

Commission on Marine Resources

COMMISSION ON MARINE RESOURCES
COMMISSION MEETING

Tuesday, May 29, 2018
9:00 a.m.
Bolton Building Auditorium
1141 Bayview Avenue
Biloxi, Mississippi 39530

Commission Members:

- Steve Bosarge, Chairman
- Richard Gollott
- Mark Havard
- Jolynne Trapani

Also Present:

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

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

COMMISSIONER BOSARGE: I would like to welcome everybody to our special meeting.

Hopefully we can make a little headway and try to make some decisions on this oyster relay.

We will start the meeting off with The Pledge of Allegiance, and I would like to ask Commissioner Trapani to lead us in the pledge.

(Pledge of Allegiance was recited.)

COMMISSIONER BOSARGE: At this time, we always try to ask for a moment of silence to reflect on where we are in this country and where we may need to be and especially Memorial Day, the folks that gave it all.

(Moment of silence observed.)

COMMISSIONER BOSARGE: Thank you.

Approval of the agenda.

Do we have any modifications to the agenda?

COMMISSIONER HAVARD: Mr. Chairman, I would like to make a motion that we go into closed session to determine the need to go into an executive session to discuss data exempt from the Public Records Act, Section 25-11-121, and we can do that on Item E2.

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

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

COMMISSIONER BOSARGE: We have a motion and a second to amend the agenda.

All those in favor say aye. (All in favor.)

COMMISSIONER BOSARGE: Opposed? (None opposed.)

COMMISSIONER BOSARGE: Motion carries. The agenda is amended.

Executive Director's report, Mr. Joe Spraggins.

JOE SPRAGGINS: Yes, sir.

Once again, I guess we can all be thankful that we had a wonderful weekend and not as bad as some of the people across the United States. I'm thankful it was a little better than it could have been.

If I could, real quick, Chief Davis, would you give us an update?

I know snapper season started.

Can you tell us about anything that happened during this week?

KEITH DAVIS: Yes, sir.

Since snapper season opened, we have

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

documented about a hundred and fifteen trips. Marine Patrol stopped thirty-three of those trips.

I had the opportunity to go out on Saturday and stop several boaters, and I would like to report that everybody had their Tails n' Scales number, with the exception of one. However, they did not have fish. We caught them right before they started fishing.

In fact, there was only one fish onboard, when we stopped them, and it was undersize. They got a courtesy citation and they went back in to file their Tails n' Scales number. That guy launched out of Pascagoula.

Marine Patrol was very visible this weekend, and everybody had their Tails n' Scales number.

COMMISSIONER BOSARGE: Sounds good.

Thank you, Chief.

Commissioners report.

Do we have any Commissioners who would like to say anything, or report on anything?

COMMISSIONER HAVARD: Yes, sir.

COMMISSIONER BOSARGE: Commissioner Havard.

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

Commission on Marine Resources

1 COMMISSIONER HAVARD: I would like to
2 thank the enforcement for being so visible over
3 the holiday weekend. I know several folks who
4 saw them out and about, and they were very
5 thankful to have them very visible. Thank you
6 guys.

7 COMMISSIONER BOSARGE: Good job.
8 Moving on to Office of Marine
9 Fisheries, Mr. Joe Jewell.

10 I'm sorry. I didn't see you. Mr.
11 Mike Seymour, our representative, we appreciate
12 you being here.

13 MIKE SEYMOUR: Thank you.

14 JOE JEWELL: Good morning
15 Commissioners.

16 I would also like to thank Senator
17 Seymour for attending, the Commissioners here
18 and all of the fishermen who are attending this
19 meeting.

20 As you know, we have taken up this
21 discussion on the Oyster Relay Program under the
22 Bonnet Carre Grant before. This will be about
23 the third time the Commission has considered
24 this program.

25 I want to remind the Commissioners of

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

1 hundred and thirty-three acres, the West
2 Pascagoula Reef is a hundred and eight acres,
3 for a total of three hundred and forty-one
4 acres.

5 I do want to point out to the
6 Commission, if you see this yellow line, that is
7 the line that designates the boundary between
8 the prohibited and restricted areas.

9 As you know, we have been working
10 diligently the FDA and our other partners at the
11 ISSC to restructure this line and move it to the
12 east so that it incorporates the entire Causeway
13 Oyster Reef, and we will be coming forward to
14 the Commission to make those modifications
15 shortly.

16 COMMISSIONER BOSARGE: On this relay,
17 we won't be able to go east of the yellow line.

18 Correct?

19 JOE JEWELL: We anticipate that you
20 will be able to. We think either this next
21 coming Commission meeting, or the following, we
22 will come forward with a proposal to modify
23 Title 22 Part 1 to redesignate those areas from
24 prohibited to restricted, so that entire reef
25 would be able to be available for this relay

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

1 the motions that were passed at the last
2 Commission meeting.

3 The first one was to have this meeting
4 today on the 29th.

5 The second motion was to move thirty
6 percent of the Pascagoula oysters, minus the
7 thirty-one seventy-three from last year's relay,
8 and for the staff to significantly modify the
9 options so that the Commission can consider the
10 relay program.

11 This slide is just for the Commission,
12 to remind the Commission that only the fishermen
13 that qualify under the Bonnet Carre Grant from
14 2011 will be eligible for this program.

15 Again, this slide is just to remind
16 the Commission of the resources available, how
17 we came to those numbers and, also, to remind
18 the Commission of the motion that passed, thirty
19 percent minus the thirty-one seventy-three for a
20 total of eighteen thousand eight hundred and
21 sixty-four sacks of potential harvest from the
22 Pascagoula Reefs.

23 This is a map from the previous
24 presentation that shows the area. These are
25 very small reefs. The Causeway Reef is two

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

1 program.

2 COMMISSIONER BOSARGE: All right.
3 Thank you.

4 COMMISSIONER HAVARD: Mr. Jewell,
5 would you go back to the previous map?

6 JOE JEWELL: Yes, sir.

7 It is showing, on the hundred and
8 eight acre reef, that we have nine thousand nine
9 hundred and eighty-four harvestable sacks?

10 JOE JEWELL: Correct.

11 COMMISSIONER HAVARD: Harvestable
12 oysters?

13 JOE JEWELL: Legal size oysters, and
14 on the Causeway Reef, sixteen thousand seven
15 hundred and forty-five. That is from our last
16 year's assessment. That is not the current
17 assessment which will begin shortly.

18 COMMISSIONER HAVARD: Thank you

19 JOE JEWELL: We have narrowed it down
20 to two options for the Commission. As the
21 Commission requested, they wanted the staff to
22 narrow it down.

23 Under the relay options, we have three
24 options for the Commission to consider. I'm
25 going to read those out and discuss them in

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

Commission on Marine Resources

1 general.

2 The first option is to contract with
3 the Bonnet Carre qualified fishermen to harvest
4 and deploy the material.

5 Option two would be to contract with
6 the Bonnet Carre qualified dealers/processors
7 for the purchase of relayed oysters and a
8 contractor to deploy the material.

9 Option three would be to contract with
10 a contractor to harvest and deploy the material.

11 I want to keep the argument, or
12 discussion, that we have at a pretty high level.
13 I know we got into the weeds on this, at our two
14 previous meetings, when discussing this.

15 I just want to give some pros and
16 cons.

17 If we consider option one, we could
18 potentially have some logistical problems with
19 the fishermen both harvesting and relaying.

20 It is a thirty-eight mile round trip.
21 You have different size boats and they move at
22 different speeds. They will be harvesting at
23 different rates.

24 There are all kinds of issues that the
25 Commission has considered and the staff has

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

1 considered, also.

2 Then, I want to talk about option
3 three. Now, this option is not feasible, in
4 terms of the grant, because the grant was to
5 have a relay program for the fishermen, and this
6 would just be contracted out and would employ
7 the least amount of fishermen.

8 We think it would be in our best
9 interest to consider option two. This is very
10 similar to the way we did it with the 2016
11 contract.

12 Contract with the Bonnet Carre
13 qualified processors, and, then, the processors
14 would contract with the fishermen, and, then, we
15 would have a second contract for the barge to
16 relay the material back and forth.

17 I know there are some questions.

18 COMMISSIONER BOSARGE: When we did
19 this at the last meeting, the first thing that
20 came to my mind, of course, was option one, but,
21 after giving it some thought, the fishermen were
22 affected and, also, the processors were
23 affected, and option one would shut the
24 processors out.

25 JOE JEWELL: That's correct.

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

1 COMMISSIONER BOSARGE: Option two, to
2 me, probably makes more sense, in an effort to
3 be fair to everybody, because I want to be fair
4 to everybody. I think option two would probably
5 be the best option, looking back.

6 JOE JEWELL: It will employ the most
7 amount of fishermen and they will do the same
8 amount of work for the least amount of effort,
9 in that they will harvest, and, then, they don't
10 have to relay.

11 They get forty-five dollars a sack,
12 whether they harvest and relay. This way, they
13 will only have to harvest for that.

14 They will do twice the work, under
15 option one.

16 COMMISSIONER GOLLOTT: Mr. Chairman,
17 can I say something here?

18 COMMISSIONER BOSARGE: Yes, sir.

19 COMMISSIONER GOLLOTT: Joe, is it not
20 correct that anything that was passed at the
21 last meeting can be brought up for
22 reconsideration?

23 JOE JEWELL: I believe so, but I think
24 I will ask the advice of our attorney.

25 SANDY CHESTNUT: Yes, you can make a

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

1 motion to reconsider.

2 COMMISSIONER GOLLOTT: I know this is
3 not going to make me a popular guy, but --

4 JOE JEWELL: (Interposing) Can we do
5 one thing, Commissioner Gollott, because I think
6 I know where you are going to go?

7 There is only one other slide for the
8 Commission to consider. We narrowed it down
9 pretty good.

10 COMMISSIONER GOLLOTT: There is a
11 fourth option here, and I want to make that
12 point.

13 JOE JEWELL: You want to add an option
14 to this?

15 COMMISSIONER GOLLOTT: Yes.

16 JOE JEWELL: Absolutely. If you want
17 to make that motion, sure.

18 COMMISSIONER GOLLOTT: I got a letter
19 from Bayou Caddy Fisheries proposing to move
20 these oysters, everything from Pascagoula to
21 Biloxi, for twelve dollars and fifty cents a
22 sack.

23 Now, that is everything. That's not
24 picking them, or anything like that. That's
25 just shovel in the bag like they did last year.

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

Commission on Marine Resources

1 That is a big savings right there.
 2 One of the things we probably need to
 3 consider is, if we did this savings, then, we
 4 could take the money and put it in cultch
 5 material to plant Pascagoula back a lot heavier
 6 than what it is right now.
 7 JOE JEWELL: Before you make a motion,
 8 I will say a couple of things.
 9 I agree that is a tremendous amount of
 10 savings and it absolutely would save the
 11 contract, and, then, that could be moved over
 12 into the cultch planting portion of it.
 13 It would not employ the fishermen in
 14 any way. They would not be compensated for the
 15 disaster that happened in 2011, and the point of
 16 the grant was to employ the fishermen to
 17 participate in relays.
 18 COMMISSIONER GOLLOTT: Well, didn't we
 19 spent a million dollars moving oysters last
 20 year, or year before last, because of the Bonnet
 21 Carre Spillway?
 22 JOE JEWELL: That's correct, we did.
 23 COMMISSIONER GOLLOTT: Then, they got
 24 to go catch the oysters. Their benefit is
 25 catching the oysters. That's what they do the

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

1 best is catch the oysters and sell them, rather
 2 than relaying.
 3 Again, this same party has brought up
 4 another point. He would move them to the west
 5 Sound, the west end of the Sound for fifteen
 6 dollars a sack.
 7 You could move some of them for
 8 tonging in Biloxi Bay and you could move some of
 9 them maybe for dredging in the western Sound.
 10 That would help both dredgers and tongers in the
 11 catching.
 12 We are only looking at a few months
 13 before this product would be harvested. What
 14 you would be doing is just putting it off.
 15 I mean, you are not going to move that
 16 many sacks at forty-five dollars a sack, and it
 17 would help the fishermen more to move the
 18 oysters and put them down there and let them
 19 catch more oysters in, say, October.
 20 JOE JEWELL: Again, a couple of
 21 considerations, if the Commission is going to
 22 move in that direction.
 23 That option is like option three,
 24 similar to option three. It employs the least
 25 amount of fishermen.

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

1 This job had a little over two million
 2 dollars, and we did use around a million dollars
 3 for the St. Joe relay, and this will be a little
 4 under a million dollars, and our intention was
 5 anything left over to roll that into cultch
 6 planting.
 7 I think there is going to be some
 8 logistical budgeting, and I think our legal
 9 would like to weigh in.
 10 SANDY CHESTNUT: Another thing to
 11 consider is, when you are using one company,
 12 that is going to have to go out on bid. It may,
 13 or may not, end up to be this company and that
 14 price. It would have to go through the
 15 competitive bid process.
 16 COMMISSIONER GOLLOTT: It could only
 17 be cheaper because he is bidding on this and I'm
 18 sure he is not going to go up.
 19 I know that is not making me popular,
 20 but that is the most economically feasible way
 21 to revitalize these reefs.
 22 What, in this grant, said that we have
 23 to help the fishermen?
 24 Why don't we just give them the money
 25 and forget the relaying?

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

1 JOE JEWELL: Well, the language in the
 2 grant was to employ the fishermen to participate
 3 in the relay.
 4 COMMISSIONER GOLLOTT: Can you read it
 5 to us, Sandy?
 6 SANDY CHESTNUT: I don't have a copy
 7 of the grant with me. Joe is very familiar with
 8 the grant.
 9 JOE JEWELL: It is the same language
 10 that we used under the 2016 relay from St. Joe.
 11 It's the same language.
 12 COMMISSIONER BOSARGE: Mr. Joe would
 13 like to say something.
 14 JOE SPRAGGINS: Just a couple of
 15 things, sir.
 16 Once again, if you go into that single
 17 contract, like Sandy said, it would have to go
 18 to reverse auction which takes about three
 19 months, or more, to be able to do it.
 20 I think we might get ourselves into
 21 the situation that we could not get it done
 22 between now and the time that you are looking
 23 at.
 24 I think y'all wanted to deploy in
 25 August, or somewhere in that time frame.

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

1 Is that correct, Joe?

2 JOE JEWELL: Well, the Commission has
3 made their intention known that it is August, or
4 September.

5 I do just want to point out that when
6 we get into that time frame, the fishermen are
7 still shrimping during that time, so it would be
8 difficult for them to participate in the program
9 and shrimp. That is one consideration that the
10 Commission has to think about.

11 COMMISSIONER GOLLOTT: Another
12 consideration is the liability in this thing. I
13 think that is the reason we are going into
14 executive session is to discuss that.

15 JOE JEWELL: Well, the Commission can
16 choose to do that, but the way we have
17 structured the presentation, we are trying to
18 move around this issue. We are trying not to
19 discuss those.

20 We really prefer all the details of
21 the structuring of the contract, or the program,
22 to be left up to the staff.

23 When we talk about the previous relay
24 program, that was all under a grant very similar
25 to this. The staff developed and implemented

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

1 all of those.

2 The commission, in this particular
3 one, has weighed in and wanted to make certain
4 decisions about the programmatic issues. That's
5 what makes this different from any other one.
6 Now, typically, we just do it all.

7 What we would ask is to consider these
8 two options, and, then, let us deal with the
9 details like we normally would in a contract.

10 COMMISSIONER BOSARGE: As much as I
11 appreciate Commissioner Gollott trying to save
12 money and spend money in the right direction,
13 this all began with the Bonnet Carre Spillway
14 disaster and trying to make sure that those that
15 were most affected by the disaster are
16 compensated through this grant and, at the same
17 time, trying to get the most value we could out
18 of our buck by taking those fishermen and using
19 those fishermen to move oysters to try to help
20 restore some of our reefs.

21 I don't think that really is the way
22 we need to go, just hiring one fisherman, one
23 processor, contractor to move the oysters.

24 I would rather see the whole industry
25 involved in this and use that money the way, in

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

1 my opinion, it was intended to be used.

2 One other thing, I would like to
3 recognize Senator Tommy Gollott. We appreciate
4 you being here, sir.

5 TOMMY GOLLOTT: Thank you.

6 JOE JEWELL: I do want to point out
7 that Commissioner Gollott does bring up an
8 issue. This program is for only those people
9 that are eligible under the 2011 Bonnet Carre
10 Disaster Grant.

11 I know there are going to be a lot of
12 fishermen that did not have licenses, or were
13 not eligible in the program, that are going to
14 be disappointed, but, like the previous program
15 that was implemented, they have to be eligible,
16 and the eligibility requirements are they have
17 to have had a license in 2010-2011 and one of
18 the previous years, and that is what makes them
19 eligible.

20 A lot of fishermen will qualify.
21 There is a total of a hundred and fifty-five. A
22 hundred and thirty-three dredgers and twenty-two
23 tongers, but not every fishermen will be
24 qualified. They have to have had a license and
25 participated in the industry during the time of

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

1 the disaster grant.

2 COMMISSIONER TRAPANI: I have a
3 question.

4 JOE JEWELL: Sure.

5 COMMISSIONER TRAPANI: Going back to
6 the slide that has the volume estimates, we are
7 looking at eighteen thousand eight hundred and
8 sixty-four sacks. That would be the thirty
9 percent.

10 Right?

11 JOE JEWELL: The thirty percent minus
12 the thirty-one seventy-three, correct.

13 COMMISSIONER TRAPANI: I just want to
14 clarify, with all of that being said, pure
15 number wise -- because I think this needs to be
16 brought up.

17 If someone is willing to do that, we
18 are looking at two hundred and thirty-five
19 thousand dollars to relay those oysters, and we
20 are going to spend seven hundred and fifty
21 thousand.

22 That is one fourth of what it would
23 cost, and the fishermen still get the benefit of
24 going and catching the oysters, and, then, you
25 would have another seven hundred and fifty

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

Commission on Marine Resources

1 thousand dollars left to go cultch plant because
2 you have this budget.

3 I just can't see throwing away almost
4 -- we have a million dollars left and we could
5 do it for two hundred and thirty-five thousand
6 dollars, and we are going to pay seven hundred
7 and fifty thousand dollars.

8 JOE JEWELL: Well, it will be a little
9 more than that because we are going to employ a
10 barge to relay.

11 COMMISSIONER TRAPANI: Is that
12 including the transport?

13 That is everything?

14 JOE JEWELL: No. The barge is an
15 additional cost. It will be a second contract.

16 COMMISSIONER TRAPANI: How much is
17 that?

18 JOE JEWELL: We don't anticipate more
19 than a hundred thousand dollars.

20 COMMISSIONER TRAPANI: Y'all are at
21 eight hundred and fifty thousand dollars versus
22 two hundred and thirty-five thousand.

23 JOE JEWELL: If you choose option two,
24 it is the option that provides the most savings.

25 COMMISSIONER BOSARGE: One other thing

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

1 that maybe you didn't follow us, that is twelve
2 dollars and fifty cents a sacks for material.

3 JOE JEWELL: That's correct.

4 COMMISSIONER BOSARGE: What we are
5 going to harvest is oysters.

6 COMMISSIONER TRAPANI: I think we need
7 the material. We need everything. You have got
8 to move everything on that reef. That seeds the
9 reef. That gives you substrate. You need
10 material and oysters to relay.

11 JOE JEWELL: What we had discussed at
12 the previous Commission meetings and the way
13 that we came up with that eighteen thousand is a
14 volumetric data set that included all the shell
15 that had oysters on it, not just the legal size
16 oysters. If it has a spat on it, then, it would
17 be acceptable under this program.

18 Any oyster that is harvested is
19 acceptable, not just the legal size oysters.

20 Now, they can't take the reef, the
21 grit material, the blank shells and things like
22 that.

23 COMMISSIONER TRAPANI: I just think
24 everybody needs to look at those numbers
25 because, when you vote on something and you

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

1 spend money, you have got to be responsible for
2 the money you spend.

3 Now, we would have that budget left
4 over to cultch plant, if we chose the one that
5 costs less, and the fishermen would get the
6 benefit from that because we need to cultch
7 plant more.

8 We would have seven hundred and fifty
9 thousand dollars left to cultch plant, or we are
10 going to use it all on one relay.

11 JOE JEWELL: When I multiply eighteen
12 thousand eight hundred and sixty-four times
13 forty-five dollars which is what we discussed --

14 COMMISSIONER TRAPANI: (Interposing)
15 And that is with transport.

16 Right?

17 JOE JEWELL: That is not with the
18 transport.

19 COMMISSIONER TRAPANI: Now, we are at
20 fifty dollars a sack. Let's just say.

21 JOE JEWELL: That is a little over
22 eight hundred thousand.

23 COMMISSIONER TRAPANI: Right, and,
24 then, we have somebody offering to do this same
25 job for two hundred and thirty-five thousand

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

1 dollars.

2 JOE JEWELL: That's correct.

3 COMMISSIONER TRAPANI: You can still
4 take the remainder of the money and cultch plant
5 and the fishermen, they have a bigger win. We
6 need shells out there.

7 JOE JEWELL: Well, the only issue with
8 that is that --

9 COMMISSIONER TRAPANI: (Interposing)
10 We still have that money.

11 JOE JEWELL: That's correct.

12 COMMISSIONER TRAPANI: We don't have
13 to use it just for relay.

14 COMMISSIONER TRAPANI: The statements
15 that you are making are correct. Whatever is
16 residual, left over in that job can be rolled
17 over into the cultch planting, but, again, the
18 issue is that it does not employ the fishermen.

19 COMMISSIONER TRAPANI: I understand
20 that, Mr. Jewell, but, at the same time, when
21 you look at the numbers, a child can look at
22 those numbers and see which one is the better
23 one.

24 You still have seven hundred and fifty
25 thousand dollars left to cultch plant and it

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

Commission on Marine Resources

1 does help the fishermen.

2 The fishermen are asking us to go back
3 there and plant the reefs and turn them, and
4 that gives you more of a budget. That is just a
5 point I wanted to make.

6 JOE JEWELL: Sure.

7 COMMISSIONER TRAPANI: Secondly, we
8 have the point -- and I guess that's why we are
9 going into executive session -- are these
10 fishermen insured.

11 JOE JEWELL: The reason why we are
12 suggesting option two, that resolves that issue
13 because the dealers and processors would have to
14 employ the fishermen.

15 COMMISSIONER TRAPANI: They are
16 insured?

17 JOE JEWELL: That's correct, and that
18 is the way they did it before.

19 COMMISSIONER GOLLOTT: Let me ask you
20 a question.

21 If you are saving seven hundred and
22 fifty thousand dollars, couldn't you get
23 material to go back into Pascagoula, this much
24 material, and, then, the third year down the
25 road we would have more oysters to relay out of

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

1 Pascagoula?

2 JOE JEWELL: Like I said, the seven
3 hundred thousand dollars potential savings, or
4 somewhere around there, we absolutely can
5 petition the grantee, the grant to move that
6 over into the other job for cultch planting.

7 Now, they typically have done that.
8 That hasn't been an issue, but I do want to
9 point out to the Commission they may not. In
10 most instances, they have. Any request that we
11 have had to move funds like that, they certainly
12 have been obligatory and allowed us to do that.

13 COMMISSIONER GOLLOTT: To me, we would
14 be looking down the road another two, or three,
15 years. If we planted that area, we would have a
16 lot more oysters to relay in a couple of years.
17 We would be looking at the future and not just
18 for today.

19 JOE JEWELL: Sure, but keep in mind
20 part of the intent of the Bonnet Carre Grant was
21 to keep the fishermen employed and keep them in
22 the industry.

23 Everything that Commissioner Trapani
24 and Commissioner Gollott are saying is
25 absolutely true. It would be a cost savings and

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

1 it can roll over into the other savings.

2 COMMISSIONER BOSARGE: There are a lot
3 of ifs involved in if we do this. Right now, by
4 doing the relay, it takes the ifs out. It puts
5 money in those fishermen's pockets.

6 There is no guarantee if we cultch
7 plant, or we do whatever, that that is going to
8 make it, that it is going to survive and it is
9 going to be money in their pockets later on.

10 This total of eleven million dollars
11 that is the Bonnet Carre Spillway money, of
12 that, so far we have done one relay to the west.
13 Correct?

14 JOE JEWELL: Correct.

15 COMMISSIONER BOSARGE: And we spent
16 what, Joe?

17 JOE JEWELL: It was a little over a
18 million dollars.

19 COMMISSIONER BOSARGE: A little over a
20 million dollars?

21 JOE JEWELL: And we have about a
22 million dollars remaining.

23 Now, remember this job duty is
24 specific for relaying.

25 There are other job duties in the

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

1 grant for cultch planting.

2 We are talking about two separate
3 ones, but we do have the capability of --

4 COMMISSIONER GOLLOTT: (Interposing)
5 How much money is left?

6 JOE JEWELL: A little over a million
7 dollars.

8 COMMISSIONER GOLLOTT: And that's it.
9 It will be all over with?

10 JOE JEWELL: Yes.

11 COMMISSIONER GOLLOTT: Does the grant
12 actually say we are to help the fishermen with
13 this money?

14 JOE JEWELL: It is a very specific job
15 -- well, there are actually five separate jobs
16 in the grant. There is the stewardship program
17 and several other ones. One is a relay program
18 and one is a cultch planting program, and they
19 are very specific.

20 COMMISSIONER HAVARD: Joe, since we
21 are talking about real numbers, this eighteen
22 thousand eight hundred and sixty-four sacks of
23 material, what percentage of those sacks will be
24 mature oysters?

25 JOE JEWELL: Legal size oysters?

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

Commission on Marine Resources

1 COMMISSIONER HAVARD: Yes.

2 JOE JEWELL: I'm not aware of that.

3 COMMISSIONER HAVARD: Fifty percent?

4 JOE JEWELL: About half of that,

5 correct.

6 COMMISSIONER HAVARD: What we have is

7 a hundred and eight acres with nine thousand

8 nine hundred and eighty-four sacks on it. We

9 are going to take half of the eighteen thousand.

10 We are going to take a hundred percent

11 of the harvestable oysters from Pascagoula, just

12 based off of taking thirty percent?

13 JOE JEWELL: There is the potential

14 for that. It depends on which reef they get on.

15 COMMISSIONER HAVARD: Since we are

16 talking about raw numbers, that is what it

17 shows. We are taking a hundred percent of the

18 legal harvestable oysters off the reef in

19 Pascagoula, off the reef that is open for

20 harvesting at this point.

21 JOE JEWELL: Like I said, there is the

22 potential for that. The fishermen are not going

23 to be culling the oysters.

24 When they dredge up, or they tong up,

25 what they are going to do is any shell that has

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

1 an oyster on it is going to be eligible for the

2 relay.

3 There will be a lot of sublegal

4 oysters that will be in that sack. It won't be

5 a hundred percent legal size oysters. They are

6 not culling to legal. They are just providing

7 the oysters that are available on the shell.

8 There is going to be a lot more in the

9 sack. We estimate about a fifty-fifty split

10 between legal and all the rest of the size

11 oysters.

12 COMMISSIONER GOLLOTT: Wouldn't that

13 give you more incentive to save some of this

14 money and go back with a cultch planting in

15 Pascagoula so, in two years, you would have

16 another round of oysters that would be ready for

17 relaying?

18 JOE JEWELL: I think that is covered

19 under option three. If the Commission votes on

20 that and approves that, then, that is the

21 decision of the Commission.

22 COMMISSIONER GOLLOTT: Which option?

23 JOE JEWELL: I think that is option

24 three, contract with a contractor to harvest and

25 deploy the material.

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

1 What we would have to do, as Director

2 Spraggins pointed out, we would have to go out

3 for a bid, or a reverse bid option to employ a

4 contractor to both of those things.

5 COMMISSIONER GOLLOTT: Is that

6 correct, Sandy?

7 SANDY CHESTNUT: That's correct.

8 JOE JEWELL: I keep turning around

9 here looking to see if Kacey is here because I

10 know they have some issues when you only get one

11 bid. There is an issue with that. I don't

12 quite know what that is.

13 JOE SPRAGGINS: I can tell you one bid

14 won't go because they won't pass it in Jackson.

15 You would have to go back and rebid it again, or

16 through some way where it is a sole source only

17 because that's what we have had the last few

18 times.

19 JOE JEWELL: Thank you, Director

20 Spraggins.

21 COMMISSIONER GOLLOTT: I think the

22 last time we did this, we were able to get three

23 bids together.

24 JOE JEWELL: I just wanted to point

25 that out.

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

1 COMMISSIONER GOLLOTT: Just because

2 this guy said he would do it for that doesn't

3 mean -- there might be somebody to do it

4 cheaper.

5 JOE JEWELL: Sure.

6 These are the options. I think we

7 prefer option two. It does employ the fishermen

8 and it does give them the opportunity to

9 recover. Like I said, it will be limited to

10 just those eligible fishermen.

11 The Commission certainly can choose

12 option three, if they choose.

13 COMMISSIONER BOSARGE: I tell you

14 what, Joe, at this time, before we make any

15 motions, would it be all right with you if we

16 listen to some public comment?

17 JOE JEWELL: Absolutely.

18 COMMISSIONER BOSARGE: We will start

19 with Mr. John Livings.

20 John, state your name and we will give

21 you three minutes, even though last time I think

22 I took a bunch of your time.

23 JOHN LIVINGS: That's fine. My name

24 is John Livings. I'm a fishermen.

25 I know we are going back and forth

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

1 about the money, but, if it wasn't for the
2 fishermen in the disaster, there would be no
3 money anyway. Keep that in mind, too.

4 Out of the eleven and a half million
5 dollars, only one million dollars so far has
6 gone towards putting fishermen to work, and only
7 probably fifty percent of the fishermen actually
8 got to work because the smaller boats, you can't
9 tong on St. Joe. Only the dredge boats got to
10 dredge. All the tengers got left out.

11 This part of the program for
12 Pascagoula was supposed to be for the smaller
13 boats that couldn't work so they could get their
14 part in, too.

15 Sooner or later, it has got to help
16 the fishermen.

17 I understand that there are people
18 that want to do all the relay and all the cultch
19 planting.

20 When are we going to quit giving the
21 millionaires the money and let the fishermen do
22 some of the work for our resources?

23 COMMISSIONER BOSARGE: If I recall
24 correctly, it was the fishermen that actually
25 had to fill out all of your trip tickets and you

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

1 had to do the paperwork for us to qualify for
2 the disaster grant.

3 JOHN LIVINGS: Yes. If it
4 wasn't for the fishermen, there wouldn't be any
5 money to even argue about anyway.

6 I don't understand where the argument
7 is, trying to cut the fishermen out. That makes
8 no sense. I don't get it.

9 Yes, one man definitely wants to do
10 it. He wants all the money. He doesn't want to
11 share it with anyone.

12 If we are not going to take care of
13 the fishermen, I just don't understand it.

14 That's pretty much all I had to say.

15 COMMISSIONER BOSARGE: Thank you,
16 John.

17 JOHN LIVINGS: Thank you.

18 COMMISSIONER BOSARGE: Mr. Drew
19 Livings.

20 DREW LIVINGS: My name is Drew
21 Livings.

22 How are y'all doing today?

23 COMMISSIONER BOSARGE: Pretty good.

24 DREW LIVINGS: The money was allocated
25 for the fishermen to compensate for loss of

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

1 wages that we had during the Bonnet Carre
2 Spillway opening.

3 The commercial people who buy oysters,
4 they have their own income through their private
5 leases and other things, so they didn't lose as
6 much as we did.

7 Also, when it comes to the liability
8 of the fishermen, all we need to do is have a
9 paper filled out where we will gladly sign
10 releasing liability to all of the State, and the
11 State would not be responsible for anything that
12 happens.

13 That would take care of that
14 situation, I believe, because fishermen need the
15 work and we need the money that was allocated
16 for us.

17 That's what it was for. It was for
18 our fishermen to be compensated for loss of
19 wages.

20 It just seems like they are trying to
21 cut us out, now, and, like John said, if it
22 wasn't for us, there wouldn't be any money.

23 That is pretty much what I've got to
24 say.

25 The liability deal, that can be worked

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

1 around by legal paperwork drawn up and signed
2 releasing the State of any situation that may
3 occur.

4 COMMISSIONER BOSARGE: Thank you,
5 Drew.

6 DREW LIVINGS: Thank you.

7 COMMISSIONER BOSARGE: Mr. Edward
8 Groves.

9 EDDIE GROVES: My name is Eddie
10 Groves.

11 We lost our living in 2010 and 2011
12 because of the spillway opening, and we were
13 never compensated.

14 It has never come back. The reefs are
15 still poor. You can't even hardly make a living
16 on them anymore.

17 Even the oysters that y'all put out
18 there, they are going to be so scattered that
19 they are not going to be very much to us.

20 There is nothing to do, unless oyster
21 shells are put back on the reefs.

22 We lost our living back then, and most
23 of us have not oystered since then because of
24 it. The reefs are all torn up, and we are just
25 not able to make a living with it.

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

Commission on Marine Resources

1 The contractor should be the fishermen
2 doing all the work. They are the ones that lost
3 all their income.

4 The dealers and all that, they have
5 still got other income from other states and
6 they never slowed down. They haven't lost
7 anything.

8 That's what I've got to say.

9 COMMISSIONER BOSARGE: Thank you,
10 Edward.

11 EDDIE GROVES: Thank you.

12 COMMISSIONER BOSARGE: Mr. Ryan
13 Bradley.

14 RYAN BRADLEY: Ryan Bradley. I'm the
15 Executive Director of the Mississippi Commercial
16 Fisheries United.

17 Good morning Commissioners, General,
18 Ms. Chestnut.

19 I'm not surprised to hear anyone cut
20 the fishermen out of this work. It's the same
21 song and tune every time opportunity comes
22 about.

23 One thing I want to reiterate here is
24 that it is more than just employing these
25 fishermen.

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

1 These fishermen are major contributors
2 to the local economy. They are purchasing big
3 quantities of fuel, ice, groceries, employing a
4 number of people and they are paying stall rent.

5 When I sit down with the Mayor of Pass
6 Christian, he is deeply concerned about his
7 harbor and how he is going to keep that harbor
8 afloat. These fishermen are the ones that keep
9 it afloat, when they pay that stall rent.

10 If we don't take care of these
11 fishermen and we put them out of business
12 because we are not looking after them, these
13 cities suffer, as well.

14 I think that is a key consideration
15 that we need to consider here today.

16 One thing I want to read into the
17 record is Mississippi Code 25-4-101 through 25-
18 4-119. It involves conflict of interest on the
19 Commission, and it pretty much says:

20 No public servant shall use his
21 official position to obtain a cursory benefit
22 for himself, or his family member, or any
23 business he has an interest in.

24 I'm not sure that applies here today,
25 but I just want to put that on the record.

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

1 COMMISSIONER BOSARGE: Let's don't go
2 there, Mr. Bradley.

3 RYAN BRADLEY: I don't have anything
4 against Bayou Caddy Fisheries. Actually, I like
5 them, but I think there is a greater good to be
6 served here by putting these fishermen to work.

7 Once again, the money that we received
8 from the Bonnet Carre damages was because the
9 fishermen could prove the lost revenue because
10 they did the work, they reported the loss in
11 income, and we essentially stole that money from
12 them.

13 I remember when y'all came out with
14 this, y'all were on the news and y'all were
15 trying to get that money. We are going to put
16 the fishermen to work. We are going to do this
17 for the fishermen.

18 When it came down to it, it was stolen
19 from us, and that is pretty much what happened.

20 Do what you are going to do. We know
21 what you want to do here today.

22 I wish y'all the best. Thank you very
23 much.

24 COMMISSIONER BOSARGE: Thank you,
25 Ryan.

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

1 Ms. Thao Vu.

2 THAO VU: Good morning General,
3 Commissioners, Ms. Chestnut.

4 My name is Thao Vu. I'm the Director
5 of the Mississippi Coalition for Vietnamese-
6 American Fisher Folks and Families.

7 It is beyond words what this board is
8 actually considering. How egregious that we are
9 actually considering taking work that rightly
10 belongs to our fishermen.

11 I want to reiterate. I have actually
12 read a copy of the Bonnet Carre Spillway Grant.
13 There are specific jobs. One is a relay. One
14 is cultch planting. One is bagless dredging.

15 We all have proper roles. The
16 fishermen's role is to let them do the work
17 because they have the traditional ecological
18 knowledge of the waters, of the oysters and the
19 reefs. That is their role.

20 Let them do all the work that they
21 should be doing. Let them.

22 Processors have a different role.
23 They process seafood.

24 Let's remember everyone's proper role
25 here. The fishermen should be doing this work.

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

1 They know and care more about our reefs than
 2 anyone, than anyone.
 3 why?
 4 It's their livelihood that is at stake
 5 here. It's their way of life and tradition and
 6 culture.
 7 It's not just a paycheck. There is so
 8 much at stake here.
 9 I don't think anyone in this agency
 10 realizes how much is at stake. No one knows
 11 what has happened, how our fishing communities
 12 have been eroded and diminished year-by-year.
 13 They need to do this, and another
 14 thing is why aren't oyster shells being put back
 15 on our reefs?
 16 These processors who have access to
 17 these shells, they should be legally mandated to
 18 put the shells back.
 19 We have not seen scientific evidence
 20 that cultch planting has worked.
 21 There are several funds for cultch
 22 planting. We shouldn't even think about using
 23 any of this money for cultch planting activities
 24 when, in the Bonnet Carre Spillway Grant, you
 25 have designated funds strictly for cultch

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

1 planting, and you have future funds and other
 2 funds for cultch planting.
 3 On top of that, where has it produced
 4 any oysters for us, all of these cultch planting
 5 projects?
 6 It could all be from the ph. We have
 7 had enough stressors on our reefs already, from
 8 BP to the Bonnet Carre Spillway.
 9 Placing cultch material could be
 10 making it worse.
 11 Is there any scientific research being
 12 done on this, on the feasibility of cultch
 13 planting versus putting oyster shells back
 14 versus bagless dredging?
 15 That is what we need. We need a good
 16 thorough project to compare, a feasibility
 17 study, demonstration project to see which is
 18 more outcome oriented.
 19 At the end of the day, our fishermen
 20 need to be hired to do this work. They know the
 21 waters. They know the fisheries more than
 22 anyone, and they care more than anyone.
 23 Thank you.
 24 COMMISSIONER BOSARGE: Thank you,
 25 Thao.

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

1 Mr. George Storrs.
 2 GEORGE STORRS: I will withdraw my
 3 request at this time. They covered just about
 4 all of it.
 5 COMMISSIONER BOSARGE: All right.
 6 Thank you, George.
 7 Those are all who requested to speak.
 8 COMMISSIONER GOLLOTT: Can I say
 9 something, Mr. Chairman.
 10 COMMISSIONER BOSARGE: Yes, sir.
 11 COMMISSIONER GOLLOTT: First of all,
 12 someone has eluded that there is a conflict of
 13 interest.
 14 I know there have been stories about
 15 me being kin to Mike Cure. Believe me, I'm no
 16 kin to Mike Cure.
 17 One of my distant cousins married his
 18 sister, but that doesn't make me and Mike kin.
 19 I really don't care what fishermen
 20 move these oysters, but I want them moved at a
 21 decent price.
 22 Forty-five dollars a sack is
 23 ridiculous to pay to relay these oysters. Maybe
 24 we can come to some kind of agreement there on a
 25 lesser price than forty-five dollars, or forty

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

1 dollars, a sack.
 2 Other than that, I would like to know
 3 exactly what this contract says. One part of it
 4 is for relaying oysters.
 5 Well, Mike Cure is a fishermen. There
 6 are other fishermen at Bayou Caddy that have the
 7 reefs and same boats that Mike Cure has. If we
 8 don't do this with our local fishermen, there is
 9 no guarantee that Mike Cure is going to get
 10 awarded this bid.
 11 Like I said, I would like to hear the
 12 full story before I vote on anything, exactly
 13 what it is going to cost us.
 14 JOE JEWELL: Well, I think we have
 15 those options here.
 16 I want to comment on a couple of
 17 things. There are two different jobs, in the
 18 Bonnet Carre Grant.
 19 One job is for a relay which we have
 20 talked about. It's a little over two million
 21 dollars, and we have expended about half of
 22 that, so there is about a million left.
 23 Two, there is a job for cultch
 24 planting. There is a little over three million
 25 dollars in that and, as you know, we started

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

1 last year cultch planting, and, then, this year
2 we had a six hundred thousand dollar cultch
3 plant.

4 We do have a contract out right now
5 that is exclusively for shell.

6 We have listened to the fishermen, and
7 we are planting not only limestone, but we are
8 going to try and plant some shell and concrete,
9 if possible, in the future.

10 Of that three million dollars, we are
11 just over halfway through that.

12 I just wanted the Commission to
13 understand there are two different jobs and they
14 have two different functions.

15 How we move it doesn't change the
16 amount of sacks available at Pascagoula. It's
17 eighteen thousand eight hundred and sixty-four.

18 COMMISSIONER TRAPANI: I have a
19 question.

20 To compare our last relay, how much
21 did we pay for a sack in 2014?

22 JOE SPRAGGINS: It was twenty-two
23 dollars a sack, and two dollars went to the
24 processors.

25 JOE JEWELL: That's correct. It was

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

1 twenty dollars for the fishermen, and two
2 dollars to the processors.

3 COMMISSIONER TRAPANI: I want the
4 fishermen to get what they want.

5 More than y'all think, I fight for
6 y'all all the time.

7 We also have to be financially
8 responsible. In 2014, we spent twenty-two
9 dollars a sack.

10 Where did we go from twenty-two
11 dollars a sack to forty-five dollars a sack?

12 This is outrageous that we would go
13 that much more.

14 JOE JEWELL: The difference,
15 Commissioner Trapani, is that the market value
16 changed over those two, or three, years.

17 Last year, the fishermen were paid
18 anywhere between forty and sixty dollars a sack.
19 It varied throughout the year, depending on
20 demand.

21 COMMISSIONER TRAPANI: You are saying
22 that a sack of oysters, from 2014 to 2018, has
23 gone up that much?

24 JOE JEWELL: Yes. Absolutely.

25 COMMISSIONER TRAPANI: I'm not trying

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

1 to be ugly. I buy them for a restaurant. That
2 is double the amount. I would know if it went
3 up double because I promise you my menu would
4 get changed. It has not gone up double.

5 We are here to do two things. We are
6 here to make a decision to help the fishermen.
7 This is the money that was supposed to help
8 them.

9 We also cannot make careless decisions
10 that are not financially responsible.

11 JOE JEWELL: I can say where we got
12 the figures. We polled the dealers and
13 processors that were purchasing the sacks,
14 during 2017, and the price varied throughout the
15 season. It was anywhere between forty and sixty
16 dollars, what they were buying directly from the
17 fishermen.

18 COMMISSIONER TRAPANI: Well, I don't
19 see that on the market. If that is what
20 happened, evidently we are getting a good deal
21 on oysters, but I call around every week. I
22 literally call three different places every week
23 and price them. I'm listening to you, but I'm
24 telling you I buy them so I know.

25 JOE JEWELL: Overall in the Gulf, the

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

1 production of oysters is down. When you have a
2 demand for a product and the product is limited,
3 the price does go up.

4 COMMISSIONER GOLLOTT: Joe, we are
5 also talking about a polished oyster in a sack.

6 Here, you're not. You're talking
7 about roughly a shovel in a bag.

8 That is two different animals right
9 there.

10 JOE JEWELL: That's correct.

11 COMMISSIONER GOLLOTT: I wouldn't be
12 as opposed to this thing if it wouldn't be so
13 far out of kilter.

14 COMMISSIONER BOSARGE: We are going to
15 have this discussion further down the line on
16 the proposal.

17 Right now we need to decide on option
18 one, two, or three.

19 COMMISSIONER TRAPANI: I have one more
20 question I would like to ask Sandy.

21 COMMISSIONER BOSARGE: Sure.

22 COMMISSIONER TRAPANI: I just want to
23 clarify. I think that I'm right. I know that
24 we said if we do option two, we take the
25 insurance out of it.

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

Commission on Marine Resources

1 Is there a legal way that you actually
2 can say that a fisherman, if they sign
3 something, that they will be responsible, or can
4 that never happen?

5 SANDY CHESTNUT: That would constitute
6 legal advice that I would be giving to the
7 department, and that is something that we would
8 need to go into executive session to discuss.

9 COMMISSIONER TRAPANI: I think that is
10 part of it, that we have to go into executive
11 session to discuss that, but we should not be
12 voting on something that we don't have all the
13 answers to yet. That's my opinion.

14 We are about to go into executive
15 session, and we are going to vote on something
16 that we don't have the answers to. I can't do
17 that yet.

18 COMMISSIONER GOLLOTT: I agree with
19 Commissioner Trapani on this. We need to see
20 the whole picture, before we vote on anything.

21 COMMISSIONER BOSARGE: All right.

22 JOE JEWELL: Since the next slide, or
23 the next option for the Commission was
24 contingent on what is voted on in this slide, I
25 think you would need a motion to go into

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

1 DOUG WALKER: Mr. Chairman?

2 COMMISSIONER BOSARGE: Yes, sir.

3 DOUG WALKER: Could I indulge the
4 board for just a moment?

5 COMMISSIONER BOSARGE: Yes, sir.

6 DOUG WALKER: I would like to ask what
7 is the specific reason for going into executive
8 session?

9 I hear a very general reason, but I do
10 not hear a specific reason.

11 SANDY CHESTNUT: The specific reason
12 would be perspective litigation.

13 DOUG WALKER: Perspective litigation?

14 SANDY CHESTNUT: Perspective
15 litigation. Exemption from the Public Records
16 Act.

17 COMMISSIONER BOSARGE: Does that
18 answer your question, sir?

19 DOUG WALKER: Yes.

20 COMMISSIONER BOSARGE: We will be in
21 recess.

22 MEETING STANDS IN RECESS

23 COMMISSIONER BOSARGE: I would like to
24 call the meeting back to order. I want to thank
25 everybody for hanging in there with us.

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

1 executive session.

2 COMMISSIONER BOSARGE: We have already
3 modified the agenda.

4 Do I have a motion?

5 COMMISSIONER HAVARD: Mr. Chairman, I
6 would like to make a motion that we go into
7 closed session.

8 COMMISSIONER BOSARGE: So that we can
9 go into executive session?

10 COMMISSIONER HAVARD: So that we can
11 go into executive session.

12 COMMISSIONER BOSARGE: We have a
13 motion.

14 Do we have a second?

15 COMMISSIONER GOLLOTT: I'll second
16 that.

17 COMMISSIONER BOSARGE: Any further
18 discussion?

19 (No response.)

20 COMMISSIONER BOSARGE: All those in
21 favor say aye.

22 (All in favor.)

23 COMMISSIONER BOSARGE: Opposed?

24 (None opposed.)

25 COMMISSIONER BOSARGE: Motion carries.

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

1 Ms. Chestnut, would you give everybody
2 an update on our closed session?

3 SANDY CHESTNUT: Yes, sir.

4 At 10:00 o'clock, Commission Havard
5 made a motion to go into closed session to
6 discuss the need for executive session to
7 discuss the perspective litigation from the
8 options presented for the Oyster Relay Program.
9 That motion was seconded by Commissioner
10 Gollott.

11 At 10:07, Commissioner Gollott made a
12 motion to go into executive session to discuss
13 the same issue. That motion was seconded by
14 Commissioner Havard.

15 Commissioners present were Steve
16 Bosarge, Richard Gollott, Mark Havard, Jolynne
17 Trapani, legal counsel Sandy Chestnut, Executive
18 Director Joe Spraggins, Marine Fisheries Office
19 Director Joe Jewell and Director of Shellfish
20 Bureau Erik Broussard.

21 There were no motions made. Legal
22 counsel just briefed the Commissioners on the
23 different liabilities presented for each option.

24 At 10:41, a motion was made by
25 Commissioner Havard to end the executive

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

Commission on Marine Resources

1 session. That motion was seconded by
 2 Commissioner Trapani.
 3 COMMISSIONER BOSARGE: Thank you, Ms.
 4 Chestnut.
 5 SANDY CHESTNUT: You're welcome.
 6 COMMISSIONER BOSARGE: We will
 7 continue on, now, Mr. Joe.
 8 JOE JEWELL: As I said, the Commission
 9 has these three options to select from. I think
 10 we are leaning towards option two; potentially
 11 option three.
 12 Option two would be to contract with
 13 the Bonnet Carre qualified processors. The
 14 processors, then, would contract with the Bonnet
 15 Carre qualified fishermen to harvest, and we
 16 would initiate a separate contract to deploy the
 17 material.
 18 COMMISSIONER BOSARGE: Do we have any
 19 further discussion?
 20 (No response.)
 21 COMMISSIONER BOSARGE: Do we have a
 22 motion?
 23 COMMISSIONER GOLLOTT: Mr. Chairman, I
 24 would like to make a motion that the Commission
 25 adopt option two.

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

1 Many dredgers have never tonged.
 2 Dredgers would have to purchase the actual tongs
 3 to engage in this activity.
 4 Option two is very similar to what
 5 happened in 2016.
 6 Dredge boats might have draft
 7 constraint issues.
 8 Tongers may not have a dredge boat, or
 9 access to a dredge boat, or an actual dredge.
 10 Option three. This is the one that
 11 internally staff discussed that actually is a
 12 combination of dredge and tonging.
 13 The reefs are small, as stated before.
 14 Both of the reefs combined are about three
 15 hundred and forty-one acres.
 16 With the potential of a hundred and
 17 fifty-five vessels, it might cause some user
 18 conflicts. Tongers are stationary. Dredgers
 19 move around. There could be some issues there.
 20 What we are proposing, under option
 21 three, is that we employ both user groups. They
 22 are both qualified under the Bonnet Carre Grant,
 23 and they are both eligible under the job that is
 24 for this purpose.
 25 What we are proposing to do is employ

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

1 COMMISSIONER BOSARGE: We have a
 2 motion on the table.
 3 Do we have a second to that motion?
 4 COMMISSIONER TRAPANI: I'll second
 5 that.
 6 COMMISSIONER BOSARGE: We have a
 7 motion and a second.
 8 Any further discussion?
 9 (No response.)
 10 COMMISSIONER BOSARGE: All those in
 11 favor say aye.
 12 (All in favor.)
 13 COMMISSIONER BOSARGE: Opposed?
 14 (None opposed.)
 15 COMMISSIONER BOSARGE: Motion carries.
 16 JOE JEWELL: Thank you, Commissioners.
 17 The next slide is the method of take.
 18 There are simply three options that we
 19 are considering; toning only, dredging only, and
 20 dredge and tong.
 21 Under option one which is toning only,
 22 as I stated before for the record, there are
 23 only twenty-two qualified tongers qualified
 24 under the Bonnie Carre Grant. Toning takes a
 25 significant amount of time.

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

1 both of the user groups through the eligible
 2 dealers and processors.
 3 The tongers would be allowed to have
 4 approximately two days and maybe another day for
 5 a weather day, or mechanical issues.
 6 Then, after the tonging is done, we
 7 would allow the dredgers to participate in the
 8 program.
 9 COMMISSIONER GOLLOTT: Mr. Chairman, I
 10 make a motion that this Commission adopt option
 11 three to be fair to the dredgers and the
 12 tongers.
 13 COMMISSIONER BOSARGE: We have a
 14 motion.
 15 Do we have a second to that motion?
 16 COMMISSIONER HAVARD: Mr. Chairman,
 17 I'll second the motion to adopt option three.
 18 COMMISSIONER BOSARGE: We have a
 19 motion and a second.
 20 Any further discussion?
 21 (No response.)
 22 COMMISSIONER BOSARGE: I guess I would
 23 like to say one more thing.
 24 In looking at this whole relay and
 25 trying to be fair to everybody, I guess we are

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

1 going to have to leave some of it on your
2 shoulders as to how you are going to come up
3 with who gets what.

4 There are a lot of issues you are
5 going to have to look at to see what the tongs
6 can take and what the dredgers can take.

7 We just want to be fair across the
8 board.

9 JOE JEWELL: That's correct.

10 COMMISSIONER BOSARGE: Any further
11 discussion?

12 (No response.)

13 COMMISSIONER BOSARGE: All those in
14 favor say aye.

15 (All in favor.)

16 COMMISSIONER BOSARGE: Opposed?

17 (None opposed.)

18 COMMISSIONER BOSARGE: Motion carries.
19 Joe, at the last meeting, we actually
20 made a motion where it was going to be tonging
21 and hand dredging.

22 JOE JEWELL: I will talk a little bit
23 about that, Commissioner Bosarge.

24 One of the motions the Commission made
25 and asked the staff was to sort of restrict all

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

1 of the options that were being considered
2 because we have a huge universe and the
3 Commission wanted the staff to come together and
4 narrow that down a little bit.

5 One of the options that we did
6 eliminate was the hand dredge for a lot of
7 different reasons.

8 A lot of the fishermen don't have a
9 hand dredge. They would have to purchase the
10 hand dredge. The Commission would have to come
11 up with a definition of a hand dredge. The
12 staff would have to modify Title 22 Part 1
13 within a time constraint. We are sort of up
14 against the wall to issue the contract to get
15 this done as early as this year.

16 The hand dredge option, we decided
17 that because of those and many other issues,
18 that we would eliminate that option.

19 COMMISSIONER BOSARGE: To eliminate
20 that, don't we have to have a motion to rescind
21 that?

22 JOE JEWELL: Well, the Commission made
23 no motion on that. They made no motion to adopt
24 it.

25 COMMISSIONER BOSARGE: I recall we did

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

1 make a motion. If I recall correctly, there was
2 a motion made to do tonging and hand dredging.

3 SANDY CHESTNUT: I don't know that it
4 was seconded. I don't know that it was ever
5 voted on. I would have to check the meeting
6 transcript. I know we talked about it, but I
7 don't think it was seconded.

8 JOE JEWELL: I think the Commission
9 asked the staff to look into the hand dredge.

10 COMMISSIONER GOLLOTT: wouldn't it be
11 better to just go ahead and make another motion
12 just to cover ourselves, in case it was like
13 that?

14 JOE JEWELL: If the Commission wants
15 to consider hand dredges as a part of this, they
16 would have to make a motion.

17 COMMISSIONER GOLLOTT: Option three
18 has dredging and tonging.

19 If a person wanted to hand dredge,
20 they could.

21 Right?

22 JOE JEWELL: Well, not now because we
23 would have to adopt a definition of a hand
24 dredge.

25 COMMISSIONER GOLLOTT: Oh, okay.

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

1 SANDY CHESTNUT: You would have to
2 change the regulation to allow for a hand dredge
3 and define it, and that would have to go out on
4 Notice of Intent to get passed.

5 COMMISSIONER GOLLOTT: Right now, it's
6 tonging and dredging, period?

7 JOE SPRAGGINS: Joe, I remember. We
8 did not pass anything on the hand dredge the
9 last time.

10 JOE JEWELL: That's correct.

11 JOE SPRAGGINS: The reason for that
12 was because we had no definition a hundred
13 percent of what it was.

14 JOE JEWELL: That's right. There is
15 no definition of a hand dredge in any of our
16 regulations.

17 There is a definition for a dredge.

18 We work with one of the local welding
19 shops that has experience in making hand
20 dredges, and this is sort of the definition that
21 we came up with:

22 It cannot exceed twenty-eight pounds.
23 The tooth bar cannot exceed ten teeth. The
24 teeth cannot be longer than five and a quarter
25 inches. Now, remember, our regulations

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

Commission on Marine Resources

1 currently say five inches for a regular dredge.
 2 You cannot deploy, or reprove, with any
 3 mechanical assistance.
 4 COMMISSIONER BOSARGE: Let's just go
 5 back and let Erik read the minutes and make sure
 6 we didn't pass that. If we did, we need to
 7 correct it.
 8 JOE JEWELL: I have the motions that I
 9 compile for each of the Commission meetings.
 10 I agree with legal counsel -- these
 11 are informal minutes that I take during the
 12 Commission meetings -- they would have to be
 13 formally reviewed by our legal counsel.
 14 As I recall, there was a motion made
 15 and passed for the shrimp season.
 16 There was a motion made and passed for
 17 Southern Flounder.
 18 There was motion to accept the state
 19 record.
 20 There was a motion passed for the
 21 oyster depuration review, the continuation of
 22 that project.
 23 The scientific research motion. There
 24 was a motion to remove it for consideration off
 25 the agenda. That passed.

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

1 The state saltwater fishing records
 2 that was presented by Jonathan Barr, that
 3 passed.
 4 Then, we get into this presentation
 5 that was given.
 6 There was a motion to research more on
 7 the liability insurance for the Oyster Relay
 8 Program. It was made by Commissioner Bosarge
 9 and was seconded by Commissioner Harmon. That
 10 motion was withdrawn.
 11 The next motion was to table the relay
 12 program and conduct a workshop on May the 29th
 13 for Oyster Relay Program. That motion was made
 14 by Commissioner Gollott. Seconded by
 15 Commissioner Trapani. The motion failed because
 16 an alternate motion was made and passed which is
 17 the next motion.
 18 That motion was to narrow down the
 19 options and consider the method of take. That
 20 motion was tied two to two. The motion was made
 21 by Commissioner Havard and seconded by
 22 Commissioner Bosarge. Commissioner Harvard and
 23 Commissioner Harmon voted yes. Commissioner
 24 Gollott and Commissioner Trapani voted no. The
 25 Chairman broke the tie, and it passed three to

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

1 two.
 2 The next motion was to meet on
 3 Tuesday, the 29th, to discuss this program.
 4 That passed unanimously.
 5 The final motion was to harvest thirty
 6 percent of the Pascagoula Reef, minus the
 7 thirty-one seventy-three, and that motion passed
 8 unanimously.
 9 You are correct. There was some
 10 discussion about the actual dredge and the
 11 requirements. Y'all asked us for a definition.
 12 We had no definition.
 13 There was no motion that I recall, but
 14 legal will have to confirm that.
 15 Now, if the Commission so chooses to
 16 direct us to proceed with a Notice of Intent, my
 17 understanding is that they could do that.
 18 Legal counsel would have to confirm
 19 that.
 20 SANDY CHESTNUT: Yes. If they wanted
 21 to consider a hand dredge, it would have to go
 22 out on Notice of Intent.
 23 JOE JEWELL: That concludes my
 24 presentation.
 25 Like I said, we will update you as we

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

1 move forward into the program.
 2 COMMISSIONER BOSARGE: We have one
 3 more option we have to talk about, price per
 4 sack.
 5 Is that correct?
 6 JOE JEWELL: This is an overall review
 7 of the program, where we are over the last three
 8 months of presentations that we have given
 9 (indicating slide).
 10 We discussed the forty-five dollars a
 11 sack. That was the fair market value
 12 considered, based on the pricing last year.
 13 There was no motion on that. There
 14 was no voting on that.
 15 The Commission did vote on vote number
 16 two and that was thirty percent minus three
 17 thousand one hundred and seventy-three which
 18 gave us a total relaying of sacks as eighteen
 19 thousand eight hundred and sixty-four.
 20 This nine hundred thousand is
 21 variable. It depends on how many participants,
 22 how much the bid goes for the barge and all
 23 those issues. Approximately nine hundred
 24 thousand.
 25 Then, a hundred thousand for the

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

Commission on Marine Resources

1 deployment contact, for a total of approximately
2 a million dollars.

3 Since the Commission chose option two,
4 there is a cost savings there. We don't
5 anticipate it being quite that much.

6 There was some discussion about the
7 forty-five dollars a sack, prior to us going
8 into executive session.

9 I think the Commission would like to
10 have some further discussions on that.

11 COMMISSIONER GOLLOTT: Well, I, for
12 one, think forty-five dollars is too much money.

13 Since they are not really culling the
14 oysters. It's more of a shovel bag. I would be
15 more in favor of a total of thirty dollars a
16 sack, and that includes the transportation.

17 I think y'all had mentioned, in
18 previous meetings, that the transportation was,
19 like, sixty-six cents a sack, or something like
20 that.

21 JOE JEWELL: I do want to make the
22 Commission aware that we have no idea. That
23 includes all of the barge cost that we
24 anticipated at a hundred thousand dollars.

25 If the Commission says, I don't want

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

1 that option, I want the thirty dollars a sack to
2 include the entire program, I want the
3 Commission to understand that we do have to go
4 out on bid. We do have to issue a contract, and
5 we have no idea what we will be bid during that
6 time.

7 If the lowest bid exceeds that, then,
8 the fishermen could get substantially less.
9 They would already get less than thirty dollars
10 a sack, but they would get substantially less
11 than that.

12 COMMISSIONER GOLLOTT: Well, can we
13 make a motion for twenty-eight dollars and it
14 wouldn't have to go out on bid, and you could
15 take the two dollars for the overhead, or a
16 dollar overhead. I don't know.

17 What do you think?

18 JOE JEWELL: Like I said, the --

19 COMMISSIONER GOLLOTT: (Interposing)
20 why does it have to go out on a bid, now, all of
21 a sudden and, before, we didn't have to?

22 JOE JEWELL: We did. We absolutely
23 did.

24 When we did the relay before on St.
25 Joe, we had to go out on bid.

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

1 JOE SPRAGGINS: Joe, real quick. What
2 that was with St. Joe, we were under emergency,
3 also.

4 JOE JEWELL: That's correct.

5 JOE SPRAGGINS: This is not an
6 emergency.

7 Once we were under emergency, we were
8 allowed to do things a little quicker, and
9 that's why the bid is going to be different
10 here.

11 JOE JEWELL: Thirty dollars a sack
12 would include whatever we pay the dealers and
13 processors.

14 Before, it was two dollars. That
15 would mean the fishermen would get a minimum of
16 twenty-eight dollars, but it would also include
17 the contract for the barge, the relay barge, and
18 whatever that is would have to be subtracted off
19 of the twenty-eight dollars, also.

20 COMMISSIONER GOLLOTT: I would like to
21 let the fishermen catch whatever they can catch
22 in a day. We shouldn't be in the business of
23 telling them they can only take fifty sacks.

24 JOE JEWELL: Like I said, it's great
25 that the Commission is going to allow the Marine

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

1 Fisheries staff to decide that.

2 We had decided some options, like,
3 sack limits of fifty sacks.

4 If we do that, we absolutely agree
5 with you. The tongers are going to do that for
6 two days. How and when they catch that total of
7 a hundred sacks is not the issue. It is that
8 they have the availability of a hundred sacks.

9 We agree with you and we would like
10 that included in the contract.

11 COMMISSIONER GOLLOTT: We still want
12 to put the maximum amount of money that you can
13 pay a fisherman to move a sack.

14 JOE JEWELL: We would have control
15 over that, if the Commission votes and says
16 thirty dollars a sack includes all costs
17 associated with that.

18 COMMISSIONER BOSARGE: I disagree with
19 that. We started out at forty-five dollars a
20 sack which was market value. Of course, it's
21 not culled oysters. We are not having to cull
22 oysters, but still and all I don't think we need
23 to go back to where we were with the last relay
24 when it was an emergency and we were just
25 putting anything we could put on deck.

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

Commission on Marine Resources

1 In all fairness, to me, I like to meet
2 people in the middle. To meet somebody in the
3 middle right now, in my opinion, would be at
4 least thirty dollars to the fishermen, and,
5 then, there is still money left to contract the
6 barge and everything.

7 What I'm worried about is where we
8 moved forty thousand sacks of material the last
9 time. It was a large enough amount that the
10 processor could make some money out of it at two
11 dollars a sack.

12 This time, we are going to move
13 eighteen thousand sacks.

14 JOE JEWELL: I agree that the
15 Commission is considering compromise. I
16 appreciate that, but I would respectfully ask
17 that whatever that compromise is that it be for
18 unit price per sack for the fishermen and allow
19 us the flexibility to contract with this other
20 stuff.

21 We have no control over that, but the
22 Commission has control over how much per sack
23 for the fishermen.

24 COMMISSIONER TRAPANI: I understand,
25 but I do think we need to put an amount, that it

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

1 If the Commission wants to make a
2 compromise for the per unit for sack, we
3 certainly are acceptable to that compromise.

4 COMMISSIONER TRAPANI: I think we need
5 to make the motion and not say exactly what the
6 fishermen are getting because we don't know what
7 the other part of the bid is coming in at, but
8 we need to say it doesn't exceed this amount.
9 Whatever comes off of that, comes off of it.
10 We need to say it doesn't exceed a certain
11 amount.

12 COMMISSIONER BOSARGE: Then, I will
13 make a motion that we pay the fishermen thirty
14 dollars a sack, with the cost not to exceed
15 thirty-five.

16 COMMISSIONER HAVARD: Mr. Chairman, I
17 will second that motion.

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

20 Any further discussion?
21 (No response.)

22 COMMISSIONER BOSARGE: All those in
23 favor say aye.

24 (Commissioner Bosarge, Commissioner
25 Harvard in favor.)

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

1 doesn't exceed a certain amount.

2 JOE JEWELL: Sure.

3 COMMISSIONER TRAPANI: That's what we
4 are trying to do. We are trying to give the
5 fishermen money, and we are also trying to be
6 able to take this money and use it for the best
7 use, possibly cultch planting. We need to have
8 that it doesn't exceed a certain amount.

9 I think that's what Mr. Gollott is
10 trying to do; keep it at thirty, including
11 everything, so it is not going to exceed that.

12 COMMISSIONER BOSARGE: I would like to
13 see nothing less than thirty dollars a sack to
14 the fishermen.

15 JOE JEWELL: A couple of things.

16 Like I said before, we have a separate
17 job for relays. There is still money remaining.

18 Like I keep saying, we have no
19 flexibility over how much will be bid for the
20 barge, or how much for the dealers and
21 processors.

22 If we say a dollar a sack, they may
23 not bid on it, or two dollars. We may get
24 three, or four, bids. We have no impact on that
25 process.

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

1 COMMISSIONER BOSARGE: Opposed?

2 (Commissioner Gollott, Commissioner
3 Trapani opposed.)

4 COMMISSIONER BOSARGE: Tie vote.
5 Motion fails.

6 We are back to square one.

7 JOE JEWELL: Let me understand that
8 motion.

9 There were two for and two against,
10 and it's a tie.

11 COMMISSIONER BOSARGE: When it is a
12 tie, the motion fails.

13 COMMISSIONER GOLLOTT: Well,
14 obviously, are going to have to compromise here
15 somewhere.

16 Why don't you start on the other end,
17 Mr. Chairman, and ask each Commissioner what
18 their opinion would be, what should the amount
19 be?

20 COMMISSIONER BOSARGE: While we are
21 having this discussion, if one of the
22 Commissioners would like to make a motion, we
23 can poll the Commissioners, but I don't know if
24 that would be quite fair.

25 COMMISSIONER TRAPANI: I make a motion

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

Commission on Marine Resources

1 that we pay thirty dollars total per sack and
2 that includes transportation and all the things
3 involved.

4 COMMISSIONER GOLLOTT: I'll second
5 that motion.

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

8 Any further discussion?
9 (No response.)

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

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

14 COMMISSIONER BOSARGE: Opposed?
15 (Commissioner Bosarge, Commissioner
16 Havard opposed.)

17 COMMISSIONER BOSARGE: Motion fails.
18 Back to square one.

19 JOE JEWELL: Commissioners, in the
20 spirit of compromise, I would ask that since we
21 have two opposing positions on the sack price,
22 the sack price is the issue.

23 Like I said, if you go from a high of
24 forty-five dollars and considering the low that
25 we have ever done it for before which I don't

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

1 I thought maybe the compromise the
2 Commission might want to consider is thirty-five
3 dollars to include all costs.

4 COMMISSIONER BOSARGE: The difference
5 in that motion would be that there would be no
6 guarantee of thirty dollars a sack to the
7 fishermen. It would be the total cost of
8 thirty-five dollars, and anything from that
9 point to make it all work would be deducted from
10 that.

11 JOE JEWELL: That's correct.

12 Of course, the Commission could
13 resolve the matter by voting outright on the
14 price per sack for the fishermen that the
15 Commission feels is a fair and equitable amount.

16 COMMISSIONER GOLLOTT: Let me make
17 this motion that we do thirty dollars to the
18 fishermen, not to exceed thirty-two dollars.

19 Or should we just make a motion not to
20 exceed thirty-two dollars and whatever you get
21 the barge for you take that off of it and give
22 the fishermen the rest of it?

23 COMMISSIONER BOSARGE: Well, the
24 dealers and processors would have to have a
25 portion of it.

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

1 know if it is an equitable comparison, but it's
2 twenty, the difference would be twenty-five
3 dollars.

4 COMMISSIONER BOSARGE: That's where I
5 was, halfway.

6 JOE JEWELL: If you did thirty-five
7 dollars a sack -- and the motion was thirty-five
8 dollars a sack to include all components -- I
9 think that might be a better solution for
10 everybody because it leaves the flexibility to
11 issue the barge contract and, as we discussed,
12 it is probably going to be substantially lower
13 than the previous one issued because it is only
14 going to be from Pascagoula to Biloxi.

15 COMMISSIONER GOLLOTT: The motion is
16 thirty to thirty-five dollars. You could be
17 looking at thirty-seven, or thirty-eight,
18 dollars a sack under that motion that
19 Commissioner Bosarge made.

20 COMMISSIONER BOSARGE: The motion I
21 made was for thirty dollars a sack.

22 JOE JEWELL: His motion could not
23 exceed thirty-five dollars, and the second
24 motion could not exceed thirty dollars. It was
25 a range from thirty to thirty-five.

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

1 JOE SPRAGGINS: That's the whole
2 point. We don't know what the dealers and
3 processors amount would be at that point. We
4 would have to figure that out.

5 JOE JEWELL: What I was asking the
6 Commission to consider is just establishing a
7 price per sack for the fishermen, and, then, we
8 will do the rest of that internally because we
9 have to go out for the lowest bid.

10 I'm just saying I don't know what that
11 is. It may be substantially more than what
12 people are thinking, and, then, if you roll that
13 all into one unit price, the fishermen, it may
14 not be worth their effort.

15 COMMISSIONER GOLLOTT: Joe, what are
16 you going to do, if somebody comes in and bids
17 twelve fifty a sack?

18 COMMISSIONER BOSARGE: Well, that
19 would be twelve fifty on top of what you are
20 going to pay the fishermen.

21 COMMISSIONER GOLLOTT: Are you talking
22 about bidding for the fishermen, or just bidding
23 for the contracting purposes?

24 JOE JEWELL: The Commission has
25 already voted on option two. We would have to

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

1 go out for a bid to the dealers and processors
 2 for them to employ the fishermen.
 3 It is possible that any person can bid
 4 on that, but they would have to be a dealer with
 5 a dealer, or processor, license during the
 6 Bonnet Carre Disaster Grant.
 7 The second contract is the barge
 8 contract for the relay because the way that
 9 works is the fishermen, under option one, they
 10 would have to do twice the work for the same
 11 pay, whatever that is.
 12 Under option two, all they have to do
 13 is harvest and that's it.
 14 COMMISSIONER BOSARGE: Joe, we're not
 15 very far off here.
 16 I heard Commissioner Gollott, I think,
 17 make a motion to offer the fishermen thirty
 18 dollars a sack and not to exceed thirty-two, or
 19 thirty-two fifty. We are close.
 20 SANDY CHESTNUT: I would just like to
 21 ask Joe, or Erik, if you set it not to exceed
 22 thirty-two dollars per sack, and, then, when you
 23 get the higher price for the processor/dealer
 24 and the deployment contract, the money would
 25 have to come out of the fishermen's pocket.

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

1 Right?
 2 JOE JEWELL: Yes.
 3 SANDY CHESTNUT: I just want to make
 4 that clear because there are so many unknown
 5 variables under contracting, when you are
 6 contracting with two different parties, and you
 7 have to take that into consideration.
 8 JOE JEWELL: That's the point that I'm
 9 trying to make. The dealers/processors may say
 10 that we need five dollars a sack. Now, the cost
 11 per unit is twenty-five dollars for the
 12 fishermen.
 13 We haven't employed the barge yet.
 14 That's a separate contract.
 15 It may be to the point where we don't
 16 have lot of participation because it's just not
 17 worth their effort.
 18 COMMISSIONER TRAPANI: What was it
 19 last time?
 20 Let's go back and look at history.
 21 JOE JEWELL: The last time was twenty
 22 dollars a sack, but the contract was for twenty-
 23 two dollars a sack. Two dollars per sack went
 24 to the dealers and processors.
 25 COMMISSIONER TRAPANI: The

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

1 transportation, how much was it?
 2 JOE JEWELL: It was about a hundred
 3 thousand dollars for the barge. It was
 4 somewhere around there.
 5 COMMISSIONER TRAPANI: What you are
 6 saying is it cost two dollars extra, or did it
 7 cost two dollars, plus the transportation?
 8 JOE JEWELL: The twenty-two was just
 9 for the dealer and processor contract and the
 10 fishermen.
 11 The barge contract was a separate
 12 contract, and that is what we are proposing to
 13 do under option two, very similar.
 14 Now, keep in mind it was a two hundred
 15 sack limit per day on that operation and it was
 16 for just dredgers only.
 17 The tongs could contract with the
 18 dredgers to try and participate, but there were
 19 very few of them that did that.
 20 COMMISSIONER BOSARGE: I'm with you,
 21 but I would like these fishermen to know what
 22 they are going to get and not actually telling
 23 them something, and, then, we start deducting
 24 from that point on.
 25 JOE JEWELL: We are about to approach

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

1 the shrimp season and they will have to make a
 2 choice. We could be shrimping into as late as
 3 October for white shrimp and pink shrimp.
 4 COMMISSIONER GOLLOTT: The way I'm
 5 looking at this thing is they got twenty dollars
 6 a sack last time.
 7 Twenty-eight dollars, that is almost a
 8 thirty-three percent increase in the price they
 9 will be getting.
 10 I would be willing to do no less than
 11 twenty-eight dollars for the fishermen, and,
 12 then --
 13 JOE JEWELL: (Interposing) The staff
 14 to do the rest of the contracts?
 15 COMMISSIONER GOLLOTT: We probably
 16 need to put a cap on what a processor can get.
 17 He has nothing to do, really, but furnish the
 18 liability for two dollars a sack. That's a lot
 19 of money.
 20 JOE JEWELL: Keep in mind we harvested
 21 forty thousand sacks over there in St. Joe.
 22 This one, we are only doing eighteen thousand.
 23 COMMISSIONER GOLLOTT: Well, what did
 24 they get last time, the processors?
 25 JOE JEWELL: Two dollars a sack.

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

1 COMMISSIONER GOLLOTT: The processors
2 got two dollars a sack?

3 JOE JEWELL: Right.

4 COMMISSIONER GOLLOTT: what did you
5 pay the barge to transport the oysters, sixty-
6 six cents a sack?

7 JOE JEWELL: It was sixty-seven, or
8 sixty-eight, thousand dollars. They did three
9 deployments.

10 COMMISSIONER TRAPANI: If we go by
11 history, thirty-two dollars should cover that
12 and they should be able to get their twenty-
13 eight dollars a sack. I mean, we're talking
14 this was only a few years ago.

15 JOE JEWELL: That's assuming that the
16 barge contract is exactly the same.

17 COMMISSIONER TRAPANI: Right, and it
18 might not be sixty-six cents, and we are giving
19 two more dollars to play with -- I mean, another
20 dollar forty to play with.

21 That gives a cushion of four dollars
22 per sack. That is a pretty good cushion.

23 You have to put it cannot exceed
24 something because, if not, you can come in and
25 we can do all of this for nothing and someone

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

1 comes in and offers some outrageous price.

2 I understand you have to take the
3 lowest bid, but, if it is some kind of
4 outrageous price, you still take the lowest bid
5 of an outrageous price.

6 We have to do that it cannot exceed a
7 certain amount.

8 COMMISSIONER GOLLOTT: I do agree with
9 Steve on setting the fishermen's price. I don't
10 want some greedy processor to be getting four
11 dollars a sack and cutting back on the
12 fishermen.

13 JOE JEWELL: We have no control over
14 that.

15 COMMISSIONER GOLLOTT: Surely you can
16 bid it and if they don't want it, if you only
17 have one processor...

18 JOE JEWELL: When we issue the
19 contract, we would say the Commission directs us
20 to say not to exceed four dollars a sack, or
21 something like that.

22 COMMISSIONER GOLLOTT: Are we going to
23 have to replace you with Donald Trump, or
24 somebody who knows how to negotiate?

25 COMMISSIONER TRAPANI: I will make a

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

1 motion.

2 My motion is that the fishermen will
3 receive twenty-eight dollars per sack, and the
4 total price will not exceed thirty-two dollars
5 per sack.

6 COMMISSIONER BOSARGE: We have a
7 motion.

8 Do we have a second for the motion?

9 COMMISSIONER GOLLOTT: I will second
10 it in the spirit of compromise.

11 COMMISSIONER BOSARGE: Before we vote
12 on that motion, I have been informed that our
13 public comment is for this same issue, and we
14 need to ask if any of these folks that gave
15 public comment want to comment again on this
16 issue.

17 JOHN LIVINGS: I do.

18 COMMISSIONER BOSARGE: Go ahead, John.

19 JOHN LIVINGS: I'm John Livings.

20 You were talking about back in
21 history, the price. You are not giving any
22 consideration that this is tonging, compared to
23 dredging. It is already double work.

24 I don't understand why you are
25 nitpicking over two dollars. I don't get it.

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

1 COMMISSIONER TRAPANI: We are already
2 going up thirty percent over what we did, so we
3 did give an increase.

4 JOHN LIVINGS: But the whole purpose
5 of this relay is for the boats that got left out
6 of the other relay, and it is already twice the
7 work for tonging than it is for dredging, and,
8 then, when we unload on a barge instead in an
9 oyster boat, that is four, or five, foot sides.
10 We've got to throw those sacks up on top of
11 there (indicating). It's not like we are not
12 working for the money.

13 I know y'all don't know because you
14 haven't been out there to see how it's done, but
15 I think thirty dollars is probably about the
16 very minimum.

17 I don't know if you really actually
18 realize how much work it is to do what we are
19 going to be doing. We are just not going out
20 there getting free money.

21 If we were just dredging in deep
22 water, you would have a winch to pull the dredge
23 up.

24 When you are tonging, this is your
25 winch right here (indicating arms). That's it,

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

1 and, after you tong a hundred sacks, you've got
 2 to throw those hundred sacks up on a five-foot
 3 tall barge and dump those sacks out in the
 4 middle of that barge by hand.
 5 Everybody keeps saying it is too much
 6 money. Do it for one day. I promise you that
 7 you will change your mind.
 8 That's all I've got to say.
 9 COMMISSIONER BOSARGE: Thank you,
 10 John.
 11 GEORGE STORRS: Could I have my three
 12 minutes back, please?
 13 I didn't know it was going to go this
 14 far.
 15 COMMISSIONER BOSARGE: Yes, sir. We
 16 are going to give you your say, George.
 17 Mr. Drew Livings.
 18 DREW LIVINGS: My name is Drew
 19 Livings.
 20 Once again, because of the price range
 21 that we are trying to set here, if the
 22 dealers/processors don't want to do it for the
 23 two dollars a sack -- I don't know what y'all's
 24 discussion was on what I said last time about
 25 signing a waiver. If they don't want to do it,

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

1 then, the heck with them. Let us do it and pay
 2 us that two dollars a sack.
 3 Like y'all said, thirty dollars a
 4 sack, not to exceed thirty-two, or thirty-five,
 5 whatever. If they don't want to do it for that
 6 allotted price, then, shut them out and give it
 7 to us. We will be glad to add that money to it,
 8 and we will haul them to where we need to put
 9 them, if they don't want to do it.
 10 Cutting us out of the money like that,
 11 it is really hard work. It is really labor
 12 intensive, and you have to have the amount of
 13 crew that it takes. One man can't throw a sack
 14 five feet in the air -- well, some men can; some
 15 others can't. Some are just not built for it.
 16 You have to hire enough people to be
 17 able to move those oysters from a vessel down
 18 low to up high like John was saying, and it
 19 takes two, three, or four, people to do that.
 20 You have got to also keep in mind that
 21 every time you load those oysters into that sack
 22 and you throw it and it hits, you are taking a
 23 chance of damaging and killing that oyster.
 24 Every time you dump it on that barge, it's more
 25 dead loss that you are going to have, more

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

1 percentage of dead loss.
 2 The less times you move that oyster
 3 the better off you are going to be because an
 4 oyster is a very delicate animal.
 5 I really think thirty dollars is too
 6 low. I believe it should be at least forty
 7 dollars because of cost and employment.
 8 COMMISSIONER BOSARGE: Thank you,
 9 Drew.
 10 Edward Rhodes.
 11 EDWARD RHODES: They said it all.
 12 COMMISSIONER BOSARGE: Okay.
 13 Ryan Bradley.
 14 RYAN BRADLEY: Ryan Bradley,
 15 Mississippi Commercial Fisheries United.
 16 I just want to reiterate, when we
 17 talked with the fishermen and brought forth some
 18 ideas for this relay, there was one in the
 19 interest of the best conservation of this reef,
 20 and that's why we said we would agree to tong it
 21 and agree to hand dredge it because we felt like
 22 that would have the minimal impact on the reef.
 23 We said that we would agree to
 24 transport the oysters because we felt like that
 25 would have the best chance for success and the

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

1 minimal amount of mortality.
 2 Loading oysters up on the barge,
 3 letting them sit out all day in the sun and
 4 blowing them off with a high-pressure hose
 5 increases the chance of mortality.
 6 We can do this relay and do it the
 7 cheapest, and we are going to get what we paid
 8 for.
 9 We can pay a little bit more and do a
 10 little bit harder work and have a lot better
 11 chance of success.
 12 I think that's how we have to look at
 13 this, and I really would appreciate if you take
 14 that into consideration because these guys are
 15 working hard. It's a lot of work just to tong
 16 these oysters up, and, then, to transport them
 17 on a boat and you have to transfer them from the
 18 tonging boat.
 19 I would like to see them put directly
 20 on bigger boats, so they go ahead and take off
 21 with those oysters and get them back in the
 22 water quicker than later.
 23 Then, they have got to deploy them,
 24 pick them up by hand and deploy them over the
 25 sides of the boat.

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

Commission on Marine Resources

1 We are asking for a lot of work, and I
2 think they deserve to be fairly compensated. I
3 think paying a little bit extra will go a lot
4 further. It will produce a lot more fruit in
5 the long run.

6 These guys deserve it, and I think
7 they deserve this shot to do what they feel is
8 best for this resource.

9 That's what we put forward, and that
10 is what we feel like will give us the best
11 outcome.

12 COMMISSIONER GOLLOTT: Mr. Bradley,
13 what I'm hearing from you is we would be better
14 off going with the twelve fifty, where a guy is
15 going to go dredge them and deploy them.

16 RYAN BRADLEY: Well, we agreed to hand
17 tong them.

18 Going out there dredging on the reef,
19 is that --

20 COMMISSIONER GOLLOTT: (Interposing)
21 That's your choice. You can use a dredge, if
22 you want to. We are not making that decision
23 for you.

24 RYAN BRADLEY: Well, you are going to
25 blow them off and kill half of them. They use a

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

1 Another comment I would like to make
2 is that the majority of Vietnamese-American
3 oyster harvesters are also shrimpers and they
4 are shrimping right now. Today is the opening
5 day of shrimp season in Louisiana waters, and
6 that is why they did not attend.

7 There is a deadline to exchange for
8 the bag dredge. This Friday is the deadline,
9 June 1st. I respectfully request that the
10 Commission consider extending the deadline to
11 give the Vietnamese-American oyster harvesters
12 who are not here because they are shrimping in
13 Louisiana waters some additional to consider
14 turning in their basket dredge for bag dredge.

15 Thank you.

16 COMMISSIONER BOSARGE: Thank you, Ms.
17 Vu.

18 Mr. George Storrs.

19 GEORGE STORRS: I'm George Storrs,
20 commercial fisherman.

21 I listened to all of this and it
22 sounded good. It all started off at forty-five
23 dollars a sack, and, then, all of a sudden, we
24 are backing up and I, for one, don't like
25 backing up.

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

1 big dredge and tear up the Pascagoula Reef.
2 That's your decision.

3 COMMISSIONER GOLLOTT: Have you got
4 any scientific evidence where a dredge tears up
5 a reef?

6 RYAN BRADLEY: I don't have any
7 scientific evidence for a lot of the decisions
8 that are made with this Commission.

9 COMMISSIONER BOSARGE: Mr. Bradley, we
10 are out of time.

11 Once again, I thank Senator Gollott
12 for attending today.

13 Ms. Thao Vu.

14 THAO VU: Thao Vu, Director of the
15 Mississippi Coalition for Vietnamese-American
16 Fisher Folks and Families.

17 First of all, in terms of compensating
18 fishermen, I think they should be fairly
19 compensated for their very labor intensive hard
20 work, and I think they should be compensated
21 forty dollars per sack. I think that is fair.

22 It is much higher fuel cost now. They
23 have to hire additional crew and the distance
24 from the Pascagoula Reef. You mentioned thirty-
25 eight miles. You have to factor all of that in.

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

1 I understand that everybody needs to
2 make a dollar out of this, or a little more.

3 If they can't bring a barge in here
4 for eighteen thousand dollars, even at a dollar
5 a sack, there is something wrong with them.
6 Eighteen thousand bucks and that's at a dollar a
7 sack.

8 I think we need to leave the price at
9 forty-five dollars a sack. I don't like backing
10 up. I don't gouging anybody, but, if you want
11 to help the fishermen, the physical hardworking
12 fishermen that we are because that's what we do,
13 then, I think you ought to leave it a forty-five
14 dollars a sack, and, then, let those others
15 fight over what they are going to get, after we
16 get ours first.

17 It's like America First. I'm saying
18 Fishermen First.

19 Thank you.

20 COMMISSIONER BOSARGE: Thank you, Mr.
21 Storrs.

22 Mr. Joe.

23 JOE JEWELL: A couple of clarifying
24 comments.

25 The contracts you were talking about,

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

Commission on Marine Resources

1 they are two separate contracts.

2 The one issued to the
3 dealers/processors and the fishermen is a
4 separate contract that wouldn't impact the
5 contract for the barge.

6 The barge, like I said, last time was
7 around sixty-five, or seventy, thousand dollars.

8 Now, the barge, the way we have it
9 planned -- that's one of those details that we
10 want to take on -- the fishermen would not be
11 lifting the sacks all the way up. We would have
12 the system where they just pull along side and
13 dump in the big net.

14 That would be a safety issue that we
15 would have, and we would make it very similar to
16 the way it was done in 2016 in Biloxi Bay.

17 I think there is a motion on the
18 floor.

19 COMMISSIONER GOLLOTT: Who made that
20 last motion?

21 JOE JEWELL: The last motion was made
22 by Commissioner Trapani. It was seconded by
23 Commissioner Gollott. It was for the fishermen
24 to receive twenty-eight dollars per sack total,
25 and, then, the overall contracts that are issued

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

1 not to exceed thirty dollars.

2 COMMISSIONER GOLLOTT: Let me make an
3 alternative motion. Maybe we can satisfy
4 everybody. I know that's impossible.

5 I would like to make a motion we give
6 the fishermen thirty dollars a sack guaranteed,
7 and the dealers two dollars a sack, and let you
8 go bid for the barge and see whatever that is.

9 JOE SPRAGGINS: Commissioner, sir, we
10 would have to bid that dealer.

11 COMMISSIONER GOLLOTT: If the dealer
12 doesn't want to do it for two dollars a sack --

13 JOE SPRAGGINS: (Interposing) we
14 can't do that, believe me. We have to bid. We
15 can say not to exceed two dollars a sack
16 according to the contract.

17 COMMISSIONER GOLLOTT: Sitting there
18 and doing nothing and they get two dollars a
19 sack is pretty doggone good.

20 COMMISSIONER TRAPANI: I'll second
21 that.

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

24 Any further discussion?
25 (No response.)

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

1 COMMISSIONER BOSARGE: Just so I'm
2 clear on this, your motion will be thirty
3 dollars a sack to the fishermen?

4 COMMISSIONER GOLLOTT: Exactly.

5 COMMISSIONER BOSARGE: Not to exceed
6 two dollars a sack to the processors?

7 COMMISSIONER GOLLOTT: Right.

8 COMMISSIONER BOSARGE: Then, the
9 deployment of the barge would be outside.

10 COMMISSIONER GOLLOTT: They would bid.

11 JOE JEWELL: They would bid it out,
12 correct.

13 COMMISSIONER BOSARGE: I will have to
14 give that some thought.

15 COMMISSIONER HAVARD: Why don't we add
16 another facet to the motion, not to exceed
17 thirty-three dollars?

18 Thirty dollars per sack goes to the
19 fishermen, and the rest of it for the barge and
20 the processors, not to exceed thirty-three
21 dollars per sack.

22 Otherwise, you are leaving it open-
23 ended, but I think the department is going to do
24 their due diligence to make sure it's fair for
25 the barge.

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

1 COMMISSIONER GOLLOTT: What is the
2 difference?

3 JOE JEWELL: Well, the difference is
4 it will be restricting the amount of money we
5 could offer for the barge.

6 COMMISSIONER GOLLOTT: You are not
7 limited to the barge.

8 JOE JEWELL: The total of the contract
9 for all three components is a maximum of --

10 COMMISSIONER BOSARGE: (Interposing)
11 Thirty dollars per sack to the fishermen.

12 JOE JEWELL: Correct.

13 COMMISSIONER BOSARGE: Not to exceed
14 two dollars to the processor, and, then, the
15 barge is outside of this.

16 Now, Commissioner Havard's motion --

17 JOE JEWELL: (Interposing) He is
18 offering an amendment.

19 Is that the way I understand that?

20 COMMISSIONER GOLLOTT: He would be
21 putting a dollar a sack on for the barge.

22 COMMISSIONER BOSARGE: Basically,
23 amending the motion to thirty-three dollars.
24 Correct?

25 COMMISSIONER HAVARD: That is correct.

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

Commission on Marine Resources

1 COMMISSIONER BOSARGE: would you like
2 to amend the motion to include that?

3 COMMISSIONER GOLLOTT: No. I think I
4 would like to keep it like that because you
5 don't know what a barge is going to do, and,
6 then, there is plenty of competition out there
7 on these barges.

8 JOE JEWELL: The way I understand it,
9 if it is a dollar a sack for the barge, it will
10 be about nineteen thousand dollars maximum for
11 the contract?

12 COMMISSIONER GOLLOTT: If he comes in
13 at a dollar and ten cents, you don't need to put
14 a cap on it.

15 If the barge wants a dollar ten, then,
16 you wouldn't be able to do it. You would have
17 to come back to the Commission, or something.

18 If it's a dollar, or a dollar and a
19 quarter, it doesn't make that much difference.

20 If you got it for sixty-six cents last
21 time, I don't think it is going to go up that
22 much, and I would like to give you a little
23 freedom.

24 JOE JEWELL: I don't think it was
25 sixty-six cents. It was sixty-seven thousand

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

1 dollars.

2 COMMISSIONER GOLLOTT: How many sacks
3 did you move, forty thousand?

4 JOE JEWELL: Forty thousand.

5 COMMISSIONER BOSARGE: Just so we
6 understand, Commissioner Gollott made a motion.

7 JOE JEWELL: The motion was made by
8 Commissioner Gollott. It was seconded by
9 Commissioner Trapani.

10 There was an alternative motion to the
11 prior motion. It was for thirty dollars a sack
12 for the fishermen, not to exceed two dollars a
13 sack for the dealers/processors, and, then, to
14 bid the barge.

15 Then, Commissioner Havard offered a
16 friendly amendment to the motion for the barge
17 contract not to exceed a dollar a sack which
18 would be about nineteen thousand dollars.

19 COMMISSIONER GOLLOTT: If the barge
20 bid comes in at a dollar and ten cents, it is
21 going to lock you out, and you are not going to
22 be able to do it until you come back to the
23 Commission.

24 SANDY CHESTNUT: Under that motion,
25 the barge contract would be separate and would

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

1 not have to come under the per sack price.

2 JOE JEWELL: Commissioner Gollott's
3 motion was that.

4 COMMISSIONER GOLLOTT: Yes.

5 JOE JEWELL: But I think Commissioner
6 Gollott, you would have to accept Commissioner
7 Havard's friendlier motion for it to move
8 forward.

9 COMMISSIONER BOSARGE: I don't know if
10 he has to accept, but he has to have a second
11 for his motion.

12 COMMISSIONER HAVARD: Or he has to
13 withdraw.

14 COMMISSIONER GOLLOTT: I don't have a
15 problem with the thirty-three dollars. I just
16 don't want to lock the Commission in to where
17 you have to come back to us for something, if
18 it's another ten cents a sack, or something like
19 that.

20 JOE SPRAGGINS: Commissioners, if I
21 could comment real quick.

22 We cannot say what the price is going
23 to be. We can say we are not willing to exceed
24 something, but we cannot give a price on a bid
25 that has to go out.

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

1 COMMISSIONER GOLLOTT: Well, General,
2 I think I understand that. What you are saying
3 is if the dealer gets two dollars, the fishermen
4 gets thirty dollars and the maximum is thirty-
5 three dollars, you are locking them in at a
6 dollar. They do it for a dollar, or it's not
7 any good.

8 Is that right?

9 JOE SPRAGGINS: Yes, sir. That is
10 what would happen, in that case.

11 COMMISSIONER GOLLOTT: They would have
12 to rebid it.

13 COMMISSIONER HAVARD: I rescind my ???
14 to the motion.

15 COMMISSIONER BOSARGE: Commissioner
16 Havard rescinds his ???

17 We have a motion on the table, and we
18 have a second.

19 Any further discussion?

20 COMMISSIONER HAVARD: Yes.

21 Can you repeat the motion one more
22 time?

23 COMMISSIONER BOSARGE: The motion
24 would be Commissioner Gollott's motion that says
25 that we pay the fishermen thirty dollars a sack,

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

Commission on Marine Resources

1 not to exceed two dollars a sack to the
 2 processor, and, then, anything that it costs for
 3 the barge is taken out the grant. It's not in
 4 the sack price.
 5 COMMISSIONER HAVARD: Thank you
 6 COMMISSIONER BOSARGE: Any further
 7 discussion?
 8 (No response.)
 9 COMMISSIONER BOSARGE: All those in
 10 favor say aye.
 11 (All in favor.)
 12 COMMISSIONER BOSARGE: Opposed?
 13 (None opposed.)
 14 COMMISSIONER BOSARGE: Motion carries.
 15 COMMISSIONER GOLLOTT: Now, we get to
 16 discuss how many sacks they can harvest.
 17 JOE JEWELL: We have already done
 18 that. The Commission has already passed that.
 19 COMMISSIONER GOLLOTT: No. Let's
 20 bring it back up. I want to bring it up for
 21 reconsideration.
 22 JOE JEWELL: The Commission can't do
 23 that.
 24 COMMISSIONER GOLLOTT: The Commission
 25 can bring something up for reconsideration.

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

1 JOE JEWELL: Our legal counsel would
 2 have to speak to this.
 3 SANDY CHESTNUT: It is not
 4 specifically on the agenda and, if another
 5 Commissioner objects, they can make that
 6 objection, but they have to make it.
 7 COMMISSIONER BOSARGE: I object to it.
 8 I think we have set that, and we need to leave
 9 it where it is.
 10 COMMISSIONER GOLLOTT: How many sacks?
 11 Are you talking about fifty sacks?
 12 JOE JEWELL: The total amount is
 13 thirty percent minus thirty-one seventy-three.
 14 COMMISSIONER GOLLOTT: How many sacks
 15 per person?
 16 Didn't you set that up?
 17 JOE JEWELL: We asked the Commission
 18 to give the Marine Fisheries staff the
 19 flexibility to set that.
 20 The Commission did talk about fifty
 21 sacks for the tongers, and that would be about a
 22 hundred.
 23 Like I said, the flexibility with that
 24 we would like to be with the staff because there
 25 may be less tongers and there may be more

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

1 dredgers.
 2 COMMISSIONER BOSARGE: Joe, just for
 3 clarification, now.
 4 JOE JEWELL: Sure.
 5 COMMISSIONER BOSARGE: This discussion
 6 we are having, now, on this issue that you are
 7 referring to, are you talking about total sacks
 8 harvested, or --
 9 COMMISSIONER GOLLOTT: (Interposing)
 10 No. I'm talking about per day per fisherman.
 11 COMMISSIONER BOSARGE: I thought that
 12 the way we said it in option two is that the
 13 staff would make that decision as to what the
 14 fishermen are allowed to harvest.
 15 JOE JEWELL: That's correct.
 16 We had some discussion, at the prior
 17 commission meetings, that the tongers would have
 18 a minimum of fifty sacks per day.
 19 We asked the Commission -- that's why
 20 we voted on two -- to give us some flexibility
 21 because that could vary. If there are only ten
 22 tongers, it might be sixty sacks per day. We
 23 asked the Commission to give us a little bit of
 24 flexibility.
 25 COMMISSIONER GOLLOTT: Well, I had

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

1 fishermen fussing about that. They said let
 2 them catch some oysters.
 3 Why tie their hands at fifty sacks, or
 4 twenty sacks, or whatever?
 5 It's whatever their ability is.
 6 JOE JEWELL: Well, we are going to
 7 have both tonging and dredging that will be
 8 occurring on different days. We are trying to
 9 split the resource as equitable as possible.
 10 SANDY CHESTNUT: And we are trying to
 11 build some safety measures in there, as well,
 12 for the boat capacity and things like that.
 13 JOE JEWELL: Correct.
 14 COMMISSIONER GOLLOTT: If the
 15 fishermen are here and they want to say
 16 something to this specific thing, please come
 17 up.
 18 If not, we will just let it go.
 19 COMMISSIONER BOSARGE: Is there
 20 anybody who wants to comment on this issue?
 21 COMMISSIONER GOLLOTT: On how many
 22 sacks a day you can catch.
 23 COMMISSIONER BOSARGE: I see we have
 24 one gentleman, Ryan Bradley.
 25 Come on, Ryan. Step it up.

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

Commission on Marine Resources

1 RYAN BRADLEY: The dredge boats are
2 going to have a hard time floating on that reef.
3 If you want to let them go at it, don't set a --
4 if you say a hundred sacks, let them get twenty
5 at a time. Let them go unload, back and forth.

6 We need to have an interest in safety
7 on the boat. A lot of these small boats aren't
8 going to hold more than forty sacks at a time.
9 I would take that into consideration.

10 I agree that if a guy can produce more
11 than the next guy, let them keep working on that
12 reef.

13 COMMISSIONER BOSARGE: That's where we
14 are and that's why we are kind of leaving it
15 with the staff to set a limit, but enable them
16 to make multiple trips where we are not
17 overloading the boats.

18 RYAN BRADLEY: That's what I wanted to
19 be clear. Let them make multiple trips in one
20 day.

21 COMMISSIONER BOSARGE: All right.

22 JOE JEWELL: Absolutely. That was one
23 of the discussions. They will be allowed to
24 make multiple trips, and we did acknowledge, in
25 the presentation, that certain boats may have

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

1 years. I have never heard the term "trip ticket
2 data", and I would like to know what that is and
3 what it falls under, such as personnel. Does it
4 fall under legal? Does it fall under potential
5 litigation? I have never heard the term before.

6 COMMISSIONER BOSARGE: That's fine,
7 but can you take it up with Sandy, and she would
8 be more than glad to explain it to you.

9 DOUG WALKER: That's fine. I had
10 never heard the term before.

11 COMMISSIONER BOSARGE: Trip tickets is
12 something we are all familiar with here. I know
13 that you may not be, but we are all familiar
14 with trip tickets.

15 DOUG WALKER: Thank you.

16 SANDY CHESTNUT: I will be briefing
17 everyone after the executive session, and it
18 will be included in that.

19 MEETING STANDS IN RECESS

20 COMMISSIONER BOSARGE: I would like to
21 call this meeting back to order, and ask Sandy
22 Chestnut to give us an update on the executive
23 session.

24 SANDY CHESTNUT: At 11:43 a.m., a
25 motion was made by Commissioner Havard to go

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

1 some draft limitations.

2 I thank the Commission. I know this
3 has been a very difficult process, but I think
4 it is going to work very well for the fishermen.

5 COMMISSIONER HAVARD: At this time, I
6 would like to make motion that we go into closed
7 session to discuss trip ticket data that is
8 exempt from the Public Records Act and protected
9 by the Federal Law 16-USC-1881 and used in
10 investigative procedures.

11 COMMISSIONER TRAPANI: I'll second
12 that.

13 COMMISSIONER BOSARGE: We have a
14 motion and we have a second to go into closed
15 session to discuss the need for executive
16 session.

17 All those in favor say aye.

18 (All in favor.)

19 COMMISSIONER BOSARGE: Opposed?

20 (None opposed.)

21 COMMISSIONER BOSARGE: We had one hand
22 up.

23 DOUG WALKER: I would like to ask for
24 the Commission's indulgence for just a moment.

25 I have been doing this for many, many

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

1 into closed session to discuss the need for
2 executive session to discuss the following:

3 Trip ticket data which is exempt from
4 the Public Records Act and protected by Federal
5 Law 16-USC-1881 and used for investigative
6 proceedings.

7 That motion was seconded by
8 Commissioner Trapani.

9 At 11:52 a.m., Commissioner Gollott
10 made a motion to go into executive session to
11 discuss the same issue. That motion was
12 seconded by Commissioner Trapani.

13 Present at the executive session was
14 Steve Bosarge, Richard Gollott, Mark Havard,
15 Jolyene Trapani, Sandy Chestnut, Joe Spraggins,
16 Joe Jewell, Keith Davis, Patrick Carron, Bryce
17 Gex and Shay Smith.

18 A briefing was given on the
19 investigative proceedings and, at 12:51 p.m.,
20 Commissioner Gollott made the motion to end the
21 executive session, and that motion was seconded
22 by Commissioner Havard.

23 COMMISSIONER BOSARGE: Thank you,
24 Sandy.

25 I think that concludes Marine

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

Commission on Marine Resources

1 Fisheries.

2 We go on, now, to other business, and
3 I think Mr. Joe has a statement he would like to
4 make.

5 JOE SPRAGGINS: Yes.

6 After looking into the situation and
7 because of unreported fish that we have found
8 being sold in other states and in the State of
9 Mississippi under speckled trout, we will not be
10 allowed to open the June 1 season for commercial
11 speckled trout fishing.

12 We will give you more information as
13 we get it, but, as it stands right now, the
14 second season will not be allowed.

15 COMMISSIONER BOSARGE: Thank you, Mr.
16 Joe.

17 Do we have any other business?

18 (No response.)

19 COMMISSIONER BOSARGE: Come on up,
20 John.

21 JOHN LIVINGS: I'm just trying to make
22 sure I understand.

23 COMMISSIONER BOSARGE: Turn the mike
24 on, please, and state your name.

25 JOHN LIVINGS: John Livings.

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

1 When we were talking the dredging and
2 the tonging, we are allowed to dredge and tong,
3 but we are not going to be allowed to hand
4 dredge with our tonging boats?

5 COMMISSIONER BOSARGE: Is that
6 correct, Joe?

7 JOE JEWELL: That's correct.

8 JOHN LIVINGS: I don't understand. A
9 dredge is a dredge. I don't understand the
10 difference.

11 JOE SPRAGGINS: If you want to use a
12 hand dredge, that's fine. It's just not
13 required.

14 JOHN LIVINGS: That's what I'm asking.

15 SANDY CHESTNUT: We don't have any
16 regulations to prescribe what a hand dredge is.
17 We would have to pass regulations to tell you
18 what a hand dredge is, the specifics of it, and
19 what would be allowed.

20 JOHN LIVINGS: Yes, but that doesn't
21 pertain to this, though, because you are allowed
22 dredging and tonging on the same reef.

23 What's the difference in a little
24 dredge and a big dredge?

25 SANDY CHESTNUT: Because we don't have

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

1 those set by regulation.

2 JOHN LIVINGS: If we are allowed to
3 pull a big dredge, we can pull it by hand?

4 SANDY CHESTNUT: In order to do that,
5 we would have to go out on Notice of Intent to
6 change the regulations.

7 COMMISSIONER GOLLOTT: I will ask them
8 right now to put it on the agenda for our next
9 meeting, and we will get it underway where you
10 can pull a hand dredge.

11 COMMISSIONER BOSARGE: Turn on your
12 microphone.

13 COMMISSIONER GOLLOTT: The hand dredge
14 hasn't specifically been authorized like the big
15 dredge where we said it's got to be this big and
16 this weight and all this stuff. We haven't done
17 that on the hand dredge.

18 JOHN LIVINGS: Well, that's what we
19 used in the first relay. I pulled two hand
20 dredges off my tonging boat.

21 COMMISSIONER GOLLOTT: Well,
22 apparently nobody caught it, but we will put it
23 on the agenda for the next meeting.

24 COMMISSIONER BOSARGE: Joe, you will
25 cover that?

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

1 JOE JEWELL: Absolutely. Y'all are
2 describing the situation correctly.

3 The regular dredge is defined very
4 specifically in our regulations, where the hand
5 dredge is not.

6 If the Commission wants to approve the
7 hand dredge as an approved gear, it would have
8 to be defined in our regulations.

9 COMMISSIONER BOSARGE: And we can make
10 that happen?

11 JOE JEWELL: Absolutely. Legal
12 counsel mentioned you can make it at a regular
13 meeting. We will come forward with a Notice of
14 Intent for language describing a hand dredge.

15 JOHN LIVINGS: well, they have the
16 measurements. They have one on their boats that
17 they catch with.

18 COMMISSIONER BOSARGE: Do we need a
19 motion for that?

20 COMMISSIONER GOLLOTT: No. We can put
21 it on the agenda. We can't make a motion now
22 because it's not on the agenda. We can deal
23 with it at the next meeting.

24 JOHN LIVINGS: Not to be petty, but
25 one more thing is we were talking about the

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

1 price for oysters before.
 2 I had the dealer send me a copy of my
 3 last check, if you would like to see it, for
 4 what the price for oysters were the last day I
 5 worked in Mississippi.
 6 COMMISSIONER BOSARGE: I think we've
 7 got that. It's what they were in 2012, I think
 8 was the question.
 9 Correct?
 10 JOHN LIVINGS: Yes.
 11 COMMISSIONER BOSARGE: We were trying
 12 to determine what they were then versus what
 13 they are, now.
 14 JOHN LIVINGS: No. We were talking
 15 about what they were at the end of this last
 16 oyster season.
 17 COMMISSIONER BOSARGE: We're good.
 18 JOHN LIVINGS: You're good?
 19 COMMISSIONER BOSARGE: We're good.
 20 JOHN LIVINGS: Thank you.
 21 COMMISSIONER BOSARGE: Thank you,
 22 John.
 23 Other business.
 24 I would like, if we could, maybe ask
 25 Marine Fisheries to come back at the next

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

1 May 29, 2018, Special Session of the Commission
 2 on Marine Resources was concluded.)
 3

C E R T I F I C A T E

4
 5 I, Lucille Morgan, Certified Shorthand
 6 Reporter, do hereby certify that the above and
 7 foregoing is a true and correct transcript of
 8 the May 29, 2018, Special Session of the
 9 Commission on Marine Resources, as taken by me
 10 at the time and place heretofore stated in the
 11 aforementioned matter in shorthand, with
 12 electronic verification, and later reduced to
 13 typewritten form to the best of my skill and
 14 ability; and, further, that I am not a relative,
 15 employee, or agent, of any of the parties
 16 thereto, nor financially interested in the
 17 cause.
 18
 19
 20
 21
 22
 23
 24
 25



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

1 meeting to look at the endorsement on Spotted
 2 Seatrout and maybe what we could do to tweak
 3 that a little bit to make it better. It's not
 4 in the form of a motion; just a request.
 5 JOE JEWELL: We can do that,
 6 absolutely.
 7 COMMISSIONER BOSARGE: Okay. Thank
 8 you, sir.
 9 Is there any other business?
 10 COMMISSIONER GOLLOTT: Mr. Chairman, I
 11 make a motion that we adjourn.
 12 COMMISSIONER BOSARGE: We have a
 13 motion.
 14 Do we have a second for that motion?
 15 COMMISSIONER TRAPANI: I'll second
 16 that.
 17 COMMISSIONER BOSARGE: We have a
 18 motion and a second.
 19 All those in favor say aye.
 20 (All in favor.)
 21 COMMISSIONER BOSARGE: Opposed?
 22 (None opposed.)
 23 COMMISSIONER BOSARGE: Motion carries.
 24 We are adjourned.
 25 (Whereupon, at 1:10 o'clock, p.m., the

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