

COMMISSION ON MARINE RESOURCES

COMMISSION MEETING

Tuesday, July 17, 2018  
9:00 a.m.  
Bolton Building Auditorium  
1141 Bayview Avenue  
Biloxi, Mississippi 39530

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Commission Members:

Steve Bosarge, Chairman

Ronald Daniels

Mark Havard

Also Present:

Joe Spraggins, Executive Director DMR

Sandy Chestnut, Esq., Assistant Attorney General

1           COMMISSIONER BOSARGE: I would like to call this  
2 meeting to order and welcome everybody to the July meeting  
3 of the Commission on Marine Resources.

4           Looks like we've got a packed house, a full  
5 crowd.

6           To start it all off, I'm going to ask Mr. Joe to  
7 lead us in the Pledge of Allegiance.

8           (Pledge of Allegiance was recited.)

9           COMMISSIONER BOSARGE: At this time in the  
10 meeting, we usually take a moment of silence just to  
11 reflect on where we are, who we are, where we are going  
12 and there are people that may need a little prayer at this  
13 time. Let's take a moment of silence.

14           (Moment of silence observed.)

15           COMMISSIONER BOSARGE: Next on the agenda is  
16 oath of office for our latest Commissioner, Mr. Ronnie  
17 Daniels.

18           (Oath of Office administered.)

19           COMMISSIONER BOSARGE: Mr. Daniels is our  
20 charter boat representative, and I would ask him to take a  
21 moment and just give us a little background on who he is  
22 and, if you would, introduce your family.

23           COMMISSIONER DANIELS: Thank y'all. My name is  
24 Ronnie Daniels, a lifelong resident of Long Beach,  
25 Mississippi. We now live in Pass Christian, Mississippi.

1 I have been in the charter boat industry for six years  
2 now. My whole life has been spent on, or around, the  
3 water. It's is something I have wanted to do since I was  
4 a child.

5 Being asked to serve on this Commission and  
6 represent the charter boat captains and operators along  
7 the Mississippi Gulf Coast is a great honor to me.

8 COMMISSIONER BOSARGE: Introduce your family.  
9 You've got some good-looking kids.

10 COMMISSIONER DANIELS: We've got a crowd here  
11 today. I've got my wife, my daughter Abigail, my little  
12 boy Fisher, my mother-in-law, my sister, two aunts and an  
13 uncle. I really appreciate them coming out to support me  
14 today.

15 COMMISSIONER BOSARGE: All right. Good deal.  
16 Thank you. We look forward to having you on here.

17 Get ready because we are going to get started.

18 SANDY CHESTNUT: Hold on.

19 COMMISSIONER BOSARGE: Hold on is right.

20 Next was election of officers. Because we've  
21 got a couple of the Commissioners missing, I had asked if  
22 we could maybe postpone it until we get a full crew and  
23 have a little more input.

24 Sandy, you said we need a motion. You've got it  
25 on the board. You are ahead of us.

1           We need a motion to be able to accomplish that  
2 task.

3           COMMISSIONER HAVARD: Mr. Chairman, I would like  
4 to make a motion to delay the election of officers until  
5 August regularly scheduled meeting.

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

8           COMMISSIONER DANIELS: I'll second that.

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

11           All those in favor aye.

12           (All in favor.)

13           COMMISSIONER BOSARGE: Opposed same sign.

14           (None opposed.)

15           COMMISSIONER BOSARGE: Motion carries.

16           Approval of the minutes.

17           Do we have a motion for approval of the minutes  
18 of the June 19<sup>th</sup> meeting?

19           COMMISSIONER HAVARD: Mr. Chairman, I would like  
20 to make a motion that we approve the minutes of the June  
21 19<sup>th</sup>, 2018, meeting.

22           COMMISSIONER BOSARGE: Do we have a second for  
23 that motion?

24           COMMISSIONER DANIELS: I'll second that one,  
25 too.

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

3 All those in favor aye.

4 (All in favor.)

5 COMMISSIONER BOSARGE: Opposed like sign.

6 (None opposed.)

7 COMMISSIONER BOSARGE: Motion carries.

8 Next will be approval of he agenda.

9 Do we have any modifications, or changes, to the  
10 agenda?

11 (No response.)

12 COMMISSIONER BOSARGE: Seeing none, do we have a  
13 motion to approve the agenda as written?

14 COMMISSIONER HAVARD: I'll make a motion that we  
15 approve the agenda as written.

16 COMMISSIONER DANIELS: I'll second that.

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

19 All those in favor aye.

20 (All in favor.)

21 COMMISSIONER BOSARGE: Opposed like sign.

22 (None opposed.)

23 COMMISSIONER BOSARGE: Motion carries.

24 Next is the Executive Director's report.

25 JOE SPRAGGINS: Thank you, sir.

1           This is kind of normal to me because, on the Air  
2 Port Board, there are only three Commissioners. I'm  
3 sitting here listening to this, and we have to do the same  
4 thing y'all are doing all the time.

5           I want everybody to please remember Commissioner  
6 Gollott. He went through some extensive surgery. He is  
7 fighting cancer. He is home, back from the hospital in  
8 Houston, Texas, but I think he is still having some  
9 complications.

10           Please just keep him in your prayers and let's  
11 hope he will be back next month with us and be able to be  
12 back on the board.

13           Our new Commissioner, welcome.

14           COMMISSIONER DANIELS: Thank you.

15           JOE SPRAGGINS: We are glad to have you. You  
16 are replacing a good man, Ron Harmon. Ron did a great  
17 job, and I know you will do a great job.

18           We look forward to having you represent this  
19 group of people. I know the charter boats are looking for  
20 you to help them, too, and we look forward to doing that.

21           Other than that, sir, I think that's about it.  
22 Most of it will be brought up in the meeting.

23           COMMISSIONER BOSARGE: Good deal.

24           We have added a Commissioners' report. There  
25 are only three of us here.

1 Does anybody have anything they want to say, or  
2 report on?

3 COMMISSIONER HAVARD: I don't have anything to  
4 say.

5 COMMISSIONER DANIELS: No, sir.

6 COMMISSIONER BOSARGE: We will move on, then.  
7 Up next will be Office of Marine Patrol, Chief  
8 Davis.

9 KEITH DAVIS: Good morning Commissioners.  
10 Mr. Daniels, welcome aboard.

11 You have the June report in front of you. There  
12 is no heavy lifting on the report this month, with the  
13 exception of each year I like to point out kind of a recap  
14 of the year and where we are in terms of recreational  
15 fishermen and commercial fishermen.

16 I would like to direct your attention to page  
17 two of the report.

18 If you notice, under the "Miscellaneous  
19 Commercial Seafood Violation Citations", we were down just  
20 a little bit this year, and that represents an eighteen  
21 percent decrease in the amount of citations that were  
22 written.

23 If you skip down to the second category, under  
24 "Fishing Violation Citations", there is a fifty-seven  
25 percent increase in citations. In review of that, I

1 believe it is due to the added enforcement of Red Snapper.

2 Then, finally, I would like to point out under  
3 "Boat and Water Safety Violation Citations", we had a  
4 twelve percent increase in citations.

5 As far as the report goes, are there any  
6 questions about the monthly report?

7 COMMISSIONER BOSARGE: It looks like we have  
8 been working on the Tails n' Scales.

9 KEITH DAVIS: Yes, sir, Tails n' Scales as well  
10 as Spotted Seatrout.

11 After last year, when the Commission implemented  
12 the size change, we went out and heavily enforced Spotted  
13 Seatrout.

14 COMMISSIONER BOSARGE: Good deal.  
15 Any other questions?

16 (No response.)

17 KEITH DAVIS: Moving on to a couple of things I  
18 would like to point out to you, the commercial Spotted  
19 Seatrout issue that we had a few months ago, the  
20 Commission instructed Marine Patrol and counsel to bring  
21 all of those cases before you for disposition.

22 I would like to report that that process has  
23 started. Counsel has reviewed the cases and, as a result  
24 of counsel's review, I ask that you allow us to bring one  
25 case, without going into it, through criminal court. This



1 is based on counsel's recommendation.

2 If you would indulge me by allowing us to take  
3 that case -- I bring that to you because upon counsel's  
4 review, she informed me that she was recommending this.

5 I said, well, the Commission has got to tell me  
6 that it's okay to do that because you voted for us to  
7 bring the cases before you.

8 If the Commission would, I would like to have  
9 you make a motion to grant the Department the authority to  
10 take specific cases involving Spotted Seatrout violations  
11 to criminal court, based upon advice of counsel.

12 COMMISSIONER BOSARGE: I think, in closed  
13 session, we had an update on these cases.

14 I guess my only concern is because we asked for  
15 them to be brought before us.

16 If it's possible, instead of just giving the  
17 authority to do a specific case, can we still have those  
18 brought before us?

19 In other words, have those cases brought before  
20 the Commission and we can say we don't have a problem  
21 having this case taken to court?

22 Right now, it kind of takes us out of the loop.

23 SANDY CHESTNUT: Right, but the decision has to  
24 be made up front whether you are going to go civil, or  
25 criminal. You can't have the civil process, review it,

1 and, then, throw it to the criminal court because, once  
2 that process is started, there are informal settlement  
3 conferences and things like that which have to take place  
4 before it even comes to the Commission for final decision.

5 KEITH DAVIS: We are only talking about one  
6 specific case, and we really don't need to get into the  
7 criminal side of it here, I don't think.

8 COMMISSIONER HAVARD: I would like to make a  
9 motion to grant the Department the authority to take  
10 specific cases involving Spotted Seatrout violations to  
11 criminal court, based upon the advice of counsel.

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

14 COMMISSIONER DANIELS: I'll second that.

15 COMMISSIONER BOSARGE: All those in favor aye.  
16 (All in favor.)

17 COMMISSIONER BOSARGE: Opposed same sign.  
18 (None opposed.)

19 COMMISSIONER BOSARGE: Motion carries.

20 KEITH DAVIS: Finally, on my report to you, I  
21 need to inform the Commission that in addition to  
22 everything else we have been doing, Marine Patrol has been  
23 heavily involved in a covert case where restaurants are  
24 purchasing recreational fish.

25 Last week, we issued several citations to

1 several local restaurants here on the Mississippi Gulf  
2 Coast, and those cases will be going through the criminal  
3 court.

4 Any questions on that?

5 COMMISSIONER BOSARGE: No, sir.

6 If I could stop you just one minute because I do  
7 this every time, and Mr. Joe keeps hitting me under the  
8 chair over here.

9 I would like to recognize Supervisor Randy  
10 Bosarge and our Senator Mike Seymour for coming here and  
11 taking the time out of their days to join us in our  
12 meeting.

13 RANDY BOSARGE: Thank y'all.

14 MIKE SEYMOUR: Thank you.

15 COMMISSIONER BOSARGE: It's good to have you  
16 here.

17 KEITH DAVIS: Other than the next presentation  
18 on two no-wake zones by Captain Patrick Levine, that's all  
19 I have, unless you have any questions for me.

20 COMMISSIONER BOSARGE: Good job. Thank you,  
21 sir.

22 JOE SPRAGGINS: Chief, I want to thank your  
23 Department. I want to thank the men and women that are  
24 working for you because I tell you what, there have been a  
25 lot of hot days here recently that they have had to be out

1 there in the heat of the day in the hundred-and-something  
2 degrees and, yet, they have not stopped enforcing the  
3 rules that we need to be doing. That's not just your  
4 department. That is this whole agency, but I want to  
5 thank you.

6 KEITH DAVIS: Thank you, Director.

7 PATRICK LEVINE: Good morning Commissioners.

8 I want to thank you for the opportunity to  
9 present two no-wake zone proposals to you this morning.

10 I would like to recognize that the President of  
11 the Jackson County Board of Supervisors, Randy Bosarge, is  
12 with us today because he has personal concerns with both  
13 of the areas we will be discussing.

14 The first one we are going to discuss is the  
15 Davis Bayou, Eagle Nest and Eagle Point communities  
16 located, as it says, off of Davis Bayou.

17 On June 25<sup>th</sup>, I received a letter outlining  
18 Jackson County Board of Supervisors' passage of a no-wake  
19 zone establishment in Davis Bayou bordering the Eagle Nest  
20 and Eagle Point roads and communities.

21 In the letter, the Jackson County Board of  
22 Supervisors approved a stretch of marine waters extending  
23 from a set of coordinates.

24 If you notice in this picture, you can see how  
25 close the channel is to each of those piers that

1 landowners have.

2 On June 27<sup>th</sup>, Chief Davis, myself and Steve  
3 Trosclair surveyed the area to establish probable cause  
4 for the establishment of a no-wake zone.

5 It was immediately noticed, when surveying the  
6 property, that the channel has direct contact with the  
7 homeowners' piers. Considering this, vessels often  
8 navigate the channel at high rates of speed only a few  
9 feet from where the residents congregate.

10 Considering the proximity of the channel, boat  
11 operators have no reaction time, should they have to  
12 deviate from the channel.

13 Additionally, the property owners have vessels  
14 moored in the location.

15 Finally, there is an increased risk of injury,  
16 or death, considering there are residents swimming near  
17 the piers.

18 In addition to the property observations, we  
19 established that the idle speed took approximately three  
20 minutes from the proposed points.

21 Considering the nature of the circumstance, the  
22 Office of Marine Patrol strongly recommends that the  
23 Commission on Marine Resources consider the establishment  
24 of a no-wake zone for the specified location.

25 This decision rests on the proximity of the

1 channel in relation to piers on which people fish, swim,  
2 boat and socialize.

3 This is the proposed area (indicating  
4 photograph).

5 Do you have any questions?

6 COMMISSIONER BOSARGE: Before any questions, I  
7 think Supervisor Randy Bosarge wants to speak on this.

8 RANDY BOSARGE: Thank you, Patrick.

9 PATRICK LEVINE: Yes, sir.

10 RANDY BOSARGE: Good morning Commissioners, and  
11 the new Commissioner, glad to have you onboard.

12 I have been out there personally to watch the  
13 boat traffic on the weekends and during the week.

14 Back in the day when we had single-engine boats,  
15 you could run through there and be okay, but I saw triple-  
16 engine boats. I saw quad-engine boats running through  
17 there at sixty and seventy miles an hour, and I'm going to  
18 tell you. It scared me because, if the steering  
19 malfunctioned, or they had a malfunction with the engine,  
20 they would be up in somebody's pier, yard, or whatever.  
21 The danger is there.

22 Like Captain Levine said, it is quite a danger  
23 with the high speeds that go through that channel, and all  
24 the other Board members agreed at the time. We were  
25 presented with a presentation with some video and

1 everything.

2 we really appreciate your support on this, and  
3 we will take care of the no-wake zones. I have already  
4 talked with the Sheriff and they will help patrol it,  
5 along with Marine Patrol. We will take care of the signs,  
6 and we will help you monitor it.

7 Appreciate you having us here today. Thank you.

8 COMMISSIONER BOSARGE: Thank you, Randy.

9 Any questions for Patrick?

10 (No response.)

11 PATRICK LEVINE: I want to thank Supervisor  
12 Bosarge for saying that because we have had the same  
13 observations as he stated.

14 with that said, I would like a motion to  
15 establish a no-wake zone as requested by the Jackson  
16 County Board of Supervisors on Davis Bayou south of Eagle  
17 Nest and Eagle Point Roads.

18 COMMISSIONER BOSARGE: Do we have a motion?

19 COMMISSIONER DANIELS: I'll make a motion to  
20 establish a no-wake zone as requested by the Jackson  
21 County Board of Supervisors in Davis Bayou south of Eagle  
22 Nest and Eagle Point Roads.

23 COMMISSIONER BOSARGE: We have a motion.

24 Do we have a second for that motion?

25 COMMISSIONER HAVARD: I'll second the motion.

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

3 COMMISSIONER BOSARGE: All those in favor aye.  
4 (All in favor.)

5 COMMISSIONER BOSARGE: Opposed like sign.  
6 (None opposed.)

7 COMMISSIONER BOSARGE: Motion carries.

8 PATRICK LEVINE: On April 17<sup>th</sup>, I presented a  
9 potential no-wake zone on the East Pascagoula River.  
10 At the time, the vote was two to two, so it  
11 died.

12 Today, we are going to put up for  
13 reconsideration the no-wake zone establishment on the East  
14 Pascagoula River.

15 On November 13<sup>th</sup>, 2017, I received a letter from  
16 Jackson County Board of Supervisors on the passage of a  
17 no-wake zone on the East Pascagoula River.

18 In the letter, the Jackson County Board of  
19 Supervisors approved a stretch of marine waters located  
20 between the Highway 90 and CSX train bridges.

21 On December 29<sup>th</sup>, Master Sergeant Patrick Carron  
22 and Senior Master Sergeant Jeff Payne surveyed the area to  
23 establish probable cause for the establishment of a no-  
24 wake zone.

25 Investigation on December 17<sup>th</sup>, 2017, and



1 subsequent reviews of the proposed area revealed the  
2 following indicators that justify a no-wake zone  
3 establishment:

4           There are two public boat launch facilities.  
5 You have Scranton Pier. You also have Lighthouse Park.  
6 That causes an increase in boat traffic, congestion and  
7 the number of recreational boats in the area.

8           There are numerous access points for public  
9 fishing.

10           There is use of green space for civic functions.

11           There are private docks and shipyards with  
12 evolving industrial risk and activity and threats, with  
13 work boats going back and forth from both shores of the  
14 Pascagoula River, east and west.

15           There are the Highway 90 and CSX bridges.

16           On March 20<sup>th</sup>, I spoke with Jackson County Board  
17 of Supervisors President Randy Bosarge about the  
18 identified hazards in the proposed no-wake zone, along  
19 with those in the surrounding area.

20           As a result, the Jackson County Board of  
21 Supervisors presented an extension to the original  
22 proposal.

23           The length of the proposed no-wake zone, in  
24 conjunction with the existing no-wake zone, is  
25 approximately five thousand one hundred and sixty feet.

1           The length of the no-wake zone proposal is  
2 approximately four thousand feet.

3           You can see that in the blue area is what we are  
4 discussing. This no-wake zone starts at the southeast  
5 corner of the NOAA dock on the East Pascagoula River, and  
6 it will extend at the Krebs Lake Channel Junction  
7 Daybeacon K. It will tie into the existing no-wake zone  
8 at Clark's (indicating photograph).

9           On March 26<sup>th</sup>, 2018, the Jackson County Board of  
10 Supervisors amended the original resolution to extend the  
11 no-wake zone.

12           On April 4<sup>th</sup>, Investigator Michael Strickland  
13 established that it took nine minutes thirty-seven seconds  
14 to travel the length of the updated proposed no-wake zone  
15 at idle speed, and that may fluctuate, depending on wind  
16 and tidal influence.

17           Today, we brought this to you as a  
18 reconsideration.

19           Once again, Jackson County Board of Supervisors  
20 President Randy Bosarge is here, if you have any questions  
21 for either of us to discuss this.

22           Do you have any questions, before we move  
23 forward?

24           COMMISSIONER BOSARGE: I know we've got a couple  
25 of people who want to speak.

1 PATRICK LEVINE: Yes, sir.

2 COMMISSIONER BOSARGE: Randy Bosarge.

3 Just to reiterate, you guys actually brought it  
4 before the Board of Supervisors, and I think it was a  
5 unanimous vote.

6 RANDY BOSARGE: It was. Correct.

7 We received a letter of support from the City of  
8 Pascagoula. The City is onboard with it, also.

9 Most of y'all might have seen the news recently  
10 that the Pascagoula Police Department has reenacted their  
11 marine patrol with a new boat and two officers assigned to  
12 the marine patrol.

13 I was talking with the Mayor yesterday who was  
14 going to try to be here this morning, but he had another  
15 meeting. He strongly supports this, and he will also  
16 assist with his marine patrol in assisting your Marine  
17 Patrol in coordinating and keeping the no-wake zone  
18 intact.

19 Of course, there again, the County will take  
20 care of the no-wake zone signs, and we will probably end  
21 up doing some buoys and some signs, but we will coordinate  
22 with your Marine Patrol to find out the best locations for  
23 the signs and the buoys and whatever else we need.

24 During the course of this, I did receive a phone  
25 call from the Director at NOAA that was asking if we could

1 get it extended down to them, and I saw no problem with  
2 that. It's just that NOAA's headquarters in Washington  
3 will not allow them to get involved in local situations  
4 like this.

5 I told him that I would definitely reach out and  
6 try to make that a possibility.

7 That's the reason why it extended on down to  
8 NOAA because they do have some smaller boats in the water,  
9 now, and what is happening is those boats are getting beat  
10 up against the docks and causing damage to them, like the  
11 other boat owners along there. It's just that now more  
12 people have access to boats.

13 That channel, it might look big, but it is small  
14 when you get multiple boats in there. It's not like it  
15 was when I was growing up. You could run through there  
16 and not have an issue.

17 I literally watched some boats go through at  
18 high rates of speed with wakes, and watched a guy trying  
19 to put his boat on the trailer at that Lighthouse Park,  
20 and the boat got pushed up over the top of the trailer  
21 with all the wake that came in.

22 Therefore, this is a much needed safety issue,  
23 in my opinion, and I appreciate your support on this.

24 Thank y'all.

25 COMMISSIONER BOSARGE: We also had Mr. John

1 Colle.

2 I know Mr. Colle from the years of my time on  
3 the river.

4 Just how many years have you spent on that  
5 river?

6 Probably most of your adult life. He owns Colle  
7 Towing.

8 JOHN COLLE: Yes, sir. We have been there a  
9 long time.

10 I'm here to request approval of the no-wake  
11 zone. I think it has pretty well been covered, the need  
12 for it.

13 Our property is just south of the boat launch on  
14 the east side of the river. We have two fifty-foot boats  
15 there, and they are rocking and rolling, especially on the  
16 weekends. It is really a burden to try and keep them from  
17 getting damaged.

18 I just want to request that you do approve the  
19 no-wake zone. I think it has pretty well been covered,  
20 the need for it. I just want to thank you for this  
21 opportunity.

22 COMMISSIONER BOSARGE: Thank you, Mr. Colle.  
23 Mr. Rickey Brown.

24 RICKEY BROWN: Thank you for letting me get up  
25 and speak about this. I believe they pretty well covered

1 everything.

2 COMMISSIONER BOSARGE: State your name, please.

3 RICKEY BROWN: Rickey Brown. I have WRB Boats.  
4 I have two shrimp boats there on the east side of the  
5 river, and we are getting beat up pretty bad.

6 As Mr. Colle said, I see his boats slamming the  
7 dock up there.

8 It's like Randy Bosarge said. It's not like it  
9 is little outboards anymore. It's thirty and forty foot  
10 boats. It's like crew boats running up and down this  
11 river.

12 I really hope we can do something to fix this,  
13 before this goes to court over a death, or property  
14 damage, or anything, because it's coming.

15 COMMISSIONER BOSARGE: I know from my time on  
16 the river, it's like Randy said that the boats are getting  
17 bigger.

18 RICKEY BROWN: The boats are getting larger and  
19 larger. The swells are getting bigger, and you have the  
20 train bridge right there. They slow down to come through  
21 that, and, then, they take back off, so I'm getting the  
22 largest swell there is, that half-throttle swell.

23 Thank you.

24 COMMISSIONER BOSARGE: Thank you.

25 I see Mayor Maxwell made it.

1 Is there anything you would like to say?

2 DANE MAXWELL: Yes, I would.

3 COMMISSIONER BOSARGE: Come to the podium and  
4 state your name, please, sir.

5 DANE MAXWELL: My name is Dane Maxwell. I'm the  
6 Mayor of Pascagoula, and I wanted the opportunity to come  
7 today and speak in regard to the no-wake zone.

8 We are doing some things in the City that this  
9 certainly has an impact on. There are a couple of things  
10 that I really can't speak about on the economic  
11 development side, but suffice to say that we are for the  
12 first time ever putting together a marine unit, and it  
13 will be a full-time marine patrol unit with the Pascagoula  
14 Police Department.

15 where the river park is, we are doing some  
16 expansions out there with some economic development and,  
17 also, just south of there is where we intend on building  
18 the new Marine Patrol building.

19 There by signet all the way to the Scranton boat  
20 which is our museum which takes a pounding, as you can  
21 imagine as the boats fly through there, but we are  
22 planning on putting boat slips there.

23 In addition to that, a little further south, you  
24 will see where we are putting together some development by  
25 the parking garage. They have already started building

1 and construction is on it's way, but, as soon as they get  
2 towards the end, we will be putting in a bulkhead with  
3 boat slips there that will be used for the public, as well  
4 as the residents.

5 We are going to have a long line of boat slips  
6 that will go down towards Ingalls. Those are future  
7 projects that we are literally working on right now.

8 with the larger boats that we have now, it is a  
9 big problem.

10 There are a couple of other things that are  
11 going on. I hate to say that out here in a public forum  
12 because I'm sure those developers don't want anybody to  
13 know, at this point, but we are building new things in  
14 Pascagoula.

15 I hope that you will take that into  
16 consideration, when you decide whether you can allow a no-  
17 wake zone in that area.

18 I will be glad to answer any questions, if you  
19 have any.

20 COMMISSIONER HAVARD: Mayor Maxwell, I would  
21 like to commend your new marine enforcement division.  
22 They are out there and they are very visible and they are  
23 doing a good job. Y'all continue to beef up the marine  
24 patrol.

25 DANE MAXWELL: well, thank you. Being retired



1 law enforcement, I never thought I would ever been in an  
2 elected position, number one, especially mayor of my city,  
3 but I will say those guys love it because I'm so pro law  
4 enforcement. We come up with creative ideas.

5 We started the bike unit. We have ten full-time  
6 bikes, now, and we are adding to the motor units, and it's  
7 just natural.

8 We are the only city that is surrounded four  
9 ways with water, and our line goes all the way out to  
10 Round Island. You would think that we would have done  
11 this before.

12 We are going to do it. We are going to do it in  
13 conjunction with the county. The county is helping. They  
14 have been very supportive of us, and I want to thank them  
15 publicly.

16 I want to thank Randy publicly for all the  
17 support that he gives. Being retired law enforcement,  
18 too, he is a good friend to have.

19 Thank you guys for your support and all that you  
20 do for us, as well.

21 I look forward to building those things and  
22 having that no-wake zone to help those residents, as well  
23 as the businesses.

24 We will have two restaurants on that side. Just  
25 can't tell you where.

1           Thanks so much.

2           COMMISSIONER BOSARGE: I'm just glad to hear  
3 we've got some development coming. That is good news.  
4           Thank you, sir.

5           PATRICK LEVINE: Any other questions?

6           COMMISSIONER BOSARGE: No, sir.

7           COMMISSIONER HAVARD: That is an area that I  
8 travel on a regular basis, and it is a congested area that  
9 needs a no-wake zone.

10           I would like to make a motion to establish a no-  
11 wake zone requested by the Jackson County Board of  
12 Supervisors for the East Pascagoula River.

13           COMMISSIONER BOSARGE: I'll second that motion  
14 because I'm from that area, too, and I tell you it has  
15 been needed for a long time. There is a lot of traffic  
16 and it bottlenecks, two bridges, two boat launches.  
17 People need to slow down.

18           Any further discussion?

19           (No response.)

20           COMMISSIONER BOSARGE: All those in favor aye.

21           (All in favor.)

22           COMMISSIONER BOSARGE: Opposed like sign.

23           (None opposed.)

24           COMMISSIONER BOSARGE: Motion carries.

25           PATRICK LEVINE: Thank you.

1 COMMISSIONER BOSARGE: Thank you.

2 I'm going to let Mr. Joe speak just for one  
3 moment.

4 JOE SPRAGGINS: I wanted to bring up something  
5 real quick.

6 Chief, if you've got just a second, I'm going to  
7 try to pull up a slide for you that is about the air show  
8 this weekend.

9 There is an air show coming up. It is Thursday,  
10 Friday, Saturday and Sunday, and we are going to be  
11 closing off some areas to boating.

12 Chief Davis and all the departments involved  
13 have been working this, and I would like for him to give a  
14 quick overview, if you could.

15 KEITH DAVIS: Yes, sir. Thank you, Director  
16 Spraggins.

17 We do have an air show coming this weekend. In  
18 all the discussions with all the departments involved, the  
19 City of Biloxi is expecting somewhere between forty and  
20 sixty thousand viewers of the air show each day.

21 What that is going to do is it is going to  
22 create a lot of boat traffic, and there are a couple of  
23 things that the boating public needs to be aware of.

24 The Biloxi channel will remain open. However,  
25 due to the congestion, Marine Patrol will establish a no-

1 wake zone from Golden Nugget all the way to Hard Rock  
2 Casino.

3 That area between Kuhn Street Pier and the  
4 marina usually is open to full boat traffic, but, during  
5 the air show, it will not be open. You will only be able  
6 to travel at idle speeds.

7 The other thing that the public needs to be  
8 aware of is the box that you can access on the internet,  
9 you cannot be inside of that box at any time maneuvers are  
10 going on.

11 The reason for that is the Mississippi Marine  
12 Patrol boat, our large boat will be anchored there, and  
13 that is what the pilots are going to be keyed on.

14 Any distraction within that box causes  
15 distractions to the pilots and causes an issue.

16 If anyone enters into that box, A, they are  
17 going to get a citation and, B, it will shut down the  
18 show. We ask everyone to be mindful of that.

19 The other thing that we are really, really  
20 pushing is on the east side, we anticipate a lot of  
21 boating traffic to anchor there outside the channel. You  
22 cannot anchor inside the channel, but what we are  
23 concerned about is medical conditions that happen during  
24 the day.

25 It is going to be very hot Saturday, and we need

1 everyone to just be mindful that if a medical emergency  
2 happens onboard someone's vessel, we have got to be able  
3 to get in and out to rescue people off boats. We just  
4 want people to be mindful of that.

5 COMMISSIONER BOSARGE: Sounds good.

6 JOE SPRAGGINS: The time frame that this will be  
7 closed, I think, as far as Deer Island and that box, is  
8 11:30 to 5:00 on Thursday, and, then, 12:30 to 5:00 on  
9 Friday, Saturday and Sunday.

10 Is that correct?

11 KEITH DAVIS: Yes, sir, and all of that  
12 information is available on the City of Biloxi website.

13 If there are any questions, they can also call  
14 us here at the Department of Marine Resources.

15 COMMISSIONER BOSARGE: And that is the Blue  
16 Angels that are doing the show?

17 KEITH DAVIS: This is the Blue Angels, and there  
18 are some other performers as well, but the Blue Angels are  
19 the headline of the event.

20 COMMISSIONER BOSARGE: Thank you, sir.

21 KEITH DAVIS: Thank you.

22 JENNIFER WITTMAN: Good morning Commissioners,  
23 Director Spraggins, Ms. Chestnut.

24 Jan sends his apologies for not being here  
25 today.

1 Coastal Resources Management has two non-action  
2 items on the agenda, and Jennifer Wilder will be the first  
3 presenter.

4 JENNIFER WILDER: Good morning.

5 I'm Jennifer Wilder and I will be presenting a  
6 non-action item this morning on behalf of the Hancock  
7 County Port and Harbor Commission.

8 The location of the project is the main channel  
9 and access channels of Port Bienville in Bay St. Louis.

10 The project is located in the Industrial  
11 Development Use District, and the agent is Anchor QEA.

12 The applicant is requesting to maintenance  
13 dredge the main channel which is twenty-one thousand  
14 linear feet by a hundred and fifty feet, and access  
15 channels which total four thousand five hundred linear  
16 feet by a hundred and fifty feet.

17 They are requesting to dredge to a depth of  
18 fourteen feet below mean lower low water.

19 The existing depth ranges three-and-a half feet  
20 -- that's a mistake. I'm sorry -- to ten feet below mean  
21 lower low water.

22 They are requesting to dredge approximately five  
23 hundred thousand cubic yards of material.

24 If the material is found to be acceptable after  
25 testing, they would like to use the Heron Bay Beneficial

1 Use site.

2 Here is the project location, the Pearl River,  
3 Highway 90, and, then, I-10 as reference points  
4 (indicating aerial view).

5 The purpose of the project is to maintain the  
6 design channel depth, in order to provide sufficient draft  
7 for safe navigation for commercial vessels into and out of  
8 Port Bienville.

9 The project is allowable within the Industrial  
10 Development Use District.

11 Because this is a maintenance dredging project,  
12 there are no precedent setting effects anticipated.

13 Surveys have been done and no shellfish, or SAV,  
14 were found in the project area.

15 A loss of benthic organisms within the dredging  
16 area is expected, as well as a temporary increase in  
17 turbidity during dredging.

18 Where minimum buffers cannot be maintained, they  
19 will be using turbidity curtains.

20 Other than the temporary loss of benthic  
21 organisms, no adverse impacts are expected.

22 The increase in turbidity will not exceed the  
23 Department of Environmental Quality's guidelines.

24 The project should not affect the natural supply  
25 of sediments, nutrients, temperature, water flow, or

1 circulation.

2 They will be using best management practices to  
3 keep from having any adverse impacts.

4 Again, this a maintenance dredging project.  
5 They are using the same channel path and, therefore, no  
6 off-site alternatives were evaluated.

7 Because the channel will remain the same, there  
8 is also not any anticipated change in the natural scenic  
9 qualities.

10 The project does support the national interest  
11 because it supports the national need for transportation,  
12 including ports and navigation.

13 Department of Environmental Quality is still  
14 reviewing the project.

15 Department of Archives and History has no  
16 objections.

17 Mississippi Secretary of State had no issues.

18 Department of Wildlife, Fisheries and Parks had  
19 no comment.

20 In conclusion, based upon departmental review  
21 and evaluation, the staff plans to approve the applicant's  
22 request and issue a Certificate of Exclusion.

23 Any questions?

24 COMMISSIONER BOSARGE: In other words, this is  
25 not an action item?



1 JENNIFER WILDER: No, sir.

2 COMMISSIONER BOSARGE: You are just briefing us  
3 on what is going on?

4 JENNIFER WILDER: Because of the magnitude of  
5 the project, we just wanted you to be aware of it.

6 COMMISSIONER BOSARGE: Good deal. Glad to see  
7 them doing some work at Port Bienville.

8 JENNIFER WILDER: Yes, sir. Thank you.

9 COMMISSIONER BOSARGE: Thank you.

10 JAMES DAVIS: Good morning Commissioners.

11 I'm James Davis with the Department of Coastal  
12 Preserves. I'm here to give you a brief update on our  
13 prescribed fire on Deer Island in August of this year.

14 As you can see, this is a picture of the island  
15 shortly after we set it on fire taken from the Golden  
16 Nugget Casino.

17 why we burned the area.

18 we were removing heavy fuel loads to prevent  
19 intense wildfire. This consisted of hurricane debris,  
20 pine litter and numerous other things that was on the  
21 island.

22 Invasive species control.

23 we have a lot of Chinese Tallow establishing  
24 themselves on the island.

25 we opened the area up for our staff to treat

1 cogon grass and other species as needed.

2 Forest thinning.

3 We have an extremely dense population of pine  
4 trees that came back right after Katrina. In some areas,  
5 we were seeing five hundred plus trees per acre and this  
6 is not including mature trees.

7 Habitat enhancement.

8 Habitat enhancement is for regeneration of  
9 ground covers for species that use this for a foraging and  
10 nesting area.

11 Approximately a hundred and thirty acres of the  
12 central portion of Deer Island was burned.

13 This is the pier. This green line is the  
14 property line that separates our property from the  
15 privately owned areas all the way down to the bayou  
16 (indicating aerial view).

17 These are before, during and after photos.

18 This is the day after burn here, and this is  
19 what it currently looks like as it is regenerating itself  
20 (indicating photographs).

21 what it looked like prior to, and, then, what we  
22 hope to have the island looking like in the next five to  
23 ten years. You have a lot more undergrowth and the trees  
24 are not as dense (indicating photographs).

25 As you can see here, you can't see through the

1 trees and grasses don't grow (indicating photograph).

2 We are just trying to get the island enhanced a  
3 little bit.

4 This was some drone footage taken by a private  
5 company. It's local, and they offered to give it to us at  
6 no charge. This is an aspect of fire you don't normally  
7 get to see (indicating video).

8 Then, shortly after, if you saw the news, we had  
9 a small wildfire. This was our control line, our property  
10 line, and this was mainly on the private portions of the  
11 island (indicating aerial view).

12 There are two small smoke columns towards the  
13 private portion of the island. At night, you could see  
14 the fires that were burning (indicating photographs).

15 The next day I went out and investigated and  
16 tracked the wildfire back to a campfire that had been  
17 burning trash.

18 That's it for my presentation.

19 Do you have any questions?

20 COMMISSIONER BOSARGE: That control burn, once  
21 you guys burn it off, do you go back and plant anything?

22 JAMES DAVIS: Right now, we have too many trees  
23 and what we are doing now is cutting a lot of that out.

24 we have a population of trees, roughly five  
25 hundred per acre. In some areas, almost eleven hundred

1 trees an acre. The target density is about a hundred and  
2 fifty to two hundred.

3 We are in there, right now, with chainsaws  
4 mechanically cutting some of that back.

5 COMMISSIONER BOSARGE: I see on our barrier  
6 islands, from the hurricanes, the trees are just about  
7 gone.

8 JAMES DAVIS: Yes, sir.

9 COMMISSIONER BOSARGE: Does that fire affect any  
10 of the trees on this island?

11 JAMES DAVIS: We are trying to use it as a tool  
12 to take some of them out. We ignited the island in such a  
13 way that we can start taking out patches of trees and  
14 leave other patches alone, and it worked fairly well.

15 It does affect them, but our habitat, a fire  
16 boosts the ecology. The fire helps more than it hurts.

17 COMMISSIONER BOSARGE: Any more questions?

18 (No response.)

19 COMMISSIONER BOSARGE: Thank you.

20 JAMES DAVIS: Thank you.

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

23 Kacey, you're back.

24 KACEY WILLIAMS: Yes, I'm back. Thank you.

25 Good morning Commissioners, Director Spraggins,

1 Counselor Chestnut and welcome Commissioner Daniels.

2 At the end of June, our State Revenues were  
3 twenty-eight point five million. Our Total Agency Revenue  
4 was forty-three million. Our State Net Income was twenty  
5 point six million. Our Agency Net Income was twenty-one  
6 million.

7 After twelve months of fiscal year 2018, we had  
8 an Operating Funds budget of fifty-seven point five  
9 million percent remaining, and Tidelands Trust Fund was at  
10 fifty-eight point one percent remaining.

11 I just wanted to say there are a couple of  
12 reasons contributing to those remaining values. We still  
13 have two months of spending in fiscal year 18. Even  
14 though it is technically over, we still are allowed to  
15 spend for trickling in invoices. We will still spend some  
16 of that money and some of that budget down.

17 Then, for fiscal year 18, DFA has also changed  
18 the way that we escalate Federal funds. We used to be  
19 able to just escalate the percentage, or amount, that we  
20 expected to spend during that fiscal year for our long  
21 running Federal grants, but they have changed that, and  
22 now we are required to escalate all remaining balances  
23 whether we are going to spend it in this fiscal year, or  
24 not.

25 That increased our budget authority, even though

1 we are not actually going to spend all of that this year,  
2 and, then, they also gave us additional spending authority  
3 in Tidelands. Some of the projects that we forecast to be  
4 completed didn't actually happen, so we still are a little  
5 bit high on our budget authority.

6 COMMISSIONER BOSARGE: Some of that will roll  
7 over to this coming year?

8 KACEY WILLIAMS: The budget authority will not,  
9 but we have a new budget authority for fiscal year 19 and  
10 they are different. Next month when I present, we will be  
11 showing different budget values for FY19.

12 COMMISSIONER BOSARGE: When I look at that, I  
13 see fifty-seven percent of the budget remaining, and that  
14 tells me we are in pretty good shape.

15 KACEY WILLIAMS: Yes, sir, we sure are.

16 JOE SPRAGGINS: We are going to have to ask for  
17 some additional spending for 2019, and we are in the  
18 process of working with the governor's office and with the  
19 legislature about that right now. It's just because of  
20 some things like Tidelands coming in and GOMESA, and it's  
21 a good thing.

22 KACEY WILLIAMS: Yes, sir.

23 COMMISSIONER BOSARGE: Thank you.

24 KACEY WILLIAMS: Thank you.

25 COMMISSIONER BOSARGE: Next is Public Affairs,

1 Charmaine.

2 CHARMAINE SCHMERMUND: Good morning  
3 Commissioners, Director Spraggins, Ms. Chestnut. Welcome  
4 Commissioner Daniels.

5 The Mississippi Department of Marine Resources  
6 was mentioned seventeen times in local, state and national  
7 media since the June CMR meeting.

8 Popular news items included the temporary  
9 closure of Red Snapper season, an update on shrimp season  
10 and the Mississippi Deep Sea Fishing Rodeo.

11 Marine Patrol taught seven boat-and-water safety  
12 classes and certified one hundred and thirty-seven  
13 students. So far in fiscal year 18, officers have taught  
14 twenty-four classes and certified four hundred and fifty  
15 students.

16 Marine Patrol also participated in several  
17 community outreach events, including Boats and Beignets,  
18 where we invited the community to meet our agency's Marine  
19 Patrol officers and they answered questions about boater  
20 safety and rules of the water.

21 The Memorial Hospital Foundation was also on  
22 hand distributing free life jackets to children at our  
23 event.

24 Marine Patrol also participated in the CCA kid's  
25 fishing rodeo in Long Beach, Woolmarket Elementary

1 School's safety Day and several summer camps for the  
2 Biloxi and Gulfport school districts.

3 Marine Patrol also provided assistance at three  
4 special marine events in June, including Operation  
5 DryWater June 29<sup>th</sup> through the 31<sup>st</sup>.

6 Our staff participated in various events in the  
7 community.

8 Jennifer Frey in the Office of Coastal Resources  
9 Management gave two presentations to summer camps at the  
10 Humane Society of South Mississippi.

11 Emily Satterfield in the Office of Marine  
12 Fisheries served as a guest lecturer on marine  
13 conservation at GCRL.

14 Public Affairs gave a presentation at the  
15 Gulfport Public Library.

16 The annual Mississippi Deep Sea Fishing Rodeo  
17 was held June 29<sup>th</sup> through July 4<sup>th</sup>. The agency was on hand  
18 each day at the fishing rodeo distributing our new rules  
19 and regulations publication, fish ruler stickers, fish  
20 posters and other informational pieces to the public.

21 Lou Larose, owner of Lou's Full-Serve in  
22 Jackson, will represent our state in the Great American  
23 Seafood Cookoff in New Orleans in a few weeks, on August  
24 4<sup>th</sup>.

25 COMMISSIONER BOSARGE: That's a bunch.



1 I see in our books, we've got the new rules for  
2 this year. That's good. I think you can pick them up  
3 here.

4 JOE JEWELL: Yes, sir.

5 COMMISSIONER BOSARGE: Thank you.

6 CHARMAINE SCHMERMUND: Thank you.

7 COMMISSIONER BOSARGE: Joe, before we get  
8 started with you, let's take a quick ten-minute break.

9 MEETING STANDS IN RECESS

10 COMMISSIONER BOSARGE: I will call this meeting  
11 back to order.

12 Next is Office of Marine Fisheries, Mr. Joe  
13 Jewell.

14 JOE JEWELL: Good morning.

15 I would like to also welcome our elected and  
16 public officials to our Commission meeting this morning.  
17 It is always important to have them here and have their  
18 input.

19 I would also like to welcome Commissioner  
20 Daniels to our meeting and to his post here on the  
21 Commission. You picked quite a hefty Commission meeting  
22 for your first meeting.

23 I think I would like to start the meeting by  
24 giving the Commission an update on our shrimp season. I  
25 think last month I reported an average to below average

1 season.

2 we have a little bit more data. Of course, all  
3 of this data is preliminary. Where we are right now this  
4 month with heads-on data is about one point seven million  
5 pounds.

6 Typically on average over the last four, or  
7 five, years, we are usually about two point four million  
8 pounds.

9 we are a little bit below, but I don't want  
10 anybody to get alarmed because we had months where we are  
11 below, and, then, we move out of the brown shrimp season  
12 into the white season and it picks up a little bit. We  
13 are a little bit below where we are normally this time of  
14 the year, but that doesn't set a long-term trend for the  
15 rest of the year.

16 The second thing I would like to mention, I sent  
17 an email out to the Commission a couple of weeks ago.

18 I would like to express thanks to the Department  
19 of Marine Resources and the staff of Marine Fisheries,  
20 particularly the Bureau of Finfish. Our Tails n' Scales  
21 program was certified by NOAA a couple of weeks ago. That  
22 is a great accomplishment for the staff that worked on  
23 this program and for our agency.

24 what that means, I guess in a short sense, is  
25 that data can be used in Gulf wide stock assessments and

1 it also makes our program eligible for Federal funding.

2 with that being said, I'm going to move into the  
3 main part of the agenda. Most of these are regulatory  
4 actions.

5 I had noted earlier to our Director, in my time  
6 here, my career at this agency, these are the most  
7 regulatory actions we have ever had on the Marine  
8 Fisheries agenda.

9 welcome aboard Commissioner Daniels.

10 First, Matt Hill is going to present Title 22  
11 Part 7, the Spotted Seatrout Endorsement.

12 MATT HILL: If y'all will bear with me, I'm  
13 going to try to be as efficient as possible with this. I  
14 know there is probably going to be a little bit of  
15 discussion on all four of these first items.

16 First is going to be the Title 22 Part 7,  
17 Spotted Seatrout Endorsement. We are going to get right  
18 into it.

19 A little bit of background.

20 At the June 19<sup>th</sup> Commission meeting, the CMR made  
21 a motion to accept staff's proposed regulatory changes and  
22 bring these changes forward in July for Notice of Intent.

23 This is the current regulation, and we refer to  
24 this as the marked-up versions. The strike through areas  
25 represent proposed deleted language. The underlined

1 sections represent proposed new language (indicating  
2 slide).

3 I'm going to jump to the next slide which shows  
4 all of the clean language, just for a little bit of  
5 clarity.

6 These changes do occur in Title 22 Part 7  
7 Chapter 9 Section 110 where the current Spotted Seatrout  
8 Endorsement resides.

9 what we are looking at here with the clean  
10 language -- as I said, this is the proposed clean  
11 language, and I will read this into the record, and, then,  
12 we will pause in case we have some questions on this.

13 "Beginning January 1, 2019, individuals  
14 commercially harvesting Spotted Seatrout  
15 (*Cynoscion nebulosus*) must possess a Spotted  
16 Seatrout Endorsement at a cost of ten  
17 dollars, in addition to a current applicable  
18 harvester's license. To qualify for this  
19 endorsement, an application must be  
20 completed.

21 "For the 2019 fishing season, the fisher  
22 must present documentation that a minimum  
23 of twenty percent of their earned income  
24 came from commercial fishing activities in  
25 a previous tax year between 2013-2018.

1           “Documentation shall be a copy of the  
2           appropriate filed IRS tax form showing the  
3           applicant’s taxable income for one of those  
4           years.

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

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

14          “These endorsement will be valid from  
15          January 1<sup>st</sup> through December 31<sup>st</sup> of each  
16          year.”

17          I’m going to stop right there, if we have any  
18          questions on the percentages and how this would work,  
19          especially for the first year and the years thereafter.

20          COMMISSIONER HAVARD: Matt, I do have some  
21          concerns about the percentage, as well as the previous tax  
22          years, the five years.

23          I think there needs to be some more discussion  
24          on the percentage, as well as the five-year window, going  
25          forward, before we make a motion to accept this.

1           COMMISSIONER BOSARGE: Could you give us some of  
2 your concerns?

3           COMMISSIONER HAVARD: Yes. This year, we are  
4 looking at a five-year window for tax returns to prove the  
5 thirty-five percent.

6           Next year, are we looking at one year?

7           COMMISSIONER BOSARGE: It's twenty percent, I  
8 believe.

9           MATT HILL: Yes.

10           In the beginning, with obviously the hardship  
11 that we've had for the 2018 year with the Spotted Seatrout  
12 season -- I do want to clarify. This does not just cover  
13 Spotted Seatrout. This is all seafood. They can crab.  
14 They can shrimp. They can catch other finfish species.

15           For the first year, what we are proposing to do  
16 for the 2019 fishing season, we will allow the fishermen  
17 to come in here and present us their tax returns, or  
18 summary forms, for any year they choose between 2013 and  
19 2018, which is most beneficial to them.

20           we also added the word "taxable", which is a lot  
21 less restrictive than what we had in there before  
22 "earned".

23           This does allow for deductions. It allows for  
24 the exemption of Social Security and some other things  
25 that I'm not quite clear on, but I have been assured that

1 this is the least restrictive way to go.

2           However, after the 2019 season, beginning in  
3 2020, they will have to begin to bring us their previous  
4 tax year's form, which that is all they will be able to  
5 qualify to show that they are continuously active in the  
6 fishery.

7           For the first year, I'm not saying we are giving  
8 them a pass, but we are giving them the most opportunity  
9 that we feel like we can give them to qualify into the  
10 fishery.

11           COMMISSIONER HAVARD: I can think about what if  
12 a natural disaster happens.

13           what if a fisherman hurt his back and had back  
14 surgery. He is out not only for one year, but, now, he  
15 can't get this endorsement for the following year. So he  
16 is out for two years potentially.

17           There are just some details in there that I  
18 would like to see ironed out, prior to making this motion.

19           COMMISSIONER BOSARGE: I tend to agree with him  
20 just a little bit on the one year because, if you have  
21 some hardship, whatever that hardship may be, would it be  
22 possible to do for the previous year, also?

23           MATT HILL: Previous two years?

24           COMMISSIONER BOSARGE: Yes, just in case, like I  
25 say, it was a hardship for whatever reason and having to

1     leave the state.

2                     Do you see what I'm saying?

3                     MATT HILL: I do understand, and I think that is  
4 something we should look into. However, I do think there  
5 is a little confusion not necessarily with the Commission,  
6 but with some of the fishermen that this particular  
7 endorsement is specific to Spotted Seatrout.

8                     If they do not possess this endorsement, they  
9 can harvest all other finfish species. It does not stop  
10 them from Red Drum, flounder, Black Drum, Sheepshead, in  
11 which it will allow them to continue to qualify for the  
12 next year.

13                    I do understand that a lot of these fishermen  
14 specifically target Spotted Seatrout for their extra  
15 income and things like that. It would take them out of  
16 that fishery for that one year.

17                    If we do have a hardship, there are definitely  
18 some options to where we can look at a two-year average,  
19 or possibly a three-year average. Maybe go some route  
20 like that.

21                    The key to this is, though, all the  
22 qualifications would now be tied to the Trip Ticket  
23 system.

24                    COMMISSIONER BOSARGE: If I understood you  
25 correctly, the qualifier, of course, would be twenty



1 percent of the taxable income, and, then, that would be  
2 income from commercial fishing of any kind?

3 MATT HILL: Any kind. Any commercial fish. It  
4 says any commercial fishing activity, and we would be able  
5 to verify that. All commercial fishing activity runs  
6 through the Trip Ticket system.

7 COMMISSIONER BOSARGE: Okay.

8 MATT HILL: Commissioner Havard may have a  
9 little more insight, but there is a summary form on your  
10 tax forms, your filed tax forms, and we would see that.  
11 We would see what your taxable income is. We would run it  
12 through the Trip Ticket system for all of your commercial  
13 seafood activities, and we would just do a simple  
14 equation. If it came to twenty percent, then, you would  
15 qualify for the endorsement.

16 COMMISSIONER BOSARGE: I think that sounds good  
17 to me.

18 It does take away the chance somewhat if there  
19 is a hardship. In other words, there are always those  
20 other fisheries. Most commercial fishermen are involved  
21 in more than one fishery. They are not just involved in  
22 hook-and-line. Whether it be oystering, shrimping,  
23 crabbing, a lot of them do multiple fisheries because they  
24 have to.

25 Are you good with that?

1           COMMISSIONER HAVARD: I'm okay with the twenty  
2 percent.

3           If we could just add some years there, besides  
4 just the previous year. If we could put a three-year  
5 window, or even a two-year window, I would be good with  
6 that.

7           MATT HILL: When we are saying a two-year window  
8 or a three-year window, will the fishermen be able to  
9 choose the year?

10          After this first year, we are allowing them to  
11 choose a year, or would it be better for them to do an  
12 average?

13          COMMISSIONER BOSARGE: I would say the previous  
14 two years.

15          MATT HILL: Previous two-year average, or just  
16 any of the previous two years?

17          COMMISSIONER HAVARD: Any of the previous two  
18 years.

19          COMMISSIONER DANIELS: If they had a hardship,  
20 the average wouldn't work if they were out the entire  
21 year.

22          COMMISSIONER HAVARD: That's correct.

23          COMMISSIONER DANIELS: With what they are  
24 saying, I would like to say I personally dealt with this  
25 issue years ago and, at some point, I would like the

1 possibility of looking into some type of consideration for  
2 the charter boat operators that do this.

3           These guys are making all of their money from  
4 fishing, but they may not sell other types of seafood.  
5 They want to supplement their income with catching  
6 speckled trout on their days off.

7           MATT HILL: That is definitely something we can  
8 look into and look at the options and see.

9           we do have some of these individuals that you  
10 are speaking of. We do currently have them in the Trip  
11 Ticket system and, if we could have some time to run an  
12 analysis and see what the percentage would be and how many  
13 of these fishermen that it would actually affect.

14           COMMISSIONER DANIELS: Thank you.

15           COMMISSIONER BOSARGE: I see you looking  
16 sideways, Mr. Joe.

17           Are you all right with that?

18           JOE JEWELL: Well, with some clarification.

19           Are they both charter boat operators and  
20 commercial fishermen?

21           Do they hold both licenses?

22           COMMISSIONER DANIELS: Yes, sir.

23           MATT HILL: Yes.

24           JOE JEWELL: We would have to test the Trip  
25 Ticket program and see what threshold they meet and what

1 their qualification would be.

2 SANDY CHESTNUT: I have added some language up  
3 here. I need y'all to look at that and see if that meets  
4 what you discussed (indicating screen).

5 If not, we need to change it, before they vote.

6 JOE JEWELL: Sandy, can you direct exactly where  
7 the language is you have added?

8 SANDY CHESTNUT: Right here (indicating screen).

9 MATT HILL: I don't see the two. I just see  
10 where it says the previous tax year.

11 we will be looking at the previous two tax  
12 years?

13 SANDY CHESTNUT: I added, on the last sentence:  
14 "In the event of a hardship approved by the  
15 Commission, the Department may consider  
16 qualifying documents for the two years prior to  
17 the onset of the hardship."

18 Or one year, or how do you want to word that?

19 JOE JEWELL: I think that's good. I just want  
20 to understand, I guess, the definition of hardship  
21 because, if we are talking about a natural, or a manmade,  
22 disaster like the BP oil spill, or Hurricane Katrina,  
23 those are the sort of the events that impact all segments  
24 of the industry, both commercial and recreational. I'm  
25 trying to understand that.

1           If we talk about hardship, I'm thinking about  
2 some physical disability.

3           SANDY CHESTNUT: That's correct. We are talking  
4 more about a medical hardship.

5           If there is a natural disaster that affects all  
6 the fisheries, I'm sure the Commission would be issuing  
7 orders for those specific events.

8           JOE JEWELL: As we have done in the past.

9           SANDY CHESTNUT: Correct.

10          COMMISSIONER HAVARD: Matt, let's get more  
11 clarification.

12          The first year it is going to be twenty percent  
13 of your income, and, then, the following year it is going  
14 to be thirty-five percent?

15          MATT HILL: No. It will remain at twenty  
16 percent.

17          COMMISSIONER HAVARD: Remain at twenty percent  
18 throughout?

19          MATT HILL: Yes, sir, remain at twenty percent.

20          The only difference we would see, now that we  
21 have added hardship, is the first year beginning 2019, we  
22 will allow the fishermen to choose any year between 2013  
23 and 2018, whichever is most beneficial to them.

24          COMMISSIONER HAVARD: I think we have word  
25 smithed this amendment to death. I'm in agreement with it

1 and I think the other Commissioners are as well.

2 At this time, I would like to make a motion for  
3 final adoption of regulatory changes to Title 22 Part 7  
4 Chapter 9 Section 110, modifying the requirements for the  
5 Spotted Seatrout Endorsement.

6 MATT HILL: I do want to make one comment,  
7 before we do that. I just want all the Commissioners and  
8 fishermen to understand it is upon approval of the  
9 proposed regulation change to Title 22 Part 7 Chapter 9  
10 Section 110, all Spotted Seatrout endorsements shall  
11 expire October 31<sup>st</sup>, 2018. This was the scheduled ending  
12 of the second segment of the Spotted Seatrout season.

13 what this will do is it will allow us to start  
14 the qualification process for the 2019 year because this  
15 is going to be a lengthy process. If we allow them to  
16 expire, we can allow the fishermen to begin coming in  
17 sometime in November and December and have this process  
18 started.

19 we would request that the current Spotted  
20 Seatrout Endorsements expire October 31<sup>st</sup>, 2018.

21 COMMISSIONER BOSARGE: That makes sense.

22 JOE JEWELL: I also want to point out the season  
23 is closed for the rest of this year and will not open  
24 until February of 2019. That gives the staff enough time  
25 to evaluate the program and the requirements.

1 COMMISSIONER BOSARGE: Mr. Joe.

2 JOE SPRAGGINS: I had a confusion in either my  
3 slide that I have, or something.

4 Did y'all change something on this?

5 MATT HILL: Yes, sir, we did.

6 JOE SPRAGGINS: You didn't let me know.

7 MATT HILL: It was a last minute change. I  
8 apologize for that.

9 JOE SPRAGGINS: All right.

10 COMMISSIONER BOSARGE: We have a motion.

11 Do we have a second for that motion?

12 COMMISSIONER DANIELS: I'll second it.

13 COMMISSIONER BOSARGE: Any further discussion?

14 (No response.)

15 COMMISSIONER BOSARGE: All those in favor aye.

16 (All in favor.)

17 COMMISSIONER BOSARGE: Opposed like sign.

18 (None opposed.)

19 COMMISSIONER BOSARGE: Motion carries.

20 MATT HILL: Thank you.

21 COMMISSIONER BOSARGE: Thank you.

22 Next is K2, Matt.

23 MATT HILL: The next item we are going to bring  
24 up is Item K2. This will be an addition in Title 22 Part  
25 5 where we will consider a finfish net endorsement.

1           Some background.

2           On June 19<sup>th</sup>, the CMR made a motion to accept  
3 staff's proposed regulatory changes and bring the changes  
4 forward in July for Notice of Intent.

5           This will be a completely new section in Chapter  
6 4 Section 101 subsection 101.11, the proposed new language  
7 for establishing a finfish net endorsement which I will  
8 now read into the record.

9           "Beginning January 1<sup>st</sup>, 2019, individuals using  
10 using a gill net, trammel net, or haul seine,  
11 to commercially harvest finfish must possess  
12 a finfish net endorsement at a cost of ten  
13 dollars, in addition to a current applicable  
14 harvester's license.

15           "To qualify for this endorsement, an  
16 application must be completed.

17           "For the 2019 fishing season, the fisher  
18 must present documentation that a minimum  
19 of twenty percent of their taxable income  
20 came from commercial harvest of finfish" --

21           I do want to stress that we did not include all  
22 commercial seafood activities. This is strictly for  
23 finfish for the twenty percent --

24           "in a previous tax year between 2013 and 2018.

25           "Documentation shall be a copy of the



1 appropriate filed IRS tax form showing the  
2 applicant's taxable income for one of those  
3 years.

4 "A Marine Fisheries Trip Ticket officer will  
5 then run a sales summary for the year chosen,  
6 using trip tickets to determine if the  
7 eligibility requirements have been met.

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

13 "The endorsement will be valid from January 1<sup>st</sup>  
14 through December 31<sup>st</sup> of each year."

15 I will pause.

16 COMMISSIONER BOSARGE: It is much more  
17 restrictive, and I do feel that we need to put the  
18 hardship clause in that one, also.

19 Matt, when you say finfish, can you kind of  
20 define that?

21 MATT HILL: I guess I will define it as simple  
22 as I can. If it has fins and it swims, it's finfish.  
23 That's what we consider. That will exclude crabs, shrimp,  
24 oysters, anything like that. Typical finfish is what we  
25 would consider, and we have that in the list.

1           We have the capability in the system to pull out  
2 all other species except for the finfish species for that  
3 individual.

4           COMMISSIONER BOSARGE: That's a tough one. I  
5 mean, that is pretty restrictive.

6           MATT HILL: That is much more restrictive than  
7 the Spotted Seatrout Endorsement.

8           COMMISSIONER BOSARGE: We have a public comment,  
9 and I apologize. I missed it. He has marked K1 through  
10 K3, Mr. Hal Lusk.

11           HAL LUSK: Gentlemen on the Commission, I'm Hal  
12 Luck. I'm an avid speckled trout fishermen that also  
13 possesses a commercial license with an endorsement.

14           Matt Dubuisson and a group of fishermen down in  
15 the Pass area put together an email and forwarded it to  
16 Ms. Matta. She forwarded that to you.

17           I hope you have a copy of it. If you do not, I  
18 do have a copy I can give you.

19           We are totally in disagreement with all of this.  
20 Everything is directed directly at speckled trout, in an  
21 around about manner.

22           We have run numbers and see no way that somebody  
23 makes a living catching speckled trout, but, yet, you are  
24 eliminating the speckled trout catching for us, by putting  
25 these hardships on us. We don't make a living at it, but

1 it certainly helps us financially at the end of the day.

2 There are a lot of options, in our opinion, out  
3 there. Have two quotas, if you want to have a net quota,  
4 and, then, if you want to have a commercial hook-and-line  
5 quota. There are all kinds of options. Limit the guy in  
6 the boat to thirty fish a day. That's another option.

7 we just don't see why it is all directed at  
8 speckled trout. It was in 2014 and it is directed at them  
9 again.

10 There are a number of options.

11 The other thing is that Alabama and Louisiana do  
12 not allow the use of nets to catch speckled trout, and we  
13 do. we don't understand that.

14 I certainly appreciate your time, your  
15 listening, and I certainly hope that this matter is  
16 handled a little bit better for the hook-and-line  
17 fishermen because, from what we see, very few, if any guys  
18 that have a hook-and-line license will be able to catch  
19 and sell speckled trout next year.

20 Thank you.

21 COMMISSIONER BOSARGE: Thank you.

22 I think that is the only public comment we had.  
23 Mr. Eicke, did you fill out a form?

24 F. J. EICKE: I did not, but I would be happy  
25 to.

1           COMMISSIONER BOSARGE:  would you do that,  
2 please?

3           F. J. EICKE:  Yes, sir.

4           COMMISSIONER BOSARGE:  I don't know just how  
5 that would actually work.  When you say anything that  
6 swims, crabs have fins and they swim -- well, they've got  
7 paddles, I guess.

8           MATT HILL:  That's our simple definition, but it  
9 does exclude, obviously, crab, shrimp, oysters.  We have a  
10 list of what we consider finfish in the Trip Ticket  
11 system.

12          COMMISSIONER BOSARGE:  Okay, Mr. Eicke.

13          F. J. EICKE:  My name is F. J. Eicke.  I'm  
14 representing CCA Mississippi.

15                 we would be opposed to this, as it currently  
16 exists.  The major reason is to my knowledge, within the  
17 regulations, there is no reference to haul seine, other  
18 than what we are putting in here, and we are about to  
19 institutionalize a haul seine, when we don't know what a  
20 haul seine is and how it has been authorized by the  
21 Department.

22                 If this action were to be taken, we would then  
23 have an official haul seine which we do not have at  
24 present.

25                 we have a net provision which has been

1 interpreted and now is identified as a haul seine, but we  
2 don't have a definition of a haul seine.

3 It is obvious, from what has been in previous  
4 proceedings of the Commission, that CCA has a very real  
5 problem with what is now called haul seines and whether  
6 they are functioning as haul seines, or gill nets.

7 The gill net provision here is meaningless  
8 because of the biodegradable nature of gill nets at  
9 present which goes back way into the nineties.

10 The gill net provision simply sits there and  
11 it's not active.

12 The haul seine is, and that has been our big  
13 argument over the last really couple of years and it  
14 continues to be.

15 CCA is really opposed to this. It would need  
16 substantial work, and it comes before the Commission with  
17 us having no notice, prior notice of what this was going  
18 to look like, other than a statement on the agenda that  
19 this particular title, whatever it is, 22 Part 5 was up  
20 for some type of a net endorsement. We didn't know what  
21 that was.

22 We now know, and I can tell you that we are  
23 against it.

24 Thank you.

25 COMMISSIONER BOSARGE: Thank you, Mr. Eicke.

1           MATT HILL: I want to clarify something. When  
2 we are talking about the regulations and the definitions  
3 and the regulations of certain types of gear, especially  
4 when we are talking about nets, there are very few nets  
5 actually defined in our regulations.

6           If we want to go down this road of defining a  
7 haul seine, a cast net, a seine, a purse seine, then, we  
8 are going to have to define all nets, not just the haul  
9 seine.

10           If this is not an uncommon occurrence in our  
11 regulation to not have a specific type of gear defined, we  
12 go back and we look at the traditional definitions and,  
13 obviously, when you go historically and you go to  
14 different regions of the country, everybody has a  
15 different opinion on what these nets are.

16           If we are going to get into the business of  
17 defining all this gear, then, this is going to take quite  
18 a while and quite a lot of research.

19           COMMISSIONER BOSARGE: I can tell you with nets  
20 everybody has their own opinion, each fishermen. Just  
21 because one of them builds a net one way, the next guy is  
22 not going to build it exactly the same because he feels  
23 like it fishes better his way than it does someone else's  
24 way. You could get into a never ending list of  
25 definitions.

1 I have reservations both ways on this.

2 I think it needs to happen to put an endorsement  
3 on it simply because it will kind of almost cap who is  
4 there and who is not there, and make sure that the ones  
5 that are there are the ones that need to be there.

6 I do have a little bit of a problem with just  
7 using finfish. That is pretty restrictive.

8 will there be any of those fishermen actually  
9 qualify under this, Matt?

10 MATT HILL: When we looked at it, there will be  
11 some. I see some in the back of the room. I don't know  
12 if they would like to speak about it.

13 we have contacted some, and we have looked  
14 through our numbers. It definitely will cut out some of  
15 the fishermen that are in the fishery. The majority of  
16 them, their other activities do involve commercial  
17 fishing. In the crabbing industry, we have a few of them.

18 In the menhaden industry, does that count?

19 No. Under this, it does not count.

20 It would knock out some of them, but it would  
21 get a universe.

22 It definitely is much more restrictive.

23 However, one of the things we were thinking about is, if  
24 we open this up to all commercial activities, the way the  
25 regulation is written right now that individual can -- I

1 hate to put it this way. They can get a shrimper, or  
2 somebody that crabs, and they can come buy the license,  
3 and, then, these individuals can run the vessel for them.  
4 Then, we are back in the same situation that we're in now.

5 If we just restrict it to finfishing -- I do  
6 realize this is extremely restrictive -- I think we get  
7 down to the core of the fishermen that probably have  
8 historically participated in this fishery.

9 Also, there is one other part of this.

10 If this does pass, I do want to take some time  
11 and explain some of the proposed expiration requirements  
12 and what we do not have, now, is an annual inspection of  
13 nets covered under the endorsement in this slide and the  
14 following slide.

15 what this would do is:

16 "Individuals qualifying for the finfish net  
17 endorsement must have nets inspected and tagged  
18 on an annual basis. The tags associated with  
19 each net will be valid from January 1<sup>st</sup> through  
20 December 31<sup>st</sup> of each year."

21 Currently, when we tag a net, there is no  
22 expiration date on it. That net lives forever, unless the  
23 fisherman tells us that the net is no good anymore and  
24 them come and turn their tags into us.

25 This way, we would be able to keep an accurate



1 number on how many nets we have each year, the sizes that  
2 are being used, who is using it and certain things like  
3 that, and some of the abilities that we don't have  
4 currently.

5 Also, all current tagged nets.

6 "Upon approval of the proposed regulation change  
7 to Title 22 Part 5 Chapter 4 Section 101  
8 Subsection 101.11, all current tags shall expire  
9 on December 31<sup>st</sup>, 2018, and fishermen eligible  
10 for the net endorsement shall have their nets  
11 inspected and retagged."

12 JOE JEWELL: Steve, before we go on to the  
13 motion, I thought I heard you say that you want similar  
14 language in the draft language to include a hardship  
15 clause that Sandy had developed for Agenda Item K1?

16 COMMISSIONER BOSARGE: Correct.

17 MATT HILL: You put it in there?

18 SANDY CHESTNUT: Yes.

19 MATT HILL: If the Commission so chooses to move  
20 forward with the proposed regulatory change, required is a  
21 motion for Notice of Intent to establish Title 22 Part 5  
22 Chapter 4 Subsection 101.11 and 101.12, Finfish Net  
23 Endorsement and Tagging Criteria.

24 COMMISSIONER DANIELS: I just have one question  
25 about the description of these nets. I know there is with

1 the gill nets.

2 Is there a description of a trammel net?

3 MATT HILL: No. There is no definition of a  
4 trammel net in our regulations.

5 COMMISSIONER DANIELS: I was just wondering.

6 COMMISSIONER BOSARGE: I'll make the motion for  
7 Notice of Intent to establish Title 22 Part 5 Chapter 4  
8 Section 101 Subsection 101.11 and 101.12, Finfish Net  
9 Endorsement and Tagging Criteria.

10 Do we have a second for that motion?

11 (No response.)

12 COMMISSIONER BOSARGE: Seeing none, motion  
13 fails.

14 MATT HILL: Thank you.

15 COMMISSIONER BOSARGE: Matt, the sunset, do we  
16 have to address that for the endorsement on the Spotted  
17 Seatrout?

18 JOE JEWELL: It would be marked out in the  
19 proposed changes, but, since the Commission did not act on  
20 it, it still would be in place.

21 Is that correct, counsel?

22 SANDY CHESTNUT: That's correct.

23 MATT HILL: Go back to the Spotted Seatrout  
24 Endorsement.

25 JOE JEWELL: Agenda Item K1.

1           MATT HILL: Slide three. It is taken care of.  
2 We struck it out right there, the income requirement, the  
3 sentence right before the last sentence.

4           COMMISSIONER BOSARGE: Okay. I see it.

5           MATT HILL: The sunset requirement has expired  
6 and is no longer there.

7           COMMISSIONER BOSARGE: Thank you, Matt.

8           MATT HILL: Thank you.

9           JOE JEWELL: I thought you were referencing  
10 Agenda Item K2.

11           I do want to make a sight correction to that.  
12 It technically has not expired. It doesn't expire until  
13 final adoption, after it has been published on the  
14 administrative bulletin thirty days.

15           COMMISSIONER BOSARGE: All right.

16           JOE JEWELL: Before I get to Item K3, I want to  
17 make a statement, and it has to do with both agenda items  
18 K1 and K2.

19           I want to apologize to Director Spraggins  
20 because there were some modifications made to both of  
21 those presentations without his knowledge after the fact.  
22 I want to kind of address that issue.

23           That is my responsibility to keep our Executive  
24 Director aware of changes as they occur. It is a very  
25 dynamic process, both for the staff and the Commission.

1           As you will recall, we have been discussing the  
2 Spotted Seatrout Endorsement for quite some time.

3           When the Commission directed us to address that  
4 issue, we reached out to the commercial fishermen. When I  
5 say commercial fishermen, I'm referencing those that  
6 ninety, or a hundred, percent of their income is derived  
7 from that activity.

8           They advised us they thought a good threshold  
9 would be about fifty percent, and you heard Mr. Bradley  
10 who is the President of the commercial fishermen  
11 association stand up there and say that his group thought  
12 fifty percent was a great threshold.

13           In consultation with the commercial fishermen,  
14 they thought that to be more inclusive for them. They  
15 discussed thirty-five percent.

16           The staff took that recommendation and we put  
17 thirty-five percent in there, something the Commission  
18 consulted with and I consulted with the Executive Director  
19 on, and it was in there.

20           Subsequent to the filing of the documentation to  
21 the paperwork in y'all's packets, the Commission had some  
22 discussion about changing that threshold and reducing it  
23 further to twenty percent.

24           The issue is that I have to be notified of that  
25 and it's my job to notify Director Spraggins.

1 I apologize for that and would ask the  
2 Commission, in the future when y'all make those  
3 recommendations, we are certainly receptive to those, but  
4 make those directly to me, or Director Spraggins, so that  
5 there is no loss of communication between us. We would  
6 appreciate that.

7 COMMISSIONER BOSARGE: All right. Will do, Joe.

8 JOE JEWELL: With that being said, I'm going to  
9 move on to Agenda Item K3 which is the Spotted Seatrout  
10 Endorsement Revocation.

11 As y'all will recall, at the last Commission  
12 meeting, a motion was made for us to consider options for  
13 this proposal.

14 This is the motion that was made at the June 19<sup>th</sup>  
15 meeting granting the Commission authority to revoke the  
16 Spotted Seatrout Endorsement under certain penalties.

17 Specifically for the Spotted Seatrout  
18 Endorsement, it would occur in Title 22 Part 7 Chapter 9,  
19 under the title "Commercial Size, Possession and Catch  
20 Limits" in Section 110. Additional language would have to  
21 be included.

22 As Matt pointed out earlier, for Secretary of  
23 State filing notices on the administrative bulletin, those  
24 issues you want to add are underlined and those issues you  
25 want to delete are struck through.

1 This would be new language in that Section 110:  
2 "The CMR may revoke any person's, firm's, or  
3 corporation's, Spotted Seatrout Endorsement  
4 for violating any of the endorsement's  
5 regulating provisions."

6 Before I go on into the next part of the  
7 presentation, I want to make a couple of comments here.

8 First, if you notice, the motion had a lot of  
9 specificity to it. It addresses only the Spotted Seatrout  
10 Endorsement.

11 It is my job to let the Commission know that we  
12 have all types of other endorsements that are all over  
13 throughout other parts. They are in Part 7, Part 5, Part  
14 20.

15 The Commission could consider, at this point,  
16 all endorsements, any type of endorsement that would occur  
17 and not just the Spotted Seatrout Endorsement, and maybe  
18 in the future there are other issues very similar to this  
19 one with the other endorsements.

20 I need to make y'all aware of that, that the  
21 initial motion was just for the Spotted Seatrout  
22 Endorsement, but y'all can take up other endorsements and,  
23 if y'all choose to do that, it would be in Title 22 Part  
24 20. That is first up.

25 Then, I do want to point out that Part 7 gives

1 the program requirements of the Spotted Seatrout  
2 Endorsement, but what we are going to be impacting is  
3 those that are in Part 9 which are the reporting  
4 requirements for finfish.

5 Are there any questions?

6 COMMISSIONER HAVARD: Joe, can we make that  
7 change, now, stating that it is for all endorsements?

8 JOE JEWELL: I absolutely can do that.

9 There is one other issue I wanted to point out  
10 to y'all.

11 I came prepared for that, if that would occur.  
12 Instead of in Title 22 Part 7 which is very specific for  
13 the Spotted Seatrout Endorsement, if the commission chose  
14 to make it for all endorsements and chose to proceed, this  
15 was not an action item requested.

16 The other agenda items had some specificity in  
17 that the Commission asked for a Notice of Intent.

18 This one the Commission can ask for the Notice  
19 of Intent today. I just didn't have the Notice of Intent  
20 because that is not specifically what was asked for.

21 If you ask to proceed with the Notice of Intent,  
22 it would be for all endorsements. It would be for Title  
23 22 Part 20.

24 If you did that, it would read this way. It  
25 would affect Chapter 21 under Administrative Penalties in

1 Section 104. It would delete the language and it would  
2 include the underlined endorsements so that it would  
3 include all endorsements, and, then, finally we would add  
4 a Section 105 and it would read:

5 "The Commission may revoke regulatory program  
6 requirements such as, but not limited to,  
7 endorsements, tags, permits, or similar  
8 provisions, for violations related to that  
9 particular program."

10 COMMISSIONER BOSARGE: Joe, I've got to ask this  
11 question.

12 Do we not already have the authority to do that?

13 JOE JEWELL: I'm going to let our counsel answer  
14 that issue.

15 SANDY CHESTNUT: No, we don't. That's why we  
16 are including it into the regulations.

17 COMMISSIONER BOSARGE: Under the Administrative  
18 Penalties, we don't have that authority?

19 SANDY CHESTNUT: We do not, under the  
20 Administrative Penalties.

21 We have some statutory authority to revoke  
22 license, but that has to be upon five convictions in five  
23 years and things like that. It is very specific in  
24 statute.

25 This pertains specifically to the Commission-



1 established program requirements.

2 JOE JEWELL: That's correct. We had this issue  
3 before and the Commission certainly wanted to consider  
4 those people that violate that provision most egregiously  
5 to revoke their endorsement, or incur some other penalty,  
6 other than just requiring that they report correctly, and  
7 there has been no way that the Commission can enact that.

8 Having this provision in there will give the  
9 Commission authority to do that, or act on that.

10 COMMISSIONER BOSARGE: I was trying to think  
11 back to some of the administrative cases that we have done  
12 and let it sink in just a minute.

13 All right.

14 JOE JEWELL: There is one other thing I want to  
15 point out to the Commission. I have to be very clear on  
16 this. This would fall under all endorsements, also.

17 This is the section in Title 22 Part 9 that  
18 would change, or would make it enforceable. If you will  
19 notice, there are eight sentences in there.

20 In the next slide, I just simply bulleted them  
21 all. All of these items, once this presentation moves  
22 forward and gets to its final conclusion which is final  
23 adoption and posting on the administrative bulletin, that  
24 would make all of these items listed here ticketable. I  
25 just want to make that clear to the Commission.

1           COMMISSIONER BOSARGE: Say that one more time,  
2 Joe.

3           In other words, any of these items would be...  
4           JOE JEWELL: Offenses that Marine Patrol could  
5 act on.

6           COMMISSIONER BOSARGE: We need just a little bit  
7 of time for this to sink in and look at it closer.

8           JOE JEWELL: You've got several options. You  
9 can table it. You can delay it.

10          COMMISSIONER BOSARGE: Can we table this until  
11 next meeting?

12          In other words, give us a little bit of time.

13          COMMISSIONER DANIELS: We're not saying that  
14 there would be ramifications immediately on any of them.  
15 We have the ability.

16          COMMISSIONER BOSARGE: It gives us the  
17 authority, but I would just like to know that I took the  
18 time to read through it and make sure that I don't see any  
19 pitfalls.

20          If the group is in agreement, I would like to  
21 make a motion that we table this until next meeting.

22          COMMISSIONER HAVARD: Mr. Chairman, I will  
23 second your motion to table it.

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

1 Any further discussion?

2 (No response.)

3 COMMISSIONER BOSARGE: All those in favor aye.

4 (All in favor.)

5 COMMISSIONER BOSARGE: Opposed like sign.

6 (None opposed.)

7 COMMISSIONER BOSARGE: Motion carries.

8 I would like to take just a little time, Joe.  
9 To me, that is serious. You are giving some authority to  
10 this group. I just want to make sure that it can't be  
11 abused, or that it falls in the scope of what we do.

12 If you don't mind, we will take it up next time.  
13 Hopefully, we will be better prepared for it.

14 JOE JEWELL: Yes, sir.

15 There are no modifications to the presentation.  
16 Y'all would just like to review it and understand it a  
17 little more.

18 If y'all have any questions on it, feel free to  
19 contact me, or the staff, but, if you make changes,  
20 Director Spraggins and I have to know about it.

21 COMMISSIONER BOSARGE: That's right.

22 If you could, send us that because I don't think  
23 we got that in our packet.

24 JOE JEWELL: No. These are my notes, and I will  
25 send y'all the entire packet, what they are now.

1 COMMISSIONER BOSARGE: All right. Thank you.

2 JOE JEWELL: Next on the agenda is Title 22 Part  
3 5, One-Mile Exclusion Zone Around Cat Island.

4 As y'all will recall, at the June meeting, a  
5 motion was made to consider this item. CMR adopted a  
6 motion for the staff to come back at the July meeting with  
7 a Notice of Intent for a one-mile commercial net  
8 exclusionary zone around Cat Island.

9 COMMISSIONER BOSARGE: Joe, not to interrupt,  
10 but that's not what I remember. The motion was for a one-  
11 mile haul seine exclusionary zone around Cat Island.

12 Correct?

13 JOE JEWELL: Your recollection is correct. The  
14 exact motion was a motion for the staff to come back next  
15 month with a Notice of Intent to establish a one-mile haul  
16 seine exclusionary zone around Cat Island. That's the way  
17 the motion specifically read into the public record, but  
18 I'm going to let Counselor Chestnut address that issue.

19 COMMISSIONER BOSARGE: That's what was given to  
20 me in my packet anyway.

21 JOE JEWELL: That's correct.

22 SANDY CHESTNUT: In reviewing the regulations,  
23 the current exclusionary zones around all the other  
24 islands apply to all types of nets that are listed in the  
25 regulations. Instead of just specifically limiting one

1 type of net around Cat Island and limiting all types of  
2 nets around the other islands, to maintain consistency  
3 with the regulations, we wanted to make it the same.

4 COMMISSIONER BOSARGE: Which other islands are  
5 you referring to?

6 JOE JEWELL: The other islands in the  
7 Mississippi Sound are Horn, Petit Bois, Ship.

8 COMMISSIONER BOSARGE: Those are all Federal  
9 islands and, even though I will admit that I haven't read  
10 the statute on it, what I remember is that it doesn't  
11 necessarily say that the islands are closed for commercial  
12 fishing, as much as it says the islands are closed for  
13 commercial activity, any commercial activity.

14 Just like for Ship Island and the charters, they  
15 have to get a special permit every year for that to take  
16 place.

17 JOE JEWELL: That's correct.

18 COMMISSIONER BOSARGE: I don't think that in  
19 their rules, it actually spells out commercial net  
20 fishing.

21 SANDY CHESTNUT: What the regulation currently  
22 says, under Chapter 4 Section 101:

23 "It shall be unlawful for any person, firm, or  
24 corporation, to catch, take, or carry away, any  
25 saltwater fish by, or with, any gill nets,

1 trammel nets, purse seines, seines, fish traps  
2 and other like contrivances, except permitted  
3 eel traps, in following areas of the State of  
4 Mississippi”,

5 And, then, it goes on to 101.04:

6 “Within an area formed by a line running one  
7 mile from the shoreline of Cat, Ship, Horn,  
8 Petit Bois and Round Island, or from the Shoals  
9 of Telegraph Keys and Telegraph Reef, (Merrill  
10 Coquille), during the period from May 15<sup>th</sup> to  
11 September 15<sup>th</sup> of each year.”

12 COMMISSIONER BOSARGE: Which statute takes  
13 precedence, the Federal statute, or the State statute?

14 Now, we don't have any authority in that one-  
15 mile zone, if I'm not mistaken. I mean, it is territory  
16 of the State of Mississippi.

17 JOE JEWELL: Well, Cat Island is a little bit  
18 different than the other islands that are in Gulf Islands  
19 National Seashore in that the State of Mississippi, when  
20 it took possession of it, did not acquiesce the  
21 territorial waters of it.

22 when Gulf Islands National Seashore was  
23 established, the State of Mississippi granted a one-mile  
24 commercial exclusionary zone around those islands.

25 when we incorporated Cat Island into our

1 program, we did not have that one-mile boundary around it.

2 what Counselor Chestnut is referring to is the  
3 specific language that sets up the authority for a net  
4 season around Cat Island between the period of May 15<sup>th</sup>  
5 through September the 15<sup>th</sup>, and, then, she read into the  
6 record for y'all the requirements of that fishery during  
7 that time frame.

8 COMMISSIONER BOSARGE: I don't know how we got  
9 from a haul seine exclusionary zone to a commercial net  
10 exclusionary zone.

11 COMMISSIONER HAVARD: We don't have a definition  
12 of any type of net. We've got to put a commercial net  
13 closure in there to cover the haul seine, if it is going  
14 to be called something different.

15 COMMISSIONER BOSARGE: Can you give us the  
16 reasoning?

17 JOE JEWELL: Well, don't shy away from the  
18 conversation because having these types of conversations  
19 is what makes the rules and regulations stronger and makes  
20 the Commission better and makes our agency better.

21 COMMISSIONER BOSARGE: I agree.

22 If you look, we've got six items that are  
23 regulations on commercial fisheries at this one meeting.

24 All of this began some time ago and when it was put  
25 on the agenda, we had representation here, until the last

1 meeting when we voted to have this added to the agenda  
2 where there would be no representatives in the audience  
3 for my sector anyway and, now, we are here where we are,  
4 and we have gone from a haul seine to a total net ban.

5 You look at it, even at Cat Island, the way it  
6 stands right now, how many months a year are we closed for  
7 commercial net fishing, without doing anything more?

8 JOE JEWELL: Six, or seven, months.

9 COMMISSIONER BOSARGE: Seven months. So we are  
10 here now to close it for the other five.

11 where I'm at is, what is your reasoning?

12 what is the need for it?

13 Do we need to go back and look at everywhere it  
14 is closed already, the mouth of the river, twelve hundred  
15 feet from a pier, half a mile from the beach, Round  
16 Island, Horn Island?

17 I mean, what more do you want?

18 It just gets a little bit infuriating.

19 I've been involved in fisheries management a  
20 long time and sitting in meetings where you get fingers  
21 pointed at you. You're the problem. You're the one doing  
22 all the damage. You're the one catching all the fish.

23 Laws take place. Things change, get more  
24 restrictive, and the worse part of it is you are a second  
25 class citizen because you are a commercial fisherman.



1 That's where it gets you. That's where it really hurts.

2 I said, it's all right. I can live through it.  
3 We will make it because at some point in time, the science  
4 will be in our favor and the science will dictate what  
5 needs to be done in fisheries management.

6 Now, here I am today. We've got a fifty  
7 thousand pound quota on Spotted Seatrout. We've got one  
8 point seven million on the recreational side. We've got  
9 every island closed, except for Cat Island, and Cat Island  
10 is closed seven months out of the year.

11 I know Commissioner Havard. I respect the man.  
12 He is honest.

13 I'm just getting to know this gentleman here  
14 (indicating Commissioner Daniels).

15 Think about it. Think about what you are doing  
16 here.

17 I mean, is this really necessary?

18 COMMISSIONER HAVARD: We are not trying to  
19 eliminate commercial fishing altogether around Cat Island;  
20 just the gear type.

21 COMMISSIONER BOSARGE: That's like saying you  
22 are going to have gill nets, but you've got to have them  
23 out of biodegradable material. You just outlawed them  
24 because there is no material, and it's the same thing you  
25 are doing now.

1           In other words, you know me. I'm pretty easy to  
2 get along with and I look at everybody's side of the  
3 situation, and I try to put myself in somebody else's  
4 shoes.

5           Give me a reason why we need to do this.

6           I'm just being honest and trying to get to the  
7 real facts. If the facts are, we just don't like  
8 commercial fishermen and we don't want them out there  
9 fishing where we're trying to fish, then, say it.

10          Do you see what I mean?

11          I can't believe that I am where I am right here  
12 today, knowing that there is one group with an agenda  
13 against another group.

14          JOE JEWELL: I do want to point one thing out,  
15 Commissioner Bosarge, if the Commission chooses to move  
16 forward with this. Some of your comments are quite saline  
17 to the conversation right now.

18          I know there have been people that objected to  
19 this in the past, but, if you looked at those maps that we  
20 provided -- all we can do is provide the Commission with  
21 the current rules and regulations and data that we acquire  
22 and that is provided -- the commercial net industry is  
23 restricted to very specific areas in the Mississippi  
24 Sound.

25          Currently that is just over in eastern Jackson

1 County and Cat Island. If Cat Island is removed for  
2 consideration from that industry, that pushes them all  
3 back over into eastern Jackson County where the issue  
4 first arose.

5 The Commission has to consider that sort of  
6 global issue that will occur, once the net industry, the  
7 haul seine industry is no longer allowed on Cat Island.  
8 You can't haul seine a mile off shore.

9 It is correct that it is not removing them from  
10 Cat Island. They just can't be within a mile. The issue  
11 is not going to go away.

12 COMMISSIONER BOSARGE: Well, I mean, the  
13 commercial fishermen provide for the rest of the people  
14 that can't go out and fish. They still want to eat fish  
15 in their restaurants, their local restaurants. That's  
16 what we provide it for.

17 We've got fifty thousand pounds and we've got  
18 five months that we can actually fish that island.

19 COMMISSIONER HAVARD: Last year we started out  
20 and we established an SPR because our speckled trout  
21 fishery was considered overfished.

22 COMMISSIONER BOSARGE: Correct.

23 COMMISSIONER HAVARD: So we wanted to do things  
24 to try to get our SPR up to twenty and get our fishery  
25 back to a normal level.

1           Now, solely due to the commercial net fisheries,  
2 they fished with the haul seine the whole year's quota.  
3 It's because of the haul seines.

4           COMMISSIONER BOSARGE: And that's the point I'm  
5 trying to make. It's almost like if you were in the  
6 business of cutting grass and you had one acre, a lot of  
7 grass you had to cut, would you rather cut it with a zero  
8 turn fifty inch, or a weed eater?

9           If you use the weed eater, you are going to have  
10 to go out there for two weeks and you might finally get  
11 that cut.

12           whereas, with this piece of gear, these guys  
13 went out and they filled their quota, but they made money  
14 because they didn't have to go for five months without  
15 fishing.

16           COMMISSIONER HAVARD: We've got sixteen haul  
17 seine licenses that are out there. There were eleven  
18 folks that were under reporting their trip tickets.

19           COMMISSIONER BOSARGE: We don't want to go there  
20 because it happens on both sides.

21           COMMISSIONER HAVARD: It does. I agree.

22           COMMISSIONER BOSARGE: Now that we have the  
23 system in place, we can target those guys and we can  
24 punish them for what they did.

25           we don't have that in place on the other side.

1           COMMISSIONER HAVARD: We do. We have the whole  
2 enforcement. It's not recreational versus commercial.

3           COMMISSIONER BOSARGE: I agree. When you say  
4 fifty thousand pounds, what does that equate to in -- I  
5 don't want to pitch one side against the other, but you  
6 have got to have the facts.

7           Fifty thousand pounds, I think is three days'  
8 catch, or four days, or a week.

9           What does it take for the recreational sector to  
10 catch fifty thousand pounds?

11          JOE JEWELL: It depends on what the total  
12 average landing is for that year. It's about a million  
13 pounds. If you look at that, it is probably a couple of  
14 weeks.

15          COMMISSIONER BOSARGE: Do the math on that.  
16 It's not very long.

17          My point is, this is what the guys have to catch  
18 all year long. This is it, fifty thousand pounds. If  
19 they catch it in two weeks, so be it. They are done with  
20 it. They can forget Spotted Seatrout and move on.

21          COMMISSIONER DANIELS: What about our tourist  
22 industry, if they are caught in two weeks and no one is  
23 able to eat fresh gulf caught speckled trout here and they  
24 have got to eat what comes from Mexico?

25          COMMISSIONER BOSARGE: That's my point.

1           If you take away that commercial fishery, what  
2 are they going to eat?

3           Where are they going to get it from?

4           COMMISSIONER DANIELS: I don't think Mr. Havard  
5 is talking about taking way the entire commercial  
6 industry.

7           COMMISSIONER BOSARGE: If you do this, you just  
8 -- in other words, where did they catch most of their fish  
9 last year?

10          Cat Island.

11          COMMISSIONER DANIELS: They can still go to Cat  
12 Island. It's not eliminating the commercial fishery.

13          COMMISSIONER HAVARD: It's a gear issue.

14          COMMISSIONER BOSARGE: There we go. We are  
15 picking and choosing who is going to be able to go fish  
16 around there.

17          In other words, you are excluding one group,  
18 eighteen people. To me, it's discrimination in a big time  
19 way. It's eighty-two thousand people that don't like  
20 eighteen, so they are going to tell them to go to the back  
21 of the bus.

22          Yes, sir, Mr. Joe, please.

23          JOE SPRAGGINS: We all know what is going on  
24 here. I have listened to every side of this story for the  
25 last five months now.

1           It all happened because the fish got pushed up  
2 to Cat Island and they got pushed up there because of the  
3 Bonnet Carre and some other issues that were going on  
4 which, in turn, caused them to be able to go make a mecca  
5 at that point, and I'm talking about the commercial  
6 fishermen who were able to see what happened and they  
7 said, hey, we can go catch a lot of fish here.

8           Now, some of them did something wrong and they  
9 didn't report it and, because of that, it caused another  
10 thing to happen where people are getting upset about why  
11 did they not report it and they are doing everything  
12 wrong.

13           well, that same thing, like you said, it can  
14 happen either way. I don't know and neither does Chief  
15 Davis, or anybody else, how many private fishermen catch  
16 more than their fifteen a day. I don't know. Some of  
17 them probably do and try to get away with it.

18           How many of us ride down the interstate and  
19 break the speed limit?

20           I think some of us do it every day.

21           The point I'm getting at is that we are getting  
22 caught up on something here about one little thing, and  
23 that's what happened at Cat Island and that's what we are  
24 getting caught up on. We are getting caught up on what  
25 happened at Cat Island, and it was just one two-week

1 period out of the year that basically this happened.

2 It may not happen again for another five years.  
3 It may not be the same thing.

4 I see the commercial side of it, and I see the  
5 private side of it. I see both sides of this and I  
6 understand.

7 we need to find a happy medium. we of all  
8 people in South Mississippi who work out here for a living  
9 every day and enjoy fishing and enjoy eating, we need to  
10 find a happy medium here and not be against one another.

11 we need to get together. If it's not the right  
12 thing to do right now, let's table this and move forward  
13 so we can set that and get a happy medium, and let's make  
14 it work for everybody.

15 We are sitting here putting out a message across  
16 south Mississippi that shouldn't go across.

17 COMMISSIONER BOSARGE: It's more of a political  
18 issue than it is a resource issue.

19 If it's a resource issue, I don't care who is  
20 doing it wrong. We are going to fix it.

21 This is not a resource issue and, therefore,  
22 that's why I am so strongly against it.

23 In other words, if I saw it as a problem, that  
24 this is a problem, we are overfishing this area, then, I'm  
25 going to be the first one to stand up and say shut it



1 down, but we are not there. We are strictly voting on a  
2 political issue; one group that doesn't like the other  
3 group being there.

4 COMMISSIONER HAVARD: It sounds like the  
5 discussion is over.

6 At this time, I would like to make a motion for  
7 final adoption of regulatory changes to Title 22 Part 5  
8 Chapter 4 Section 101, adopting language to establish a  
9 one-mile haul seine exclusion zone around Cat Island.

10 JOE JEWELL: Before we proceed on that, this  
11 would be a Notice of Intent.

12 At the previous Commission meeting, we were  
13 directed to come forward with a Notice of Intent. That  
14 has not been filed yet.

15 In lieu of the final adoption, it would be a  
16 Notice of Intent.

17 If you could amend your motion?

18 COMMISSIONER HAVARD: I thought we sent it out  
19 for a Notice of Intent at the last meeting.

20 JOE JEWELL: No. The last meeting, there was a  
21 lot of discussion about it. We had added it as an item,  
22 K5(a), and there was some discussion on that.

23 It was a three to one vote. Commissioner  
24 Havard, Commissioner Trapani, Commissioner Harmon voted  
25 yes to move forward with a Notice of Intent and

1 Commissioner Bosarge voted no, and that was to bring this  
2 forward to the July Commission meeting for a Notice of  
3 Intent.

4 We are prepared to move forward with a Notice of  
5 Intent.

6 I would get through the slid. There is really  
7 only one more section. I can go through and show you  
8 exactly what the regulatory changes would be, if we did  
9 that.

10 COMMISSIONER BOSARGE: I've also got one public  
11 comment I was about to forget about. A gentleman wants to  
12 make a public comment on this issue.

13 JOE JEWELL: I appreciate all the comments by  
14 the Commission and both communities. Like I said, I think  
15 we make better decisions, when we have this open dialog,  
16 but I do know there are a lot of commercial fishermen  
17 here, and I know they have some difficulty standing in  
18 public. They are people who spend sort of a solitary life  
19 working out in the environment.

20 If they have any comments, I would encourage  
21 them to make those, or anyone that wants to comment on  
22 this issue, because we have a lot of people here from the  
23 recreational community, also.

24 COMMISSIONER BOSARGE: Joe, we, as a Commission,  
25 have certain guidelines that we are supposed to follow,

1 and I know they can be interpreted a bunch of different  
2 way, but I know when we make management decisions, we are  
3 supposed to make them based on the best available science,  
4 and that's why I keep asking, just give me some science.

5 There are things that we should do and things  
6 that we should not do. I won't bring that up.

7 Mr. Eicke and CCA, you have an agenda. This is  
8 on their agenda and we, as a group, are supposed to leave  
9 any affiliations like that behind and make our decisions  
10 based on science.

11 You are a CCA member.

12 Correct?

13 COMMISSIONER HAVARD: I'm a CCA member.

14 COMMISSIONER BOSARGE: Are you a CCA member?

15 COMMISSIONER DANIELS: I am not a CCA member.

16 COMMISSIONER BOSARGE: Good, and I say just  
17 leave that at home. That group has an agenda and Mr.  
18 Eicke, I appreciate your agenda. You fight for your  
19 group.

20 we have to make decisions not based on what is  
21 best for one group, but what is best for the resource.

22 JOE JEWELL: I will complete the presentation.  
23 It is only a couple more slides, and, then, we can allow  
24 public comment and, if the Commission would like to make  
25 any additional comments, or have questions, I will glad to

1 answer those.

2 We proceeded with changes to Title 22 Part 5  
3 Chapter 4, Commercial Net Closure Areas and Gear Size  
4 Restrictions, specifically Section 101. This area reads:

5 "Within an area formed by a line running  
6 one mile from the shoreline of Cat, Ship,  
7 Horn, Petit Bois and Round Island, or from  
8 the shoals of Telegraph Keys and Telegraph  
9 Reef (Merrill Coquille), during the period  
10 of May 15 to September 15 of each year."

11 To achieve the Commission's objective, as the  
12 motion was made to create a one-mile commercial net  
13 exclusionary zone around Cat Island, we would delete "Cat  
14 Island" from Section 101.04 and would create a new Section  
15 101.05, and that language would read this way:

16 "Within an area formed by a line running  
17 one mile from the shoreline of Cat Island."

18 That would look like this. This is a map of  
19 approximately the one-mile boundary around Cat Island.

20 Then, subsequent sections under 101, I'm not  
21 going to read all of these into the record because none of  
22 this language is changing. All we are doing is  
23 renumbering these sections to accommodate for that  
24 additional Section 101.05. This would be the requirement.

25 At this point, Chairman Bosarge, if you would

1 like to call for public comment, or if the Commission has  
2 any additional questions, I would be glad to answer them.

3 COMMISSIONER BOSARGE: We have one public  
4 comment, Ryan Bradley.

5 RYAN BRADLEY: Thank you, Commissioners.

6 My name is Ryan Bradley. I'm the Director of  
7 the Mississippi Commercial Fisheries United.

8 Thank you, General, for that presentation.

9 I've got a couple of questions.

10 Commissioner Havard, you brought this motion  
11 before the Commission at the last meeting.

12 Is that correct?

13 COMMISSIONER HAVARD: That's correct.

14 RYAN BRADLEY: For the record, could you please  
15 state the reason why this regulation was proposed?

16 COMMISSIONER HAVARD: To get it in line with the  
17 other islands that are out there that currently have a  
18 one-mile restriction around them.

19 RYAN BRADLEY: That one-mile restriction around  
20 these other islands prohibits commercial shrimping and  
21 commercial crabbing.

22 Is that correct?

23 COMMISSIONER HAVARD: To the best of my  
24 knowledge, yes.

25 RYAN BRADLEY: would this regulation be the

1 same?

2 would that be prohibiting commercial shrimping  
3 and commercial crabbing, as well, around Cat Island?

4 COMMISSIONER HAVARD: It is prohibiting  
5 commercial net fishing.

6 RYAN BRADLEY: It is still not clear to me. The  
7 motion on the floor was to prohibit nets around Cat  
8 Island.

9 Your motion that was stated verbally was for  
10 haul seines only.

11 I think we need to clarify that before any vote  
12 is taken, first of all.

13 Additionally, at the last meeting I took notes  
14 and you had mentioned that you are interested in pursuing  
15 this regulation to protect seagrass around Cat Island.

16 Is that correct?

17 COMMISSIONER HAVARD: That was a reason that was  
18 presented, but, now, that is not valid, the statement that  
19 I made about the seagrass, although nets do tear up  
20 seagrass.

21 RYAN BRADLEY: For the record, I want to state  
22 that I haven't seen any evidence that seagrass was being  
23 damaged by these nets around Cat Island.

24 If that's what we want to do is protect  
25 seagrass, we would definitely support you in that and we

1 would say let's protect seagrass. Let's stop anchoring.  
2 Let's stop bottom fishing. Let's stop wading. Let's stop  
3 using power poles, push poles. Let's stop doing all of  
4 that in the seagrass. If that's what we want to do to  
5 protect seagrass, we will definitely support you on that.

6 Can we get some clarity from Joe?

7 Is this going to be a commercial net ban, or a  
8 commercial haul seine ban, around Cat Island?

9 JOE JEWELL: The section of the language that it  
10 is addressing and that the changes would take place on is  
11 in Section 101 and this is the explanatory chapter that  
12 all the other subsequent sections are under, and it reads:

13 "It shall be unlawful for any person, firm,  
14 or corporation, to catch, take, or carry away,  
15 any saltwater fish by, or with, any gill net,  
16 trammel net, purse seines, seines, fish traps,  
17 and other like contrivances, except permitted  
18 all traps, in the following areas of the  
19 State of Mississippi."

20 If the Commission moves forward with this  
21 section of regulatory change, it applies specifically to  
22 these types of commercial gear. It does not include  
23 shrimp trawls, or menhaden purse seines, or any other type  
24 of commercial fishing gear, other than those that are  
25 listed in the explanatory section of 101.

1           RYAN BRADLEY: Thank you, Joe, for clarifying  
2 that.

3           At this point I would say that we would be  
4 opposed to this one-mile net ban around Cat Island.

5           I still haven't heard a reason why this should  
6 be banned. I think it is highly discriminatory. I think  
7 that is wrong and it may, in fact, be illegal.

8           The bigger picture here is that we have gone  
9 down this road of banning gear of commercial fishermen  
10 without any science to back it up, and that is a dangerous  
11 road to go down.

12           Be aware that that sword can cut both ways.  
13 Just like y'all are banning gear on commercial fishermen  
14 with no science, that can fall the other way on  
15 recreational fishermen.

16           The last gear that was banned with no science,  
17 this agency was sued over it and that is a very real  
18 proposition here. It is very costly to the state and to  
19 the taxpayers, when the state has to go through  
20 litigation.

21           with that being said, I will close my argument  
22 saying that we are opposed to this one-mile net ban.

23           Thank you.

24           COMMISSIONER BOSARGE: Thank you.

25           COMMISSIONER HAVARD: Joe, can we go back and



1 Look at the minutes and see exactly what was said about  
2 the motion?

3 I was under the impression that we asked the  
4 department to send it out for Notice of Intent the last  
5 meeting.

6 Can you verify that in the minutes?

7 JOE JEWELL: I can verify that in the minutes.

8 I do have my notes. I file motion reports that  
9 we act on, when we are developing the agenda.

10 Motion two inside of the Fisheries section,  
11 Commissioner Harvard motioned to add Agenda Item K5(a) to  
12 include a discussion on establishing a haul seine  
13 exclusionary zone around Cat Island.

14 The motion was made by Commissioner Havard. It  
15 was seconded by Commissioner Trapani, and it passed three  
16 to one. Harvard, Trapani and Harmon in favor.  
17 Commissioner Bosarge opposed.

18 That item was added to the agenda, so I go  
19 through my notes and I go to Agenda Item K5(a).  
20 Commissioner Havard motioned to add the item. The  
21 specific motion read:

22 "Motion for the staff to come back next  
23 month, July, with a Notice of Intent to  
24 establish a one-mile haul seine  
25 exclusionary zone around Cat Island."

1           The motion was made by Commissioner Havard. It  
2 was seconded by Commissioner Trapani. It passed three to  
3 one. Havard, Trapani and Harmon yes. Commissioner  
4 Bosarge no.

5           Then, immediately after those, Commissioner  
6 Harmon left the meeting.

7           COMMISSIONER BOSARGE: Sandy is looking at the  
8 minutes.

9           SANDY CHESTNUT:

10          "Commissioner Havard: It's a gear issue. It's  
11 not recreational. It's not commercial. It's  
12 about preserving the grass beds and making  
13 sure that they don't get completely destroyed  
14 by these nets.

15          "what I would like to do is make a motion for  
16 staff to come back with a Notice of Intent to  
17 establish a one-mile haul seine exclusionary  
18 zone around Cat Island."

19          COMMISSIONER HAVARD: Thank you, Sandy.

20          SANDY CHESTNUT: And there was some discussion  
21 after that.

22          JOE JEWELL: while Sandy is looking at that, I  
23 want to take the opportunity to sort of update our new  
24 Commissioner on that process. I know some of y'all have  
25 had some experience with that.

1           The Commission, at any point, can make a motion  
2 to proceed with a Notice of Intent, as long as the public  
3 is given the opportunity to comment.

4           The Commission votes on an item, and that  
5 becomes a part of our regulatory process. The staff  
6 prepares all of the notification paperwork and filing  
7 notices to the Secretary of State who then publishes it on  
8 the administrative bulletin.

9           The minimum requirement for public comment is  
10 twenty-five days. In most instances, between the  
11 Commission meeting which is the third Tuesday of each  
12 month and the subsequent month, there is at least twenty-  
13 five days.

14           If there is not twenty-five days, we have to  
15 wait two months, or some condition that happens, or  
16 reconsideration, we have to wait two months, but, in most  
17 instances, we can advise the Commission it takes a minimum  
18 of sixty days to make a regulatory change.

19           After the twenty-five public day notice for  
20 comment, we come back to the staff for final adoption,  
21 and, then, once that happens and the Commission approves  
22 it, we file all that documentation for final notice and  
23 final approval, again, to the Secretary of State and  
24 administrative bulletin.

25           At that point, it has to be published on the

1 administrative bulletin for a minimum of thirty days.

2 If you don't check that box that says a specific  
3 date, once the Commission votes on it and it passes and it  
4 is updated on the administrative bulletin, thirty days  
5 from that stamped date it becomes law.

6 That is sort of the regulatory process and, if  
7 you look at last month's Commission agenda, the only thing  
8 that we had on there that was a Notice of Intent that is  
9 up for consideration for the Commission for final adoption  
10 is a reclassification of Area VI.

11 All the other actions that were requested, or  
12 required, by the Commission -- I know Commissioner Havard,  
13 in particular, we have been discussing these things for  
14 months, some of them almost a year at this point. They  
15 have been on the agenda two, three, four times, some of  
16 them. We have delayed them. We postponed one from last  
17 meeting. We tabled the hand dredge. We took no action.  
18 We are going to take that up again in a few minutes. That  
19 is sort of the overview, the process where we are.

20 I'm pretty sure that we were asked for the  
21 Notice of Intent, but it is confusing with that many items  
22 on the record and that much process going on.

23 I will apologize to Commissioner Havard for  
24 this. If you noticed when the motion first came up, it  
25 did say final adoption, and we have a review of all of our

1 presentations the Friday prior to the Commission meeting  
2 and we caught that, but I'm having problems with my  
3 computer.

4 I had Mr. Hill and Mr. Broussard with me  
5 reviewing these in my office and I made that change and I  
6 tried to save it and it just didn't save, so it appeared  
7 that way, and that could have confused, or exacerbated the  
8 situation, even more, but I'm pretty sure that it was a  
9 Notice of Intent that we come forward with.

10 COMMISSIONER BOSARGE: Sandy.

11 SANDY CHESTNUT: It was definitely a Notice of  
12 Intent that Commissioner Havard made. I looked further  
13 and Commissioner Trapani seconded his motion.

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

16 COMMISSIONER DANIELS: I'll second that motion.

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

19 Before we do that, I would like to do just one  
20 quick thing. We've got a pretty good cross section of the  
21 general public in the audience.

22 I would like a show of hands of how many people  
23 think this needs to go through. Raise your hand, if you  
24 are opposed to this going through.

25 (Hands raised.)

1 COMMISSIONER HAVARD: Is that necessary?

2 F. J. EICKE: No, it isn't necessary. For the  
3 same reason --

4 COMMISSIONER BOSARGE: (Interposing) You are  
5 out of order, sir.

6 F. J. EICKE: I'm sorry.

7 COMMISSIONER BOSARGE: Now, if you want to come  
8 to the podium, I will be more than glad to bring you to  
9 the podium.

10 F. J. EICKE: At a previous meeting, I made a  
11 request that the Commission consider having this meeting  
12 at a time that would allow more recreational fishermen to  
13 attend. I didn't get any action on that and haven't to  
14 date. I don't know what is going to happen with it, but I  
15 guess --

16 COMMISSIONER BOSARGE: (Interposing) We have  
17 had this --

18 F. J. EICKE: (Interposing) But the problem is  
19 you can't have a show of hands, if you haven't had a  
20 representative group here and available to put up their  
21 hands one way, or the other.

22 COMMISSIONER BOSARGE: Mr. Eicke, now, we had a  
23 motion. This motion was brought forth --

24 F. J. EICKE: (Interposing) The motion said  
25 nothing about putting up hands, sir.

1           COMMISSIONER BOSARGE: I agree with you, but I'm  
2 just saying there was no representation --

3           F. J. EICKE: (Interposing) I consider that out  
4 of order, your request --

5           COURT REPORTER: I can't take down what they are  
6 saying.

7           SANDY CHESTNUT: If you talk over each other,  
8 the court reporter can't take the transcript down. Please  
9 don't interrupt.

10          F. J. EICKE: I'm sorry. I think I have made my  
11 point.

12          COMMISSIONER BOSARGE: Thank you, sir.

13          Ms. Chestnut, am I out of order by asking for a  
14 show of hands?

15          SANDY CHESTNUT: You are not out of order, no.

16          COMMISSIONER BOSARGE: Can I have a show of  
17 hands of the folks that think that this should go into  
18 effect?

19                 (Hands raised.)

20          COMMISSIONER BOSARGE: Thank you. It's nice to  
21 know that I'm not totally oblivious.

22          JOE JEWELL: The only comment I would have,  
23 Commissioner Bosarge, if you want to know those are  
24 opposed to it, I would ask that you ask those that are for  
25 it, in favor of it, also.

1 COMMISSIONER BOSARGE: I did.

2 JOE JEWELL: I'm sorry.

3 COMMISSIONER BOSARGE: I think we had a show of  
4 three hands.

5 SANDY CHESTNUT: Mr. Chairman.

6 COMMISSIONER BOSARGE: Yes, ma'am.

7 SANDY CHESTNUT: If I could make a suggestion,  
8 maybe we could schedule an evening meeting to discuss this  
9 as well, not necessarily with the full Commission here,  
10 but a public hearing where people can submit comments.

11 COMMISSIONER BOSARGE: Yes, that would be a  
12 great idea.

13 COMMISSIONER HAVARD: I think we have a motion  
14 and we have a second to send it out for Notice of Intent.

15 Is that correct?

16 COMMISSIONER BOSARGE: That is correct.

17 JOE JEWELL: As you know, there are three things  
18 that trigger a public hearing. One is an elected official  
19 can ask for a public hearing, a government body can ask  
20 for a public hearing, or ten written comments from the  
21 public can ask for a public hearing, the DMR can  
22 voluntarily conduct a public hearing, or the Commission  
23 can request the DMR to conduct a public hearing.

24 whether we go forward with this motion, or don't  
25 go forward, Counselor Chestnut is giving you some sound



1 advice. We can conduct a public hearing.

2 COMMISSIONER BOSARGE: How would we go about  
3 that, Mr. Joe?

4 JOE JEWELL: You can just make a motion and  
5 request the staff to conduct a public hearing and we can  
6 do that.

7 COMMISSIONER BOSARGE: After we vote?

8 JOE JEWELL: Whether you take the vote, or not.

9 SANDY CHESTNUT: You could ask for an amendment  
10 to the current motion.

11 COMMISSIONER BOSARGE: We have a motion and we  
12 have a second.

13 All those in favor aye.

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

16 COMMISSIONER BOSARGE: Opposed like sign.

17 (Commissioner Bosarge opposed.)

18 COMMISSIONER BOSARGE: This is kind of a sad  
19 day. We see how the general public feels about it and we  
20 see what we voted.

21 I would like to make a motion that we bring this  
22 out for public hearing.

23 Do I have a second on that motion?

24 (No response.)

25 COMMISSIONER BOSARGE: Hearing none, the motion

1 fails.

2 We will move on. Mr. Joe.

3 JOE JEWELL: Thank you, Commissioners, we  
4 appreciate that.

5 Next is Agenda Item K5. It is the hand dredge  
6 specifications the Commission requested. Mr. Erik  
7 Broussard will be doing that presentation.

8 ERIK BROUSSARD: Good morning Commissioners,  
9 Director Spraggins, Ms. Chestnut.

10 I have before you this morning hand dredge  
11 specifications. This was tabled at last month's meeting.

12 To give a little background, this was presented  
13 on May 29<sup>th</sup> and we were pretty close to coming to an  
14 agreement. I think there was one sticking point, and we  
15 will go over that.

16 Currently Title 22 Part 1 Chapter 7 has our  
17 dredge specifications. Subsection 100 currently outlines  
18 what the standard dredge specs are.

19 with the addition of having a definition for a  
20 hand dredge, it would create Subsection 101, and it would  
21 read:

22 "It is unlawful for any person, firm, or  
23 corporation, to take, or attempt to take,  
24 any oysters from the waters under the  
25 territorial jurisdiction of the State of

1 Mississippi by the use of a hand dredge  
2 using a mechanical advantage retrieval  
3 system having a weight in excess of  
4 thirty pounds and a tooth bar cannot  
5 have more than ten teeth of not more  
6 than five-and-one-quarter inches, unless  
7 otherwise permitted by the MCMR, or as  
8 hereby authorized by the MDMR, its  
9 Executive Director, Director of Marine  
10 Fisheries, Bureau Director, Program  
11 Coordinator, or other MDMR designee.”

12 This is very similar language that's in  
13 Subsection 100 for the standard dredge.

14 I have in here thirty pounds, and the reason for  
15 that is that is how we originally presented it to you last  
16 month when it was tabled. Thirty pounds came from us  
17 calling the local dredge manufacturer here and his specs  
18 were twenty-seven pounds. That was just in the frame.

19 If you recall last month, fisherman Mr. John  
20 Livings brought his dredge in and it did weigh twenty-  
21 seven pounds, however that was not a fully rigged-out  
22 dredge. It didn't have the full chain necklace, or the  
23 rope bag.

24 In the meantime with comment from fishermen, and  
25 we have actually weighed one of our sample dredges and

1 it's about thirty-eight pounds. I just wanted to point  
2 that out.

3 This is how it was presented, but that was  
4 anticipating the Commission to make some kind of change.

5 The other proposed change would be striking out  
6 subsection 101, and, then, pulling it down and creating a  
7 new subsection 103, and it would be:

8 "No persons, firm, or corporation, may use  
9 more than two dredges, unless otherwise  
10 permitted, or restricted, by MCMR, or as  
11 hereby authorized by the MDMR, its  
12 Executive Director, Director of Marine  
13 Fisheries, Bureau Director, Program  
14 Coordinator, or other MDMR designee."

15 This was currently in Title 22 Part 1 Chapter 7,  
16 and what we are simply doing here is just adding some  
17 flexibility.

18 If the Commission chooses to move forward with a  
19 definition for a hand dredge, required is a motion for  
20 Notice of Intent to modify Title 22 Part 1 Chapter 7,  
21 Dredge Specifications.

22 COMMISSIONER BOSARGE: If I'm understanding you  
23 correctly, your dredge specifications from what we got  
24 last time is going to change to thirty-eight pounds.

25 Is that what you're saying?

1           ERIK BROUSSARD: I was leaving it up to the  
2 Commission.

3           Commissioner Trapani, I believe, wanted it  
4 tabled so she could think about where the weight needed to  
5 be.

6           I think everyone was in agreement on how many  
7 teeth, the ten teeth, and et cetera, except for the  
8 weight.

9           I kept thirty pounds because that's how we  
10 originally presented it, but I also wanted to give some  
11 background on why we started with thirty pounds, and,  
12 then, where we could possibly put the range.

13           COMMISSIONER BOSARGE: What is your  
14 recommendation as far as what we need to do on the weight?

15           That was a naked dredge.

16           ERIK BROUSSARD: After weighing our dredge which  
17 was a non-tooth dredge and it was at about thirty-eight  
18 pounds, I think forty pounds would probably be  
19 appropriate.

20           COMMISSIONER BOSARGE: What do we need to do?

21           ERIK BROUSSARD: Make the motion with the  
22 amendment that instead of thirty pounds, the forty pounds.

23           COMMISSIONER BOSARGE: I'll make that motion.

24           I make a motion for Notice of Intent to modify  
25 Title 22 Part 1 Chapter 7, Hand Dredge Specifications,

1 with one change being that the weight is changed from  
2 thirty pounds to forty pounds.

3 Any further discussion?

4 (No response.)

5 COMMISSIONER BOSARGE: Do we have a second to  
6 that motion?

7 COMMISSIONER DANIELS: I'll second the motion.

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

10 Any further discussion?

11 (No response.)

12 COMMISSIONER BOSARGE: All those in favor aye.

13 (All in favor.)

14 COMMISSIONER BOSARGE: Opposed like sign.

15 (None opposed.)

16 COMMISSIONER BOSARGE: Motion carries.

17 ERIK BROUSSARD: Thank you.

18 COMMISSIONER BOSARGE: Thank you.

19 JOE JEWELL: Thank you, Erik.

20 Next up for consideration is Agenda Item K6,  
21 Final Adoption of the Reclassification of Area VI.  
22 Charlie Robertson will be presenting that.

23 CHARLIE ROBERTSON: Good morning everyone.

24 My name is Charlie Robertson.

25 This morning I will be presenting the

1 information that is a followup to the Title 22 Part 1,  
2 Area VI Reclassification that we went over last meeting.

3 If you recall, the Commission directed us to go  
4 out for Notice of Intent, and we have done that.

5 Now we are moving forward with the final  
6 adoption.

7 On June 19<sup>th</sup> at the last Commission meeting, the  
8 Commission passed a motion for us to move forward with the  
9 Notice of Intent. It was filed on that same day with the  
10 Secretary of State's office.

11 The following day the MDMR web page was updated  
12 to have the public notice.

13 The legal notice appeared in the Sun Herald on  
14 July 3<sup>rd</sup>, 2018.

15 The Notice of Intent was published on June 19<sup>th</sup>,  
16 and the public comment period was from June 20<sup>th</sup> through  
17 yesterday, twenty-seven days. To date we have received no  
18 public comments.

19 If the Commission so chooses to move forward  
20 with the final adoption of the Area VI Reclassification,  
21 updated shellfish language for Title 22 Part 1, a motion  
22 for final adoption would need to be made.

23 If you have any questions, I will be happy to  
24 answer those.

25 COMMISSIONER HAVARD: At this time, do you feel

1 that our management strategies with our current oyster  
2 resource are going in the right direction for us to open  
3 up the last healthy reef resource that we have?

4 CHARLIE ROBERTSON: These changes are going to  
5 apply to Area VI growing waters. What the Commission  
6 chooses to do, once these areas are reclassified, is  
7 really up to the Commission.

8 COMMISSIONER HAVARD: From a scientist's point  
9 of view, do you feel that this is the right move to make  
10 for the resource?

11 JOE JEWELL: Commissioner Havard, our staff  
12 assesses all of the reefs in the State of Mississippi and  
13 presents to the Commission our findings, our annual  
14 findings, usually in September, or October, of each year.

15 We do advise the Commission about the  
16 sustainability in the reef, the current resource and the  
17 availability on those reefs at that time.

18 We are still in sort of our early assessments of  
19 all the reefs right now. Those change annually. There  
20 are a lot of environmental conditions that impact the  
21 reefs. There are a lot of management decisions that could  
22 be made that could impact the reefs.

23 You are correct. The Causeway Reef in  
24 Pascagoula is the largest reef that we have right now in  
25 the State of Mississippi of our oyster resources. It is



1 the one that the Commission has dutifully taken management  
2 actions to protect and to make sure it is sustainable.

3 All the reefs have the ability to have some  
4 harvest off of them, to have some relay activities done to  
5 them.

6 Some of these management options will make the  
7 reef more viable even more.

8 The issue that the staff wants and has made the  
9 Commission aware of is that if you take multiple actions  
10 of a very limited resource, they tend to have long-term  
11 impacts.

12 If the Commission wants to proceed with a relay  
13 activity, whether it be tonging, or dredging, the staff  
14 has advised the Commission as long as those management  
15 actions are done with sustainability in mind, it should  
16 have no long-term impact, if there are no other impacts  
17 that happen to that reef.

18 Of course, we have established the thirty  
19 percent as our threshold for sustainability of any reef,  
20 or all of our reefs. That is sort of our local states'  
21 standard that they use and it's the one that we have  
22 adopted.

23 As long as the Commission stays within those  
24 boundaries, we feel relatively confident -- we can't state  
25 anything with one hundred percent accuracy -- that that

1 would be an okay management practice by the Commission.

2 The Commission has to consider the totality of  
3 all the actions and motions that they make, as far as  
4 management on that reef.

5 we have done past relays off of that reef, and  
6 we are considering future activities. I would caution  
7 that the Commission be mindful with the current activities  
8 that are being proposed and all future activities that are  
9 being proposed on that reef.

10 COMMISSIONER HAVARD: Joe, I appreciate that.

11 Correct me if I'm wrong, since our first relay  
12 in 2014, the Pascagoula reef has been reduced by sixty  
13 percent of harvestable oysters.

14 Is that correct?

15 CHARLIE ROBERTSON: I don't have the exact  
16 number.

17 JOE JEWELL: I don't think it is quite that  
18 much, but, like I said, there is this natural fluctuation  
19 that occurs. Sometimes it is exacerbated by management  
20 practices.

21 I think the reef overall is sustainable, but it  
22 is at lower numbers of harvestable sacks than we first  
23 reported in 2014.

24 CHARLIE ROBERTSON: That's correct. The number  
25 of harvestable oysters on the reef has reduced. I don't

1 know exactly what those numbers are.

2 COMMISSIONER HAVARD: In my book, sustainability  
3 is not having a reduction in a reef by fifty percent, even  
4 if it's not sixty. In my opinion, that is not considered  
5 sustainable, but that's my opinion.

6 COMMISSIONER DANIELS: Is this reduction coming  
7 from the last time that something was done on the reef, or  
8 is this environmental factors?

9 JOE JEWELL: It's a combination of both.

10 Erik and I were having this conversation this  
11 morning. When you think about the Mississippi Sound, it's  
12 sort of a shallow lagoon. The average depth is about ten  
13 feet. There are major island passes that provide input  
14 and output. We have several major rivers that flow into  
15 it, but where the major reefs are found in the western  
16 Mississippi Sound, it's an open environment.

17 The Pascagoula Reef, at the mouth of the  
18 Pascagoula River, it's in a little bit different  
19 environment.

20 If you look at the reefs in the western sound,  
21 some of those reefs the acreage approaches six to eight  
22 thousand acres of potential acreage for oyster production.

23 In Pascagoula, it is a relatively small reef.  
24 It's about two eighty, two ninety, three hundred acres  
25 period.

1           The reason why that hasn't naturally expanded to  
2 the footprints that we have in the reefs in the western  
3 sound is it is in an alluvial environment at the mouth of  
4 a river where you have a lot of sediment, fine particulate  
5 matter that is suspended in the water column and, when the  
6 river loses velocity at the mouth, it tends to distribute  
7 that fine mud silt out there, so there is not a firm  
8 bottom for oyster reefs to develop.

9           Most of the hard big particles, the sand  
10 particles, they are either pushed out at the mouth of the  
11 river, or big sandbars up in the river.

12           All that fine sediment comes down. What that  
13 means, as far as the reef expansion, the reef is about as  
14 big as it can get because there are no suitable bottoms  
15 for it to expand.

16           I think what Commissioner Havard is trying to  
17 say is if you keep that in mind, it's not like the reefs  
18 in the western sound where you can cultivate, you can do  
19 cultch planting, you can do different types of management  
20 intervention.

21           In Pascagoula, there are only so many acres of  
22 suitable bottom that this reef can expand on, or it would  
23 have already naturally done it.

24           I think the concerns that he is expressing and  
25 the concerns the staff has expressed is that we have to

1 manage Pascagoula in a sustainable way.

2           If you go in and you say thirty percent one  
3 year, you have to manage that reef. You have to assess  
4 that reef and make sure that you haven't done any long-  
5 term damage, and, then, if the Commission wants to take  
6 more action a year, or two, later and the data supports  
7 that, we are saying that's okay, but, if the data doesn't  
8 support that, the Commission has to take actions that make  
9 this reef sustainable.

10           COMMISSIONER DANIELS: How big is this section  
11 we are talking about reclassifying?

12           CHARLIE ROBERTSON: This section that we are  
13 talking about is around a hundred and fifty acres, a  
14 hundred and fifty to a hundred and eighty acres.

15           COMMISSIONER DANIELS: That's about half of the  
16 entire reef that is there, now?

17           CHARLIE ROBERTSON: It is probably two thirds of  
18 the entire reef that is there.

19           Just to answer both of your concerns a little  
20 bit further, the oyster reefs are a very dynamic system.  
21 There can be good years. There can be bad years that can  
22 happen very quickly.

23           We don't have a whole lot of long-term data on  
24 this reef in particular, but what I do feel we can say  
25 pretty confidently is the reduction that we see in the

1 harvestable oysters on this reef isn't necessarily from  
2 harvest, or from relaying activities. It can most likely  
3 be from natural occurrences.

4           JOE SPRAGGINS: One of the things we need to  
5 look at, Commissioners, on what y'all are thinking about,  
6 I understand we have not had a lot of information about  
7 the oysters there in Pascagoula, or anywhere in that area  
8 on the eastern part of the sound, and one of the major  
9 things is a lot of people really don't think they ought to  
10 use dredges on it.

11           Jackson County just did a resolution and I think  
12 the City of Gautier has done one and some others are  
13 looking at it. They asked us not to do that.

14           The one thing we need to know and we need to do,  
15 if we are going to do something like this, if we are going  
16 to move any oysters off of one place like that, we need to  
17 have a plan to replenish the cultch that is in there.

18           That is something that I would like to see. I  
19 would like to have some plan of us saying that we are  
20 going to cultch plant that, and I think that is one of the  
21 major issues.

22           The seed oysters are there and the environment  
23 is there to grow them, but, if we take all the cultch out  
24 -- I don't think we have, but we have not replaced any  
25 yet.

1 CHARLIE ROBERTSON: We have not.

2 JOE SPRAGGINS: That may be one of your major  
3 issues.

4 CHARLIE ROBERTSON: I absolutely agree and I  
5 think every one of us that talked about this program agree  
6 to that point specifically.

7 Again, this regulatory change, as far as what  
8 resource we are specifically directly talking about is the  
9 water resource. We are not talking about shellfish  
10 directly with changing this. That is a decision that the  
11 Commission would have to decide later. We are just  
12 talking about classifying the waters.

13 we will be coming forward very soon with the  
14 data that we are collecting this year from the Pascagoula  
15 Reef, and we will be able to see what the reef looks like  
16 this year, as opposed to last year, and we will be able to  
17 show you some of the trends that we are seeing. This will  
18 be the fifth year, the fifth data set that we have gotten  
19 off of this reef.

20 we will be glad to present that to you guys  
21 later so that you can make a decision on any type of  
22 activities that would affect the oyster resource.

23 COMMISSIONER DANIELS: When do you expect to  
24 have that information?

25 CHARLIE ROBERTSON: We actually should be diving

1 on it within the next month, probably within the next  
2 couple of weeks, so we can give you some of the  
3 preliminary data, but we will also be coming back at the  
4 September Commission meeting for the oyster season  
5 recommendation, and we will have the full suite of data  
6 from this year's reef assessment.

7 COMMISSIONER HAVARD: I would feel a lot more  
8 comfortable with this, if we were on the bottom end of our  
9 curve. Ten years ago, we harvested five hundred thousand  
10 sacks of oysters out of the Mississippi Sound. This year,  
11 ten thousand sacks. We haven't figured out how to  
12 correctly manage what we have open.

13 why open the last healthy reef?

14 That's my concern and until we get a management  
15 plan in place that says here's what we are going to do; we  
16 are going to replenish, cultch plant, okay, this one was  
17 successful; we successfully put out a cultch plant; we  
18 grew oysters to a harvestable age, or size; we have  
19 successfully done this; we increased our production; until  
20 we do that, I don't see why we should open any additional  
21 areas.

22 COMMISSIONER BOSARGE: Actually, this is not  
23 opening up any additional areas, as much as it is just  
24 reclassifying that area to where when and if we decide.

25 Understand, now, if we don't go ahead with this



1 -- correct me if I'm wrong -- we will have to go through  
2 the process all over again to do anything with that area  
3 because, right now, it is classified as prohibited.

4 CHARLIE ROBERTSON: This is the map that shows  
5 the current classification as it is currently today, if we  
6 don't make any changes.

7 This area right here is the one that we are  
8 specifically addressing right now that we are talking  
9 about, but we are making changes within this whole area,  
10 Area VI.

11 This area specifically will be upwardly  
12 classified from prohibited to restricted which doesn't  
13 necessarily open it for harvest. It is still restricted.

14 The only way that it could be harvested from  
15 would be if the Commission made some directive to relay  
16 from that area, or transplant oysters from that area to  
17 another area, and that is the only activity that could be  
18 permitted, if the Commission chose to do so.

19 One of the other issues that we are addressing  
20 with this regulatory change is the opportunity for  
21 aquaculture to be done in the area around Round Island.

22 Right now you can see it is actually  
23 unclassified, so we can't do anything in there right now,  
24 until we classify this area

25 COMMISSIONER HAVARD: This is great. This is a

1 step. It's a step in the wrong direction.

2 COMMISSIONER BOSARGE: Just to clarify, right  
3 now the area that we have actually set aside for oyster  
4 aquaculture between Round Island and Singing River Island,  
5 without this reclassification, we can't do any  
6 aquaculture.

7 JOE JEWELL: That's correct. This is an  
8 unclassified area. It has to be classified as something.

9 I do want to state one other thing. The  
10 recommendations that we are making is upwardly classifying  
11 it from prohibited to restricted.

12 All that says, as far as the management, is that  
13 we can relay out of there. I want to be clear that this  
14 is not harvest for consumption.

15 COMMISSIONER BOSARGE: That's correct.

16 COMMISSIONER HAVARD: How do we get back the  
17 Oyster Council?

18 How do we go about taking that step to get that  
19 back in place?

20 JOE JEWELL: There was some discussion about  
21 that actually at the previous two meetings. We met  
22 internally with staff. We had a couple of meetings on how  
23 we would reassemble that group. I know that Commissioner  
24 Bosarge was here.

25 That group has always been sort of very

1 impassioned about the resource. I think that would be a  
2 diplomatic way of saying it.

3 As you know, when Director Miller was here, we  
4 disbanded that group with the clear intention at some  
5 point to come forward and reconstitute it, and the DMR  
6 select those individuals and appoint them to terms on the  
7 Oyster Task Force.

8 We are meeting on that. We will bring a  
9 recommendation to y'all at some point in the future. I'm  
10 not quite sure when, but we have got to get a lot of the  
11 logistical issues and the representation from each group  
12 sort of sorted out right now, but we do plan on that  
13 absolutely.

14 COMMISSIONER HAVARD: I think that is an  
15 extremely important part to our --

16 JOE JEWELL: (Interposing) I'm sorry.

17 COMMISSIONER HAVARD: I think that is an  
18 extremely important part to our management of the oyster  
19 resource, to have a task force that gives recommendation  
20 and truly studies what our next step needs to be to  
21 achieve our plan.

22 JOE JEWELL: Well, the Commission has voted on  
23 and approved an oyster management plan. Essentially what  
24 it did was address the management strategies that can be  
25 adopted by the Commission.

1           As the Commission is aware, I think over the  
2 last three years, we have adopted that thirty percent  
3 standard, but we have also done things like we have  
4 extended the season, we have extended the area for  
5 harvest, particularly in Biloxi Bay, and we extended the  
6 sacks that could be harvested by ten thousand.

7           we have done a lot of things that exceeded the  
8 adoption of the thirty percent goal that sort of  
9 exacerbated the whole concept of sustainability.

10           That was one of the things I tried to point out  
11 as carefully and diplomatically as I can. If the  
12 Commission takes a stand and votes on a position that they  
13 feel is sustainable to retain those resources long term,  
14 the consideration should be long term.

15           COMMISSIONER DANIELS: Where is the guarantee  
16 that if we do reclassify this, we won't exceed that thirty  
17 percent?

18           JOE JEWELL: Charlie is right. All this is  
19 doing is reclassifying the area.

20           The Commission has already voted on and passed a  
21 relay program. In the future, any of those types of  
22 things, the Commission would have to consider that.

23           It's usually in September, or October, the staff  
24 comes forward with a management recommendation, or the  
25 data from field findings that we have collected.

1           The Commission, at that time, is the governing  
2 body that makes the recommendation of how we manage it.

3           The Commission can adopt the oyster shell  
4 budget, the oyster model, the thirty percent harvesting  
5 practice. The Commission has to vote on and approve the  
6 management system that we put in place for the oyster  
7 season.

8           JOE SPRAGGINS: Do we know how many oysters are  
9 there?

10          JOE JEWELL: Right now we have about thirty-  
11 seven thousand sacks of legal size oysters.

12          JOE SPRAGGINS: Have they ever been harvested  
13 out of there in the last how many years?

14          JOE JEWELL: I'm sorry.

15          JOE SPRAGGINS: Have they been harvested,  
16 anything out of there, in the past?

17          JOE JEWELL: Not harvested. They haven't been  
18 harvested.

19          JOE SPRAGGINS: Have there been any relays?

20          JOE JEWELL: There absolutely has been.

21          JOE SPRAGGINS: How did they relay out of a  
22 prohibited area?

23          JOE JEWELL: If you look, the line cuts the reef  
24 at about a third, to two thirds. The areas that we  
25 designated, we were in the restricted area, not the

1 prohibited area.

2 CHARLIE ROBERTSON: I would just like to point  
3 on the map here, I don't have the reefs outlined on here,  
4 but there is a reef about here, there's a reef here that  
5 extends into the prohibited area, and the areas that we  
6 harvested for relay from previously were from the  
7 restricted area, not inside the prohibited.

8 COMMISSIONER DANIELS: Can we not relay from  
9 those same areas again?

10 CHARLIE ROBERTSON: There are areas there that  
11 you could relay from. I think one of the things to  
12 consider, though, is that there is a substantial amount of  
13 reef that would still be within the prohibited area, if we  
14 weren't to move forward with this.

15 COMMISSIONER HAVARD: To bring Commissioner  
16 Daniels kind of up to date -- correct me if I'm wrong,  
17 guys -- we agreed to take thirty percent of oysters out of  
18 this area that is currently open. We are going to bring  
19 those to Biloxi, set them back in the water for a  
20 depuration period, and, then, harvest them. They are not  
21 even going to get a chance to go through a cycle of  
22 replenishing the current reef that we dump them on.

23 That was my understanding over the last several  
24 meetings where we have been hashing this out.

25 Is that correct?

1           JOE JEWELL: That's correct. That's the relay  
2 program that the Commission adopted and passed.

3           CHARLIE ROBERTSON: I don't think the details on  
4 where they were going to be relayed to, or the end  
5 purpose, whether it be we were going to harvest, or leave  
6 them there to create a new reef, were finalized. I'm not  
7 sure that the details were finalized.

8           COMMISSIONER HAVARD: I remember making the  
9 comment, why don't we just dump them in a pile and just  
10 pick up the one pile and not go through the motions of  
11 catching, trying to find these oysters again, if we are  
12 only going to leave them there for a couple of weeks, and,  
13 then, take them right back out of the system.

14           I was just trying to bring the Commissioner up  
15 to date.

16           Is that what you understood, Commissioner  
17 Bosarge?

18           COMMISSIONER BOSARGE: There was a lot of  
19 discussion and there were certain things that we set down  
20 as this is one of things we were going to do, but I do  
21 remember that we never actually said where we were going  
22 to put them, or what we were going to do with them.

23           I think some of us were in agreement, as you  
24 stated, that if we are going to move them, we put them  
25 there and use them to grow the reef, instead of using them

1 for harvest, but that decision hasn't been made, to the  
2 best of my knowledge.

3 JOE JEWELL: This was discussed at the May  
4 meeting, and, then, the Commission held a special workshop  
5 in May where the actual program elements were voted on and  
6 passed.

7 As a recap of that, the primary purpose of the  
8 workshop was to develop a plan to employ the fishermen per  
9 the terms and conditions of the Bonnet Carre Disaster  
10 Grant. That was the main focus of that meeting and the  
11 workshop, and that was the development of the elements in  
12 the plan that passed.

13 You are correct that we left some of the  
14 language in the actual program management up to the staff  
15 to decide that, how we were going to implement it, who was  
16 going to tong, who was going to dredge, what days they  
17 were going to dredge. Those things were left up to the  
18 staff, as they typically are in any of those big grants.

19 There was a lot of discussion on what the  
20 ultimate goal was.

21 The purpose was to fulfill the terms and  
22 conditions of the contract, by employing the fishermen,  
23 but there was a lot of discussion, as has been for about a  
24 year now, as to what is the ultimate goal of the  
25 Commission in doing these types of relays.



1           Is it for harvest, or is it strictly for relay  
2 to create conditions to expand the reefs?

3           There were decidedly conversations on both  
4 sides.

5           COMMISSIONER DANIELS: I've got two questions  
6 about the parts that have already been harvested, or  
7 relayed.

8           One, the oysters that we moved off of those  
9 before, I'm assuming if they were relayed, they were  
10 relocated.

11           Do we have data on how many of those made it,  
12 how good they were doing?

13           Two, the reefs that we pulled off of there, how  
14 have they rebounded?

15           Is that what we were talking about a minute ago  
16 with the reef still being down, or have they rebounded  
17 from the thirty percent that we previously took off of it?

18           CHARLIE ROBERTSON: To address your first  
19 question, we do have the numbers on how much we harvested  
20 and where we took it.

21           The fishermen were allowed to immediately  
22 harvest afterward from that specific area, so we do have  
23 some numbers on that as well.

24           what was your second question?

25           COMMISSIONER DANIELS: The area that you relayed

1 off of previously, that was 2014?

2 CHARLIE ROBERTSON: Yes.

3 COMMISSIONER DANIELS: When was the last relay?

4 CHARLIE ROBERTSON: It was in 2014 when we  
5 relayed.

6 In October of this past year, 2017, we also  
7 relayed I believe around three thousand sacks off of this  
8 reef as well.

9 COMMISSIONER DANIELS: How many of those sacks  
10 have we regrown on those reefs from what we have taken  
11 off?

12 what are the numbers on the reefs now?

13 How have they rebounded?

14 CHARLIE ROBERTSON: We don't have the data yet  
15 to make any kind of statements on whether, or not, they  
16 have rebounded. We are going to be collecting that  
17 shortly. We will be able to make some kind of estimate  
18 for you soon.

19 what I can tell you, when we harvested the first  
20 relay we did off it, the following year there wasn't a  
21 significant difference in the amount of oysters that we  
22 estimated still being there from pre-relay estimates to  
23 post-relay estimates of the following year.

24 JOE JEWELL: There is one thing I want to  
25 clarify. When I said approximately thirty-seven thousand

1 sacks of legal size oysters, that was from our last  
2 assessment.

3 As Charlie mentioned, we haven't done this  
4 year's current assessment, so things can change.

5 COMMISSIONER BOSARGE: For Commissioner Daniels'  
6 benefit, the relay that was done in 2014, was not legal  
7 oysters. It was material. In other words, they would  
8 dredge up just material and take that.

9 There is a vast difference between the amount of  
10 material that is on that reef versus the amount of  
11 harvestable oysters.

12 You have got to get those numbers in your head.  
13 Don't think that thirty-seven thousand sacks is all that  
14 is on that reef. That is just probably a small  
15 percentage.

16 JOE JEWELL: There is considerably more material  
17 out there, correct.

18 CHARLIE ROBERTSON: Correct.

19 JOE JEWELL: Then, I do want to point out to the  
20 Commission that we are trying to cultch plant. We did a  
21 very small shell planting, cultch planting this year out  
22 on the reef, but these things are very laborious and they  
23 are very expensive.

24 If the Commission is going to choose to do large  
25 relays from the area, I completely agree with Commissioner

1 Havard. We should have a plan in place to cultch plant  
2 those areas.

3 CHARLIE ROBERTSON: I just want to point out,  
4 too, I think most of you are aware that our oyster  
5 population is not in good shape right now. It is not  
6 going to miraculously rebound this year.

7 I think moving forward with this would give you  
8 a good option, if you chose to use it, to have some type  
9 of backup plan to help employ some of the fishermen using  
10 some type of program.

11 Now, you don't have to. That is the  
12 Commission's decision.

13 We are talking about the water resource here.

14 The oyster resource and what we do with that  
15 would have to be later decided by the Commission. Right  
16 now we are just talking about reclassifying the waters so  
17 that the possibility is there, if the Commission so  
18 chooses.

19 COMMISSIONER BOSARGE: I agree and, also, we  
20 could do some aquaculture in that area.

21 CHARLIE ROBERTSON: That's correct.

22 I'm going to the map of what it is actually  
23 going to look like. This is what the proposal is. We are  
24 going to be upwardly classifying that area that was  
25 previously prohibited, and we are adding this

1 conditionally approved area around Round Island and the  
2 waters within the vicinity of it for aquaculture,  
3 potential aquaculture programs.

4 COMMISSIONER HAVARD: I think adding the area  
5 for aquaculture program is great. It will help our  
6 resource, but the other is not.

7 I would like to table it.

8 COMMISSIONER BOSARGE: If you look at where we  
9 are with this, we are all the way down to final adoption.  
10 We would have to start over.

11 Is that correct, Sandy?

12 SANDY CHESTNUT: Yes, you would have to start  
13 the process over.

14 COMMISSIONER BOSARGE: I understand your  
15 concerns, but anything that goes on there has to go on  
16 through us. It's not like we are changing something that  
17 is going to change up the whole way things are done. It's  
18 just giving us one more option to be able to do things  
19 that we haven't before been able to do.

20 It opens up a little bit of that right next to  
21 that causeway is what it does. When I say, opens up, it  
22 doesn't open up anything. It just approves the waters.

23 In my opinion it is really a little better  
24 because instead of taking oysters from a small area, we  
25 are opening it up to a bigger area; taking the same

1 amount, but spreading it out.

2 JOE JEWELL: I sort of want to echo that.

3 COMMISSIONER BOSARGE: Go ahead.

4 JOE JEWELL: I know that Commissioner Havard,  
5 you have some reservations about this, but we are in the  
6 process of getting towards final adoption, and all this is  
7 doing is giving the Commission more tools. It is not  
8 actually implementing anything, any management plan, or  
9 any regulatory program. All it is doing is changing the  
10 classification of the area.

11 If you think of it like a set of steps, at the  
12 very top of those steps are the approved areas which they  
13 have no restrictions on them, they can be open year round,  
14 they can do all kinds of different resource management.

15 At the very foot of those steps is prohibited  
16 where little, or no, action can be taken in those areas.

17 All this is doing is taking it one step up which  
18 the next category is restricted and, in that area, very  
19 limited management activities can take place. Certainly  
20 no harvest can take place in those areas, particularly  
21 harvest for consumption.

22 All that can occur in a restricted area is a  
23 relay activity which, as Commissioner Bosarge pointed out,  
24 the Commission would have to approve and do those types of  
25 things for these types of activities.

1           COMMISSIONER DANIELS:  If we are within thirty  
2 days of having this extra data which would be beneficial,  
3 could we not wait to see that before we actually approve  
4 this?

5           JOE JEWELL:  Well, the actual data collection is  
6 not going to have any impact on the reclassification.  The  
7 reclassification is just changing a line on a map.  It is  
8 not changing the management system, the abundance of the  
9 resource, the depletion of the resource, the stability of  
10 the resource.  All that is doing is moving a line.

11           If the assessment comes back good, or it comes  
12 back bad, it is not going to have any impact on moving the  
13 line.

14           ERIK BROUSSARD:  I also want to point out, we  
15 are still a good three, or four, months out before any  
16 type of program can even be implemented.  You will have  
17 plenty of time, without failing this, to look at what this  
18 year's reef assessment is going to be.

19           Even if we do present in September, the program  
20 is not going to take place in September.  This is a long  
21 process.  The Commission will have plenty of time to  
22 comment, review the data, and make decisions accordingly,  
23 within reason.  You are not buying yourself any extra  
24 time.

25           COMMISSIONER HAVARD:  I just think if we could

1 find one year where we could show an increase in  
2 production, it would be a lot easier to swallow.

3 We have been shown over the past ten years  
4 nothing but our harvestable numbers going down.

5 JOE JEWELL: We absolutely don't disagree with  
6 that, but my recommendation would be to proceed with the  
7 final adoption.

8 I do want to point out and I'm sure Counselor  
9 Chestnut will point out, the Commission can choose to  
10 withdraw the Notice of Intent at this point.

11 Is that correct?

12 SANDY CHESTNUT: Yes. They can withdraw the  
13 Notice of Intent which, like I said, it would start the  
14 process over.

15 If you do decide later on in the year that you  
16 do want to use these waters, we are starting the process  
17 over from Notice of Intent which has to go back out for  
18 twenty-five days, and, then, another thirty days before it  
19 can be effective.

20 You are creating a situation where you may be  
21 under the gun to get these waters reclassified, if you  
22 decide you want to use them.

23 If you go ahead and reclassify them, they are  
24 available and you get to vote on whether you use them, or  
25 not.



1           COMMISSIONER BOSARGE: If I saw a problem with  
2 it, I would be the first to say. I don't see a big  
3 problem with it, but the downside, the real downside to it  
4 is the folks in Jackson County which I know are looking at  
5 oyster aquaculture, this takes them out of the loop.

6           JOE JEWELL: That's correct. We would have to  
7 delay it, until future action by the Commission.

8           COMMISSIONER BOSARGE: I would like to make a  
9 motion that we proceed on the final adoption of Area VI  
10 Reclassification.

11           COMMISSIONER DANIELS: Just to be clear, this is  
12 not saying that we are going to go in there and harvest  
13 the last part of that reef.

14           That has to come before us again to approve any  
15 oysters coming off of the last part of that reef.

16           Is that correct?

17           JOE JEWELL: That's correct.

18           COMMISSIONER BOSARGE: Correct.

19           COMMISSIONER DANIELS: But we will open up the  
20 possibility for aquaculture by this.

21           COMMISSIONER BOSARGE: Correct.

22           Most people, especially people in the audience  
23 know we spend a lot of time on oysters, with due right  
24 because it's not just in the State of Mississippi. It is  
25 Gulf wide. It is everywhere. We have got to be very

1 careful with what we do.

2 I have got to go with Joe. This is just another  
3 took in the toolbox for us to be able to hopefully use  
4 this resource to try to restore some of the resources that  
5 have been depleted.

6 COMMISSIONER HAVARD: I've got one last  
7 question.

8 when are we going to get a task force in place?

9 I know we are trying, but we could try for the  
10 next two years to get one in place.

11 I would like to see a time frame set up where we  
12 can make good decisions about the last of our resource.

13 we are opening up the last of our resource and  
14 I'm okay with doing that, as long as we get a plan in  
15 place to get the right people helping everyone make the  
16 right decisions.

17 JOE JEWELL: We can do that as quick as the  
18 Commission would like us to, but I do want to point out a  
19 task force is made up of the constituents that the  
20 resource is impacted by.

21 For instance, our crab task force was one of the  
22 more successful ones. It had representation from the  
23 commercial crab industry, it had representation from the  
24 recreational crab industry, they had a representative from  
25 the shrimp industry and they have a representative from

1 the Commission.

2 Now, we have a for-hire task force that is the  
3 same.

4 COMMISSIONER BOSARGE: They also have law  
5 enforcement.

6 JOE JEWELL: That's correct.

7 On our For-Hire Task Force, they have the  
8 Federal Reef Permit holders, for-hire holders, they have  
9 the state for-hire charter boat fisheries and they have  
10 the inshore charter boats and they have a Commission  
11 representative and they a Marine Patrol representative on  
12 that task force.

13 I just want you to recall back the comments that  
14 the commercial oyster fishermen have made before the  
15 Commission and understand that those people will be on  
16 this task force making very similar recommendations that  
17 they have made here before the Commission.

18 The expectation that there is going to be a  
19 sudden change in that philosophy, or the comments that are  
20 made, I don't think that is going to happen. I just want  
21 to be clear about that.

22 We can establish it. We can move forward and  
23 put representatives on it, but I think the expectation  
24 that the commercial fisheries expectations about when they  
25 harvest and how they harvest and what they can harvest is

1 not going to change.

2 COMMISSIONER BOSARGE: It's all according to the  
3 makeup of the group a lot of times. Let's hope that we've  
4 got the right folks in place.

5 I know I'm a member of the Crab Task Force.  
6 Traci is the one that started that. I've got to give  
7 kudos to her. She put it together and did a really good  
8 job of it.

9 JOE JEWELL: It is our most successful task  
10 force. They work really good together, and I would say on  
11 the other perspective our least successful task force was  
12 the Oyster Task Force, but we can reconstitute it quickly.

13 COMMISSIONER BOSARGE: I would rather see all  
14 those debates go on in that group and let's see what comes  
15 out of it. We still have time.

16 COMMISSIONER HAVARD: Absolutely.

17 You made the motion?

18 COMMISSIONER BOSARGE: Yes, sir.

19 COMMISSIONER HAVARD: I will second that motion.

20 COMMISSIONER BOSARGE: Any further discussion?

21 (No response.)

22 COMMISSIONER BOSARGE: All those in favor aye.

23 (All in favor.)

24 COMMISSIONER BOSARGE: Opposed like sign.

25 (None opposed.)

1 COMMISSIONER BOSARGE: Motion carries.

2 CHARLIE ROBERTSON: Thank y'all.

3 I do want to say I appreciate the discussion on  
4 the topic. If y'all want to talk about it more, I will be  
5 glad to clarify, or answer any more questions you might  
6 have.

7 COMMISSIONER BOSARGE: We hate to take up so  
8 much time, but it is an issue that is important to  
9 everybody here, plus the folks that are part of that  
10 industry. If we don't protect and grow what is there,  
11 then, they are not there either.

12 JOE JEWELL: I would like to point out to the  
13 Commission that Item K7 is one that was tabled last time  
14 because Commissioner Gollott could not be here.

15 Again, Commissioner Gollott is in a medical  
16 condition and he cannot be here today, so I would  
17 respectfully request that the Commission make a motion and  
18 table this issue until Commissioner Gollott can be here.

19 COMMISSIONER BOSARGE: Yes. I think that is  
20 only appropriate.

21 COMMISSIONER HAVARD: I'll make a motion that we  
22 table Item K7 until Commissioner Gollott can be here.

23 COMMISSIONER BOSARGE: We have a motion.

24 Do we have a second to that motion?

25 COMMISSIONER DANIELS: I'll second it.

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

3 All those in favor aye.

4 (All in favor.)

5 COMMISSIONER BOSARGE: Opposed like sign.

6 (None opposed.)

7 COMMISSIONER BOSARGE: Motion carries.

8 JOE JEWELL: Thank you, Commissioners.

9 The final agenda item for Marine Fisheries is  
10 adoption of a new state record, and that will be presented  
11 by Mr. Jonathan Barr.

12 JONATHAN BARR: Thank you, Joe.

13 Good morning Commissioners, General Spraggins,  
14 Ms. Chestnut.

15 This month we have one record up for  
16 consideration. It is conventional tackle.

17 It is a new record for our books. It is a  
18 Graysby. It's a member of the seabass family,  
19 Cephalopholis cruentata. One pound one point nine three  
20 ounces. The angler is Mr. Matt Glenn.

21 Here is Mr. Glenn with his fish (indicating  
22 photograph).

23 Required is a motion to adopt this new State  
24 record.

25 COMMISSIONER HAVARD: I would like to make a

1 motion to adopt the new State record on Graysby.

2 COMMISSIONER BOSARGE: We have a motion.

3 Do we have a second to the motion?

4 COMMISSIONER DANIELS: I'll second the motion.

5 COMMISSIONER BOSARGE: All those in favor aye.

6 (All in favor.)

7 COMMISSIONER BOSARGE: Opposed like sign.

8 (None opposed.)

9 COMMISSIONER BOSARGE: Motion carries.

10 JONATHAN BARR: Thank you.

11 COMMISSIONER BOSARGE: Do we have any other  
12 business?

13 (No response.)

14 COMMISSIONER BOSARGE: Seeing none, do we have a  
15 motion to adjourn?

16 COMMISSIONER HAVARD: I'll make the motion to  
17 adjourn.

18 COMMISSIONER DANIELS: I'll second that motion.

19 COMMISSIONER BOSARGE: All those in favor aye.

20 (All in favor.)

21 COMMISSIONER BOSARGE: Motion carries. We are  
22 adjourned.

23 (Whereupon, at 12:30 o'clock, p.m., the July 17,  
24 2018, meeting of the Commission on Marine Resources was  
25 concluded.)

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C E R T I F I C A T E

I, Lucille Morgan, Certified Shorthand Reporter, do hereby certify that the above and foregoing is a true and correct transcript of the July 17, 2018, meeting of the Commission on Marine Resources, as taken by me at the time and place heretofore stated in the aforementioned matter in shorthand, with electronic verification, and later reduced top typewritten form to the best of my skill and ability; and, further, that I am not a relative, employee, or agent, of any of the parties thereto, nor financially interested in the cause.

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