

COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, June 19, 2018
9:00 a.m.
Bolton Building Auditorium
1141 Bayview Avenue
Biloxi, Mississippi 39530

Commission Members:

Steve Bosarge, Chairman

Ron Harmon, Vice Chairman

Mark Havard

Jolynne Trapani

Also Present:

Joe Spraggins, Executive Director DMR

Sandy Chestnut, Esq., Assistant Attorney General

1 COMMISSIONER BOSARGE: I would like to welcome
2 everybody to the June meeting of the commission on Marine
3 Resources. Looks like we've got a pretty lively crowd.

4 We will start it all off by saying the Pledge of
5 Allegiance. I would like Commissioner Trapani to lead us.

6 (Pledge of Allegiance was recited.)

7 COMMISSIONER BOSARGE: We have incorporated a
8 moment of silence into our agenda, and we would like to
9 take a minute.

10 One of our Commissioners is actually having some
11 surgery today, so some of us want to say a prayer for him.

12 We would like to observe just a short minute of
13 silence.

14 (Moment of silence observed.)

15 COMMISSIONER BOSARGE: We will get started.

16 Next up on the agenda is approval of the
17 minutes. We have actually two sets of minutes.

18 Do we have any changes, or notes, to the
19 approval of the minutes on May 15?

20 (No response.)

21 COMMISSIONER BOSARGE: Hearing none, do we have
22 a motion to approve the minutes as written of the May 15th
23 meeting?

24 COMMISSIONER HARMON: Mr. Chairman, I make a
25 motion that we approve the minutes for May 15th.

1 COMMISSIONER BOSARGE: We have a motion.

2 Do we have a second for that motion?

3 COMMISSIONER HAVARD: I'll second that motion,
4 Mr. Chairman.

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

7 All those in favor say aye.

8 (All in favor.)

9 COMMISSIONER BOSARGE: Opposed?

10 (None opposed.)

11 COMMISSIONER BOSARGE: Motion carries.

12 Next up will be approval of the Special Session
13 minutes for May 29th.

14 Do we have any changes to those minutes?

15 (No response.)

16 COMMISSIONER BOSARGE: Hearing none, do we have
17 a motion to approve those minutes as written?

18 COMMISSIONER HAVARD: I'll make a motion that we
19 approve the minutes as written.

20 COMMISSIONER BOSARGE: We have a motion.

21 Do we have a second to that motion?

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

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

1 All those in favor say aye.

2 (All in favor.)

3 COMMISSIONER BOSARGE: Opposed?

4 (None opposed.)

5 COMMISSIONER BOSARGE: Motion carries.

6 Next will be approval of the agenda.

7 Do we have any changes?

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

9 If I could, I would like to make a motion that
10 we move K1, which is the James W. Sanders, III,
11 Resolution, to D1 and, also, that we would add, under F2,
12 a Spotted Seatrout report/unreported landings
13 investigation from February 1, 2018, to April 27, 2018.
14 Both of these are action items.

15 Then, also, if we could, I would like to move
16 K4, the Oyster Depuration Update, to the July meeting.

17 All of these will be action items.

18 COMMISSIONER BOSARGE: So we are going to move
19 K1 to D1?

20 JOE SPRAGGINS: Yes, sir, and add F2, which is a
21 Spotted Seatrout report, and, then, remove K4.

22 COMMISSIONER BOSARGE: Where are we going to put
23 F2?

24 JOE SPRAGGINS: Put it right under F1 under
25 Marine Patrol.

1 COMMISSIONER BOSARGE: You are confusing me this
2 morning.

3 COMMISSIONER HAVARD: Mr. Chairman, I would like
4 to add something to the agenda, as well.

5 COMMISSIONER BOSARGE: All right.

6 COMMISSIONER HAVARD: Let's make it F2.

7 JOE SPRAGGINS: We've got an F2.

8 Make it F3?

9 COMMISSIONER HAVARD: Make it F3. Haul seine
10 exclusions all around Cat Island.

11 COMMISSIONER BOSARGE: Can we actually add an
12 item to the agenda, Ms. Chestnut?

13 SANDY CHESTNUT: It would have to be voted on.
14 with the haul seine, it should go under Marine
15 Fisheries because they will be writing regulations.

16 Everyone would have to vote on it, if you want
17 to add it, or not.

18 JOE SPRAGGINS: So it would need to really go
19 under K8?

20 SANDY CHESTNUT: K8.

21 JOE JEWELL: Can we put it under K5, a very
22 similar issue on the agenda, maybe K5(b)?

23 SANDY CHESTNUT: K5(a).

24 JOE SPRAGGINS: They have to vote on this?

25 SANDY CHESTNUT: Right.

1 COMMISSIONER BOSARGE: I'm just a little
2 confused. I know we do a lot of modifying of the agenda,
3 but we don't do a lot of adding to it.

4 Commissioner Havard has asked to add to the
5 agenda.

6 COMMISSIONER HAVARD: The haul seine issue.

7 COMMISSIONER BOSARGE: Does there need to be a
8 motion made for that, or just take a vote?

9 SANDY CHESTNUT: Why don't we vote on the
10 amendments, and, then, we can vote on the addition?

11 COMMISSIONER BOSARGE: The amendments to the
12 agenda.

13 COMMISSIONER TRAPANI: I'll go ahead and make
14 that motion to add the amendments to the agenda.

15 COMMISSIONER BOSARGE: We have a motion.
16 Do we have a second to that motion?

17 COMMISSIONER HARMON: So seconded, Mr. Chairman.

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

20 All those in favor say aye.

21 (All in favor.)

22 COMMISSIONER BOSARGE: Opposed?

23 (None opposed.)

24 COMMISSIONER BOSARGE: Motion carries.

25 COMMISSIONER HAVARD: I would like to make a

1 motion that we modify the agenda to add K5(a), haul seine
2 exclusionary zone around Cat Island.

3 COMMISSIONER TRAPANI: I'll second that.

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

6 All those in favor say aye.

7 (Commissioner Harmon, Commissioner Havard,
8 Commissioner Trapani in favor.)

9 COMMISSIONER BOSARGE: Opposed?

10 (Commissioner Bosarge opposed.)

11 COMMISSIONER BOSARGE: I would just ask one
12 thing. Because we have a lot of time to set the agenda,
13 if there is an issue you want to put on the agenda, let's
14 try to do it before we get to the meeting, if possible.

15 Motion carries.

16 Next on the agenda would be Executive Director's
17 report.

18 JOE SPRAGGINS: Yes, sir, Mr. Chairman. A
19 couple of things this morning.

20 We have moved the Resolution for Jimmy Sanders,
21 and we would just like to first off recognize Bree. Thank
22 you for being here and the family and friends of Jimmy
23 Sanders that have come here today. We thank you so much
24 for taking the time to do this. You know how much he
25 meant to us.

1 We have a resolution that we would like to read.
2 Joe Jewell, I would ask if you would come
3 forward to read that resolution.

4 JOE JEWELL: Thank you Director Spraggins,
5 Commissioners.

6 As you know, we lost one of our beloved staff
7 members on May the 5th of this year. Jimmy was a well
8 respected and loved professional. He represented our
9 agency very, very well.

10 The Commission has asked for the Marine
11 Fisheries office to come forward with a resolution.

12 Before I get started, I want to thank Jimmy's
13 family and friends for being here today to recognize not
14 only Jimmy's career, but his life and the affect that it
15 has had on all of our goals here at the DMR.

16 This is Resolution Number 061918-1:

17 "Whereas, the Mississippi Commission on
18 Marine Resources, a duly constituted
19 government entity created to serve the
20 great State of Mississippi, and,

21 "Whereas, said services includes the
22 conservation and wise management of the
23 marine resources of Mississippi, and,

24 "Whereas, the Mississippi Commission on
25 Marine Resources acknowledges contributions

1 to the betterment of the fisheries of the
2 Gulf of Mexico through significant
3 biological, industrial, legislative,
4 enforcement, or administrative activities,
5 and,
6 “Whereas, James W. Sanders, III, served
7 the Mississippi Department of Marine
8 Resources from 2001 to 2008, and,
9 “Whereas, James W. Sanders, III, served
10 as a Marine Fisheries technician and
11 Marine Fisheries scientist and as the
12 Director of the Artificial Reef Bureau, and,
13 “Whereas, James W. Sanders, III, dedicated
14 seventeen years to the Mississippi
15 Commission on Marine Resources and the
16 Mississippi Department of Marine Resources,
17 “Whereas, James W. Sanders, III, was a
18 loving husband, father, son, brother,
19 uncle and friend,
20 “Whereas, James W. Sanders, III, passed
21 away on May 5th, 2018,
22 “Now, therefore, in a duly constituted
23 and assembled meeting, the Mississippi
24 Commission on Marine Resources recognizes
25 and appreciates the long and valuable

1 service of James W. Sanders, III, to the
2 Marine Commission, the Department of
3 Marine Resources and the marine resources
4 of the State of Mississippi,

5 "Done and resolved in this duly constituted
6 and assembled meeting on this, the 19th day
7 of June 2018."

8 We would need a motion to adopt the resolution.

9 COMMISSIONER BOSARGE: Yes, sir, Mr. Joe, by all
10 means.

11 I know it is sad for the family, but, if Jimmy
12 was here, he would want everybody out there to be laughing
13 and smiling.

14 I knew him through the Artificial Reef Program
15 and being in Houston at a summit. I knew him from around
16 here, but I really got to know him down there. He was one
17 of a kind.

18 Do we have a motion to approve this resolution?

19 COMMISSIONER HARMON: Mr. Chairman, I would like
20 to make a motion that we accept this resolution.

21 COMMISSIONER BOSARGE: We have a motion.

22 Do we have a second?

23 COMMISSIONER HAVARD: I'll second that motion.

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

1 All those in favor say aye.

2 (All in favor.)

3 COMMISSIONER BOSARGE: Opposed?

4 (None opposed.)

5 COMMISSIONER BOSARGE: Motion carries.

6 JOE SPRAGGINS: Bree, if you could, please come
7 forward.

8 We want to give you this Resolution signed by
9 the Commission today in remembrance of Jimmy.

10 BREE SANDERS: Thank you.

11 JOE SPRAGGINS: Once again, there is nothing we
12 can say that will make it any better, but Bree and the
13 family, we thank you and we want you to know that every
14 day he is in our hearts.

15 We had a maroon-and-white day, and we will
16 probably have a maroon-and-white Friday every now and
17 then, and it will just be a Jimmy day.

18 He is probably watching right now, and I imagine
19 that's the reason they are in Omaha.

20 He pulled them out last time, and I was waiting
21 up last night to see if he was going to do it again, but I
22 guess they are playing today, so I won't get to see that.

23 We appreciate you very much and thank you.

24 BREE SANDERS: Thank you.

25 COMMISSIONER BOSARGE: Thank you.

1 JOE SPRAGGINS: I have one other thing. We have
2 a Commissioner that this is his last meeting. He has
3 served with us long and hard, from April 2015 to today.

4 He has worked hard with us and we have enjoyed
5 having him. He has had to put up with a lot of hard
6 times. There have been a lot of changes in the Department
7 of Marine Resources over the last few years.

8 Ron, we want to tell you we appreciate you and
9 you have done a great job. You have done a fantastic job.

10 I can't tell you how much of a joy it has been
11 for me working with you and I can tell you, from the
12 Department of Marine Resources, they all have enjoyed
13 working with you and we thank you a lot for your service.

14 We do have a little something for you. If you
15 could walk up front with us, we would appreciate it.

16 JOE JEWELL: Ron, I would like to recognize you
17 for your dedicated service to the State of Mississippi,
18 the Department of Marine Resources, the Commission on
19 Marine Resources and most of all, your service to the
20 marine resources themselves.

21 On behalf of the Department of Marine Resources,
22 we would like to present you with this small token of
23 appreciation for all that you have done.

24 JOE SPRAGGINS: That's that special picture.

25 JOE JEWELL: We are not going to let you go

1 without a remembrance.

2 COMMISSIONER HARMON: Thank you, Joe.

3 JOE SPRAGGINS: That's hand done by him.

4 COMMISSIONER HARMON: Oh, yes.

5 Thank y'all. Thank you very, very much.

6 Joe, coming from you, you know that is special
7 for me.

8 JOE SPRAGGINS: Sir, that concludes my part.

9 COMMISSIONER BOSARGE: I've got to admire Ron.
10 We serve in this position at the people's will.

11 Look how he is dressed. He is still serving the
12 public today. I don't know if I could do that all day
13 long every day. My hat is off to you. I really have
14 enjoyed having you here, and I'm going to miss you.

15 COMMISSIONER HARMON: Thank you, Steve.

16 If y'all don't mind, I would like to thank all
17 of the staff here. Y'all have been very, very patient
18 with me. There have been a lot of things that I didn't
19 understand. You have helped me through some very
20 difficult decisions. I would like to think that it was in
21 the best interest of the resources.

22 This is a very hard job sometimes, deciding what
23 is right and what is wrong, and doing a fair balance
24 between the fishermen and the resource.

25 I have enjoyed working with each and every one

1 of my co-commissioners up here, and I just want to thank
2 y'all for letting me serve with y'all. It has been an
3 absolute pleasure and I will miss you. Thank you.

4 COMMISSIONER BOSARGE: It's a two-sided story.
5 We have enjoyed you, also, and we are going to miss you.
6 Thank you for your service.

7 We will continue on. The Commissioners report.
8 Do any of the Commissioners have anything they
9 would like to add, or say, or comment on?

10 (No response.)

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

13 KEITH DAVIS: Good morning Commissioners.

14 I find myself being in Joe Jewell's shoes today,
15 with as much as I've got to report.

16 You have the normal monthly report in front of
17 you for the second time.

18 Are there any questions about that report?

19 COMMISSIONER BOSARGE: I've gone through it and
20 was looking and circled a few things.

21 I see "dead Manatee". It's under "Assists with
22 Public Safety Concerns". I just thought that was one of
23 those things that you hate. Manatees, there are not many
24 of those and you don't see them too often.

25 KEITH DAVIS: That is true, and, as the Marine

1 Patrol Chief, I did not even know about it, until you
2 mentioned it.

3 COMMISSIONER BOSARGE: That's okay.

4 Everything else looks like it's pretty much on
5 schedule.

6 Looks like we had quite a few "No Saltwater
7 Fishing License". It's that time of year. Everybody is
8 getting out fishing and folks just forget about that one
9 little part.

10 KEITH DAVIS: Yes, sir.

11 Any other questions for the Chief?

12 COMMISSIONER TRAPANI: I would just like to ask
13 you, how do you feel the Tails n' Scales is going?

14 KEITH DAVIS: I'm fixing to get into that real
15 deep. I think it is going real well. I think, with the
16 report I'm about to give you, you will feel the same way.

17 Let's go to the Red Snapper.

18 Thank you Commissioner Trapani for that question
19 into what we're talking about.

20 Red Snapper, in my opinion from an enforcement
21 standpoint, is going really well.

22 Marine Patrol and Marine Fisheries talk almost
23 daily either verbally, or through some type of mechanical
24 way.

25 This is a report that I gave you in February

1 and, if you remember, we talked about the documented stops
2 were much higher than that because we were doing it
3 manually. We were calling it into dispatch, when we were
4 in radio communication, or we were not calling the stops
5 in.

6 I personally was south without radio
7 communications on many occasions where we stopped a lot of
8 Red Snapper fishermen that never were recorded in our
9 database.

10 This was in February where we said that we were
11 stopping four point two percent of the fishermen, and I
12 always maintained that that number was much higher.

13 Our IT Department created a means for us to
14 capture that information and what you see here is a
15 snapshot from a few weeks ago, a couple of weeks ago.

16 As you can tell, as the officers are making
17 stops on the waterway, they are able to electronically
18 capture where they are, who they are stopping, how many
19 fish that they have onboard and whether, or not, they are
20 compliant with Tails n' Scales.

21 This database has been tremendous for us, in
22 terms of us keeping up with the records of how many stops
23 that have been made, and Fisheries has access to this
24 database to do the recording that they need to do, as
25 well. It is working very well.

1 To date, we have seventeen hundred and forty
2 actual completed fishing trips for Red Snapper. Of those
3 seventeen hundred and forty trips, Marine Patrol has
4 stopped, or encountered, two hundred and thirty-nine of
5 those individuals.

6 Of those stops, we counted one thousand and
7 eight fish. That's not pounds. That is actual fish that
8 were onboard the vessels.

9 Forty-two of those fish were seized, as a result
10 of failure to register with Tails n' Scales.

11 If you remember, you requested Marine Patrol to
12 actually seize the fish. We have been doing that, and
13 that generated seventeen citations.

14 That breaks down to we are now at thirteen point
15 seven percent of stops of Red Snapper fishing trips,
16 seized four percent of the inspected fish that we
17 encountered, and that generated less than one percent, or
18 zero point nine percent, of fishermen received an actual
19 citation.

20 What I was pleased to note is there were no over
21 limit, or undersized, violations during any of those
22 stops. We believe that the fishermen are being
23 responsible in that aspect, but there are some that, for
24 whatever reason, just do not file the Tails n' Scales, but
25 it is not as bad as it could be.

1 Any questions on Red Snapper?

2 COMMISSIONER TRAPANI: On the stops that you
3 have had that they were not registering, were they not
4 aware, or were they aware and not doing it?

5 KEITH DAVIS: In law enforcement, you get many
6 reasons.

7 I personally have been on several of those stops
8 where individuals said that they couldn't get the app to
9 work, or they didn't remember, but this long in the game
10 everyone knows that you have to register.

11 we have to take that up in court obviously, but
12 we will see how that turns out.

13 COMMISSIONER TRAPANI: I would like to add, just
14 from talking with different anglers through my business, I
15 am really surprised. They are being honest. There are
16 anglers that actually do not know of the Tails n' Scales
17 app.

18 I'm talking with them and telling them if they
19 are snapper fishing, please use this app, and they did not
20 know about it.

21 I think we still have a little bit of a problem
22 with people not being aware of this. I think we need to
23 work on trying to get that information out as much as we
24 can to these anglers.

25 I know y'all work so hard and we appreciate it.

1 You think it's a commonsense thing that they
2 should know, but there really are people out there that
3 still do not know.

4 I know we can't give them a pass on that, and I
5 appreciate y'all being so strict about it. That is the
6 only thing that is going to get everyone's attention.

7 we do still have a percentage out there that are
8 not aware that this does exist.

9 KEITH DAVIS: Yes, ma'am.

10 COMMISSIONER BOSARGE: Just to echo her
11 sentiments, basically the same thing happened to me. He
12 is a friend of ours. As a matter of fact, he is one of
13 the guys in the office. He is borrowing his reels.

14 They go through the whole scenario, and I asked
15 him, "Have you got everything you need? Did you register
16 with Tails n' Scales?"

17 He says, "what?"

18 I said, "Tails n' Scales. You've got to get a
19 trip number before you go fishing", and this is a guy that
20 it's not like he is in a corner somewhere and he doesn't
21 know what is going on.

22 I guess my point is there are still those folks
23 out there that haven't heard of it.

24 we have done all the public outreach we can. I
25 see the flyers at the launches, but there are still folks

1 that just don't know.

2 JOE SPRAGGINS: Mr. Chairman.

3 COMMISSIONER BOSARGE: Yes, sir.

4 JOE SPRAGGINS: We have done some other stuff.
5 Department of wildlife has agreed to let us put
6 it on their website and on their pages so it goes across
7 the state and we get other people looking at it.

8 I know that we have run several ads.

9 we have billboards that are even showing to do
10 it.

11 We are trying every way in the world, and we
12 want to get everybody that we possibly can to get this
13 information.

14 Not speaking for an officer, but I can tell you
15 just from talking to them, when they look a person in the
16 face, they can pretty much tell if they are telling the
17 truth, or not, and they can tell you if that guy, or that
18 lady, is saying, yes, I really did know about it, and I'm
19 sure they are looking at that and looking at the way it
20 should be done, so I trust that.

21 COMMISSIONER BOSARGE: Just to kind of recap on
22 some of the info, I was trying to see how many stops we
23 did, intercepts.

24 KEITH DAVIS: Two hundred and thirty-nine.

25 COMMISSIONER BOSARGE: Out of that, how many

1 didn't have their Tails n' Scales?

2 KEITH DAVIS: Seventeen. Less than one percent.

3 COMMISSIONER BOSARGE: I remember one of the
4 emails that was sent that indicated we did nineteen stops,
5 and I think you had three that didn't have Tails n'
6 Scales. That was when it first began.

7 KEITH DAVIS: Yes, sir.

8 COMMISSIONER BOSARGE: Any more questions?

9 (No response.)

10 COMMISSIONER BOSARGE: All right, Chief. We
11 appreciate it.

12 KEITH DAVIS: Now we will go to Spotted
13 Seatrout.

14 If you remember, Commissioners, in the last
15 meeting, I informed you that Marine Patrol was working on
16 a case that involved underreporting of Spotted Seatrout,
17 and this is an update from that announcement.

18 In March of 2018, we received information from
19 the Alabama Marine Patrol that they were seeing an
20 increased amount of Spotted Seatrout sold to their seafood
21 dealers from Mississippi anglers.

22 We took that information and verified that some
23 of those fish were not reported to our trip ticket
24 program.

25 The investigation revealed thousands of pounds

1 of Spotted Seatrout sold in Alabama were never reported.

2 The sales receipts indicated Mississippi
3 licensed commercial fishermen were selling their own catch
4 directly to Alabama dealers.

5 We have interviewed the individuals we have
6 identified that are responsible for the under reporting
7 and non reporting, and that resulted in twenty-eight
8 thousand six hundred and sixty-three pounds of Spotted
9 Seatrout that has now been submitted to the trip ticket
10 program.

11 As all of you know, as a result, it put us over
12 the fifty thousand pound limit for the year.

13 Marine Patrol currently sits on receipts from
14 seafood dealers that total twelve hundred and ninety
15 pounds still not put into the trip ticket program. This
16 is obviously an issue for the DMR.

17 We are not providing you today the names of the
18 individuals involved in this, but, as you can see, if you
19 look at subject A, Marine Patrol actually knows who this
20 individual is, but we are going to get into why we are not
21 reporting that in just a minute.

22 Subject A actually reported twelve thousand
23 seven hundred and fifty-three pounds to the trip ticket
24 program. He, or she, failed to report twelve thousand
25 four hundred and eighty-five pounds, almost half of their

1 catch.

2 To date, we have receipts where this individual
3 sold another three hundred and eighty-nine pounds that was
4 never reported.

5 The other twelve individuals similar, all the
6 way down to Subject K.

7 These are the seafood dealer shops that late
8 reported, and we do have two dealers that have some issues
9 with late reporting.

10 Depending on how you vote today, whether or not
11 you consider our recommendation, we have thirteen
12 individuals and/or seafood shops that are going to come
13 before you.

14 We are going to have one individual for no
15 Spotted Seatrout endorsement and two for no fresh product
16 license, during this time period.

17 Here is where we are today. At the close of
18 season, Marine Fisheries indicated twenty-three thousand
19 six hundred and fifty-five pounds had been reported.

20 Marine Patrol was able to provide Marine
21 Fisheries with twenty-nine thousand one hundred and five
22 pounds that we had identified through our investigation
23 which brings us to a total caught of fifty-two thousand
24 seven hundred and sixty pounds.

25 As you see, the twelve hundred and ninety pounds

1 that I mentioned just a little while ago is still not
2 reported and you will get to hear that, which brings us to
3 fifty-four thousand fifty pounds for the year.

4 Our recommendation is going to be for you to
5 hear these cases, and I'm going to let our counselor give
6 you the two options that we have going forward, whether we
7 go criminally with these cases, or if we bring them
8 through you for a civil disposition.

9 SANDY CHESTNUT: The penalties matrix, if we
10 take those cases to court, is outlined in 49-15-63 and,
11 for the first offense, the fine is a hundred to five
12 hundred dollars, unless it is during a closed season, and,
13 then, it's five hundred to a thousand.

14 The second offense, if it is committed within
15 three years, the fine is five hundred to a thousand.

16 Third offense, or subsequent, is two thousand to
17 four thousand.

18 If they have three offenses in three years, they
19 have a one-year license revocation by the court.

20 In addition to those actions, the Commission can
21 also give a five-day license suspension for the first
22 offense, thirty-day license suspension for the second
23 offense, and, then, they can have their license revoked,
24 if they have five offenses in five years.

25 In 2005, the legislature gave the Commission the

1 authority to hear these violations administratively. It
2 is the Administrative Penalties Act.

3 what happens there is it is a civil violation
4 and the Complaint is issued to the alleged violator, and
5 they have thirty days to respond to that Complaint.

6 The Executor Director, then, sends a
7 recommendation to the Commission and to the alleged
8 violator outlining what penalty he is recommending.

9 The fine, under the Administrative Penalties
10 Act, can be up to ten thousand dollars for each violation,
11 and they can have a license suspended, or a license
12 revocation, that is provided in 49-15-63.

13 within fifteen days after the Executive Director
14 sends his recommendation to the alleged violator, the
15 violator has fifteen days to ask for an informal
16 settlement conference.

17 After the informal settlement conference, based
18 on what information he has received, the Executive
19 Director may revise his recommendation to the Commission,
20 but all of those recommendations will come before the
21 Commission in an open public meeting, and the Commission
22 will make the final decision as to what the penalty should
23 be.

24 There is also a provision for a formal hearing.
25 If the informal settlement conference is not requested,

1 the alleged violator may request a formal hearing within
2 twenty days after they receive the Executive Director's
3 recommendation, and, then, the hearing officer would
4 submit the recommendation to the Commission, but, again,
5 the Commission would make the final decision at an open
6 meeting.

7 If they are not pleased with the Commission's
8 final decision, the alleged violator can appeal that
9 judgment to the Chancery Court within thirty days.

10 There is a very limited scope of review in the
11 Chancery Court, and the standard is whether it is not
12 supported by any substantial evidence, it is arbitrary, or
13 capricious, or it violates a statutory, or constitutional
14 right.

15 The penalties are due to the Commission within
16 forty-five days and, if it is not paid, we can enforce
17 that in Chancery Court, and there is also a provision in
18 49-15-325 that the license can be revoked until they pay
19 those fines.

20 KEITH DAVIS: With that understanding, Marine
21 Patrol's recommendation is for the Commission to hear
22 these cases.

23 Ms. Chestnut, am I correct that the Commission
24 can revoke the Spotted Seatrout endorsement at any time,
25 if they find it necessary?

1 SANDY CHESTNUT: At this time, they cannot. If
2 they meet the criteria, they cannot revoke, but I think we
3 are going to do some proposed language to change the
4 regulations to provide for that.

5 KEITH DAVIS: Due to the egregiousness of this
6 case, that is our recommendation.

7 If you choose for us to bring the cases before
8 you, I would need this motion pursuant to Mississippi Code
9 49-15-401, that the Commission requests Marine Patrol to
10 bring forward Spotted Seatrout violations occurring during
11 the 2018 spring commercial fishing season to the
12 Commission for processing under the Administrative
13 Penalties Procedures.

14 COMMISSIONER BOSARGE: There are some bad
15 players in the game, and I agree. I think we need to
16 handle most of this in house and, if it has to go to a
17 criminal court, after it passes through us and it gets
18 appealed, or whatever, then, yes, let it go.

19 This department and this Commission knows how to
20 take care of this problem, in my opinion, but I would like
21 to put things just a little bit in perspective here.

22 If you look at your slides, we've got a fifty
23 thousand pound quota. I think we are over the quota by
24 four thousand and something pounds, and, then, what was
25 failed to be reported was fourteen thousand pounds.

1 I just want everybody to think about this and
2 get the whole picture, and the whole picture is fourteen
3 thousand pounds of the commercial quota equates to about
4 four days of recreational fishing, if you average it out.
5 Just keep it in perspective. There are bad players not
6 doing what they are supposed to do, but, if you look at
7 the whole big picture, what they went over, fourteen
8 thousand pounds, is about what the recreational sector
9 catches in four days.

10 I think Commissioner Havard wants to make a
11 motion.

12 COMMISSIONER TRAPANI: I would like to just add
13 something to that.

14 I agree that the percentages of the numbers,
15 what you had said are there, but we don't need to forget
16 that these are rules that were broken blatantly and the
17 thing to me that is the shame is that the people that
18 actually follow the rules are, now, punished and their
19 season is over because of a few bad people, and that is a
20 shame for the other hardworking fishermen that go by the
21 rules, abide by them, and someone takes their season away.

22 It's not really a number thing. I understand
23 that, but they did the wrong thing, and, now, other people
24 have to be punished for it.

25 COMMISSIONER BOSARGE: I agree.

1 COMMISSIONER HAVARD: One quick question.

2 Does the Commission have the right to revoke the
3 endorsements, as well as the licenses?

4 SANDY CHESTNUT: The way the current regulations
5 are written, it does not provide for that.

6 There may be a way we can also revoke the
7 license under 49-15-63, but we would have to look at each
8 case individually.

9 JOE JEWELL: My understanding is the Commission
10 cannot revoke the endorsement, not because it's a license.
11 It is because there is no provision in the regulation that
12 will allow the Commission to do that.

13 If the Commission wanted to change that, they
14 would have to ask the staff to make a proposal, or
15 recommendation.

16 SANDY CHESTNUT: Correct.

17 COMMISSIONER HAVARD: I would like to propose
18 and ask the staff to make that change.

19 JOE JEWELL: I think the motion is for the staff
20 to come back next month with recommendations to provide
21 provisions for the revocation of the endorsement under
22 certain penalties.

23 Is that correct, Commissioner Havard?

24 COMMISSIONER HAVARD: That's correct.

25 COMMISSIONER TRAPANI: I'll second that.

1 COMMISSIONER BOSARGE: I'm just trying to wrap
2 my mind around this, Joe.

3 This wouldn't be something we would do in a
4 normal meeting. This would be something that we would
5 have the power to do at the end of the proceeding, in
6 other words, when this person has been charged, he has
7 been before the Executive Director.

8 Am I reading this correctly?

9 JOE JEWELL: I think so. I think I would prefer
10 our legal staff to join that conversation, but it could be
11 part of the penalty considerations for those that are
12 found in violation. The Commission could add to that
13 revocation of the endorsement that these recommended
14 changes go through.

15 SANDY CHESTNUT: Yes, that's correct.

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

18 Any further discussion?

19 (No response.)

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

22 (All in favor.)

23 COMMISSIONER BOSARGE: Opposed?

24 (None opposed.)

25 COMMISSIONER BOSARGE: Motion carries.

1 KEITH DAVIS: If you want to hear the cases, we
2 need a motion.

3 COMMISSIONER BOSARGE: I think that's the best
4 way to proceed.

5 I will make the motion. I'm not going to read
6 it out, but, anyway, that we do what is on the slide.

7 COMMISSIONER HARMON: Mr. Chairman, I'll second
8 that motion.

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

11 Any further discussion?

12 (No response.)

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

15 (All in favor.)

16 COMMISSIONER BOSARGE: Opposed?

17 (None opposed.)

18 COMMISSIONER BOSARGE: Motion carries.

19 KEITH DAVIS: I do want to add just one more
20 thing. I really want the Commission to consider the work
21 that the men of Marine Patrol did; not Chief Davis, but
22 the men of Marine Patrol did in uncovering this and
23 ensuring that, as Commissioner Trapani has eloquently
24 said, this is not about the numbers. It affects the
25 industry and the economics of Mississippi.

1 My hat is off to those men who went out and
2 diligently worked.

3 We have met with counsel. Counsel likes the way
4 that the cases have been put together.

5 In my opinion, they did a tremendous job in
6 bringing forth this information.

7 Thank you.

8 COMMISSIONER BOSARGE: Thank you, Chief.

9 We move on to Office of Coastal Resources
10 Management, Mr. Jan Boyd.

11 JAN BOYD: Good morning Mr. Chairman,
12 Commissioners, General Spraggins, Ms. Chestnut.

13 We have two action items for your consideration
14 this morning, and Willa Brantley will be presenting the
15 first one.

16 WILLA BRANTLEY: Good morning.

17 Before I get into my presentation, I did want to
18 give y'all an update on the General Permits that we have
19 been waiting on the Corps to issue.

20 They did get those issued on May 21st, and the
21 permitters have been working hard to catch up on that
22 backlog.

23 From May 21st until today, they had issued
24 seventy-eight General Permits. That doesn't count all the
25 other kinds of files that they have closed, but they had

1 done seventy-eight, and I believe all of the backup that
2 still hasn't been issued, they are waiting on information
3 from applicants.

4 COMMISSIONER BOSARGE: What was holding them up
5 before was the Corps?

6 WILLA BRANTLEY: Yes. That was taken care of
7 May 21st.

8 We did, last Thursday, have a workshop here in
9 this room for marine contractors and consultants to go
10 over the changes in the General Permits, and we have
11 updated the way that we issue our authorizations on DMR's
12 side just to make it a little clearer and easier for them
13 to follow.

14 We had that workshop on Thursday last week, and
15 we had twenty-six attendees, I believe.

16 COMMISSIONER BOSARGE: That's good. Sounds like
17 good participation.

18 JOE SPRAGGINS: If I could comment real quick on
19 that, I talked with the Colonel over the Corps and he was
20 very apologetic about what happened, and he said that it
21 was their fault. They made a mistake. Something in their
22 system was broken. They have fixed it. He promised us
23 that it will not happen again. It was their fault and not
24 our department. They wanted everyone to know that.

25 WILLA BRANTLEY: And those General Permits are

1 good until May 17th, 2023. We won't have to do this update
2 again until then.

3 COMMISSIONER BOSARGE: That's good. I'm glad
4 y'all jumped on it and kind of got caught up.

5 WILLA BRANTLEY: They worked really hard.

6 I did, a couple of years ago, bring this before
7 the Commission. We thought we were ready to go out on
8 public notice with this, but it turns out that NOAA wanted
9 a few more changes made, so we need to bring this forward
10 again to present a few of those changes.

11 This is Title 22 Part 23. This would be an
12 adoption of a new part. This is basically taking our
13 Mississippi Coastal Program that you hear about every
14 month, our decision factors and processes and procedures,
15 and making it a State Regulation. NOAA wants that and we
16 want that, as well.

17 Just a real quick overview to remind you. We
18 have both the Federal Law and the State Law that we work
19 under. Both of those laws tell us to define a Coastal
20 Zone and come up with a Coastal Program to manage that.

21 Those are both covered by our Mississippi
22 Coastal Program. That's where you find those decision
23 factors that you hear about every month, when we present
24 proposed projects.

25 In March 2009, we had a 312 evaluation by NOAA.

1 That is where they come in and they evaluate our entire
2 regulatory program.

3 They gave us a necessary action which means it
4 is something we have to get done by the next 312
5 evaluation which is actually coming up in September. We
6 have already started that process.

7 We must complete an update of our Program
8 Document that addresses changes to regulations, changes in
9 development patterns and natural resource issues, and
10 reorganization of relevant state agencies and offices.

11 The Coastal Program was adopted in 1980. It was
12 revised in 1988.

13 These changes that we are going through now are
14 not any substantive changes. We are updating it. We are
15 bringing in statutes that have come into play, since 1988.

16 We are updating agency names, and we are
17 rearranging it to better follow our workflow.

18 That is just kind of what this overview slide
19 is. These are some of the changes we are making.

20 The three things I'm presenting today that have
21 changed since last time, we had talked about adding two
22 new requirements for regulated activities. This was for
23 piers and boathouses and other structures like that.

24 We wanted to add that they must be constructed
25 such that a minimum of ten feet be maintained between

1 those structures and the adjacent property line, unless it
2 was authorized by the adjacent upland owners, and that no
3 creosote, or asphalt, building materials be allowed.

4 We have since decided we don't want to add those
5 to the Coastal Program, mainly because that first one
6 about the setback, we really don't have any legal
7 authority to do that.

8 From our understanding, the setbacks that the
9 cities and the counties have on land also apply to any
10 structures that are built out in the water. That is taken
11 care of by other agencies, the local agencies.

12 Then, creosote and asphalt building materials,
13 we decided not to be so specific with that.

14 DEQ requires that materials used in marine
15 environments follow certain rules, so we are just going to
16 let them go with that. It is more in their purview than
17 it is in ours. We decided to take those two out.

18 COMMISSIONER BOSARGE: Not to interrupt, but
19 that is the case. You can't use creosote, or asphalt,
20 materials.

21 Correct?

22 WILLA BRANTLEY: Right. We just don't have to
23 put it in our Coastal Program for that to still be true.

24 We had also talked about taking out one of our
25 requirements which is that vertical face structures

1 intended to replace failed erosion control structures --
2 that would be bulkheads -- shall not extend more than
3 twenty-four inches waterward from the base of a failed
4 structure.

5 we have since decided to leave that allowance in
6 the Coastal Program so that, in those cases where it is
7 better for the environment not to pull out the old
8 bulkhead, there is no requirement that they have to.

9 This is a change that was dictated by NOAA.
10 You've got a section that talks about applicants for
11 Federal licenses and permits, and we were saying that they
12 had to apply in accordance with our application
13 procedures.

14 In Chapter Four, that covers applications for
15 State permits, and NOAA said that we needed to take that
16 out because we actually don't have the legal authority to
17 require them to follow a certain procedure, but, in
18 practice, they will have to follow that procedure still
19 because it's the same procedure that the Corps, Mobile and
20 Vicksburg require.

21 we have a joint application form with them.
22 They will use that form.

23 Even though we are taking this out and it won't
24 be required, they are still going to follow that
25 procedure.

1 What is required is a motion to proceed with our
2 Notice of Intent to adopt Title 22 Part 23. That will
3 allow us to put out the public notice and get any comments
4 that the public wants to make on it.

5 COMMISSIONER BOSARGE: Good job.

6 Do we have any questions?

7 (No response.)

8 COMMISSIONER BOSARGE: Do we have a motion?

9 COMMISSIONER HARMON: I'll make a motion to
10 proceed with Notice of Intent to adopt Title 22 Part 23.

11 COMMISSIONER TRAPANI: I'll second that.

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

14 Any further discussion?

15 (No response.)

16 COMMISSIONER BOSARGE: All those in favor say
17 aye.

18 (All in favor.)

19 COMMISSIONER BOSARGE: Opposed?

20 (None opposed.)

21 COMMISSIONER BOSARGE: Motion carries.

22 WILLA BRANTLEY: Thank you.

23 COMMISSIONER BOSARGE: Thank you, willa.

24 KRISTYN MCGUIRE: Good morning. My name is
25 Kristyn McGuire.

1 COMMISSIONER BOSARGE: Can I interrupt one
2 second?

3 KRISTYN MCGUIRE: Yes, you may.

4 COMMISSIONER BOSARGE: Mr. Joe, he is about
5 ready to slap me because Senator Seymour is out here in
6 the audience and I was supposed to recognize him at the
7 beginning of the meeting.

8 I knew if I let it go much longer, Mr. Joe was
9 going to lean over and knock me down.

10 I apologize. Thank you for being here Senator.
11 We appreciate it.

12 SENATOR SEYMOUR: Yes, sir.

13 COMMISSIONER BOSARGE: Go ahead.

14 KRISTYN MCGUIRE: This is a request for a permit
15 by the Harrison County Government.

16 It is located on the Biloxi River just north of
17 I-10. It is adjacent to Lorraine Road in Biloxi.

18 It is in the General Use District, and the agent
19 is Covington Civil and Environmental, LLC.

20 The project includes a boat ramp that is thirty-
21 two feet wide, a hundred and seventy-five cubic yards of
22 concrete and stone bedding.

23 Approximately eighty-five square feet of
24 emergent marsh fringe will be impacted, but the applicant
25 proposes to mitigate at a three to one ratio.

1 There will also be two finger piers, a bulkhead
2 that is being replaced, a pier that is forty-by-six feet
3 and another pier that is thirty-by-twelve feet, and, then,
4 two replacement piers that are already there.

5 This is the diagram. It's got the boat ramp,
6 the two finger piers that support the boat ramp, and,
7 then, you can see the other piers that are being
8 reconstructed.

9 This is a location map. It is kind of zoomed
10 out. You can see where I-10 is, and, then, where Beach
11 Boulevard is.

12 This is just kind of a zoomed-in aerial.

13 This is a picture of the site from the road,
14 another picture of the site and another picture.

15 This is one of the piers that is already there
16 now that is being reconstructed. It sits in front of an
17 old building. I'm not sure if any of you are familiar
18 with where that is, but there is a building right behind
19 it.

20 The decision factors.

21 The public will have access to a boat ramp and a
22 natural resource.

23 The proposed project is allowable within the
24 General Use District.

25 The applicant has requested two variances.

1 The first is, "Boat ramps shall be located in
2 areas which do not require the destruction of coastal
3 wetlands."

4 Also, "Fill for boat ramp surfaces shall be the
5 minimum necessary to meet project requirements and shall
6 not exceed a hundred cubic yards of fill material."

7 They have justified this in stating that the
8 activity requires a waterfront location, there is a
9 significant public benefit and a public hearing was held.

10 Similar projects have been approved, so no
11 precedent setting effects are anticipated.

12 Eighty-five square feet of emergent marsh fringe
13 will be impacted by the construction of the proposed boat
14 ramp.

15 The applicant is proposing to mitigate by
16 transplanting the impacted vegetation and creating
17 commensurate habitat at a three to one ratio, which should
18 adequately compensate for the impacts.

19 They are also proposing construction of a
20 driveway and a parking lot that is located in uplands, and
21 that will support the boat ramp, and, then, they also have
22 in the project a wooden walking path that is about thirty-
23 five hundred linear feet.

24 The applicant has surveyed and chosen the
25 narrowest portion of emergent marsh fringe to impact with

1 the boat ramp.

2 Best management practices will be utilized,
3 during all phases of construction, to minimize adverse
4 impacts to coastal wetlands.

5 The applicant looked at two other alternative
6 sites, but, upon review, they ruled out the sites because
7 the impacts to wetlands and marsh fringe would be far
8 greater than what the proposed site impacts are. Also, a
9 property owner was not willing to sell a parcel needed for
10 one of the sites.

11 A boat ramp and a bulkhead both require a
12 waterfront location.

13 A boat ramp, building and piers currently exist
14 on the proposed site. Therefore, the proposed project
15 should not impact scenic qualities.

16 Public notice appeared in The Sun Herald on May
17 13th, May 20th and May 27th, 2018, and no public comments
18 were received.

19 A public hearing was held in this building June
20 7th, and no public comments were received.

21 The City of Biloxi passed a resolution in
22 support of the project.

23 DEQ had no comments.

24 Archives and History is requesting a Cultural
25 Resources Survey.

1 Secretary of State is requiring a rent exempt
2 Tidelands lease.

3 wildlife, Fisheries and Parks did not have
4 comments.

5 The staff of the Department of Marine Resources
6 has conducted a thorough evaluation of the project and has
7 made findings on the decision factors in accordance with
8 Chapter VIII, Section 2, Part I.E.2. of the Mississippi
9 Coastal Program.

10 Based on the results of this evaluation, it has
11 been determined that the project will have a significant
12 public benefit. Therefore, we recommend approval of the
13 requested variances and issuance of a permit contingent on
14 clearance by DEQ and Archives and History.

15 COMMISSIONER BOSARGE: Do we have any questions?
16 (No response.)

17 COMMISSIONER BOSARGE: I have one question.
18 Is this Tidelands funding for this project?

19 KRISTYN MCGUIRE: The agent says yes.

20 COMMISSIONER BOSARGE: Any other discussion?

21 COMMISSIONER HARMON: Mr. Chairman, I do have
22 one thing that was left out. That particular part of the
23 Biloxi River is real hard to get emergency services to by
24 water. You have to launch in a remote area and have to
25 get there.

1 COMMISSIONER BOSARGE: That's good.

2 Do we have a motion?

3 COMMISSIONER HARMON: Mr. Chairman, I would like
4 to make a motion that we accept the staff's recommendation
5 for this project.

6 COMMISSIONER BOSARGE: We have a motion.

7 Do we have a second?

8 COMMISSIONER TRAPANI: I'll second that.

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

11 All those in favor say aye.

12 (All in favor.)

13 COMMISSIONER BOSARGE: Opposed?

14 (None opposed.)

15 COMMISSIONER BOSARGE: Motion carries.

16 Thank you.

17 KRISTYN MCGUIRE: Thank you.

18 COMMISSIONER BOSARGE: That closes Coastal
19 Resources Management, Mr. Jan?

20 JAN BOYD: Yes, sir.

21 COMMISSIONER BOSARGE: We will move on to Office
22 of Finance and Administration, Ms. Kacey Williams.

23 JOE SPRAGGINS: Kacey is out today. If you
24 don't know, she is pregnant with her second child and she
25 is having a little difficulty with that. Y'all keep her

1 in your prayers.

2 COMMISSIONER BOSARGE: State your name, please.

3 SHAVAY GAINES: Good morning. My name is Shavay
4 Gaines. I'm the Finance Director, and I'm standing in for
5 Kacey Williams.

6 As of May 31st, our State Revenue totaled twenty-
7 eight million dollars, and our Agency Revenue totaled
8 forty point eight million dollars.

9 We ended with State Net Income totaling twenty
10 point eight million, and the Agency Net Income totaled
11 twenty-two point nine million.

12 After eleven months of fiscal year 2018,
13 Operating Funds had sixty-three point two percent of
14 budget remaining, and Tidelands Trust Fund had seventy
15 percent of its budget remaining.

16 Are there any questions?

17 COMMISSIONER BOSARGE: Sounds like good numbers
18 to me.

19 I guess we will see you again, if Kacey is
20 getting that close to having a little one.

21 Thank you.

22 SHAVAY GAINES: Thank you.

23 JOE SPRAGGINS: Just one thing. The twenty
24 million is kind of out of line, and that is because of
25 GOMESA.

1 SHAVAY GAINES: Yes, sir.

2 JOE SPRAGGINS: Don't think we've got an extra
3 twenty million dollars in the budget. There are GOMESA
4 funds that are in there.

5 SHAVAY GAINES: It is included in the numbers,
6 but it is separated.

7 COMMISSIONER BOSARGE: Ms. Melissa Scallan.

8 MELISSA SCALLAN: Good morning Commissioners,
9 Director Spraggins, Ms. Chestnut.

10 I also have a longer report today, and I'm happy
11 to report these things because it is all good news.

12 The agency was mentioned sixty-three times in
13 local, state and national media, since the last meeting.

14 Of course, some of the most popular items were
15 Red Snapper season opening, the opening of shrimp season,
16 the closing of commercial Speckled Trout season, and the
17 oyster relay program.

18 Marine Patrol has taught three boat-and-water
19 safety classes and certified fifty-five students, since
20 the last meeting.

21 So far this fiscal year, officers have taught
22 seventeen classes and certified three hundred and thirteen
23 students.

24 Officers also participated in a variety of
25 outreach events, education events and special marine

1 events.

2 We had the annual Mississippi Seafood Cookoff on
3 Saturday. It was held in Jackson this year. We had
4 twelve chefs who participated from different areas of the
5 state, and the winner was Louis LaRose who owns Lou's Full
6 Serve in Jackson, and he will represent the state in the
7 Great American Seafood Cookoff in August.

8 The agency recently has received several emails
9 about employees who have done some spectacular work, not
10 just with managing our marine resources, but helping the
11 community.

12 We received an email recently from someone who
13 told us how two Marine Fisheries employees helped her
14 grandfather. We think he is about eighty.

15 Last month this gentleman had a flat tire on the
16 I-110 bridge. He tried to change it himself and he
17 couldn't. The battery on his cell phone died, so he
18 couldn't call anybody. He was there for two hours in the
19 hot sun.

20 Marine Fisheries employees Chris Spurlin and
21 Scott Heggins were the only ones who stopped to help him
22 change that tire.

23 His granddaughter said that when he got home he
24 was dehydrated, and she said, "I hate to think what might
25 have happened had they not come along."

1 Chris Spurlin also helped an elderly couple who
2 were landing their boat at Mary Walker Marina.

3 The woman attempted to disembark the boat before
4 it was completely stopped, and she fell between the pier
5 and the boat. Her husband jumped in after her, and the
6 two of them were holding onto the stern.

7 Another gentleman launching his boat saw what
8 happened and jumped onto the boat to try to provide
9 assistance.

10 Chris grabbed the boat and walked it down the
11 pier toward the ramp as they held on because neither of
12 them had the energy to swim.

13 The woman had some minor cuts and abrasions and
14 they were both shaken up, but they ended up being okay.

15 Another Fisheries employee, Courtney Walker, was
16 doing an MRIP survey, and she was approached by two
17 teenagers who said someone had hit their vehicle, and,
18 then, took off.

19 They asked her if she had any tools, and she
20 gave them some zip ties to strap some things down, and,
21 then, their battery died.

22 Chris Spurlin, I think we need to give an award
23 to Chris. He seems to be helping the community a lot. He
24 arrived to switch vehicles at that time, so he jumped them
25 off, and they were able to get on their way.

1 A couple of weeks ago we got an email from a
2 lady named Kristin Allen. Her husband and two children
3 were fishing on a reef on June 2nd, when the bilge pump on
4 their boat went out. They started making their way back
5 to shore, but the boat was taking on more water.

6 This is a quote from her. She said, "I made the
7 call to 911, and these three heroes showed up literally
8 less than five minutes from the time I called. They
9 immediately grabbed my children. Then, helped us get all
10 the way back to the boat launch."

11 It was, of course, Marine Patrol who jumped in
12 to help, and it was Bradley Byers, Matt Kasovich, Daphne
13 Moore and Mike Strickland. Lieutenant Strickland was off
14 duty, and he responded.

15 She said to us, "I am forever grateful to these
16 four heroes for saving us. Thank you doesn't even begin
17 to scratch the surface of my gratitude for all four of
18 these relentless heroes. Keith Davis, your officers were
19 amazing."

20 I always like to report things like that.

21 COMMISSIONER BOSARGE: That's great. That's the
22 face that this DMR needs. I applaud all the folks that
23 helped and all the ones that didn't because they are out
24 there and, if the time ever comes, I know they will step
25 up just like the rest of them did.

1 Thank you, Melissa.

2 MELISSA SCALLAN: One more thing. Chief Davis
3 was asked to write an article about boat-and-water safety
4 for the July issue of the South Mississippi Living
5 magazine. That will be on the stands shortly I'm sure, if
6 it's not already. He has an article and a picture in the
7 back of that, too.

8 COMMISSIONER BOSARGE: That's good.

9 I understand you have some news, also.

10 MELISSA SCALLAN: I do have some news. Today
11 will be my last meeting for a little while. I have the
12 opportunity to go to Jackson for a few months and help out
13 with the Cindy Hyde-Smith campaign. Joe Spraggins was
14 gracious enough to let me do that, but my office will be
15 in good hands with Charmaine Schmermund and Francesca
16 Linthicum. You won't even notice that I'm not here.

17 COMMISSIONER BOSARGE: I doubt that.

18 I'm glad to hear we've got capable hands, but
19 you will be missed.

20 MELISSA SCALLAN: Thank you.

21 COMMISSIONER BOSARGE: Good luck in your
22 endeavor.

23 MELISSA SCALLAN: Thank you very much.

24 My phone number is the same. If y'all need
25 something, give me a call.

1 COMMISSIONER BOSARGE: We will.

2 Thank you, Melissa.

3 MELISSA SCALLAN: Thank you.

4 COMMISSIONER BOSARGE: Up next is Marine
5 Fisheries, Mr. Joe.

6 JOE JEWELL: Good morning again, Commissioners.
7 Before we move into the main section of our
8 presentations, I would like to give the Commission a brief
9 update on our 2018 shrimp season.

10 As you know, we have only been open a couple of
11 weeks, and we don't have a lot of data to report. That
12 data is usually reported through the trip ticket program,
13 and they are allowed to report the following tenth of each
14 month. We will start receiving data on, or at, July the
15 10th.

16 We did open on June the 6th at 6:00 a.m. On
17 opening day, we counted about two hundred and fifty-four
18 boats. That is about average over the last couple of
19 years.

20 The count ranged between fifty and sixty per
21 pound.

22 I was out there on opening day, along with
23 Marine Patrol, and we interviewed a couple of the
24 fishermen there to validate that count number.

25 I remind you these are dockside prices. They

1 are averaging about a dollar ninety-eight, almost two
2 dollars a pound for the small shrimp. For medium shrimp,
3 it's about two fifty a pound. About six dollars a pound
4 for the jumbo shrimp. Again, this is dockside value.
5 This is the not what the dealers and processors are paying
6 for the shrimp.

7 Then, also, for the 2018 season, we have about
8 four hundred and fifty-nine licenses sold, as of July 4th.

9 COMMISSIONER BOSARGE: That's good.

10 Is that out of state, in state, recreational?

11 That is all shrimping licenses?

12 JOE JEWELL: Correct, that is all the licenses.

13 with that being said, we are going to move into
14 the main portion of the agenda.

15 First is reclassification of Area VI, Title 22
16 Part 1, by Mr. Charlie Robertson.

17 As you know, the Commission has requested this.
18 It has taken a little while. We had to do a lot of water
19 sampling and background confirmation with the FDA, but we
20 are ready now to move forward.

21 CHARLIE ROBERTSON: Good morning everyone.

22 Charlie Robertson with the Shellfish Bureau.

23 We are going to continue on with everyone's
24 favorite this morning, regulatory changes, Title 22 Part
25 1.

1 The theme of this presentation has been brought
2 up numerous times in the last few Commission meetings, and
3 we have been working diligently on moving forward and
4 bringing this to you today.

5 Essentially what we are going to be doing here,
6 in Title 22 Part 1, is upwardly classifying some of the
7 prohibited waters in Area VI from prohibited to restricted
8 to allow for harvest by relay, or transplant, and, also,
9 we are going to be creating a conditionally approved area
10 around the vicinity of Round Island and we will also be
11 naming those areas.

12 You are probably familiar with how we do
13 regulatory changes in Fisheries, but just to recap, the
14 text in white will remain unchanged. The text that you
15 are going to see in yellow are the proposed changes that
16 we are going to make to Title 22, and, then, strike
17 throughs are deletions and underlines are going to be the
18 proposed additions to the regulations.

19 Here in Chapter 17, Management Plan for
20 Shellfish Growing Waters, we are going to be establishing
21 closing and reopening criteria.

22 Subsection 103.01.05.05, Area VI "B",
23 Conditionally Approved Waters:

24 "when one inch, or more inches, of rainfall
25 occurs in any twenty-four consecutive hours, as measured

1 at the rainfall gauge located at Jackson County Public
2 Works Department in Gautier, Mississippi.”

3 Subsection 104.07.04, Area VI “B”, Conditionally
4 Approved Water:

5 “The microbiological analysis of the seawater
6 samples indicate that the seawater is again acceptable and
7 the shellfish have gone through a sufficient time interval
8 to permit natural biological cleansing.”

9 From here forward in Chapter 18, these are going
10 to be the geographical descriptions of the water bodies in
11 Area VI.

12 There is a lot of description here. Towards the
13 end of the presentation, we will have a map that is going
14 to summarize all the changes that we have made.

15 Chapter 18, Classification and Description of
16 Shellfish Growing Waters.

17 Subsection 100.05.01:

18 “All waters of the Pascagoula River system north
19 of the CSX railroad bridge to the boundary of Area VI.”

20 Subsection 100.05.02:

21 “All waters east of the Singing River Island
22 Bridge to the western most boundary of Area VI.”

23 Chapter 18 continued.

24 Subsection 102.04:

25 “The following waters of Area VI are

1 restricted.”

2 subsection 102.04.01:

3 “Area VI “A” enclosed by the following described
4 line.”

5 subsection 102.04.01.01:

6 “The line commences at the Lake Mars Boat Launch
7 (Latitude thirty point three six zero eight nine
8 three, Longitude negative eighty-eight point
9 seven six four two two zero) running due east
10 following the meanderings of the mainland
11 shoreline to a point (Latitude thirty point
12 three seven seven six one five, Longitude
13 negative eighty-eight point six one zero nine
14 three three) on the CSX Railroad Bridge
15 following the CSX Railroad Bridge east to a
16 point (Latitude thirty point three seven six two
17 nine three, Longitude negative eighty-eight point
18 six zero four one eight five); thence proceeding
19 south along the meanderings of the mainland
20 shoreline to a point (Latitude thirty point
21 three six one five four one, Longitude negative
22 eighty-eight point five eight four three three
23 six) on the Singing River Bridge; thence
24 proceeding south along the western boundary of
25 said Bridge to a point (Latitude thirty point

1 three three eight five one zero, Longitude
2 negative eighty-eight point five eight two one
3 one four); thence proceeding south following the
4 meandering shoreline of Singing River Island to
5 a point (Latitude thirty point three two three
6 eight one five, Longitude negative eighty-eight
7 point five seven four seven two three); thence
8 running southeasterly to a point (Latitude
9 thirty point two seven nine zero one three ,
10 Longitude negative eighty-eight point five three
11 four nine five); thence proceeding south to a
12 point (Latitude thirty point two two three eight
13 five seven, Longitude negative eighty-eight point
14 five two eight seven four one); thence
15 proceeding west to a point (Latitude thirty
16 point two two three eight five eight, Longitude
17 negative eighty-eight point five three seven one
18 two one); thence proceeding north to a point
19 (Latitude thirty point two five seven four four
20 four, Longitude negative eighty-eight point five
21 four two nine two eight); thence proceeding
22 northwest to a point (Latitude thirty point
23 three two two six zero four, Longitude negative
24 eighty-eight point five eight three three one
25 five); thence running west to a point (Latitude

1 thirty point three three zero two one eight,
2 Longitude negative eighty-eight point seven six
3 five five eight seven); thence running north to
4 the point of beginning.”

5 This area includes the public reefs known as
6 Pascagoula Causeway and West Pascagoula.

7 I hope that was all very clear. I’m sure you
8 know exactly where I was talking about. That will all be
9 in the map at the end.

10 Chapter 18 continued. The text here is going to
11 remain the same. It is unchanged. We are just
12 renumbering the subsections here.

13 Chapter 18, Classification and Description of
14 Shellfish Growing Waters.

15 Subsection 102.05.

16 Subsection 102.05.01.

17 Subsection 102.05.02.

18 Subsection 102.05.03.

19 Subsection 102.05.04.

20 Chapter 18 continued.

21 Subsection 103.02.06, Area VI “B” enclosed by
22 the following described line:

23 Subsection 103.02.06.01.

24 “The line commences at the northwestern most
25 point (Latitude thirty point three two seven

1 three six seven, Longitude negative eighty-eight
2 point six nine eight one eight three); thence
3 running east to a point (Latitude thirty point
4 three two two six zero four, Longitude negative
5 eighty-eight point five eight three three one
6 five); thence proceeding southeasterly to a
7 point (Latitude thirty point two seven seven
8 four three zero, Longitude negative eighty-eight
9 point five four four seven zero two); thence
10 running west to a point (Latitude thirty point
11 two eight four one four two, Longitude negative
12 eighty-eight point six nine eight one one four);
13 thence running north to the point of beginning.”

14 As I mentioned before, here is the map of what
15 the proposed changes to Area VI would look like, and I
16 want to point out the changes that we made.

17 This area was previously prohibited, and the
18 proposal would upwardly classify that area to restricted,
19 and we renamed this entire restricted area, Area VI “A”,
20 and we have also established the conditionally approved
21 area here around Round Island and named that area, Area VI
22 “B”.

23 what would be required from the Commission, if
24 they choose to proceed with these proposed changes to
25 Title 22 Part 1, would be a motion to proceed with a

1 Notice of Intent for Title 22 Part 1, Updated Regulatory
2 Language for Shellfish Program.

3 If you have any questions, I will be glad to
4 answer them.

5 COMMISSIONER BOSARGE: Any questions?

6 COMMISSIONER TRAPANI: Yes.

7 Do you happen to have a slide of the old area of
8 the before and after?

9 CHARLIE ROBERTSON: I do not.

10 COMMISSIONER TRAPANI: From my memory, it just
11 goes straight across.

12 CHARLIE ROBERTSON: Yes. If you look really
13 close, there is a line that goes from the tip of this
14 little island here straight down to about right there and
15 east of that line was the prohibited area, or is the
16 prohibited area, unless we choose to change it today
17 (indicating map).

18 COMMISSIONER HAVARD: How many additional acres
19 are we opening up for harvest areas, if this is approved?

20 CHARLIE ROBERTSON: The reef that this line
21 bisects is approximately two hundred and thirty-three
22 acres.

23 I don't know the exact number of acres we are
24 talking about, but I would guesstimate probably two thirds
25 of that reef is currently prohibited waters, and I think

1 we would probably be opening up between a hundred and
2 fifty and a hundred and eighty acres to restricted
3 classification.

4 COMMISSIONER BOSARGE: I think, if I'm correct,
5 that restricted classification is strictly for
6 transplanting. It's not for harvest.

7 Is that correct?

8 CHARLIE ROBERTSON: Correct. It's not for
9 direct harvest.

10 If anything was moved from that area, it would
11 have to be harvested for relay, or transplant, and it
12 would have to be moved to an area where it could be
13 depurated for a specified number of days, before they
14 could be harvested directly for commercial consumption.

15 COMMISSIONER TRAPANI: I have a question.

16 while doing this, did y'all come upon any other
17 reefs around there, since we're not usually out there a
18 lot?

19 CHARLIE ROBERTSON: We did not. We had some
20 really good side scan sonar from this area. We've got the
21 majority of the reefs in here well defined and we know
22 exactly where they are located.

23 The only area I think that would be outside of
24 the area that we looked at would probably be up inside
25 these smaller marsh areas. There may be some resource in

1 there, but I don't think it would be anything significant,
2 compared to what we see in Pascagoula Bay.

3 COMMISSIONER BOSARGE: Commissioner Havard.

4 COMMISSIONER HAVARD: In your opinion, do you
5 think this is the right thing to do for our resource, open
6 up additional waters for harvest for depuration?

7 JOE JEWELL: Commissioner, what we are doing
8 here today is the request. It was voted and a motion
9 request by the Commission to upwardly reclassify this
10 area.

11 what the Commission proceeds to do afterwards,
12 will really be a resource decision. All this is really
13 doing is reclassifying a portion of prohibited area to
14 restricted.

15 That doesn't mean this area is open for harvest,
16 for consumption harvest. Like Mr. Robertson said, it is
17 only open for relays, or transplant activities.

18 Reclassifying this area has no direct
19 consequence on resource management. It is really what we
20 do after the area classification changes that has
21 consequences on the resource.

22 Does that make sense?

23 COMMISSIONER HAVARD: It does.

24 My concern is this reef is down over sixty
25 percent, since we did our first relay.

1 If we open up an additional hundred and eighty
2 acres, in doing our relay, what kind of destruction are we
3 going to do?

4 Is this reef going to be able to rebound?

5 My point is should we even open the area at all?

6 JOE JEWELL: At the last workshop, the
7 Commission voted for a relay program, and it had several
8 specifications in that.

9 In one of them, I think the Commission was
10 trying to be mindful of those very parameters on the
11 marine resource.

12 The Commission voted for approximately a thirty
13 percent relay to occur and that was just over eighteen
14 thousand sacks, but they also were very aware that
15 previous relays had occurred, and they subtracted from
16 that a little over three thousand sacks that had been
17 harvested on a previous relay.

18 I think the Commission was trying to be mindful
19 of those very concerns that you are expressing and, in
20 doing so, they established what we feel is a sustainable
21 practice of thirty percent.

22 They did take into consideration our previous
23 relay, so it would be a little less than thirty percent.

24 Now, if the Commission so chooses to vote
25 otherwise, they would have to override that relay program

1 that they have already passed and are moving forward on.

2 COMMISSIONER HAVARD: Thank you, Joe.

3 CHARLIE ROBERTSON: I guess I would just like to
4 follow up a little on what Joe was saying.

5 We are not recommending to harvest out of here
6 per se.

7 We are just upwardly classifying this area,
8 according to what the water quality samples that we have
9 been collecting over the last numerous years are
10 indicating for the ability to reclassify this area.

11 COMMISSIONER BOSARGE: I had one quick question.
12 Joe, why did we go so far south?

13 I mean, that is all the way out there to Sand
14 Island.

15 JOE JEWELL: There are a couple of parameters
16 you've got to consider, when doing area reclassification.

17 This area here was part of our water sampling
18 routine, and it could be upwardly classified to
19 conditionally approved waters, but, if you also look,
20 Round Island is included in that area, and that is one of
21 the areas that the Commission and the Department of Marine
22 Resources has designated as an area for our off-bottom
23 aquaculture. It would be very important for us to move
24 forward with upwardly classifying that as conditionally
25 approved waters.

1 COMMISSIONER BOSARGE: I agree.

2 I'm talking about the Area VI "A" and how it
3 runs down and out and south all the way to Sand Island.

4 In other words, you will never see oysters in
5 ninety percent of that long strip.

6 why did we go out so far with it?

7 why was that included?

8 CHARLIE ROBERTSON: Are you talking about this
9 line here (indicating map)?

10 COMMISSIONER BOSARGE: No. To the right. Come
11 on down.

12 CHARLIE ROBERTSON: This line (indicating map).

13 COMMISSIONER BOSARGE: All the way down, yes.

14 CHARLIE ROBERTSON: I think that area borders
15 the channel and, again, these are based off of the water
16 samples that we collect routinely. We are just
17 classifying them.

18 JOE JEWELL: It's similar classification that we
19 have over in Gulfport. If you notice, it follows the
20 contour of the channel.

21 COMMISSIONER BOSARGE: I've got you. It sounds
22 good.

23 We need a motion.

24 Do we have a motion?

25 COMMISSIONER TRAPANI: I'll make that motion to

1 proceed with the Notice of Intent for Title 22 Part 1,
2 Updated Regulatory Language for the Shellfish Program.

3 COMMISSIONER BOSARGE: We have a motion.

4 Do we have a second for that motion?

5 COMMISSIONER HARMON: I'll second that motion,
6 Mr. Chairman.

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

9 Any further discussion?

10 (No response.)

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

13 (All in favor.)

14 COMMISSIONER BOSARGE: Opposed?

15 (None opposed.)

16 COMMISSIONER BOSARGE: Motion carries.

17 Thank you.

18 CHARLIE ROBERTSON: Thank y'all.

19 JOE JEWELL: Our next presentation is on hand
20 dredges. Mr. Erik Broussard will give that presentation.

21 As you may be reminded, at the special workshop
22 that we had, it was not a motion, but it was a
23 recommendation by the Commission to come forward with some
24 defining language of the hand dredge.

25 COMMISSIONER BOSARGE: At some point during

1 this, we have a request for public comment.

2 I will let you go ahead, Erik.

3 ERIK BROUSSARD: Good morning Commissioners,
4 Director Spraggins, Ms. Chestnut.

5 Again, Erik Broussard on behalf of the Shellfish
6 Bureau.

7 The Commission requested hand dredge language at
8 the special session last month, and I wanted to start off
9 with what is currently available in Title 22 Part 1
10 Chapter 7, which is our dredge specifications.

11 In Subsection 100, it kind of gives us the
12 parameters of what a legal dredge is in the State of
13 Mississippi. What it basically says is it cannot exceed a
14 hundred and fifteen pounds, cannot have more than sixteen
15 teeth, and the teeth cannot be any longer than five
16 inches.

17 As far as those parameters are concerned, a hand
18 dredge would fall within those parameters, as long as it
19 did not exceed any of those outlines there.

20 How we kind of got here was when the Commission
21 was considering hand dredge as an option for the work
22 program, if the Commission chose hand dredge specifically,
23 it would have excluded what was currently on the books
24 and, therefore, we would have had to provide a definition
25 for the hand dredge.

1 Since that did not occur and the Commission
2 adopted tonging and dredge only, it is not necessary to
3 move forward, at this point, with a hand dredge
4 definition, unless the Commission changed and wanted to go
5 back to a hand dredge for the work program, or they felt
6 for the future that they wanted to have something on the
7 book.

8 At this point, as far as the work program is
9 concerned, we don't have to move forward with a definition
10 today.

11 Should we talk about moving forward, again, we
12 contacted a local dredge maker and kind of got what his
13 specs would be on a hand dredge, if somebody came forward
14 and asked for him to build a hand dredge, and that would
15 be cannot exceed thirty pounds, tooth bar cannot exceed
16 ten teeth and the teeth cannot be longer than five-and-a-
17 quarter inches and, also, cannot be deployed, or
18 retrieved, with any mechanical assistance.

19 COMMISSIONER BOSARGE: Before we go any further,
20 let's have a couple of public comments. We've got some
21 people who want to speak.

22 Mr. Ryan Bradley.

23 RYAN BRADLEY: Good morning Commissioners,
24 Director Spraggins, Ms. Chestnut.

25 COMMISSIONER BOSARGE: State your name.

1 RYAN BRADLEY: Ryan Bradley, Director of
2 Mississippi Commercial Fisheries United.

3 At the May meeting, the Commission passed a
4 motion unanimously to allow tonging and hand dredging, and
5 there was some misclarification that there wasn't a
6 motion.

7 Joe, maybe you can clarify that for us, but
8 obviously the Commission can come back and rescind any
9 decision they make.

10 The fishermen have put that proposal forward
11 because we felt like that was the best method of take for
12 this relay, if we ever get a chance to do the work, at
13 conserving that reef in Pascagoula which is a big concern
14 for a lot of folks. Maybe we can reconsider using that
15 hand dredge.

16 Now, there is no minimum size dredge. If you
17 use it during the dredging portion of this relay, it's no
18 big deal.

19 what the fishermen want to know is can they use
20 this hand dredge, if there is a tonging portion of this
21 relay. Can they use it around tongers.

22 we have talked with a lot of tongers. We have
23 talked with some guys that would use these hand dredges,
24 and they don't feel like there would be a conflict, and
25 they feel like it would be very safe and there won't be

1 any problems.

2 I would like y'all to please consider that if,
3 in fact, we do get a chance to participate in this relay.

4 The specifications that you put up there on the
5 slide, we feel like that is awfully small for a hand
6 dredge, and remember that any type of hand dredge will be
7 retrieved manually without any mechanical assistance.

8 we would like to see those specs a little bit
9 bigger, and maybe some of the other fishermen can comment
10 on what a good size would be.

11 I will leave that there. Thank you.

12 COMMISSIONER BOSARGE: Thank you.

13 Mr. Joe, do you want to address that issue?

14 JOE JEWELL: A couple of things. He is correct
15 that, at the last Commission meeting, this issue was
16 discussed, but there was no recommendation, or request,
17 directed to the staff.

18 This was made at the special oyster workshop
19 that the Commission had. It was not a motion approved.
20 It was a request that the Commission made for the staff to
21 come forward with some language, potential language for a
22 definition of a hand dredge.

23 As Mr. Broussard stated, if we proceed the way
24 that we are doing now, all dredges that meet the minimum
25 requirements as defined in Title 22 Part 1, which is a

1 hundred a fifteen pounds, sixteen tooth bar and five
2 inches would qualify.

3 Now, the recommendation that we provided from
4 Balius welding, the only difference in that that wouldn't
5 meet that minimum qualification is five-and-a-quarter
6 inches they are recommending for a hand dredge.

7 Finally, I believe legal counsel, we discussed
8 this in session last time that if we proceed like we do
9 now, it is only for tonging and dredging. That is what
10 the Commission voted on and approved as part of the
11 potential relay program.

12 If the Commission so wishes to amend that to
13 include hand dredges, it is my understanding by legal
14 counsel that we would actually have to address that and
15 have a definition for hand dredge for that gear type to
16 take place for the relay program.

17 COMMISSIONER BOSARGE: We have had so much
18 discussion on this, and I'm kind of like Mr. Bradley in a
19 way. I don't really remember. At one point in the
20 several meetings we had, I recall, as you do, that we said
21 hand dredge and tonging only, and, then, it went back and
22 forth, and we wound up at tong and dredge.

23 JOE JEWELL: That's correct.

24 RYAN BRADLEY: Can I respond briefly?

25 COMMISSIONER BOSARGE: Yes, sir.

1 RYAN BRADLEY: It's in the May Commission
2 meeting. It's not the workshop.

3 Commissioner Bosarge, you made the motion to
4 take option two, tonging and hand dredge, it was seconded
5 by Commissioner Gollott, and it was approved unanimously.

6 At the workshop, it was represented that there
7 was no motion that was ever made to that affect.

8 Second, it has come up that when the Commission
9 selected tonging and dredging at the workshop, that
10 somehow it will be split into two separate days of
11 harvest. Tongers during one set of days and dredgers
12 during a set of days.

13 That was really never discussed in the open
14 meeting, so we really don't know if that is the case, or
15 not.

16 The question here is, if it is going to be
17 separated, can these hand dredgers use their hand dredge
18 during the tonging portion?

19 That's what we want to know. We know they can
20 use it during the dredge portion, but can they use it
21 during the tonging portion being that it is not going to
22 be mechanically retrieved.

23 JOE JEWELL: At the workshop, that was a public
24 meeting, and the Commission did vote on tonging and
25 dredging only.

1 If the Commission so wishes, they would have to
2 amend that motion to include hand dredges.

3 COMMISSIONER BOSARGE: At which time, we would
4 have to define a hand dredge.

5 JOE JEWELL: Correct.

6 COMMISSIONER TRAPANI: Mr. Chairman, I think
7 when we were talking about we approved that -- maybe I'm
8 wrong -- the reason why we went back is because we didn't
9 have a definition of a hand dredge. We couldn't approve
10 that, if we didn't even have a definition to be able to
11 let y'all do that. I think that's where we are, right
12 now. I think none of us realized that we never had a
13 definition.

14 RYAN BRADLEY: I just wanted to reiterate one
15 thing on using a dredge on the reef. I don't think that
16 there is any science to back up one way is better than the
17 other. I think it's simply a fact that some of these
18 larger boats haven't been on this reef and don't realize
19 how shallow it is, and it's more of a contact-with-the-
20 bottom type issue over which type of gear is better, or
21 worse. I'll leave that there.

22 Thank y'all.

23 COMMISSIONER BOSARGE: Thank you, Mr. Bradley.
24 Mr. John Livings.

25 JOHN LIVINGS: Good morning. My name is John

1 Livings.

2 That's what I was coming to ask about was the
3 hand dredges.

4 I actually brought one today. If y'all want to
5 see one, I brought one. I have one in my truck.

6 COMMISSIONER BOSARGE: We would love to see it.

7 JOHN LIVINGS: The weight limit --

8 COMMISSIONER BOSARGE: (Interposing) Now, you
9 are a big man, John.

10 JOHN LIVINGS: well, the weight limit on the
11 dredges, if we make it too light, it can do more damage
12 than less because it doesn't have enough weight to
13 actually get in the oysters to work. It just skips across
14 the top and bounces over. That's with too low of a weight
15 limit.

16 COMMISSIONER BOSARGE: What are you suggesting?

17 JOHN LIVINGS: I mean, nobody is going to pull
18 and hundred pound dredge in by hand.

19 Normally, a hand dredge, with the chain bag and
20 the rope, is anywhere from forty to fifty pounds, and it
21 will be about a hundred and fifty pounds when it's full
22 maybe, or a hundred pounds maybe.

23 If you go to thirty pounds, or something like
24 that, it is just going to skip all over the place until it
25 starts to get some weight in it. That's why we don't use

1 them.

2 The one I brought is the lightest one I have,
3 and I can go get it, if you want to see it.

4 COMMISSIONER BOSARGE: Yes, but I don't want to
5 put everybody here waiting on you.

6 will it take you very long?

7 JOHN LIVINGS: No.

8 COMMISSIONER BOSARGE: Go ahead, Mr. Joe.

9 JOE JEWELL: At this point, I do want to remind
10 the Commission that a lot of these commercial oyster
11 fishermen, they have hand dredges, and the language that
12 we decided on was from a reputable welding shop that
13 builds these apparatuses, and this is sort of the minimum
14 standards that they have for it.

15 The Commission has to consider that these
16 fishermen, they are not all like Mr. Livings. He has a
17 certain set that he considers the standard to go by, but
18 all the rest of the fishermen have different standards to
19 go by.

20 In establishing definitions of a hand dredge,
21 all they have to do is meet the minimum requirements on
22 the books right now for a dredge.

23 COMMISSIONER BOSARGE: But if we set the weight
24 limit at thirty pounds, then, they have to meet that
25 requirement.

1 JOE JEWELL: They would. The hand dredge at
2 that point, the definition would not be able to exceed
3 thirty pounds.

4 I'm imagining that all the commercial fishermen
5 are going to try to get language that incorporates all of
6 their dredges, not just one, or two, individuals.

7 The Commission will have to decide on some
8 minimum standards for the hand dredge.

9 COMMISSIONER BOSARGE: I agree, and the thirty
10 pounds, even when you presented it, sounded a little bit
11 light to me, as far as to set a maximum it can't exceed.

12 If we set it at fifty and a guy wants to use a
13 thirty, well, that's good. That's his prerogative.

14 If it's somebody like John that can handle a
15 fifty pound hand dredge, then, I think he should be
16 allowed to do it.

17 JOE JEWELL: Sure, but as you allow more and
18 more weight, then, a hand dredge is not much different
19 from a regular dredge.

20 COMMISSIONER BOSARGE: I agree.

21 Set the number of teeth.

22 Correct?

23 JOE JEWELL: Correct.

24 COMMISSIONER TRAPANI: If you do that, can it
25 cause damage if it's too heavy, the same way like you said

1 about a dredge?

2 Is that right?

3 Is that what you are saying?

4 JOE JEWELL: Correct.

5 COMMISSIONER TRAPANI: Then, we need to have
6 some way to put a parameter on that. It just can't be
7 open ended.

8 COMMISSIONER BOSARGE: What does that dredge
9 weigh, John?

10 JOHN LIVINGS: That one there is about forty
11 pounds.

12 COMMISSIONER BOSARGE: That's a pretty good size
13 dredge for a hand dredge.

14 JOHN LIVINGS: That's dredge right there is
15 about -- it's under half the size of my tong heads.

16 COMMISSIONER BOSARGE: Can you put the
17 requirements back up that you have?

18 JOE JEWELL: Sure.

19 JOHN LIVINGS: But it's not finished with the
20 chain bag in it either. That's why I was saying fifty
21 pounds.

22 JOE JEWELL: We pull a hand dredge as part of
23 our normal field assessments and sampling, and it is much
24 smaller than that dredge. I think ours will probably meet
25 that thirty pound requirement.

1 JOHN LIVINGS: The dredge that y'all pull, Joe,
2 the pattern come off of mine. Dan Balius got the pattern
3 from me.

4 JOE JEWELL: But it's a lot smaller.

5 COMMISSIONER BOSARGE: Commissioner Havard.

6 COMMISSIONER HAVARD: I would like to ask the
7 staff to come up with a definition for a hand dredge.

8 JOE JEWELL: I'm sorry.

9 Could you repeat that?

10 COMMISSIONER HAVARD: I would like to ask the
11 staff to come back with a recommended definition for a
12 hand dredge.

13 COMMISSIONER BOSARGE: I think that's what we
14 had.

15 JOE JEWELL: I think what Commissioner Havard is
16 saying is that, after input from our commercial fishermen,
17 to come back with incorporation of those comments into the
18 change, but the Commission can do that, now, if they so
19 choose.

20 COMMISSIONER BOSARGE: I think, if I'm correct,
21 everything you had there most of us agree with, other than
22 the weight limit.

23 You say that is forty pounds?

24 JOHN LIVINGS: I have never weighed it.

25 JOE JEWELL: We have a scale right across the

1 hallway. We could probably weigh that real quick, if the
2 Commission wants.

3 COMMISSIONER BOSARGE: Yes, sir.

4 JOHN LIVINGS: We just don't want it to be too
5 light because it's not going to work and, if you say it's
6 got to be thirty pounds and somebody's got one thirty-five
7 pounds, five pounds is not going to make a difference.

8 COMMISSIONER BOSARGE: Forty-five pounds?

9 JOHN LIVINGS: I guess. I mean, I don't know
10 exactly what the weight should be either.

11 I know every hand dredge is going to be as light
12 as possible.

13 COMMISSIONER BOSARGE: Would you be okay with
14 everything like it is, but change the weight of the dredge
15 to a maximum of forty-five pounds?

16 JOHN LIVINGS: Yes, because I'm not sure what it
17 is going to weigh. I still have to put the necklace, the
18 rest of the bag and the rope bag. I don't know exactly
19 what it will weigh finished.

20 This one right here is probably a little lighter
21 than mine.

22 JOE SPRAGGINS: If I could ask one question real
23 quick?

24 COMMISSIONER BOSARGE: Yes, sir.

25 JOE SPRAGGINS: Joe, is there any scientific

1 data, or anything else, that you can give us as a
2 department?

3 If the weight is changed from thirty to
4 whatever, is there anything that we can say as to why it
5 would do any more damage, or anything, to the reef, or is
6 there anything to state that it would cause us to have an
7 issue?

8 Looking at a hand dredge, my understanding is
9 the reason we are doing that is to make sure that we do
10 the minimum damage possible to the reef, if we allow the
11 hand dredge to be in there.

12 I'm just asking you, as a scientific side of it,
13 is there anything that we have, Erik, or anybody, that we
14 can give the Commission before they make a decision?

15 JOE JEWELL: I have no knowledge of any
16 scientific data that says it does more, or less, damage
17 than a regular dredge.

18 JOHN LIVINGS: The only thing I can tell you --

19 COMMISSIONER TRAPANI: (Interposing) You are
20 saying the weight doesn't matter, in your opinion?

21 COMMISSIONER BOSARGE: I don't think that is
22 what he is saying.

23 COMMISSIONER TRAPANI: I was asking Mr. Jewell.
24 You don't have any evidence?

25 JOE JEWELL: There is no scientific evidence

1 that I'm aware of.

2 JOHN LIVINGS: The really ultra light dredges
3 that were used in the Biloxi relay, we had to put pipe on
4 top of them so they could catch because all they did was
5 bounce.

6 If you bounce and bounce and bounce, it is going
7 to tear the oysters up.

8 It might weigh thirty pounds. I don't know. I
9 don't know what it weighs. I don't have a clue.

10 COMMISSIONER BOSARGE: But you still have to put
11 the bag on it?

12 JOHN LIVINGS: Yes.

13 JOE JEWELL: Twenty-seven and a half pounds.

14 COMMISSIONER TRAPANI: I would just like to say
15 I feel like this is something that we do want to
16 incorporate and we do need a definition because we haven't
17 had one, and we didn't realize that.

18 I would like to make a motion to table this and
19 research a little bit more, and try to find some more data
20 on does the weight make a difference.

21 You are saying you don't have anything on it.

22 I would like to look at this a little further
23 before voting on it, at least until next meeting.

24 I think this is an important decision because,
25 once this goes down, this is the definition of what we are

1 going to have as a hand dredge for the state of
2 Mississippi.

3 JOE JEWELL: I understand your motion is to
4 table this issue until the staff can provide additional
5 information.

6 Correct?

7 COMMISSIONER BOSARGE: Correct.

8 JOHN LIVINGS: Can I say one thing?

9 COMMISSIONER BOSARGE: Yes, sir.

10 JOHN LIVINGS: It really doesn't matter what it
11 is going to weigh. The boats that are going to be pulling
12 these are light tonging boats. When it's full, they are
13 going to stop anyways. They are not going to move. They
14 don't have any chance of plowing the reef because the
15 boats are too light. It's a light boat. It's not a heavy
16 boat with a lot of draft.

17 COMMISSIONER BOSARGE: You are saying versus a
18 large vessel even when the dredge is full?

19 JOHN LIVINGS: Yes.

20 COMMISSIONER BOSARGE: Most people don't
21 understand that, most of time, where you pull that dredge
22 from pulls the boat around.

23 JOHN LIVINGS: Yes, sir.

24 COMMISSIONER BOSARGE: Once it stops, then, all
25 you are doing is circling.

1 JOE JEWELL: To address Commissioner Trapani's
2 request, I have got to be honest. I don't think there is
3 a lot of science, or scientific data, or literature, out
4 there that would address that specific issue. I really
5 don't because we have looked at a lot on this issue, when
6 the Commission requested us to determine if there was any
7 science, or data, out there between a basket and a regular
8 dredge.

9 If the Commission wants to define a definition,
10 I think this is a good start.

11 Since that dredge is only twenty-seven pounds,
12 you could say forty pounds, instead of thirty, and you
13 would still meet that minimum requirement. It looks like
14 it would get most of the dredges in there.

15 The whole point of a hand dredge, as we stated
16 before, is to try and do as minimal damage to the reef as
17 possible.

18 If the Commission's intent is to move forward
19 with a Notice of Intent, you could take our
20 recommendations, but modify it to forty pounds, and we can
21 do that and come forward with a Notice of Intent at the
22 next meeting.

23 COMMISSIONER BOSARGE: Commissioner Havard.

24 COMMISSIONER HAVARD: I've got one question,
25 just for clarification on my end.

1 You set your anchor in your boat, and, then, you
2 start throwing this hand dredge?

3 JOHN LIVINGS: No.

4 COMMISSIONER HAVARD: How does it work?

5 JOHN LIVINGS: You pull it with the boat. You
6 pull it in by hand.

7 COMMISSIONER HAVARD: So you are pulling it with
8 the boat?

9 JOHN LIVINGS: You tie it off, you pull in a
10 circle, and you pull this dredge in by hand with a rope.

11 COMMISSIONER HAVARD: So it's no different than
12 a normal dredge, except you don't have a winch to pull it
13 up in the boat.

14 JOHN LIVINGS: What it did do in Biloxi is it
15 helped the tongers because we were able to find oysters
16 quicker and they came and worked right beside me. I had
17 nine, or ten, boats beside me every day working, and we
18 worked one spot the whole relay, with no damage to the
19 reef.

20 COMMISSIONER BOSARGE: I guess the biggest
21 difference, Commissioner Havard, if you can imagine a
22 larger vessel with enough volume, or mass, of the vessel.,
23 once that dredge fills up on a large vessel, if they are
24 not through, or if they are overloaded on deck, or
25 whatever, if they don't pull it up, they can continue to

1 tow the dredge.

2 with a small boat, these are skiffs. Most of
3 them are twenty foot and under, and, once that thing gets
4 any amount of weight in it, it's like an anchor and they
5 can't pull it straight behind the boat. They have to pull
6 to one the side whether it's forward, or stern. As soon
7 as it anchors, they have to stop and they have to pick it
8 up.

9 There is way less damage, or anyway you want to
10 put it, done with this on a small skiff.

11 JOHN LIVINGS: And you're not going to let it
12 fill up all the way anyway.

13 COMMISSIONER BOSARGE: You've got to be able to
14 lift it out.

15 JOHN LIVINGS: I actually pulled mine off the
16 bow and I just left the motor going, when it was finished.
17 I didn't stop. We just pulled it up and dumped it and
18 threw it back over and went again.

19 That was the cleanest way, without catching
20 shells and grit, or anything.

21 COMMISSIONER BOSARGE: Thank you, John.

22 JOHN LIVINGS: Thank you, sir.

23 COMMISSIONER BOSARGE: Ms. Trapani has a motion.
24 Do you want to amend your motion?

25 JOE JEWELL: Well, I think because it wasn't

1 seconded, it's not effective.

2 You can make another motion, or someone can
3 second the motion.

4 COMMISSIONER TRAPANI: Do we have any other
5 public comment?

6 COMMISSIONER BOSARGE: That's all the public
7 comment.

8 COMMISSIONER TRAPANI: I still stand with my
9 first motion. I would like to table it until next month
10 so I myself can do some more research before voting on
11 this issue, since it is something that is going to define
12 what a hand dredge is in the State of Mississippi.

13 COMMISSIONER BOSARGE: We have a motion.
14 Do we have a second for that motion?

15 COMMISSIONER HARMON: I'll second Ms. Trapani's
16 motion.

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

19 Any further discussion?

20 (No response.)

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

23 (Commissioner Harmon, Commissioner Havard,
24 Commissioner Trapani in favor.)

25 COMMISSIONER BOSARGE: Opposed?

1 (Commissioner Bosarge opposed.)

2 COMMISSIONER BOSARGE: Motion carries.

3 JOE JEWELL: The motion is three to one?

4 COMMISSIONER BOSARGE: Three to one, yes, to
5 table it until next meeting.

6 JOE JEWELL: Commissioners, we have removed item
7 K4, the Oyster Depuration Update from the agenda.

8 with that being said, the agenda was modified to
9 consider a proposal by Commissioner Havard, K5(a).

10 COMMISSIONER BOSARGE: Commissioner Havard.

11 COMMISSIONER HAVARD: I would like to make a
12 motion, but I want to explain my motion, first.

13 I would like to put a one-mile boundary around
14 Cat Island that would be an exclusion zone for all haul
15 seine nets.

16 This will mirror the other islands that are out
17 there that already have this one-mile exclusion.

18 what I would like to do, at this time, is make a
19 motion for the staff to come back next month with a Notice
20 of Intent to establish a one-mile haul seine exclusionary
21 zone around Cat Island.

22 COMMISSIONER BOSARGE: We've got a couple of
23 questions.

24 Just to clarify, there is no one-mile exclusion
25 for haul seines around the rest of the islands. what

1 happens around the rest of the barrier islands is there is
2 no commercial activity allowed. There is no law that says
3 you can't use a haul seine.

4 You are asking for the staff to come back and
5 actually put a law in effect that says there will be no
6 haul seines used within one mile around Cat Island.

7 I'm going to ask you what is your science?

8 In other words, if you look at state statute,
9 state statute says we have to make regulations based on
10 best available science.

11 Can you explain to us your science for this?

12 COMMISSIONER TRAPANI: Are you saying that you
13 are not able to use the haul seines after the mile?

14 I think that Mr. Havard means beyond that point
15 you can still use haul seines.

16 JOE JEWELL: I think both of y'all are correct.

17 The regulations around the Federal management of
18 the islands, like, Horn Island and Ship Island is all
19 commercial activity.

20 I think what Commissioner Havard is saying is
21 that he wants to establish the same boundary, the one-mile
22 mark, but just exclude haul seines.

23 There are a lot of other commercial activities
24 that occur within that one-mile boundary. There is
25 shrimping and oystering.

1 COMMISSIONER BOSARGE: Charter boat fishing.

2 JOE JEWELL: Correct.

3 I think he is trying to understand all of those
4 commercial activities, but he also understands the issue
5 with the haul seines, and he has recommended a one-mile
6 exclusion just for haul seines.

7 COMMISSIONER HAVARD: That's correct, just for
8 haul seines.

9 COMMISSIONER BOSARGE: Can you explain to us
10 your reasoning?

11 COMMISSIONER HAVARD: I do not have any
12 scientific proof, other than the eyes that are seeing what
13 has gone on with the destroying of the grass beds and they
14 are bringing these haul seines all the way up to the sand,
15 on the sand.

16 COMMISSIONER BOSARGE: If we are serious about
17 grass beds, then, we need to close it to everybody, if we
18 are going to protect them.

19 COMMISSIONER HAVARD: Only the nets are
20 destroying the grass beds.

21 COMMISSIONER BOSARGE: Propellers going through
22 the water and over those grass beds didn't damage them?

23 COMMISSIONER HAVARD: What's that?

24 COMMISSIONER BOSARGE: The propellers. I know
25 you've been out there. You see the cuts through the grass

1 beds with propellers.

2 COMMISSIONER HAVARD: I don't want to hinder any
3 additional commercial activity.

4 COMMISSIONER BOSARGE: I know.

5 COMMISSIONER HAVARD: I just want to exclude
6 haul seines.

7 COMMISSIONER BOSARGE: Here's where I am with
8 it. I see it as discrimination against one class of
9 people. We've got eighteen commercial fishermen and
10 eighty-two thousand recreational fishermen.

11 This reminds me of the time when we have a
12 certain sector that has to go to the back of the bus
13 because the majority outweighs the minority, and that is
14 kind of where we are now.

15 You are going to take out the right of eighteen
16 people.

17 Am I right?

18 Is it eighteen haul seiners?

19 MATT HILL: Yes, for now.

20 COMMISSIONER BOSARGE: Eighteen haul seiners.
21 You are going to take their right away from them to fish
22 in a place.

23 I'm asking you the reason?

24 COMMISSIONER HAVARD: Just to remind you, eleven
25 of those eighteen are currently under investigation.

1 COMMISSIONER BOSARGE: And I don't have a
2 problem, and we are going to do whatever we need to do to
3 correct that, but, at the same time, we had thirty-six
4 recreational fishermen that didn't have a fishing license.
5 There is good and bad on both sides.

6 COMMISSIONER HAVARD: It's a gear issue. It's
7 not recreational. It's not commercial. It's about
8 preserving these grass beds and making sure that they
9 don't get completely destroyed by these nets.

10 what I would like to do is make a motion for the
11 staff to come back with a Notice of Intent to establish a
12 one-mile haul seine exclusionary zone around Cat Island.

13 COMMISSIONER BOSARGE: Matt.

14 MATT HILL: If the Commission so desires and if
15 the Commission votes for us to do that, we will bring back
16 the Notice of Intent. We will also bring back the
17 information, again, that we presented before with the
18 harvest numbers, and we can pinpoint it to these areas,
19 not just for the recreational fishery, but for all
20 commercial gear and just see kind of what we are dealing
21 with here.

22 we already do have a pretty substantial closure
23 in this area, May 15th through September 15th, so it is
24 closed right now in that area.

25 we can bring back some other options.

1 Obviously, status quo would be the first option. The
2 second option would be the one-mile closure, but we could
3 also look at some other seasonal things, or some other way
4 to approach this problem, without a complete regulatory
5 change in the fishery.

6 COMMISSIONER TRAPANI: I have a question.

7 It was called to our attention. We didn't
8 realize they could go inside the one-mile zone.

9 Explain to us why Cat Island -- I think I know,
10 but I think the general public should know why Cat Island
11 was actually not included.

12 I think Commissioner Havard is saying it's not
13 that we think that it is discriminatory to a certain
14 group. It's that all the other islands are protected like
15 this, and this one island is not.

16 Can you explain to us why and how this one
17 island was left out?

18 MATT HILL: Cat Island is not part of the
19 National Park Service.

20 All of these islands that we talk about, when we
21 are talking about Horn and Ship and Petit Bois, they are
22 part of the National Park Service, and these are Federal
23 guidelines, and there is zero, no commercial activity
24 allowed within that one-mile boundary. No shrimping can
25 go in there. Charter vessels actually have to have a very

1 special permit that is not the easiest thing to get
2 anymore to get in there.

3 The Department ourselves is rarely allowed to go
4 into that area to do sampling.

5 Those are Federal guidelines that we have to
6 follow, but Cat Island is not part of the National Park
7 Service. It is actually divided up into three entities.
8 The National Park Service does own a small portion of it.
9 The state owns a small portion of it. Some of it is still
10 privately owned.

11 It has never been inside of the National Park
12 Service purview, so these regulations have not been in
13 place for them.

14 what we're talking about is if we do this, it's
15 not a complete -- if I understand Commissioner Havard
16 right, it wouldn't be a complete closure of the commercial
17 activity, or even the for-hire guys wouldn't have to get
18 this special permit, but it would be a very specific gear
19 restriction in this area.

20 JOE JEWELL: When these areas were established,
21 these one-mile exclusionary areas for commercial
22 activities around the barrier island, they are heavily
23 Federally managed islands, but the State of Mississippi
24 negotiated and worked with Gulf Islands National Seashore
25 to give us jurisdiction of that one-mile boundary.

1 Now, on Cat Island, we have the same type
2 management system for the island itself, only the State of
3 Mississippi did not give up the management of those areas.

4 The Commission would have the authority to
5 establish rules and regulations, or establish an
6 exclusionary zone around Cat Island.

7 I have heard both of the Commissioners discuss
8 that. I do agree with both Commissioner Havard and
9 Commission Bosarge to some extent.

10 If we are going to talk about just grass beds,
11 if we are only talking about grass beds, I know Gulf
12 Islands National Seashore has restricted, during very
13 sensitive times, the grass beds recreational activities,
14 or all boat activities, because prop damage to the grass
15 beds can be pretty significant and they need time to come
16 back and regrow.

17 Cat Island is a pretty sensitive area for
18 submerged grass and grasses. There is a substantial
19 amount of those on both the north and south sides of the
20 island. That is a consideration.

21 I think the last time that we had a lot of
22 significant calls from the recreational community about
23 the haul seine activities on Cat Island earlier this year,
24 there were probably at most four, or five, haul seiners
25 out there, and there was a significant number of

1 recreational fishermen.

2 That is the balance that the Commission has to
3 try and find, when establishing, or not establishing, this
4 boundary.

5 JOE SPRAGGINS: Joe, one other thing, too. I
6 think there is a little bit of miscommunication on
7 something here.

8 Deer Island is not a mile.

9 Right?

10 MATT HILL: That is correct.

11 JOE SPRAGGINS: Deer Island is fourteen hundred
12 feet?

13 MATT HILL: Fifteen.

14 JOE SPRAGGINS: Fifteen hundred feet.

15 It's not like every island is the same, and I
16 wanted to clarify that, and that island is owned mostly by
17 the State. I just wanted to clarify that.

18 JOE JEWELL: It is owned by three different
19 entities. The State owns a portion, the feds own a
20 portion, and some of it is still in private hands.

21 COMMISSIONER TRAPANI: At one point, somebody
22 had to also include Deer Island?

23 JOE JEWELL: Well, Deer Island has several types
24 of management restrictions on it. It is within the one-
25 mile tonging line, it is part of our Coastal Preserves

1 that has management restrictions on it, and it does have
2 that fifteen hundred foot buffer to the south. It has
3 several things that are working on it.

4 COMMISSIONER HAVARD: I'm not aware of Deer
5 Island having any grass beds.

6 JOE JEWELL: Historically it has had some grass
7 beds, but because of its proximity close to the mainland,
8 they come and go.

9 COMMISSIONER BOSARGE: Here again, just to kind
10 of reiterate, this Commission makes management decisions
11 using State statute as the guidelines.

12 Correct?

13 COMMISSIONER HAVARD: Correct.

14 COMMISSIONER BOSARGE: We are trying to take
15 politics out of it.

16 Right now, this is a political issue -- Senator
17 Seymour, I'm sure your phone is ringing off the hook --
18 but, at the same time, if we are truly worried about the
19 grass beds, then, let's fix the problem.

20 That's what has happened with the commercial
21 industries all along.

22 You presented, at the last meeting, one mile
23 around the islands, half a mile from the beaches, not
24 around any pier, not around the mouth of a river, on and
25 on and on and on and on and on.

1 Let's don't discriminate. If we are truly
2 worried about the resource and we are truly worried about
3 the grass beds, then, let's fix it for everybody. You
4 can't discriminate.

5 In other words, we've got to base management
6 decisions on best available science, and I think -- I
7 don't know how this Commission -- I have always looked at
8 different commissions and even senators.

9 When you don't follow State statute, are we
10 liable for that, Ms. Chestnut?

11 SANDY CHESTNUT: You can't be more restrictive
12 than the State statute.

13 JOE JEWELL: I will address some of those
14 comments by Commissioner Bosarge.

15 As you know, there are thirty State statutes
16 that govern either directly, or indirectly, netting
17 activity; gill netting, haul seines, but we also have
18 Commission regulations that mirror some of those statutes
19 that provide additional guidance, like Mr. Hill said, the
20 seasonal closure around Cat Island.

21 In 49-15-78, there is a provision that you
22 cannot fish a gill net within half a mile of the
23 shoreline.

24 Then, as you said, 49-15-2(a), you have to make
25 decisions on the best science available.

1 Also, in 49-15-2(b), as the Commission has been
2 reminded -- I have said this myself, and some of the
3 Commissioners have stated this -- the statute reads:

4 “If it becomes necessary to assign allocation,
5 those allocations shall be based on fair and equatability
6 to those fishermen reasonably calculated for conservation
7 and carried out so that no particular individual,
8 corporation, or other entity, acquires excessive shares of
9 the privilege.”

10 I think that’s what you are referencing, but
11 there are a substantial amount of State statutes that
12 govern this activity.

13 COMMISSIONER TRAPANI: Mr. Chairman, I would
14 just like to comment. Actually, when you are talking
15 about discriminating against recreational and commercial
16 fishermen, you want to look at it in another term.

17 The discrimination to me is actually on Cat
18 Island itself. It is one of the only islands that is not
19 protected. That is discriminating against a natural
20 island, not against the fishermen. It is the only one not
21 protected, and I think that is what is bothering us.

22 Let’s just remember what got us here. What got
23 us here were the numbers, and I hate to say it for the
24 good people that don’t break the law, but the numbers are
25 from the people that abused it. These are the people that

1 were using it and going that close and broke the law, and
2 that's what has caused the attention to all this. We
3 wouldn't be here, if that wouldn't have been done.

4 The discrimination is against the island, right
5 now, because it is the only island not protected.

6 COMMISSIONER BOSARGE: Nobody broke any laws
7 fishing that I know of.

8 MATT HILL: No. They did not break any fishing
9 laws. They broke reporting laws.

10 COMMISSIONER TRAPANI: Not reporting, they did.
11 I'm not saying using the haul seines. I'm not saying
12 that, but their further actions at that point caused our
13 attention to this island.

14 COMMISSIONER BOSARGE: I disagree with you.

15 COMMISSIONER TRAPANI: Yes, it did because a lot
16 of people did not realize that this island was not
17 protected and didn't have that barrier. I know. I got
18 the calls, and I told them I'm sorry. They are not
19 breaking the law. They weren't breaking the law by
20 catching the fish. They were breaking them afterwards,
21 and they are the ones that caused the attention on
22 themselves.

23 You are trying to protect those very ones that
24 caused the attention on themselves and broke the laws. We
25 wouldn't be here without that.

1 Like I said, the discrimination is on the
2 island.

3 JOE JEWELL: Commissioners, I do want to remind
4 y'all of a couple of things.

5 Cat Island does have an exclusionary period of
6 time that haul seiners are not allowed, September through
7 March of the following year. That is in effect.

8 What the Commission is considering, or what the
9 motion on the floor is which doesn't have a second, is
10 that we would have to figure out how we would do that
11 because the boundary would now be extended year round one
12 mile out.

13 You may have to make a couple of modifications
14 to the regulations to incorporate that change for the
15 Commission to move forward.

16 I think what Steve is trying to point out is
17 that it is a resource issue, but it is slighted towards
18 one group versus the other.

19 COMMISSIONER BOSARGE: Yes.

20 To answer your question, in your opinion, the
21 way that we fix the problem is just to outlaw it.

22 If we did that in every instance where somebody
23 broke the law, well, we'll fix this. We will make a law
24 where they can't do that anymore.

25 COMMISSIONER TRAPANI: We are trying to protect

1 Cat Island. Cat Island is the only island that is not
2 protected.

3 I would like to second Commissioner Havard's
4 motion.

5 COMMISSIONER BOSARGE: I have a question.

6 Because we added this motion to the agenda and
7 because it's not an action item, can we actually make a
8 motion on an item on the agenda that is not an action
9 item?

10 MATT HILL: I believe they can make it for us to
11 bring back a Notice of Intent for this, but, right now, we
12 cannot move forward on that Notice of Intent, but we can
13 be instructed to bring back the language for this one-mile
14 boundary and possibly other options for the next meeting.

15 JOE JEWELL: If we come forward with a Notice of
16 Intent at the next meeting, it will give due process and
17 the public time to comment on the process.

18 If we did it today, they would not be able to
19 have that legal right to comment publicly on that
20 recommendation.

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

23 Any further discussion?

24 (No response.)

25 COMMISSIONER BOSARGE: All those in favor say

1 aye.

2 (Commissioner Harmon, Commissioner Havard,
3 Commissioner Trapani in favor.)

4 COMMISSIONER BOSARGE: Opposed?

5 (Commissioner Bosarge opposed.)

6 COMMISSIONER BOSARGE: Motion carries.

7 MATT HILL: I do want to make one comment. I
8 think something was said, and I'm going to try to be as
9 respectful as possible about how I say this.

10 It came from the bench that we are protecting
11 these fishermen.

12 Chief Davis and his investigators opened up a
13 full investigation and we brought this to light. They
14 brought it to light. They brought it to our attention,
15 and I feel like, in the end, there will be some very harsh
16 penalties. There will be some privileges taken away from
17 certain individuals.

18 I do take exception, when that statement is
19 being made that the department is protecting these people.

20 We are here for the resource and something did
21 happen, and it was caught by Marine Patrol and it took a
22 little twisting of some arms, but Marine Fisheries did
23 begin to cooperate on a daily basis with Marine Patrol.

24 We did shut down the fisheries, so it is not a
25 resource issue. They went over the quota. Right now,

1 it's about twenty-seven hundred pounds, and we did shut
2 the fishery down, and it will not open again until
3 February 2nd.

4 I feel like in the end we are going to do what
5 is right, and we are not protecting the fishermen. We
6 have uncovered something and, once Chief Davis is
7 comfortable that his investigation is thoroughly complete,
8 I believe the correct penalties will be given to these
9 people, and the entire industry is onboard with that and
10 we will continue to be onboard with it. I did want to
11 make that clear.

12 COMMISSIONER BOSARGE: I agree, Matt. If there
13 are folks out there not doing what they are supposed to
14 do, take care of it.

15 I have said this to Chief Davis and I will say
16 it again. My concern is targeting.

17 The reason that we are able to do what we do,
18 catch these individuals, is because the tools are there.
19 They have to report their catch. They are restricted as
20 to what they do, when they do and where they do. So there
21 are tools there.

22 with eighty-two thousand recreational fishermen,
23 there are things that go on within that sector, too.

24 we just need to take the time to look at both
25 sides. Let's get it right.

1 MATT HILL: Yes, sir.

2 COMMISSIONER BOSARGE: Thank you, Matt.

3 MATT HILL: We will go on to the two other
4 items. We have combined this. These were some
5 recommendations that we would like to give. The
6 Commission has requested this, and this is a direct
7 consequence of some of the actions that have taken place.

8 Please stop me, if there are any questions
9 throughout this.

10 we will first address the Spotted Seatrout
11 endorsement.

12 COMMISSIONER BOSARGE: Matt, can I stop you for
13 one minute?

14 MATT HILL: Yes, sir.

15 COMMISSIONER BOSARGE: Commissioner Harmon has
16 asked for a break.

17 Can we take a quick break?

18 MATT HILL: Yes, sir.

19 COMMISSIONER BOSARGE: Ten minutes, and we will
20 be back.

21 MEETING STANDS IN RECESS

22 COMMISSIONER BOSARGE: Let's try to get things
23 back to order.

24 Mr. Harmon had to report for work, so he is
25 gone.

1 MATT HILL: Let's try again.

2 COMMISSIONER BOSARGE: Okay, Matt.

3 MATT HILL: These are some of the things that
4 directly came out of some of the events that have been
5 happening, and the Commission has identified a few
6 problems and the staff has identified a few problems.

7 We are going to give some options to the
8 Commission to begin to consider.

9 The first is some changes to our Spotted
10 Seatrout endorsement.

11 Recently stakeholders have expressed concern
12 over the current number of Spotted Seatrout endorsements
13 and the qualifications required to participate in the
14 commercial finfish net fishery.

15 This presentation will provide a synopsis of the
16 Spotted Seatrout endorsement and proposed modifications to
17 the finfish net fishery.

18 Talking about the endorsement, you can see here
19 when we first enacted the endorsement, we had forty-four
20 individuals that qualified for the endorsement and, of
21 course, that number began to rise.

22 Now, we have reached a plateau, or peaked, and
23 we believe it will stay around one fifty. However, we do
24 believe that this fishery will not support that many
25 individuals with the quota that we currently have.

1 what we did was we took a hard look at the
2 endorsement that was passed and some of the qualifications
3 that it took to possess the endorsement.

4 I have some language here, just something for
5 the Commission to consider, and we can make changes to it
6 as we go.

7 The requested regulatory changes would happen to
8 Title 22 Part 7 Chapter 09, Commercial Size, Possession
9 and Catch Limits, Section 110.

10 I will try to paraphrase this as much as
11 possible, but one thing the endorsement would remain as a
12 ten dollar endorsement. It would cost the individual ten
13 dollars.

14 To qualify for the endorsement, an application
15 must be completed, and we currently do that.

16 However, this is where we begin to start seeing
17 some changes, or some changes that we would recommend, or
18 request the Commission consider.

19 we all know the 2018 fishing season has
20 currently come to an end, so we are looking for an opening
21 on February 1st of 2019 for the Spotted Seatrout season.
22 This is where we began with the regulation.

23 For the 2019 fishing season, the fisher must
24 present documentation that a minimum of thirty-five
25 percent of their earned income came from commercial

1 fishing activities in a previous tax year between 2013
2 through 2018.

3 Documentation shall be a copy of the appropriate
4 filed IRS tax form showing the applicant's earned income
5 for one of those years.

6 A Marine Fisheries Trip Ticket officer will then
7 run a sales summary for the year chosen, using trip
8 tickets to determine if the eligibility requirement has
9 been met.

10 This endorsement will be valid for a one-year
11 period, at which time a new application with qualifying
12 documents for the previous tax year shall be submitted for
13 a new endorsement.

14 The endorsement will be valid from January 1st
15 through December 31st of each year.

16 A little bit of background. Currently, an
17 individual may come into the office and we do have a form
18 that they can bring to their tax preparer, and their tax
19 preparer can sign it and say that ten percent of their
20 income came from commercial fishing activities, or they
21 are allowed to bring receipts up here from dealers, or the
22 public, or sometimes we can go into the Trip Ticket system
23 and see if they have had five thousand dollars worth of
24 sales in any consecutive twelve-month period.

25 what we are trying to eliminate is it is

1 mandatory for the fishermen, or the dealers, to turn in
2 trip tickets for the fishermen.

3 what we would like, or what we would recommend
4 to the Commission is that, in the future, the fisherman
5 will be required to bring his filed tax form, his summary
6 form, with his income on it, and we will file that, and,
7 then, a Marine Fisheries trip ticket officer will run a
8 summary of the trip tickets that this individual has
9 turned into the system.

10 This takes away all of the outside presence.
11 This will be all done in house, and we will be able to
12 compare the income with the summary that this individual
13 has sold. If he, or she, meets the thirty-five percent
14 requirement, then, they would be eligible for the
15 endorsement.

16 we will allow the historical fishermen -- and
17 that's why we are giving that five-year window right there
18 for 2019. We would allow them to pick one of those years
19 for their qualification. However, after that, they would
20 have to show us their income, and we would run the trip
21 ticket summary for them on an annual basis for the year
22 before that.

23 They would have to show that they have continued
24 in the fishery to be able to commercially harvest, or
25 possess, Spotted Seatrout.

1 I know there are a few changes in there, so I
2 will stop right there with this one, if we have any
3 questions on that.

4 COMMISSIONER BOSARGE: I see where you're going
5 and I see, by the trip ticket system, you will be able to
6 possibly back up what their tax return says.

7 Can you legally do the tax return?

8 MATT HILL: Yes, we can legally require them to
9 bring in -- we don't need their whole tax form. We need
10 the summary of their tax form. We have required tax forms
11 in the past for the disaster programs that we have
12 administered. It is something that we have done in the
13 past.

14 We did get away from it. It is a very
15 cumbersome process, but I think we will be dealing with a
16 small enough group of individuals here that we can handle
17 it.

18 If Sandy wants to add something to that, she
19 can.

20 COMMISSIONER BOSARGE: All right.

21 SANDY CHESTNUT: It's just a means of telling
22 the percentage of their income. Like Matt said, we don't
23 actually take their tax records. I think they get a
24 statement form their accountant saying what percentage
25 they are earning from that endeavor.

1 COMMISSIONER BOSARGE: All right.

2 JOE JEWELL: To meet the current ten percent
3 requirement, they have to bring that summary tax form in.
4 It's not the whole form. It's not the complete filing.
5 It's just the summary form.

6 COMMISSIONER BOSARGE: And/or the sales tickets
7 for five thousand dollars?

8 JOE JEWELL: That's correct. That would be the
9 current system that we are under.

10 If the Commission passed this, it would be a
11 different strategy that we use to establish those bench
12 marks.

13 MATT HILL: We would go strictly from the Trip
14 Ticket system. If John Doe comes in and his earned income
15 for 2017 is a hundred thousand dollars, the trip ticket
16 officer would go into the trip ticket system and, at that
17 time, he would have to show that thirty-five thousand
18 dollars of that is in the Trip Ticket System.

19 No matter what his taxes say, he is required to
20 fill out those trip tickets so we will have two forms of
21 verification to see this.

22 we will no longer accept just what the tax
23 professional says, or the receipts that they bring in. We
24 will solely base this on what is in the Trip Ticket
25 System.

1 COMMISSIONER BOSARGE: Do you foresee this
2 affecting many people?

3 MATT HILL: Absolutely. I believe we will get
4 this number below fifty quickly.

5 COMMISSIONER BOSARGE: Looking at the Spotted
6 Seatrout endorsement and looking at a total of fifty
7 thousand pounds, if you divide it between a hundred and
8 fifty hook-and-line fishermen and eighteen other net
9 fishermen...

10 MATT HILL: It doesn't add up.

11 COMMISSIONER BOSARGE: It doesn't add up.

12 Any further discussion?

13 (No response.)

14 COMMISSIONER BOSARGE: All right.

15 MATT HILL: The next issue we are tackling is
16 very similar language. However, this is dealing strictly
17 with the commercial net fishery.

18 When I'm talking about that, I'm talking about
19 the gill nets, trammel nets and haul seines and,
20 basically, the endorsement would also be ten dollars.

21 The qualifications would be the same. However,
22 for the qualifications in this, it could not be all
23 seafood product. It would have to be thirty-five percent
24 of income came from the commercial harvest of finfish.

25 The reason we have done this is we went back and

1 looked and, if we allow it to be from all seafood product,
2 then, there are several vessels out there, and I hate to
3 bring this, but most shrimpers would qualify for this and
4 they are not necessarily in the finfish fishery. A lot of
5 crabbers would qualify for it.

6 what we are trying to do is pinpoint these
7 fishermen that have been in this fishery. They understand
8 this fishery, and they solely use their nets for the
9 harvest of finfish. That is basically the big change in
10 there.

11 I also do want to add the reason we are going
12 from January 1st -- we know the commercial license is a
13 little different, but the January 1st through December 31st
14 allows them to only fish one quota year. If we do it
15 through the license year, then, these endorsements would
16 allow them to fish two quota years because of the way the
17 quota system is set up.

18 we would recommend that, even though the
19 commercial licenses run at a different period, the
20 endorsements will begin to run on a calendar year which
21 would only allow them to fish one quota year at a time
22 under the endorsement.

23 Did you want to ask a question?

24 I've got one more on this one.

25 COMMISSIONER BOSARGE: Here we are. We are

1 putting more and more and more restrictions on -- anyhow.
2 Go ahead.

3 JOE JEWELL: I want to address that because I
4 understand your concerns. I want to talk about the
5 original endorsement.

6 The issue that we had was we had about forty, or
7 fifty, legitimate full-time commercial fishermen and, as
8 the Commission recognized, we had a whole lot of
9 recreational fishermen in that group that were using that
10 to pay for fuel and other things.

11 The Commission established that endorsement, and
12 it had two requirements; ten percent, or that five
13 thousand, in any calendar year, or any combination of
14 twelve months.

15 what is happening is that stayed relatively
16 steady, if you saw that graph, for a few years, but, now,
17 the staff is sort of hand strung because we have to accept
18 the documentation that is provided to us. There is no way
19 around that.

20 That same instance that the Commission addressed
21 four, or five, years ago, that same scenario is happening
22 again.

23 we don't anticipate these rules that we are
24 implementing to affect the true one hundred percent
25 working commercial fishermen. It will address the issues

1 that the Commission originally set forth with the
2 endorsement. It certainly will do that.

3 I think I'm sort of on the fence with that. I
4 don't want to harm an industry, as Commissioner Trapani
5 has already pointed out. I don't think it's the
6 Commission's intent to harm those honest hardworking
7 fishermen, commercial fishermen, but we do have an issue
8 and it's an issue I think the Commission should address.

9 COMMISSIONER BOSARGE: I'm with you, Joe. Just
10 some of it, it kind of rubs you a little bit.

11 Go ahead.

12 MATT HILL: I guess we are going to try to do
13 these in phases. We have several things that we would
14 like the Commission to consider, but just a little bit at
15 a time, right now.

16 The last one is one thing that I have had an
17 issue with for a long time. It's the actual tagging of
18 these nets, and I'm talking about all nets.

19 Right now, we have no mechanism. These nets,
20 once they are tagged -- and I'm talking about any net --
21 that tag is good for life.

22 I require them loosely to bring these nets in on
23 a yearly basis because I want to see them and I want to
24 see the tags on them, and they have agreed to this, so it
25 hasn't been a problem, but we do not have any language.

1 what we are proposing is individuals qualifying
2 for the finfish net endorsement must have nets inspected
3 and tagged on an annual basis. The tags associated with
4 each net will be valid from January 1st through December
5 31st of each year.

6 The big question we always have is how many nets
7 do we have out there, how people do we have using them
8 and, right now, it's a process to actually figure out who
9 is out there.

10 we have them that sell nets to each other, that
11 trade nets to each other, and there is really no mechanism
12 to keep up with all this, but, if we can have some type of
13 language like this on the books, this would definitely
14 make it much easier on the agency to keep up with this.

15 COMMISSIONER BOSARGE: I agree.

16 COMMISSIONER TRAPANI: I have a question. I may
17 be unclear about the nets.

18 MATT HILL: Yes, ma'am.

19 COMMISSIONER TRAPANI: If they have a license,
20 then, you know they have a net, but you are saying they
21 have a license and they might have three nets?

22 MATT HILL: Yes.

23 COMMISSIONER TRAPANI: You are just trying to
24 figure out how many nets are out there in general?

25 MATT HILL: Well, technically, the license that

1 covers the nets that we are specifically talking about is
2 called the Type 11 license. It's your fishing boat
3 license, or your net boat license. This license covers
4 all nets, including shrimp trawls. It also covers cast
5 nets.

6 what we have to do is go down through there and
7 decipher which ones of these are not shrimpers, that they
8 are finfish fishermen with some type of net.

9 Obviously, cast nets do not have to be tagged.
10 That is one issue that we do have. We don't necessarily
11 need to tag the cast nets, but these other nets that we
12 are talking about, we would like to tag them.

13 The question is asked up here all the time, how
14 many nets do we have out there.

15 we would like to know that, and this also allows
16 us to better put our eyes on them and see if tags have
17 been swapped because we do take pictures of the nets as
18 they come in so we know what that net looks like and we
19 know the length of the net.

20 They do call and say, "I'm going to repair this
21 net, Matt", and we allow that, but, at least, on a yearly
22 basis, we can say, no, that net was destroyed. I don't
23 have it anymore, and they will return their tags to me.

24 Right now, we don't have that mechanism. They
25 do it for the most part, but they are not required to do

1 it.

2 This would require for us to inspect these nets
3 every year.

4 COMMISSIONER TRAPANI: How would you control
5 that?

6 with their license, you say I need to see your
7 net, or they are just responsible for having a tagged net?

8 MATT HILL: What we would do is we would have a
9 color-code system. Maybe 2019 would be red rags. 2020
10 would be blue tags. We would order new sets of tags every
11 year.

12 That net would come in with the 2019 tags on it,
13 and I would take those tags off and I would put the 2020
14 tags on. Marine Patrol would obviously know the colors
15 that the tags were supposed to be that year, and, then,
16 they are unique numbers for each tag for each individual.

17 We would do some type of system like that.

18 COMMISSIONER BOSARGE: Any more questions?

19 (No response.)

20 MATT HILL: This is not an action item, or
21 anything. This is just something that the Commission
22 requested to see, and these are some recommendations.

23 This is something that we can bring back. If the
24 Commission would like to see these changes, or some
25 modification to these changes, we can bring these back for

1 Notice of Intent at the July meeting.

2 COMMISSIONER HAVARD: Matt, it just seems like
3 to me that we are spending a lot of effort and a lot time
4 to dance around and combat one net that they found a
5 loophole and it's a gill net renamed to be a haul seine
6 net.

7 These guys know it's just a matter of time that
8 we are going to outlaw the net, but everybody is scared to
9 say it's gill nets, or used as a gill net.

10 It just seems like we are putting a lot of
11 effort into something to try to go the back way around,
12 when we could just say, hey, look guys, give me a
13 definition of the net which we don't have.

14 Our definition is very, very broad.

15 MATT HILL: And that is something that we began
16 to look into, but I would say gill nets and trammel nets
17 are still legal in the State of Mississippi, as long as
18 they are half a mile off the shoreline and they meet the
19 biodegradable standards for the webbing.

20 COMMISSIONER HAVARD: which these haul seine
21 nets are not biodegradable.

22 MATT HILL: When I wrote this, I lumped them all
23 together because I'm also not required to inspect gill
24 nets on an annual basis. Once that net comes in front of
25 me, that net is good for life, and I have no idea where

1 that net goes.

2 Not just haul seines, but, as long as all these
3 nets continue to be legal, we need a way to be able to
4 keep up with them because, if something happens with the
5 haul seines, they will begin to use gill nets again. They
6 will begin to use the biodegradable gill nets that are
7 legal in state statute half a mile off the shoreline, and
8 the Commission will also need to know how many of those
9 are out there.

10 This is just a blanket thing for us to be able
11 to keep up with this.

12 The reason I can say that we have no active gill
13 netters in the State of Mississippi is because we look at
14 the Trip Ticket System and the gear type is not on there,
15 but I still have twelve gill nets in historical files from
16 individuals that I don't know where those nets are because
17 I tagged them once.

18 We can call and find out, but, if we had
19 something like this in place, if the individual didn't
20 bring me that net for the next year, well, that net is
21 gone. It is illegal wherever it is.

22 It's not just looking at the haul seines. We
23 are trying to look at all nets universally, or any nets
24 that may come up in the future.

25 COMMISSIONER HAVARD: I think it's a good start.

1 COMMISSIONER BOSARGE: I agree. If it's coming
2 from the staff and the staff needs these changes made,
3 then, I think we need to do it.

4 I will make the motion that we take those
5 requested regulation changes to Notice of Intent.

6 MATT HILL: Bring it back for Notice of Intent
7 in July.

8 COMMISSIONER BOSARGE: Correct, Notice of Intent
9 in July.

10 We have a motion.

11 Do we have a second for the motion?

12 COMMISSIONER HAVARD: Mr. Chairman, I'll second
13 that motion.

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

16 Before we vote on it, we have Mr. Ryan Bradley
17 that actually put in for public comment on this, also, K5.

18 RYAN BRADLEY: Thank you. Ryan Bradley,
19 Director of Mississippi Commercial Fisheries United.

20 I appreciate you giving me a chance to speak on
21 this, before you vote on it.

22 One question, or concern, about the income
23 requirement. We support that, and I think that needs to
24 be done.

25 It does get a bit restrictive, when you talk

1 about having to match up verified income with trip
2 tickets.

3 For example, a fisherman could be a Mississippi
4 resident, but maybe he commercial fished in Louisiana, or
5 maybe he fished in the Gulf, under a system that is not
6 required to report to Mississippi. That would cut these
7 guys out.

8 I would recommend that we would increase that
9 income qualifier to fifty-one percent, but allow a little
10 bit more leniency on the commercial fishermen that are
11 eligible, not just finfish, but a broader range of
12 commercial fishermen.

13 That was one concern I saw with that, but we do
14 support that there needs to be an increase to that
15 qualifier. There is no doubt about it.

16 I just wanted to throw out some other options.
17 There are other tools in the tool bag that we can use to
18 address this issue.

19 There has been a lot of controversy around the
20 nets. If you want to ban nets around Cat Island, go for
21 it. That's your prerogative.

22 I don't support blaming the nets, saying that
23 they are killing the grass. I don't think we have seen
24 the evidence of that.

25 There have been plenty of pictures on social

1 media showing these guys pulling their nets in, and never
2 do you see grass.

3 If you want to talk about killing grass, what
4 about anchoring in grass. When you pull that anchor in,
5 you've got a big chunk of grass.

6 wading in the grass stomping all over, I'm sure
7 that may cause some damage.

8 If that's the road y'all want to go down, bring
9 some science to the table. I think that will benefit
10 everybody.

11 Other options in the tool bag that we would
12 support -- we have talked with some of these guys that
13 have participated in this fishery -- include a two hundred
14 pound, or something in that area, vessel trip limit. We
15 used to have a two hundred pound trip limit on Red Snapper
16 in State waters.

17 That seems to be the big outcry about the nets,
18 that they are catching a ton of fish. I have seen a lot
19 come in with hook-and-line. It goes both ways.

20 If you wanted to slow down the harvest and
21 extend the season, seems like to me a vessel trip limit
22 would be an option. We would support that.

23 Another idea that came to my attention was
24 requiring some of these commercial finfish vessels to have
25 to check in and check out using these Tails n' Scales.

1 If there was some way we could adapt that Tails
2 n' Scales to where these fishermen let everybody know when
3 they are going and when they are coming, it will make
4 everybody more accountable and, hopefully, that will help
5 increase our access down the road one day.

6 Another option that I've heard is requiring
7 these fishermen that transport out of state to have to
8 notify the DMR before they transport out of state.

9 It is currently done for Red Fish in Louisiana.
10 If you transport Red Fish from Mississippi to Louisiana,
11 you have to call Louisiana Wildlife before you do that.

12 Some of the guys have been vocal about splitting
13 the quota among the net and the hook-and-line fishermen.
14 That would be an option.

15 I had one question I was going to ask the Chief
16 before he left.

17 Is the DMR patrol allowed to look into the fish
18 sales to the restaurants?

19 Is that in the purview of the Marine Patrol?

20 COMMISSIONER BOSARGE: Yes, because it has to be
21 a trip ticket. Anything that a restaurant purchases
22 directly from a fisherman, then, that restaurant owner, to
23 my knowledge, has to fill out a trip ticket because they
24 are the first point of sale.

25 RYAN BRADLEY: Are the restaurants actively

1 being looked at to see if there is compliance?

2 COMMISSIONER BOSARGE: I can't answer that
3 question, Ryan.

4 RYAN BRADLEY: Well, I'll leave it at that.

5 JOE SPRAGGINS: I think I can answer it.

6 Chief, you are right there, if you want to come
7 up.

8 I think we look at everything that we can every
9 day of anything that may be done illegally.

10 KEITH DAVIS: Thank you, Director.

11 Yes, sir, we do, and we welcome any information
12 that anyone would have.

13 we have created an intelligence gathering
14 division within Marine Patrol, and we take all of that
15 information as it comes in very seriously.

16 If your group has any information, I will gladly
17 take it.

18 RYAN BRADLEY: Just for the record, I wanted to
19 say we don't have any specific information. It's pretty
20 common talk that there are a lot of illegal sales going on
21 within the local restaurants.

22 If you look at why are these fish being shipped
23 out of state, maybe it's because the commercial fishermen,
24 the legitimate ones have a hard time selling for
25 legitimate value in state.

1 COMMISSIONER BOSARGE: Thank you, Mr. Ryan.

2 KEITH DAVIS: If I may, sometimes from a law
3 enforcement perspective, when we have these types of
4 discussions in an open forum that way, it has an adverse
5 affect on what is occurring.

6 I would like the Commission to know that Marine
7 Patrol does aggressively go after all violations of the
8 fishery. I just want to point that out.

9 COMMISSIONER BOSARGE: All right. Thank you.

10 JOE JEWELL: Before y'all take your vote, I know
11 you have a motion on the floor --

12 COMMISSIONER BOSARGE: (Interposing) I have one
13 more public comment.

14 JOE JEWELL: Okay. I'm sorry.

15 COMMISSIONER BOSARGE: Mr. F. J. Eicke.

16 F. J. EICKE: My name is F. J. Eicke. I'm the
17 chairman of the Government Relations Committee for Coastal
18 Conservation Association of Mississippi.

19 Really what I would like to do and we presented
20 to this board for consideration and no action has been
21 taken. We are working with a non-defined net, in the case
22 of the haul seine. What we are calling a haul seine.

23 I think the observations that Commissioner
24 Havard made about the monofilament component is what our
25 concern is, and it's something that I hope we can deal

1 with.

2 The assertion that has come out, Commissioner
3 Bosarge, about recreational versus commercial, this is not
4 what it is all about. This is about a net, and we will
5 leave it at that.

6 Thank you.

7 COMMISSIONER BOSARGE: Thank you, Mr. Eicke.

8 We had a motion and we had a second.

9 Any further discussion?

10 (No response.)

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

13 (All in favor.)

14 COMMISSIONER BOSARGE: Opposed?

15 (None opposed.)

16 COMMISSIONER BOSARGE: Motion carries.

17 MATT HILL: Thank you.

18 COMMISSIONER BOSARGE: Thank you.

19 JOE JEWELL: Our next agenda item is
20 Recreational Bag Limit for Flounder. This is a final
21 adoption. Trevor will be presenting this.

22 TREVOR MONCRIEF: We will be going over the
23 final adoption for flounder.

24 CMR passed the Notice of Intent on May 15th,
25 2018.

1 Right after that, we also filed with the
2 Secretary of State's office on May 15th, 2018, as you see
3 here on the right (indicating slide).

4 We also posted a public notice on our web page
5 on May 16th, 2018, as you can see here below.

6 We had a legal notice appear in The Sun Herald
7 May 23rd, 2018. You can see it here on the right.

8 Since the Notice of Intent was published on May
9 15th, 2018, the public comment period was from May 16th
10 through June 18th, thirty-four total days.

11 Six public comments have been received to date.
12 All six comments are opposed to the regulatory change.

13 Next I will summarize these comments.

14 Commissioners, you have the entire comments in
15 your packets. I will read these into the record.

16 On June 5th, we had a comment from Mr. Michael
17 Miller:

18 "I would like to express my personal opposition
19 to this reduction, unless the limit was only going to be
20 applied when gigging flounder. Flounder are hard enough
21 to target, and it is more common not to catch a limit of
22 fifteen per person by hook and line than to catch a
23 limit."

24 The second comment June 5th from Matt Carpenter:
25 "What is the basis for this?"

1 “Have there been any studies done on this
2 species that shows a reduced catch is needed?”

3 “Did I miss the proposed change to the
4 commercial take on flounder?”

5 “I would assume it would be for the same percent
6 reduction as the proposed recreational change
7 (approximately thirty-three percent reduction).”

8 The third comment June 5th from Al Simm:

9 “I am strongly opposed to the proposed change.

10 “I am a hook-and-line recreational fisherman who
11 primarily fishes for flounders. I flounder fish all the
12 time and have never had a BMR agent check my catch.
13 Therefore, I don’t believe that checking the catches of
14 hook-and-line fishermen would have played into the
15 equation, so what science brought about this proposed
16 change. I have not seen a big decline in flounders in
17 recent years.”

18 The fourth comment came on June 5th from
19 Nathaniel Kyle Miller:

20 “Since the net fishermen are killing our
21 speckled trout and flounder population, what kind of
22 change will you propose to the net fishermen?”

23 “If you are going to reduce the recreational bag
24 limit, you need to reduce the commercial quota.”

25 The fifth comment on June 7th from Ralph

1 Humphrey:

2 "I attended the CMR meeting when this change was
3 proposed. I firmly support the rules to protect finfish,
4 when they are proposed by scientists using scientific
5 research to support them. I am firmly and adamantly
6 opposed to a proposal that will do absolutely nothing."

7 Our last comment, sixth comment, June the 8th is
8 from Josh who did not give his last name:

9 "This proposed change in the flounder bag limit
10 is beyond absurd. There is absolutely nothing wrong with
11 the flounder population. There is no reason for this, and
12 it is ridiculous that recreational fishermen are
13 continuing to have fishing for food taken away from us by
14 the very state agency that is supposed to support us and
15 that we, the recreational fishermen, support with our tax
16 dollars."

17 The language change, if we go through today,
18 will read:

19 "Chapter 8 Section 100 Subsection 100.08,
20 Recreational Bag, Possession and Size Limits.

21 "100.08, Ten (10) flounder (Paralichthys sp.)."

22 what will be required now is a motion for final
23 adoption of regulatory changes to Title 22 Part 7 Chapter
24 8 Section 100 Subsection 100.08, Recreational Bag,
25 Possession and Size Limit Change for Flounder.

1 COMMISSIONER BOSARGE: Any questions?

2 (No response.)

3 COMMISSIONER BOSARGE: Do we have a motion?

4 COMMISSIONER TRAPANI: I would like to make a
5 motion for final adoption of the regulatory changes to
6 Title 22 Part 7 Chapter 8 Section 100 Subsection 100.08,
7 Recreational Bag, Possession and Size Limit change for
8 Flounder.

9 COMMISSIONER HAVARD: I'll second that motion.

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

12 Any further discussion?

13 (No response.)

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

16 (All in favor.)

17 COMMISSIONER BOSARGE: Opposed?

18 (None opposed.)

19 COMMISSIONER BOSARGE: Motion carries.

20 TREVOR MONCRIEF: Thank you.

21 JOE JEWELL: Our final consideration for the
22 Commission is a new State record. It's in our Youth
23 category. Mr. Jonathan Barr will be presenting that.

24 JONATHAN BARR: Good morning.

25 We have one state record for consideration this

1 month.

2 It is conventional tackle.

3 As Joe mentioned, it is a New Youth State
4 saltwater Fishing Record, Hardhead Catfish, Ariopsis
5 felis.

6 It is one pound twelve point nine seven ounces.

7 The angler is Mr. Greyson Borries.

8 we all know this beloved creator (indicating
9 photograph).

10 There is Mr. Greyson with his catch (indicating
11 photograph).

12 Required is a Motion to Adopt this new State
13 record.

14 COMMISSIONER HAVARD: I think it's great to see
15 these kids involved. It gets them excited about fishing.
16 It gets them excited about our resource. There are lots
17 of opportunity for these kids to get involved, and it
18 makes the parents bring them.

19 I would like to make a motion to adopt the new
20 State record for Hardhead Catfish.

21 COMMISSIONER TRAPANI: I would like to second
22 that.

23 COMMISSIONER BOSARGE: I'll make one comment.
24 There are plenty more of them out there for them to catch.
25 we have a motion and a second.

1 All those in favor indicate by saying aye.

2 (All in favor.)

3 COMMISSIONER BOSARGE: Opposed?

4 (None opposed.)

5 COMMISSIONER BOSARGE: Motion carries.

6 JONATHAN BARR: Thank you.

7 COMMISSIONER BOSARGE: Thank you.

8 Any other business?

9 F. J. EICKE: I want to make a comment.

10 COMMISSIONER BOSARGE: Yes, sir, Mr. Eicke. You
11 are going to have to step to the podium, now. This young
12 lady has to get your comments.

13 F. J. EICKE: I didn't know if you were at that
14 point.

15 These are not agenda items that I'm going to
16 comment on very briefly.

17 One is that the Administrative Handbook for the
18 Commission specifics that this meeting will occur at 9:00
19 a.m. the third Tuesday of every month.

20 we have a group of recreational fishermen,
21 members who are employed and they have a hard time getting
22 here, just about an impossible time getting here at 9:00.

23 I would like to propose that the Commission
24 consider possibly even changing that to some flexible-type
25 thing where at least on occasions, if not all the time,

1 the Commission is meeting perhaps later in the day, 4:00
2 o'clock, or 5:00 o'clock, whatever. I just want to put
3 that on the record as a suggestion.

4 COMMISSIONER BOSARGE: We appreciate this, Mr.
5 Eicke, and I did get that email.

6 This agency also has business hours, and I know
7 that your group -- I see you here every meeting, so you
8 are pretty well represented, and I imagine you've got a
9 bunch of retired folks that surely can get here.

10 It's hard for me to imagine changing it to 4:00
11 o'clock, or 5:00 o'clock, where all these people have
12 children, and, then, they have to get babysitters.

13 I'm sure everybody will listen. It's just my
14 opinion. It is going to affect a bunch of people.

15 F. J. EICKE: I'm well aware of the complexity
16 and, if you were to meet at 4:00 o'clock, staff would have
17 to be dealt with in some type of compensatory situation,
18 or whatever, and it would change things, but, of course,
19 we have meetings later in the day very often and staff
20 attend as well.

21 I'm making a suggestion, putting it on the floor
22 and see what happens.

23 COMMISSIONER BOSARGE: Thank you.

24 F. J. EICKE: The second item is there have been
25 at least two, I think, Red Fish kills that have been

1 reported in the Sound by members on the water.

2 One of them had associated with it, within the
3 fairly large Red Fish that were floating around in certain
4 areas, one dead turtle as well, dead Sea Turtle.

5 I'm just going to put it on the record that
6 those kills did occur. I hope the Department is looking
7 into them to the extent that they can.

8 This, of course, has happened over the years,
9 both in terms of Red Fish, as well as other type
10 situations, so we need to know the source of those kills.

11 COMMISSIONER BOSARGE: Did those kills get
12 reported to the agency?

13 F. J. EICKE: Yes, they did. I'm sure that they
14 were reported to the Marine Patrol.

15 JOE SPRAGGINS: They were reported, and we are
16 looking at them very hard trying to find out.

17 The fish have been dead for several days and
18 they float in, and we have tried every way in the world to
19 find an answer. I promise you that. We just haven't been
20 able to get a hundred percent answer on what happened yet.

21 F. J. EICKE: That's kind of the situation that
22 we have had in the past where we couldn't identify exactly
23 what happened. There is a thing called "by association".
24 we will leave it at that.

25 The third thing is that I would like to commend

1 the Department for being involved in the State management
2 of Red Snapper, and the development and implementation of
3 the Tails n' Scales. I think it has real possibilities.

4 CCA is totally in support of that, and we have
5 sent a letter to Director Spraggins indicating the support
6 that we have for what has happened with the management
7 plan.

8 We are in the first year. I hope it bears fruit
9 and we can have the second year, and hopefully we can
10 continue that into the future because we think, as an
11 organization, that the State management of Red Snapper in
12 this case is much better than we would have gotten from a
13 Federal agency.

14 COMMISSIONER BOSARGE: I agree, Mr. Eicke. It
15 seems to be working pretty fair.

16 I will make one comment. You were talking about
17 fish kills and association. There is a lot of fish
18 floating, Red Snapper, that we might want to look at where
19 that is coming from, also.

20 F. J. EICKE: We are well aware of the problem
21 with discards, both in terms of the recreational fishery
22 and in terms of the commercial fishery.

23 I personally had a trip out to Fort Morgan a
24 week, or so, ago with my five grandkids, grandsons. The
25 granddaughter was excluded because she doesn't like to

1 fish.

2 Myself and my five grandsons fished, and we did
3 release a number of legal Red Snapper. It was a charter
4 trip.

5 Unfortunately, we were fishing in fairly shallow
6 water, Alabama, and we were able, as far as I could
7 observe, pretty much release every fish that had a chance
8 to survive. That's what it's all about.

9 COMMISSIONER BOSARGE: Yes, unless you got back
10 off of one from out of Venice. I did observe the same
11 thing. There were quit a few discards, especially out at
12 sea.

13 when you poke a hole in their bladder, and,
14 then, poke a hole in their stomach and you release them.,
15 they go down, but I don't know if I could survive.

16 F. J. EICKE: well, I really didn't observe
17 trauma in any of the fish that were released, in this
18 case, but we were probably fishing in forty, or fifty,
19 feet of water. We were off the bottom.

20 COMMISSIONER BOSARGE: That's good.

21 F. J. EICKE: It varies, and I can tell you that
22 this particular charter captain was very aware of trying
23 to release fish in a way that they would survive.

24 COMMISSIONER BOSARGE: That's good.

25 Thank you, Mr. Eicke.

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F. J. EICKE: Thank you.

COMMISSIONER BOSARGE: Any other business?

(No response.)

COMMISSIONER BOSARGE: Hearing none, do we have a motion to adjourn?

COMMISSIONER HAVARD: Mr. Chairman, I'll make a motion that we adjourn.

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

COMMISSIONER TRAPANI: I'll second that motion.

COMMISSIONER BOSARGE: All those in favor say aye.

(All in favor.)

COMMISSIONER BOSARGE: Meeting adjourned.

(Whereupon, at 12:15 o'clock, p.m., the June 19, 2018, meeting of the Commission on Marine Resources was concluded.)

C E R T I F I C A T E

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

13
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15 _____
16 COURT REPORTER
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