANI: I'll second that.
 3 COMMISSIONER BOSARGE: We have a motion and a
 4 second.
 5 All those in favor say aye.
 6 (All in favor.)
 7 COMMISSIONER BOSARGE: Opposed?
 8 (None opposed.)
 9 COMMISSIONER BOSARGE: Motion carries.
 10 Thank you, Jonathan.
 11 JONATHAN BARR: Thank you.
 12 COMMISSIONER BOSARGE: I think we are to
 13 Commissioner Gollott, Oyster Depuration Facility Update.
 14 COMMISSIONER GOLLOTT: Yes, sir. I have been
 15 pushing oyster depuration for our industry for some number
 16 of years that I have been on the Commission.
 17 For the people that don't know it, I got into
 18 depuration back in the 1980's and patented an offshore
 19 depuration system that was working pretty well. I was
 20 dredging oysters out of Pascagoula and Graveline, putting
 21 them in a cage, putting them offshore for two weeks,
 22 letting the oysters cleanse themselves, and we were able
 23 to market them and were doing pretty good.
 24 We had an unfortunate accident, and I got out of
 25 the business. The Captain drowned on the boat.

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1 This has always intrigued me. The State of
 2 Mississippi puts millions of dollars in all this pie-in-
 3 the-sky stuff.
 4 I know we've got the money available to put an
 5 onshore depuration plant in Pascagoula, or on Singing
 6 River Island which would be ideal. I understand they've
 7 got some vacant buildings there.
 8 What I would like to do is get the Commission to
 9 go along with instructing Ms. Ruth Posadas -- she is
 10 probably the foremost expert on this industry -- to come
 11 back and tell us whether it would be feasible and give us
 12 some recommendations on depuration.
 13 I got Joe Jewell to send me some information
 14 which I would like them to send the rest of the Commission
 15 the information for depuration systems, and come back next
 16 month with a recommendation.
 17 I would like to make that motion.
 18 COMMISSIONER BOSARGE: All right.
 19 JOE JEWELL: The only request I would have for
 20 modification of that motion is the Marine Fisheries staff.
 21 Ms. Posadas, I don't know what her schedule is. I don't
 22 want to speak for her.
 23 COMMISSIONER GOLLOTT: That will be fine.
 24 JOE JEWELL: we certainly can have someone
 25 address that issue.

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1 COMMISSIONER GOLLOTT: Okay.
 2 JOE JEWELL: The motion is for the Marine
 3 Fisheries staff to come back next month with a depuration
 4 facility update.
 5 COMMISSIONER BOSARGE: I guess your staff will
 6 speak to Ruth Posadas.
 7 JOE JEWELL: Absolutely. She is on vacation
 8 right now. when she gets back, we will have that
 9 conversation.
 10 COMMISSIONER BOSARGE: We have a motion.
 11 Is there a second?
 12 COMMISSIONER TRAPANI: I'll second that.
 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 say
 18 aye.
 19 (All in favor.)
 20 COMMISSIONER BOSARGE: Opposed?
 21 (None opposed.)
 22 COMMISSIONER BOSARGE: Motion carries.
 23 JOE JEWELL: That completes the Marine Fisheries
 24 portion of the agenda.
 25 COMMISSIONER BOSARGE: Mr. George Storrs, I'm

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1 about to forget about you again. This is the time you
 2 wanted to speak.
 3 Correct?
 4 GEORGE STORRS: Yes. I wanted to say something
 5 about what you were just talking about.
 6 JOE JEWELL: If you will come to the podium,
 7 please.
 8 COMMISSIONER BOSARGE: Please come to the
 9 podium.
 10 GEORGE STORRS: I'm George Storrs, commercial
 11 fisherman.
 12 what Richard just got through talking about was
 13 something and it was not pie in the sky. That was a
 14 fabulous idea and it was a workable program, and it just
 15 got slammed because of what happened.
 16 whether we do this on water, if you go ahead on
 17 and go on with this thing, I'm a fisherman. My very
 18 existence, especially with the oysters, depends on
 19 something as big as this to me, and I have been looking
 20 for years and years for somebody to do something about it,
 21 and finally Richard decided he is going to try it again.
 22 If you guys could just see fit to go ahead on
 23 and vote on this thing and get it through, it would be
 24 great.
 25 There are more oysters in prohibited areas. If

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1 you have a big circle, say that circle right there, ninety
2 percent of that circle would be prohibited areas. That's
3 where all the live oysters are (indicating slide).

4 It looks like vast areas that we fish in, but
5 we're not. We are all clogged up in one little spot here
6 and, then, we get to go over there. They send us here.
7 Sometimes we go over to the Davis Bayou area.

8 Once you desecrate an area which is already lame
9 anyway, it's not going to come back as well.

10 Back in the day, thirty-five years ago, or
11 thirty years ago, you could go anywhere you wanted to.
12 Nobody got sick. You could go anywhere you wanted to
13 catch oysters. There were plenty of oysters. There was
14 never a depletion ever anywhere because everybody was
15 scattered out.

16 Now, we have less fishermen to do it, and, then,
17 the reason is obvious that everybody piles up in one
18 place. You keep us in one place, but if you could let us
19 go into these prohibited areas.

20 Once you put a prohibited sticker on something,
21 you ain't going there. You don't even have to test it.
22 You don't have to look at it. You are just out. You can
23 see the oyster there, but you can't touch him.

24 Everywhere else we go, it is so restricted at
25 times that you can't get anything anyway, plus you are

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1 tearing the reef down because it has already been beat.

2 If we could do something about this, it's a game
3 changer for people like me. Thank you.

4 COMMISSIONER BOSARGE: Thank you, Mr. Storrs.

5 Do we have any other business?

6 (No response.)

7 COMMISSIONER BOSARGE: We have no other public
8 comments.

9 Seeing that, I'm going to ask for a motion to
10 adjourn.

11 COMMISSIONER HAVARD: I make a motion that we
12 adjourn this meeting.

13 COMMISSIONER BOSARGE: Do we have a second for
14 the motion?

15 COMMISSIONER GOLLOTT: I'll second it, Mr.
16 Chairman.

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

19 All those in favor say aye.

20 (All in favor.)

21 COMMISSIONER BOSARGE: I appreciate everybody
22 being patient with us.

23 We are adjourned.

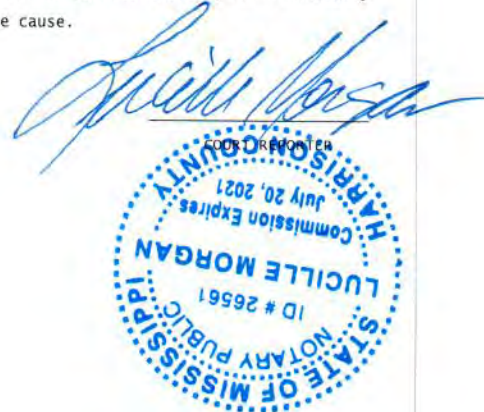
24 (whereupon, at 1:45 o'clock, p.m., the April 17,
25 2018, meeting of the Commission on Marine Resources was

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1 concluded.)

2 C E R T I F I C A T E

3
4 I, Lucille Morgan, Certified Shorthand Reporter, do
5 hereby certify that the above and foregoing is a true and
6 correct transcript of the April 17, 2018, meeting of the
7 Commission on Marine Resources, as taken by me at the time
8 and place heretofore stated in the aforementioned matter
9 in shorthand, with electronic verification, and later
10 reduced to typewritten form to the best of my skill and
11 ability; and, further, that I am not a relative, employee,
12 or agent, of any of the parties thereto, nor financially
13 interested in the cause.



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